



Appeal Decision

Site visit made on 23 May 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2022

Appeal Ref: APP/A0665/W/21/3285674

The Stables, Beech Road, Little Budworth, Tarporley CW6 9EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Foster against the decision of Cheshire West and Chester Council.
 - The application Ref 21/03054/FUL, dated 19 July 2021, was refused by notice dated 29 September 2021.
 - The development proposed is the conversion of existing buildings comprising stables, ancillary storage and groom's accommodation into one dwelling (resubmission of 20/02108/FUL)
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of existing buildings comprising stables, ancillary storage and groom's accommodation into one dwelling at The Stables, Beech Road, Tarporley, CW6 9EN in accordance with the terms of the application, Ref 21/03054/FUL, dated 19 July 2021 subject to the conditions set out in the attached schedule.

Background and Main Issue

2. The appeal site was the subject of a previous unsuccessful appeal¹ in 2021. The current appeal relates to a revision of that scheme. It is identical to the previous scheme in all respects other than inclusion of additional information in relation to landscaping.
3. Therefore, the main issue is the effect of the proposed development on the character and appearance of the site and its immediate setting.

Reasons

4. The appeal site is in the countryside and is surrounded by open land on all sides. There are scattered houses of various types along Beech Road and other surrounding lanes. Where there are houses, they are typically set in grounds with driveways bounded by hedges and fences. Domestic paraphernalia and garden landscaping associated with residential use is readily visible from the road. A timber building on the appeal site was previously used as stabling and informal groom's accommodation. The building and the wider site did not appear to be in use at the time of my site visit. An expanse of stone chipping hardstanding was evident which was becoming overgrown.
5. Policy DM 22 of the Cheshire West and Chester Local Plan (Part Two) (LP2) provides support for the change of use of buildings to dwellinghouses in rural locations where stated criteria are met. Those criteria relevant to this proposal

¹ APP/A0665/W/21/3270046

include that a) the building is of permanent and substantial construction and is suitable for and capable of conversion to residential use without significant loss of existing fabric, or major or complete reconstruction b) the existing building does not have a harmful visual impact which would be perpetuated by its retention and c) the conversion or change of use would lead to an enhancement to its immediate setting.

6. The previous inspector agreed that the first two of the three relevant criteria had been satisfied. Neither are in dispute between the main parties in this instance. Although I note representations questioning the structural stability of the building, nothing that I have seen or read would lead me to reach an alternative conclusion in these respects.
7. With regard to the third criterion, whilst the site is not situated close to other residential development along the road, it would not be uncharacteristic of the pattern of development either along this road or others in the locality. The proposal to convert an existing building to residential use in this location would not, therefore, appear incongruous in its setting.
8. Albeit I accept that the building would appear inherently residential, in that respect it would not appear discordant with dwellings sporadically spaced along lanes in the area, nor would it be detrimental to the intrinsic beauty of the countryside here. The proposal would retain the external appearance of the existing stable building and new windows and doors would largely utilise existing openings. No other extensions or alterations are proposed.
9. The proposal would include the replacement of an existing high close-boarded fence and gate at the entrance to the site with an extension to the existing boundary hedge and a traditional five-bar gate. There is no indication before me that the existing features are anything other than authorised. Those features detract from the prevailing verdant character here and in my view, the additional planting proposed would supplement and extend the existing front boundary hedge and the use of a traditional five-bar gate would be more characteristic of the site's setting and would enhance the appearance of the entrance onto Beech Road.
10. The addition of native trees and hedgerow on the southern and eastern boundaries would be appropriate to the site's rural setting. The spacing of the trees and the species proposed would be characteristic of the locality, whilst the planting of additional hedgerow plants along the length of the existing hedge on the northern boundary would reinforce and supplement it in a manner typical of the surrounding area. I appreciate that these features would take some time to establish, however, that is typical of all new planting schemes. Once established, they would provide significant screening of the proposal and would enhance the appearance of the site and its surroundings.
11. Hardstanding would be reduced from that which is existing within the site and would reduce the extent of artificial interventions in the landscape here. As most of the outdoor amenity space would be provided to the rear of the building any outdoor seating and other domestic paraphernalia which might be situated within the garden area would be largely screened by the building and not therefore prominent within this rural open countryside setting.
12. I acknowledge that the previous inspector came to an alternative conclusion on this matter. However, in coming to her decision, she did not have the benefit of

a detailed landscaping scheme before her. I accept the scheme would result in a building of increased domestic appearance, and that would be partially visible. Nevertheless, the landscaping now proposed based on augmented natural planting and reduction of hardstanding, would although limited, in my view, amount to an enhancement accorded to its ordinary meaning.

13. I therefore conclude that the proposal would accord with Cheshire West and Chester Local Plan (Part One) Policy STRAT 9 and LP2 Policy DM 22 which support the conversion of existing buildings to residential use in countryside locations subject to a range of criteria.

Other Matters

14. One of the representations before me relates to concern that planning permission has been granted for mineral extraction close by. However, it has not been demonstrated to me that a dwelling in this location would compromise the extraction of mineral nor would the extraction of minerals compromise the existence of a dwelling in this location should it occur in the future.

Conditions

15. I have considered the Council's suggested conditions in the light of the Framework and Planning Practice Guidance. A plans condition is necessary and reasonable in the interests of certainty. As the proposal is for a scheme of conversion retaining existing elevations and facing materials a condition requiring the submission of material samples for the facing of the building would not be necessary or reasonable. Nevertheless, as door and window frames would be new elements introduced into the building a condition requiring details of them would be more appropriate. Given that the conversion has been carefully designed to reflect a rural aesthetic, and in the large part is the basis on which it would be acceptable, it is therefore necessary to secure precise details before any work commences.
16. A condition requiring the implementation of the approved landscaping scheme is necessary in the interests of character and appearance. A condition requiring bat roosting and bird boxes in the interests of enhancing the biodiversity of the site is also considered necessary and reasonable in line with the aims of the Framework.
17. I have included conditions requiring the provision of cycle parking and electric car charging in the interests of providing sustainable travel options for occupiers of the approved scheme in line with guidance in the Framework regarding the promotion of sustainable modes of travel and low carbon transport in accordance with LP2 Policy DM4. There is no evidence before me indicating that the site is potentially liable to contain contamination, nevertheless as a result of the potential legacy of historic uses and as a precautionary approach, it is nevertheless necessary and reasonable to impose a condition regarding addressing unexpected contamination.
18. Framework paragraph 54 is clear that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The guidance states that such conditions may not pass the tests of reasonableness or necessary and should only be done in exceptional circumstances. In this case I consider this to be necessary and

reasonable to ensure that the setting of the site is not unduly affected by insensitively designed additions in accordance with LP2 Policy DM 22.

Conclusion

19. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out in the attached schedule.

Katherine Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, As Existing (Plans and Elevations), Proposed Residential Conversion (Plans and Elevations), Illustrative Impression of Site Proposed Entrance (ref FOS2106_SK01), Planting Plan and Schedule (Drawing No FOS2106-PPO1 Rev A).
- 2) Prior to the commencement of construction, details (including samples) of the doors (and frames) and window frames shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details and shall be retained thereafter.
- 3) The approved landscaping scheme (Drawing No FOS2106-PPO1 Rev A) shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The dwelling hereby permitted shall not be occupied until a scheme for the provision of bat roosting and bird boxes within the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall be retained thereafter.
- 5) The dwelling hereby permitted shall not be occupied until a scheme for the parking of cycles in accordance with the requirements of the Cheshire West and Chester Council Parking Standards Supplementary Planning Document is submitted to and approved in writing by the local planning authority. The approved scheme be implemented prior to the occupation of the dwelling and shall be retained thereafter.
- 6) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the previously unidentified contamination shall be dealt with have been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- 7) The dwelling shall not be occupied until electric car charging infrastructure comprising, as a minimum, one dedicated 32-amp radial circuit which is

directly wired to an appropriate RCD at the consumer unit has been installed. The circuit shall terminate at a 3-pin socket or BS EN 62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street car parking bay. The charging facility shall be retained thereafter.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and /or re-enacting that Order with or without modification) no garages, extensions, enlargements, garden sheds, outbuildings, greenhouses or swimming pools, associated with the dwelling hereby permitted shall be undertaken.