



Appeal Decision

Site visit made on 30 August 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2022

Appeal Ref: APP/R0660/W/22/3295714

Grimsditch Farm, Damson Lane, Mobberley WA16 7HY

- 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 Mrs P Simcock against the decision of Cheshire East Council.
 - The application Ref 21/3918M, dated 20 July 2021, was refused by notice dated 20 December 2021.
 - The development proposed is the 'Conversion of a storage building into a 4 bedroom holiday let.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies
 - the effect of the proposal on the character and appearance of the Mobberley Conservation Area
 - whether or not the proposal would preserve the setting of a nearby Grade II Listed Building at Damhead House
 - the effect on protected species
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

3. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In relation to conversions, Paragraph 150 d) of the Framework permits the re-use of buildings provided that the buildings are of permanent and substantial construction and that the development preserves

the openness of the Green Belt and does not conflict with the purposes of including land within it.

4. Policy PG3 of the Cheshire East Local Plan Strategy (the CELPS) seeks the same protection to the Green Belt for its specified purposes. It largely re-states the exceptions to inappropriate development in the Green Belt, including that stated at Paragraph 150 d).
5. There is no dispute between the main parties that the proposed building would preserve the openness of the Green Belt and avoid conflict with its purposes. The building is described as an unused agricultural shed by the appellant. It has clearly stood for many years and incorporates structural elements set into the ground. Accordingly, the building has a significant degree of permanence.
6. The structure consists of I-beam stanchions supporting a timber framework, trusses and purlins. If the lean-to elements were removed, the main barn would only be enclosed by corrugated metal sheeting to the upper gables, the upper section of the rear wall and fibre sheeting to the roof.
7. Although I have little doubt that some structural elements of the existing building could be retained and incorporated into the proposed building, these would be limited. There would be no remaining elements of the external envelope of the existing building.
8. To operate as a form of accommodation, the structural report identifies that the building would require a new floor slab, new foundations to support large areas of full-height brickwork, other forms of infill and a new roof covering. The retained elements would be a minor aspect of the building. I find the significant extent of works would be considerable and tantamount to a new building. It would therefore be beyond the scope of 'conversion' or the re-use of an existing substantial building.
9. For those reasons, I find the existing building would not be sufficiently substantial to accommodate the proposed use. It would not fall within the exception outlined in Paragraph 150 d) of the Framework. It would thereby constitute inappropriate development in the Green Belt. As such it would be contrary to the requirements of the Framework and conflict with Policy PG3 of the CELPS as it seeks to prevent inappropriate development in the Green Belt.

Mobberley Conservation Area

10. The site lies in the Mobberley Conservation Area (the CA). Under the duty imposed under s 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
11. In the locality, the CA is characterised by a verdant rural landscape with dispersed pockets of development between operational and former farmsteads. Older development is mainly set along narrow lanes and consists of vernacular brick houses and agricultural buildings with predominantly slate or stone roofs.
12. The shed lies within the grouping of traditional and modern agricultural buildings and a farmhouse. The original brick barns within the group are converted to additional accommodation. The shed is of a contrasting design of

its time. As with other relatively modern agricultural sheds, it is typical of the rural landscape and has a distinct utilitarian appearance.

13. The visual contrast in the construction and external materials of the shed defines it as a later addition to the farmstead and as a supplementary element. In contrast, the proposal would seek to replicate elements of a traditional linear barn. Although it would utilise some materials found in other buildings in the locality, the proposed modern roofing material and expansive areas of glazing and timber cladding would create a contrived appearance that would neither be faithfully subservient to the original farmstead group, or be sufficiently distinct and understated. Despite proposals to enhance landscaping about the building, I find it would attract a higher degree of prominence and appear as a disjointed element of the farmstead cluster.
14. The building's scale, appearance and position would undermine the original group value. In the historic context of the CA, this effect would neither retain the characteristic historic relationship between the buildings, or a focus on the primary buildings in the group. Accordingly, it would fail to preserve or enhance the character and appearance of the wider CA.
15. Whilst this harm would be no greater than less than substantial within the context of Paragraph 202 of the Framework, less than substantial harm does not equate to a less than substantial planning objection. Paragraph 202 identifies that where less than substantial harm to the significance of a designated heritage asset occurs, this harm should be weighed against the public benefits of the proposal. I undertake this assessment within the overall conclusion of this decision. Nonetheless, at this stage it is important to recognise that the proposal would be contrary to Policies SE1, SD2 and SE7 of the CELPS and Policy DC2 of the Macclesfield Borough Local Plan (MBLP) which, amongst other aims, seek to ensure that developments protect or enhance the character and appearance of locations including the historic significance of the borough's heritage assets.

Setting of a Listed Building

16. The barn lies close to the access of Damhead House, a Grade II Listed Building located to the east of the site. Section 66(1) of the LBCA Act, requires a decision maker, in considering whether to grant planning permission for a development which affects a Listed Building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic significance.
17. The Listed brick building with stone flagged roof and large chimney stacks is derived from the C17 with subsequent additions. It displays numerous elements of ornate architectural detailing including moulded string courses and cornice, paired window openings with ornate mullions, decorated surrounds and arched brick headers. Its significance derives principally from its original and subsequent external architectural features, although some original internal features are also listed as significant.
18. The designated building is set behind a deep front garden and driveway. The boundaries are partly hedged which provides a degree of containment and, along with landscaping within the garden area, substantially limits views of the building from near the access. Views further along the lane are limited by the difference in topography and bordering hedging. The building's context is one

of the undulating rural landscape with dispersed houses and clustered farm buildings.

19. The glimpsed views of the Listed Building from the lane would be unaffected by the proposed building. The removal of the lean-to elements would provide a more open aspect and draw back from the enclosed grounds of the asset. Indeed, this may offer improved views and appreciation. In common with the existing building, the presence of a contrasting building beyond the site's boundaries and within the wider rural landscape would, in my view, have a neutral effect on the setting of the building.
20. For the above reasons, I find the proposal would be consistent with Policies SE1, SD2 and SE7 of the CELPS, Policy DC2 of the MBLP and the Framework as they seek to protect the significance of Listed Buildings, including their settings.

Protected species

21. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of European Protected Species being present and affected by the proposed development. A recent survey of the building submitted by the appellant's licensed ecological advisor assessed 2 buildings, including the metal-clad barn. The survey concludes that the construction and open nature of the barn offers negligible bat roost suitability. No other evidence of protected species or nesting birds were identified.
22. Although the report recommends further survey work for another barn elsewhere on the site, it was not recommended for the appeal building. Accordingly, I conclude that the findings of the survey are sufficient to demonstrate that no protected species would be at risk as a consequence of the proposal. It would therefore comply with Policy SE3 of the CELPS as it seeks to conserve biodiversity including legally protected species.

Other considerations

23. In support of the proposal the appellant directs me to a case elsewhere which was granted permission under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015. It is asserted that the same level of structural information as supported the appeal scheme was sufficient to obtain a grant of planning permission under that procedure. However, there is limited detail provided of that scheme. I am not there able to make comparisons, or otherwise, to the scheme before me. Moreover, as the Class Q provisions are not applicable to sites located within Conservation Areas, it does not provide a material fallback position. It is therefore a matter of minimal weight in the determination of the appeal.
24. The scale of the building would be reduced to provide a net gain to the openness of the Green Belt. Even accounting for the displacement of the existing storage, some benefit would accrue. This is a matter to which I attribute moderate weight.
25. I note the representations of a neighbour with regard to overlooking. However, due to the proposed window arrangement and intervening distance to the neighbouring buildings, I find this is not a determinative issue in the circumstances of the case. I also note the proposal would generate some

additional traffic on the narrow lane. However, given the scale of accommodation proposed, there would only be a modest increase in the use of the lane and insufficient to cause a material impact on highway safety or capacity in the locality.

Planning Balance and Conclusion

26. I have found that the proposal would constitute inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that, and any other harm to it.
27. The proposal would also fail to preserve or enhance the character and appearance of the CA. I acknowledge that the proposal would diversify the type of a holiday accommodation available. It would provide economic benefits through the support of an existing rural business. It would promote tourism and contribute to the local economy through visitor spend in a location close to pubs and accessible to other facilities and destinations. However, such benefits are not necessarily dependent on the specific details of the scheme before me. In my view, those benefits would not outweigh the harm to the CA. Accordingly, this harm is a matter to which I must attribute great weight.
28. Whilst I have found in favour of the appellant in respect to the matters of the setting of the Listed Building and preserving protected species, this and the other considerations presented by the appellant, taken individually or together, do not clearly outweigh the totality of the harm identified. Consequently, I find that very special circumstances necessary to justify granting planning permission do not exist. Furthermore, the development would be contrary to the adopted development plan and the Framework and there are no other material considerations to indicate a decision otherwise than in accordance with it. Therefore, for the reasons given, I conclude the appeal should not be allowed.

R Hitchcock

INSPECTOR