



Appeal Decision

Site visit made on 22 August 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2022

Appeal Ref: APP/A0665/D/21/3288881

The Old Barn, Rowley Farm, Quarry Bank, Utkinton, Tarporley, Cheshire CW6 0LA

- 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 Susan Kerfoot against the decision of Cheshire West and Chester Council.
 - The application Ref 21/02063/FUL, dated 4 May 2021, was refused by notice dated 26 November 2021.
 - The development proposed is described on the application form as 'proposed extension and alteration of existing dwelling:- two storey extension and erection of detached summer house to provide satisfactory accommodation for semi-ambulant person'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has suggested an alternative description of development. However, the description given on the original planning application form is a satisfactory description of the development and I have used that in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal site comprises a semi-detached former barn, now in use as a three bedroom dwelling, which forms part of a small group of properties at Rowley Farm to the east of Quarry Bank within the open countryside. The property includes a small area of land to the east which is bounded by walls, and a large area of hardstanding to the front which is used for parking.
5. The residential conversion of the former barn has sought to ensure that its former character and appearance were retained. Despite it having been altered as part of the conversion works, the host property retains many original features and has a pleasing agricultural appearance which reflects its former use. In particular, it retains its characteristic rectangular plan form and a simple and uncluttered northern elevation. Together with the attached neighbouring barn, which is set at a slight angle to the appeal property, the buildings contribute positively to the traditional character and appearance of the farmstead and the wider rural area.

6. The proposed two storey extension would feature a gable end at right angles to the roof of the existing building. It would be prominently sited on the front elevation. Although the appellant says that the proposed extension would represent an increase of around 21% in floorspace, the width of the proposed extension and the way that it would project forward of the front elevation means that the proposal would compete with and partly obscure the principal elevation of the building. It would dominate the existing building and fail to be subordinate to it.
7. Moreover, the proposal would be of overly domestic appearance and would disrupt and unbalance the simple linear form of the building which is one of the building's defining characteristics. The extension would include an oak framed open porch addition to the western elevation. Although it would be modest in size, the porch would introduce a new design feature to the building which would not reflect its simple agricultural character. The porch would therefore further emphasise the inappropriate nature of the proposals. The extent of brickwork proposed to the elevations of the extension would not be sympathetic to the natural stone of the existing building. Whilst I agree with the appellant that details of suitable materials could be controlled by a planning condition, this would not sufficiently mitigate the adverse impact of the proposal, which would arise chiefly as a result of its siting and scale.
8. A new brick wall and gates would enclose an area of land to the front and side of the building. Although the wall would be relatively low, it would nevertheless have the effect of dividing the open land between the appeal property, the attached neighbouring barn and the rest of the farmstead. A plan showing walls and gates to the front of the building were granted as part of a previous application¹. Nevertheless, I consider that the loss of the open courtyard arrangement between the barn and the farmhouse would be harmful to the traditional setting of the buildings.
9. The appeal proposal also includes a detached summer house to the front of the dwelling. This would be situated within the new walled area. Whilst the summer house would be a small ancillary structure, its form and design, including oak framing, cedar boarding and veranda to the front, would fail to reflect the agricultural character and rural setting of the former barn. The appellant says that both the new wall and summer house could usually be built without planning permission. However, the appellant goes on to note that permitted development rights were removed by the original planning permission. The proposal before me relates to an application for planning permission and I have assessed it accordingly.
10. The appellant argues that the proposed extension would turn a corner as a mirror image of the two storey extension to the farmhouse and create a sense of enclosure. However, I have found that the loss of the open courtyard arrangement would not respect the setting of the buildings.
11. The proposed development would not be clearly visible from public vantage points. However, it would be prominent from within the grounds of the property and would harm the character and appearance of the host dwelling and locality.
12. The appellant has referred to other examples of two storey farm buildings positioned at right angles to each other when part of a farmyard group.

¹ Council ref APP/2001/0730

However, I have no substantive details or planning history of these developments before me and it is not clear whether they are directly comparable to the appeal scheme. Furthermore, I must consider the appeal on its own merits.

13. For the above reasons, I conclude that the proposed development would be significantly harmful to the character and appearance of the host property and the surrounding area. Consequently, the proposal would conflict with the relevant provisions of Policy ENV6 (Part One) of the Cheshire West and Chester Council Local Plan 2015 (LP1), Policies DM3 and DM21 (Part Two) of the Cheshire West and Chester Council Local Plan and the Council's Supplementary Planning Document: House Extensions and Domestic Outbuildings 2021. In summary, and amongst other things, those provisions require development to achieve a high standard of design and to be sympathetic to the character of the surrounding environment.
14. The Council's officer report refers to a conflict with Policy SOC3 of the LP1. However, that policy relates to housing mix and type and is of little relevance to this main issue.

Other Matters

15. I have carefully considered the circumstances of the appellant in determining the appeal and have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. I can understand the difficulties of the appellant and do not doubt that the proposal would help to accommodate the appellant's needs as well as those of their family in accordance with the general thrust of LP1 Policy SOC5. These matters weigh in favour of the proposal. However, such personal circumstances seldom outweigh general planning considerations.
16. The proposal would also alleviate pressure on social care services by meeting the appellant's current and future personal care needs on the site and would provide a new wheelchair user dwelling thereby contributing to the housing mix in the area. It would also provide employment opportunities for a live-in carer and for construction workers during the construction phase and would be sited on previously developed land. Given the scale of the development, I give these matters limited weight. The appellant also refers to benefits arising from a biodiversity net gain to the land within the appellant's ownership and creation of new habitats, together with a contribution towards the new business model of the estate. However, there is little substantive evidence before me to demonstrate significant benefits in this regard. Moreover, there is no convincing evidence before me to show that the appeal proposal is the only means of providing the accommodation required and therefore achieving the same benefits.
17. In this case and based on the evidence before me, the significant harm identified in relation to the main issue above would outweigh the benefits of the proposal, including the benefits the proposal would bring to the appellant.

18. The proposal would not be harmful to the living conditions of adjacent occupiers. However, this is a neutral matter rather than one that weighs in favour of the proposal.
19. The appellant raises concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

20. For the above reasons, having considered the development plan as a whole, the approach in the National Planning Policy Framework, and all other relevant material considerations, the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR