



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: 6 October 2022

Appeal Ref: APP/C4235/W/22/3292596

White House Farm Torkington Road, Hazel Grove, Stockport SK7 6NP

- 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 James Williamson and Mr & Mrs Donnelly against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/080271, dated 17 March 2021, was refused by notice dated 21 December 2021.
 - The development proposed is the 'Conversion of an existing barn on site to a single residential dwelling plus, associated works'.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing barn to form 1 no. dwellinghouse, with associated demolition, extension, external alterations, access, parking and curtilage at White House Farm, Torkington Road, Stockport SK7 6NP, in accordance with the terms of application Ref DC/080271, dated 19 March 2021, subject to the conditions set out in a Schedule to this Decision.

Application for costs

2. An application for costs was made by Mr James Williamson and Mr and Mrs Donnelly against Stockport Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description appearing in the banner heading above is taken from the planning application form. However, I have used the revised description of development appearing on the Council's Decision Notice as this provides a more accurate description of the proposal. It does not change the development for which planning permission was sought. The appellant uses the same description on their appeal form. Consequently, I am satisfied that no party will be prejudiced by my use of it. I have proceeded on this basis.
4. The site lies within the Green Belt. There is no dispute between the main parties that the proposal would constitute an identified exception to inappropriate development in the Green Belt, or that it would lead to any other Green Belt harm. Having visited the site and had regard to the evidence before me, I concur with that view. Accordingly, it is my view that the development proposed would protect the openness and permanence of the Green Belt and I shall make no further reference to this matter.

Main Issue

5. The main issue is whether or not the location of the proposed development would provide for sustainable and safe accessibility to services and facilities.

Reasons

6. The site consists of a brick-built barn set behind a cobbled hardstanding and includes part of a residential garden area lying to the north. The barn lies alongside a residential dwelling known as White house Farm and is surrounded by a rural landscape of open fields and woodlands. The site is a short distance from the edge of built-up development in the Hazel Grove suburb of Stockport. The settlement includes a range of services and facilities.
7. The site lies on the outside of a bend in Torkington Road, a 30mph rural lane leading into the settlement area. Access is provided by a wide driveway on the northern side of the road. In the vicinity of the site, the road is relatively narrow, devoid of footways and has limited street lighting.
8. The highway arrangement would require pedestrians and other footway users to use the main carriageway to access the nearby settlement area. According to the Council, this would be for a distance of about 75m before reaching the nearest footway, which is on the northern side of the road.
9. Even then, the existing path is restricted in width. This limits its capacity to safely accommodate some users without necessity to enter the main carriageway for a further distance. Only once the footway emerges on the southern side of the lane at the western access to Torkington Manor, does a suitably clear and safe route into the settlement area arise for pavement users.
10. At the time of my site visit, albeit a snapshot in time, the road was lightly trafficked. The lane extends out from a residential estate where the speed limit is 20mph and incorporates carriageway speed humps. It serves to link the settlement to the mainly agricultural areas to the east of Hazel Grove.
11. Whilst there is little before me to indicate that it suffers high numbers of vehicle movements, some larger vehicles associated with the agricultural area were observed to use the route. Having regard to the combined effects of the absence of footways in the vicinity of the site; the limited opportunity for users to find refuge on the steep verges; the bending nature of the road such that forward visibility to pedestrians or other non-vehicular traffic is limited; and, the limited street lighting, I find the use of the lane for those users would be at some risk. This would be considerably elevated during poor weather or darkness hours.
12. Together those circumstances would give rise to a highway safety concern that would deter most users. In all likelihood, I find that this would cause them to be predominantly reliant on the use of private motor vehicles to reach the services and facilities necessary for day-to-day living.
13. In support of the proposal, the appellant refers me to an informal footpath through an adjacent field. This emerges at the end of the northern footway. However, the use of that uneven and undulating route would be unsuitable for

many users, including a large proportion of pedestrians. The poor surface and limited opening to join the footway would prevent its use by others. Moreover, the secured use of this route has not been demonstrated. I therefore find it is a matter of limited weight in favour of the development.

14. The proposal includes the relocation of the existing access point and enhanced turning facilities within the site. Alongside facilitating vehicular traffic entering and exiting the site in a forward gear, this would provide suitable forward visibility to road users turning into the site and improve visibility on exit in both directions. Although required in conjunction with the proposal, this would provide some benefit and improve the arrangement for existing vehicular users. However, it would have little effect in relation to other travel mode users. It would not necessarily be a measure that would prioritise sustainable forms of travel.
15. I note the appellant's contention that Torkington Road is designated as a Quiet Lane. Indeed, the layout of the local highway network would see most traffic utilising alternative routes to travel between the main area of Hazel Grove and other settlements or the Peak District to the east. Nevertheless, there is limited notification of the Quiet Lane status and there are few measures within this particularly constrained stretch of the route to advise caution to drivers/riders. Accordingly, I find it does not materially alter my concerns relating to the safety of pedestrians and other footway users associated with the site.
16. I acknowledge a previous appeal decision¹ relating to a development of 4 houses on the site. In terms of accessibility, that decision contrasts with the Council's approach in granting planning permission² for the subdivision of the adjacent dwelling into 2 flats. However, as a proposal seeking to provide a single 4-bedroomed family house, (which would not occupy part of an existing dwelling), there is some contrast in the circumstances between the proposed developments.
17. Taking all of the above together, I find that the location of the site and local highway circumstances would not be conducive to providing safe access for pedestrians and other footway users. It would therefore fail to promote sustainable forms of travel to access local services and facilities. It would thereby conflict with Policies CS9, T1 and T3 of the Stockport Metropolitan Borough Council Local Development Framework Core Strategy DPD [2011] as they seek a sustainable distribution of development promoting locations accessible by walking, cycling and public transport and with consideration to the needs of vulnerable road users.

Other Matters

18. Due to its age and construction, the barn is identified by the Council as a characteristic rural building typical of the agricultural heritage of the area. It is constructed using local brick with a stone flagged roof. It has a number of other characteristic features including a large central cart opening, stable door openings, stone and arched brick headers and bullseye windows. Despite a

¹ APP/C4235/W/20/324965

² DC/07/071700

number of relatively minor interventions, the character and appearance of the building and its setting behind the cobbled approach, warrant the Council's position that it is a non-designated heritage asset (NDHA).

19. Paragraph 189 of the National Planning Policy Framework (the Framework) recognises that heritage assets are a resource that should be conserved in a manner appropriate to their significance. Paragraph 203 of the Framework requires the effect of an application on the significance of a NDHA should be taken into account in determining the application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. The proposed development would secure a long-term viable use for the building which would support its future preservation. As a building of some merit and forming part of a characteristic rural group of buildings, this is a matter of considerable weight.
21. I also recognise that the use of the building for residential accommodation could assist in supporting elderly family members.

Planning Balance

22. There is no dispute that the Council is unable to demonstrate a 5-year housing land supply. According to the Council, it has a 2.6-year supply and therefore a significant shortfall.
23. Consequently, footnote 8 of the Framework applies which engages Paragraph 11 d). There are no policies in the Framework that protect areas or assets of particular importance and which provide a clear reason for refusing the development as set out in para 11d) i). Therefore, consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (para 11 d) ii of the Framework).
24. As set out above, I have found harm arising from the location of the site with regard to the level of accessibility - particularly in relation to more vulnerable road users. Although the effect would be limited in the context of the scale of development, it is nevertheless a matter to which I attribute moderate weight.
25. The proposal is for a single unit of accommodation. In the context of a significant housing land shortfall this would provide a minor benefit. Nevertheless, it would contribute to the large shortfall and the Government's objective of boosting significantly the supply of homes. This is a matter to which I attach moderate weight.
26. The proposal would secure a long-term use for a NDHA. This is a matter to which I attribute considerable weight. It would also improve the site access for existing vehicular traffic in the interests of highway safety at the site. This is a matter of moderate weight.
27. Having regard to all matters raised, I find that the degree of harm arising would not significantly and demonstrably outweigh the benefits when assessed

against the policies in the Framework taken as a whole. Accordingly, the tilted balance applies and, in accordance with Paragraph 11 d), planning permission should be granted.

Conditions

28. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
29. Consistent with the requirement of Paragraph 205 of the Framework, requirements to record and advance understanding of the NDHA and any associated archaeological interests before and during the proposed works, are necessary and reasonable. This is of necessity a pre-commencement requirement to avoid the unrecorded loss of aspects of the building's significance.
30. To protect the character of the NDHA and ensure sympathetic forms of development, conditions requiring details of external materials, window detailing, bin storage and external landscaping are necessary. In the interests of preserving the building's features of historic significance the special circumstances to justify the removal of permitted development rights for alterations and additions exist.
31. In the interests of protecting existing biodiversity assets and providing site biodiversity enhancements, a condition requiring a biodiversity enhancement scheme and an update to the dated findings of the ecological survey are necessary. A condition limiting external lighting is reasonable given the report's findings in relation to bat foraging opportunities. Conditions requiring the protection of existing trees, including a method statement for the new access are necessary. These are required before development takes place to ensure their protection. Conditions relating to the timing of works and precautionary working practices are reasonable to protect wildlife interests.
32. The provision of the ungated site access improvement works are necessary in the interests of securing highway safety improvements. To ensure a suitable amount of parking and manoeuvring within the site, details of their provision and drainage are necessary. However, a requirement to illuminate those areas during darkness hours is unjustified in the context of a domestic rural site.
33. In the interests of promoting more sustainable forms of travel, a requirement for an electric vehicle charging point, secure cycle storage and provision of suitable road signage are reasonable in the circumstances of the case.
34. Conditions requiring further site investigation for contamination and remediation where appropriate, are necessary to ensure the health and safety of prospective occupiers. These are of necessity pre-commencement as a preparatory phase of the development.

35. To ensure the site is suitably drained and avoid risk of flooding on the site, or elsewhere, conditions requiring a sustainable drainage scheme are necessary. This is also of necessity a pre-commencement condition to allow for any required groundworks in the early stages of the development.
36. A separate condition requiring the means of enclosure of the site is unnecessary on a site with established boundaries. A construction method statement is also unnecessary given the nature and extent of the proposed development.

Conclusion

37. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Planning Permission Ref DC/080271

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan PA503, Proposed Site Plan PA502, Proposed Floor Plans and Elevations PA505 Revision B, Proposed Section PA506, Indicative Access Drawing J32-4303-PS-001 Revision E, Forward Visibility Splays J32-4303-PS-002 Rev A, Refuse Vehicle Swept Path Analysis J32-4303-PS-003 Rev A, and, Structural Report (February 2021).
- 3) No demolition or development works shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI), submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
 1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:
 - i – historic building survey to Historic England Level 2/3, informed by more detailed historic research
 - ii – informed by the above, an archaeological watching brief during any soft-strip or demolition works which have potential to reveal concealed historic fabric that can further enhance the record.
 2. A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds
 - production of a final report on the significance of the heritage interest represented.
 3. Deposition of the final report with the Greater Manchester Historic Environment Record.
 4. Dissemination of the results commensurate with their significance.
 5. Provision for archive deposition of the report and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.
- 4) Notwithstanding the information shown on the submitted drawings and application form, no external construction shall take place until a detailed schedule of all of the proposed materials of external construction has been submitted to and approved in writing by the Local Planning Authority and samples have been made available on site. Samples of brick shall comprise at least 1 square metre in area and a sample panel of brickwork including mortar jointing shall be made available. Existing natural roof materials capable of reuse shall be reused in the

development. All other roof covering shall be new natural materials to match the existing building. The schedule shall also include details of design, materials and finish of verge and eaves. Development shall not be carried out except in accordance with the agreed schedule and samples.

- 5) Notwithstanding the information shown on the submitted drawings, no installation of windows/doors shall take place until details have been submitted to and approved in writing by the Local Planning Authority. All windows shall be of flush casement design with a painted exterior finish. Exterior glazing beads and bars shall be fully chamfered at 45 degrees to replicate a putty profile and no externally mounted trickle vents shall be fitted to the windows. Details shall include elevations drawn at a scale of 1:20, and vertical and horizontal sections drawn at a scale of 1:5. All windows shall accord with the approved details and shall be fitted with an exterior reveal of not less than 100mm.
- 6) The development hereby granted shall be carried out in complete accordance with a scheme of both hard and soft landscaping works which have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - The size, species, spacing and intended dates of planting, to include locally native species and a mix of species known to be beneficial to biodiversity, such as native mixed species hedgerows along proposed fence lines and subsequent management of such thereafter;
 - Replacement planting to mitigate for the loss of trees along Torkington Road;
 - The areas to be grassed;
 - Materials to be used on the hard surfaced areas;
 - Means of demarcating car parking layouts;
 - Minor artefacts and structures (e.g. furniture or other storage, signs);
 - Retained historic features and proposals for restoration, where relevant.
- 7) The approved hard and soft landscaping scheme shall be carried out within 6 months of the date of occupation of the building or substantial completion of the development whichever is the sooner. Any trees, plants or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species and quality unless the Local Planning Authority gives written approval to any variation.
- 8) No part of the development hereby granted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification) no development falling within Classes A-F of Part 1 of Schedule 2; Classes A and C of Part 2 of Schedule 2; or Classes A-I of Part 14 of Schedule 2 of the Order shall be carried out.

- 10) No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the Local Planning Authority. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the Local Planning Authority.
- 11) No development shall take place until a scheme for the protection of all existing trees on the site has been submitted to and approved in writing by the Local Planning Authority. Any approved fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.
- 12) No development shall take place until an updated ecological survey has been carried out by a suitably experienced person, and submitted to and approved in writing by the Local Planning Authority to ensure that the baseline and assessment of impacts in respect of bats, great crested newts and other potential ecological receptors remains current, the ecological impact assessment is based on sufficiently up to date baseline data and to ensure that appropriate mitigation is in place.
- 13) The development hereby granted shall be implemented in complete accordance with the following precautionary measures during construction and demolition works:
 - Storage of materials on raised pallets so as not to create great crested newt refuse areas;
 - Provision of ramps in any steep-sides excavations left uncovered overnight to allow amphibians and mammals a means of escape.
- 14) Biodiversity enhancements shall be incorporated within the development, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed number, type and location of bat and bird boxes to be integrated within/provided on the building. The biodiversity enhancements shall be implemented as approved prior to the occupation of the development hereby granted.
- 15) No vegetation clearance/demolition or roof works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation/buildings for active birds' nests immediately before (no more than 48 hours before) vegetation clearance/demolition/roof works commence and as provided

written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

- 16) No external lighting shall be installed, except in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. Any external lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance, following the principles outlined in Bat Conservation Trust guidance.
- 17) No development shall take place until an investigation and risk assessment into contamination at the site, in accordance with a scheme to be approved in writing by the Local Planning Authority, has been carried out. The investigation and risk assessment shall include recommendations for remedial action and the development shall not be occupied until these recommendations have been implemented.
- 18) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the specified use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall specify but not be limited to:
 - (i) The proposed remediation objectives and remediation criteria;
 - (ii) All remedial works to be undertaken including the quantities of materials to be removed from and imported to the development site;
 - (iii) The proposals for sourcing and testing all materials imported to the site including testing schedules, sampling frequencies and actual and allowable contaminant concentrations (as determined by appropriate risk assessment in accordance with the document 'Model Procedures for the Management of Land Contamination' (CLR11)).
- 19) The development shall not be occupied until the approved remediation scheme required to be submitted by Condition 18 has been carried out. Within six months of completion of remediation measures, a validation report assessing the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken.
- 20) No development shall take place until a detailed surface water drainage scheme has been submitted to and approved by the local planning authority. The scheme shall:
 - (a) Incorporate SuDS and be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions;
 - (b) Include an assessment and calculation for 1 in 1yr, 30yr and 100yr + 40% climate change figure critical storm events;

(c) Be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards; and

(d) Shall include details of ongoing maintenance and management. The development shall be completed and maintained in full accordance with the approved details and timescale.

- 21) No work shall take place in respect to the construction of the approved replacement access (as shown on Drawing Number: RA502 and Drawing Number: J32-4303-PS001 Revision E) until a detailed engineering drawing of the access, which shall include:

1) Details of proposals to provide vehicular visibility splays of 2.4m by 50.0m to the west and 2.4m by 52.0m to the east/southeast;

2) Layout and specification details of the access and access drive;

3) Details of the footway to be provided to the west side of the access and access drive and along the site frontage to the west of the access;

4) Details of proposals to permanently close the site's existing access (including details of boundary treatment) has been submitted to and approved in writing by the Local Planning Authority.

The approved development shall not be occupied until the approved access has been constructed and is available for use, and the existing access has been permanently closed in accordance with the approved drawing. No structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow to a height in excess of 1000mm within the vehicular visibility splays.

- 22) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate or other means of obstruction shall be erected across the vehicular access that will serve the approved development at any time.
- 23) No work shall take place in respect to the construction of the access drive, turning area and car parking facilities to be provided for the approved development (as shown on Drawing Number: RA502 and Drawing Number: J32-4303-PS-001 Revision E) until a detailed drawing and method statement for the construction of the access drive, turning area and car parking facilities have been submitted to and approved in writing by the Local Planning Authority. Details shall include how the access drive, turning area and car parking facilities will be surfaced and drained. The approved development shall not be occupied until the access drive, turning area and car parking facilities have been provided in accordance with the approved drawing and are available for use. The access drive, turning area and car parking facilities shall thereafter be retained and shall remain available for use.
- 24) A charging point for the charging of electric vehicles shall be provided within the site for the approved dwelling. Prior to its provision, details of the charging point shall be submitted to and approved in writing by the Local Planning Authority. The approved dwelling shall not be occupied

until the charging point has been provided in accordance with the approved details and is available for use. The charging point shall thereafter be retained (unless it is replaced with an upgraded charging point in which case that should be retained).

- 25) No work shall take place in respect to the provision of cycle parking within the site until full details of the cycle store to be provided for the approved dwelling, as shown on Drawing Number: RA502 and Drawing Number: J32-4303-PS-001 Revision E, has been submitted to and approved in writing by the Local Planning Authority. The approved dwelling shall not be occupied until the cycle store has been provided in accordance with the approved details. The cycle store shall then be retained and shall remain available for use at all times thereafter.
- 26) Details of a scheme to provide 'Pedestrians in road ahead' signs (Diagram 544.1) on Torkington Road in the vicinity of the site access shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the signage has been provided in accordance with these approved details.

END.