



Appeal Decision

Site visit made on 11 October 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2022

Appeal Ref: APP/A0665/W/22/3297306

Wilbur Cottage, Long Lane, Saughall, Chester CH1 6DN

- 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 and Mrs Moore against the decision of Cheshire West and Chester Council.
 - The application Ref 21/04479/FUL, dated 2 November 2021, was refused by notice dated 24 March 2022.
 - The development proposed is the change of use of 1 bedroom annex building to a 1 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of 1 bedroom annex building to a 1 bedroom dwelling at Wilbur Cottage, Long Lane, Saughall, Chester CH1 6DN in accordance with the terms of the application, Ref 21/04479/FUL, dated 2 November 2021, subject to the attached schedule of conditions.

Main Issue

2. Whether the appeal site is a suitable location for a dwelling, having regard to local and national planning policies.

Reasons

3. This appeal concerns a detached outbuilding within the extensive grounds of Wilbur Cottage. The site is located outside of the settlement of Saughall and thus falls within the open countryside.
4. Policy DM 22 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2) states that in the countryside, proposals for the change of use of buildings to dwellinghouses will only be supported where they meet a number of criteria. One such criteria is that the building is currently redundant or disused.
5. The explanatory text to this policy advises that in determining whether a building is redundant or disused, where appropriate the Council will have regard to the nature of the most recent use, when the most recent use ceased, and the reason why it ceased. It goes on to say that outbuildings within residential gardens will seldom be considered sufficiently redundant or disused to outweigh the general approach of the Local Plan (Part One) to locate new housing in identified sustainable settlements.
6. Permission was originally approved for the erection of the appeal building to be used for purposes incidental to Wilbur Cottage, namely as a summerhouse with

- space for a home gym and office. I note that it was designed to be of a substantial size with the intention of one day being able to provide suitable living accommodation for a relative.
7. Permission was indeed subsequently granted for the use of the building as a one bedroom annex, albeit this was some years after. Internally, the building was not fully completed to facilitate the annex use as, due to personal circumstances, this was no longer a requirement and the appellants have confirmed it was never used for this purpose. I appreciate that it may be unlikely to be required for such purposes in the future.
 8. The appellants have also indicated that they no longer have any viable ancillary uses for the building. Wilbur Cottage may be capable of facilitating the appellant's living and storage requirements and could accommodate guests. However, this was also the case when the appeal building was first granted permission. There was therefore clearly a need for a building of a substantial size to provide extensive ancillary space only a short time ago.
 9. Whilst a home gym and office may no longer be desirable, the appeal building has nevertheless previously been used to entertain guests and was most recently used as ancillary storage space. It was therefore used for its originally intended purposes until relatively recently. Although the appellants intend to remain at the property for some time, it seems to me that the building still serves a domestic purpose and could still be put to some form of ancillary residential use, given its construction and condition and as it recently served an ancillary purpose.
 10. The reasons as to why there is no longer a viable ancillary purpose for this building are not compelling and I am not convinced that circumstances in respect of the building's ancillary residential purpose have drastically changed since its original approval so that the building is now rendered redundant or disused. Indeed, the development plan is clear that outbuildings will seldom be considered sufficiently redundant or disused and I consider that insufficient justification has been provided in this instance.
 11. Accordingly, taking into consideration the most recent use, when it ceased and the reasons as to why, the building is not redundant or disused thus the proposal conflicts with Policies DM 19 and DM 22 of the LP2.
 12. The National Planning Policy Framework (the Framework), at paragraph 79, seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. The appeal site is located within the countryside, however it is within close proximity to the settlement boundary of Saughall, which is identified within the development plan as a Local Service Centre.
 13. Although the various services and facilities within Saughall are located further south than the settlement boundary, they are still within close proximity to the appeal site. The route would be a pleasant and attractive option for future residents as it is along pavements on a straight, flat and well-lit highway and traffic speed limits are low on entering the settlement. As such, day to day shops and services would be readily accessible on foot and also by bicycle.
 14. Additionally, there are relatively frequent bus services available within easy walking distance which provide access to other settlements and Chester city

centre, which is only a short journey away. The bus services could be used to access shops, services and employment. Therefore, in terms of accessibility, there would be various opportunities for future residents to use sustainable modes of transport rather than rely on a private vehicle.

15. Taking all the above into consideration, the appeal site would be a suitable location for a dwelling given its accessible location. Therefore, despite the conflict with criteria in LP2 policies DM19 and DM22, the proposal would not undermine the Council's spatial strategy as a whole and accords with policies STRAT1, STRAT2 and STRAT9 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies. These collectively seek to ensure that new housing is located with good accessibility to facilities in order to promote strong, prosperous and sustainable communities whilst also protecting the character and beauty of the Cheshire countryside. It would also accord with the similar aims of the Framework.

Other Matters

16. The Council has raised no concerns with regard to the effect on the Green Belt and as the proposal relates to a change of use only, it does not involve any alterations to the existing building or wider site. It is however recognised that various extensions and alterations could be carried out to the proposed dwelling and within its large garden area under permitted development rights, which could have a harmful effect on the character of the area and the openness of the Green Belt. Permitted development rights could be withdrawn through an appropriately worded condition.
17. Any future developments at the appeal site and adjoining sites which require planning permission would be determined on their own merits and my attention has not been drawn to any circumstances which are directly comparable to the appeal proposal. Therefore, this proposal would not set a precedent.
18. Due to the small scale of the proposal, it would not result in a significant increase in traffic and the access to the appeal site is located a generous distance from the junction with Parkgate Road. Thus, it would have an acceptable impact on highway safety.
19. The appeal building is a generous distance from neighbouring occupiers and the proposal does not involve any alterations to the building. As such, it would not have a harmful effect on the living conditions of neighbouring occupiers.
20. I acknowledge that the Council can demonstrate a 5 year supply of housing land however this is not a ceiling to further sustainable development. The effect of the proposal on property values in the locality is not a material consideration.

Conditions

21. The Council has suggested a number of conditions, which I have considered against the advice in the Planning Practice Guidance and the Framework. Where appropriate, I have undertaken some minor editing of the suggested conditions, which has not affected their controlling elements.
22. A condition specifying the time limit is necessary in the interests of certainty. As the development involves a change of use only, it is not necessary for me to attach a condition specifying the approved plans.

23. To meet sustainability requirements for new dwellings, as supported by the development plan, a condition relating to water efficiency and the optional higher National Housing Standards is necessary and reasonable.
24. In the interests of supporting sustainable transport options a condition is imposed requiring the provision of cycle parking. The Council has also suggested a condition requiring one electric vehicle charging point to be provided however as this would duplicate another legislative regime, a condition requiring this would be unnecessary.
25. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case, I consider that it is necessary to remove permitted development rights relating to alterations, extensions, and gates, fences, walls and enclosures, in order to protect the character of the area and the Green Belt. I have amended the Council's suggested condition so as it is precise in respect of these matters.

Conclusion

26. The proposed development complies with the development plan as a whole and there are no other considerations which indicate that permission should be refused. Therefore, the appeal is allowed.

H Ellison
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The dwelling hereby approved shall not be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres per person per day.
- 3) Prior to first occupation of the dwelling hereby approved, a minimum of 2 covered cycle parking spaces shall be provided and made available for use. Once installed, the cycle parking shall be retained thereafter.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 Part 1 and Part 2 shall be undertaken without the express consent in writing of the local planning authority: Part 1, Class A, AA, B, C, D, E and F and Part 2, Class A.