



Appeal Decision

Site visit made on 22 November 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 31st January 2023

Appeal Ref: APP/R0660/W/22/3304784

Heatherdale Farm, Moorside Lane, Pott Shrigley SK10 5RZ

- 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 J Jackson against the decision of Cheshire East Council.
 - The application Ref 21/4435M, dated 18 August 2021, was refused by notice dated 10 February 2022.
 - The development proposed is the conversion of an existing agricultural barn to a single dwelling (resubmission of 20/3710) and change of use of co-located barn from agricultural to domestic storage
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Site Allocations and Development Policies Document (the SADPD) was adopted in December 2022 and Policy GC9 of the Macclesfield Borough Local Plan no longer forms part of the adopted development plan. The parties were given the opportunity to comment on the updated policy position and these comments have been taken into account in my assessment of the proposal.
3. The application form described the proposal as 'conversion of an existing agricultural barn to a single dwelling (resubmission)'. I have used the description on the decision notice, which more accurately describes all aspects of the proposal.

Main Issues

4. The main issues are whether the proposal:
 - 1) would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - 2) represents a suitable location for a dwelling.

Reasons

Whether the proposal is inappropriate development

5. The appeal site comprises two barns at Heatherdale Farm, located in open countryside designated as Green Belt. The Heatherdale Farm dwelling is sited nearby, with further development present along the rural road of Moorside Lane. This connects with Bakestonedale Road to provide access to the centre of Pott

Shrigley. The proposal would convert one of the barns at the site into a dwelling, while the other barn would be used for domestic storage.

6. Paragraph 149 of the Framework states that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes at paragraph 150(d) the re-use of buildings provided that the buildings are of permanent and substantial construction. This position is reflected in Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 adopted 27 July 2017 (the CELPS).
7. The appeal building is a steel portal framed agricultural building, with a cement fibre sheet roof, timber purlins, and front and rear roller shutter doors. Its side walls are constructed from timber boarding with concrete blocks towards the bottom and a ground concrete floor slab. The appellant's Structural Inspection Report showed no evident structural problems and found the building to be of permanent and substantial construction. Based on my observations, and in the absence of any contrary technical evidence, I have no reason to dispute the conclusions of the report. The base, foundations and frame of the building demonstrate it to be a permanent structure and due to its size and robust nature it appears to be a building of substance.
8. Policy RUR14 of the SADPD states that the residential re-use of rural buildings will be permitted where the building is of permanent and substantial construction so as not to require extensive alteration or rebuilding. A similar test is applied by Policy PG6 of the CELPS for development in the open countryside. The Council has argued that due to the extent of proposed changes to the building, it is not of permanent construction for conversion.
9. However, the tests in paragraph 150(d) of the Framework and Policy PG3 of the CELPS relating to the Green Belt do not refer to the nature or extent of works required. In any event, while I recognise that various works would be needed for the building to be re-used as a dwelling including the replacement of sheeting on the sides and roof and the insertion of window and door openings, I consider the precise works proposed would reasonably be required for all conversions of rural buildings to dwellings. The Structural Inspection Report also confirms there would be no extensive demolition or replacement to the primary structure. On the evidence before me I do not therefore consider that the building requires extensive alteration, rebuilding or extension for its reuse as a dwelling. The proposed works do not alter the position that the building is one of permanent and substantial construction for the purposes of paragraph 150(d) of the Framework and Policy PG3 of the CELPS.
10. As such, the development would be not inappropriate subject to it preserving the openness of the Green Belt and the purpose of including land within it. The Framework states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." It has been established that openness has both a spatial and visual aspect.
11. The proposed conversion would largely occupy the same footprint as the current barn. A portion of the eastern side of the building would be removed,

while the neighbouring barn would also be reduced in size. The trees to the east of the site would be retained, keeping an element of screening. Even acknowledging the potential for a residential curtilage and residential paraphernalia, overall the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

12. For the reasons given, the proposal would not be inappropriate development in the Green Belt. As such, it would comply with the provisions of paragraph 150 of the Framework and Policy PG3 of the CELPS. I also find that it would not conflict with the provisions of Policy PG6 of the CELPS and Policy RUR14 of the SADPD insofar as they relate to development in the open countryside and the residential re-use of existing rural buildings.

Suitable location

13. The Framework seeks at paragraph 80 to avoid development of isolated homes in the countryside, subject to certain exceptions. It has been established that in this context the term isolated should be given the ordinary meaning.
14. Although the appeal site occupies a rural location, it is not isolated in the sense of being remote or far away from other places, buildings or people. Due to its position relative to the dwelling at Heatherdale Farm and the other sporadic residential development along Moorside Lane, the site cannot be described as isolated within the ordinary meaning. As such, the conversion of the barn to a dwelling in this precise location would not result in an isolated home in the countryside. For this reason, it is not necessary to evaluate whether any of the exceptions at paragraph 80 of the Framework are applicable.
15. However, this is a separate consideration from the accessibility of services, which the Council has also raised in its Officer's Report. On the evidence, the site is some 500m from Bakestonedale Road, where a group of industrial buildings is present, and a further 500m from the social centre of Pott Shrigley, which I observed to comprise of other dwellings, a church, school and village hall. The settlement of Bollington, with a wide range of services, is 1.3 km to the south.
16. Trips from the site to access Pott Shrigley, Bollington, or public transport services, made on foot or by bicycle would involve future occupiers of the proposal travelling along both Moorside Lane and Bakestonedale Road. Moorside Lane is rural in nature. It is narrow and unlit, without a dedicated footpath. Although Bakestonedale Road is not a rural lane, it remains unlit and is not fully served by a footpath. It also has the potential to be well used by vehicular traffic. When combined with the distances involved, occupiers would be unlikely to undertake journeys to the social centre of Pott Shrigley or further afield to the village of Bollington regularly on foot, by bicycle or public transport, particularly at night or in poor weather due to the nature of these roads.
17. Accordingly, there would be limited opportunity for future occupiers to access services and facilities for day to day living by means other than private vehicle. Even acknowledging that opportunities to maximise sustainable transport will vary between urban and rural areas, in this case there would be an unduly heavy reliance on private vehicles due to the position of the site relative to services. There is no evidence to demonstrate that a dwelling at the site would promote sustainable development by enhancing or maintaining the vitality of rural communities.

18. As such, while the proposed dwelling would not be an isolated home in the countryside within the ordinary meaning of the word, it would nevertheless remain some distance from both the main centre of Pott Shrigley and Bollington such that overall the appeal site would not represent a suitable location for a dwelling. Accordingly, the proposal would fail to comply with Policy SD2 of the CELP insofar as it seeks to ensure that development is suitably located.

Other Matters

19. The appellant contends that the building could be converted under the Prior Approval procedure under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. That procedure has its own limitations and conditions which would need to be satisfied in order to facilitate the conversion of the building to a dwelling, and I note that such prior approval has not been granted. While the appellant has evaluated the proposal against the requirements of Class Q and provided examples of other applications and appeals which were granted prior approval, whether prior approval should be granted in this case is not the scheme before me. As such I attribute this fallback position little weight. In any event, each scheme should be decided on its own individual site specific merits.
20. I note the Council's recommendation a condition requiring details to incorporate features suitable for use by breeding birds would have been attached to any planning permission. On this basis the Council concluded the proposal would positively contribute to the conservation and enhancement of biodiversity and geodiversity. This represents a benefit of the scheme but as I have no precise details of any such features the benefit overall carries little weight.
21. The main parties agree that the proposal would not result in harm to the character and appearance of the area, the living conditions of occupiers of surrounding properties, highway safety and parking, or trees. These matters represent examples of a lack of harm, which is a neutral matter.

Planning Balance and Conclusion

22. I have found that the proposal would not be inappropriate development in the Green Belt and would not be an isolated dwelling in the countryside within the ordinary meaning of the word. I have also attached limited weight to the fallback position, other development, and the benefit provided to the conservation and enhancement of biodiversity and geodiversity. Taken together these factors do not outweigh the harm I have found arising from the fact that the proposal does not represent a suitable location for a dwelling with regard to accessibility of services.
23. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR