



Appeal Decision

Site visit made on 4 April 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/A0665/W/22/3312490

Grosvenor House, Dodleston Lane, Pulford, Chester CH4 9DS

- 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 John against the decision of Cheshire West and Chester Council.
 - The application Ref 22/01242/FUL, dated 31 March 2022, was refused by notice dated 3 November 2022.
 - The development proposed is the conversion of existing outbuilding into one dwelling, retention of conservatory and raised platform.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed conversion of existing outbuilding into one dwelling. However, planning permission is granted for the conservatory and raised platform at Grosvenor House, Dodleston Lane, Pulford, Chester CH4 9DS in accordance with the terms of the application, Ref 22/01242/FUL, dated 31 March 2022, and the plans submitted with it insofar as they relate to that part of the development hereby permitted, and subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with the following plans insofar as they relate to the conservatory and raised terrace: Location Plan Ref.22030-EX-100, Existing Plans 1 Ref.22030-EX-101, Existing Plans 2 Ref.22030-EX-102, Existing Elevations Ref. 22030-EX-110.

Preliminary Matters

2. Part of the building to be converted includes a conservatory and raised platform on the rear of the building facing west for which there is no evidence of planning permission having been granted and which the Council suggests is located outside the lawful curtilage of Grosvenor House. The appellant does not dispute this fact. At the request of the Council an amended description of development was agreed with the appellant to specifically refer to the retention of the conservatory and raised platform, which is given in the banner heading above and I have determined the appeal on this basis.
3. The appellant has requested in their appeal statement that if the proposal as a whole is not acceptable, consideration should be given to a split decision allowing the conservatory and raised platform. I am satisfied that the plans were assessed by the Council in their decision and accurately reflect what I saw during my visit to the site, and I have determined the appeal accordingly.

4. It is also clear from the reason for refusal and the Officer Delegated Report that although the application was refused, the Council nor any other parties had any specific concerns regarding the conservatory and raised platform. Indeed, in the Officer Delegated Report it is noted that the conservatory and raised platform would be considered acceptable on visual amenity grounds for incidental residential use. Nothing I have seen or read leads me to a different conclusion in respect of this aspect of the appeal scheme and for the reasons that follow I find the conservatory and raised platform to be acceptable. I am satisfied that this element of the appeal scheme is clearly severable from the proposed conversion of the existing outbuilding into one dwelling, and I therefore intend to issue a split decision in this case.

Main Issue

5. The main issue is whether the appeal site is an appropriate location for housing having regard to the settlement strategy and the effect on the countryside.

Reasons

6. The appeal proposal relates to an outbuilding lying within the grounds of Grosvenor House, is on land in the Green Belt and is designated as countryside. The building is located against the southern boundary of the property within a spacious garden with open fields predominantly to the north and west and adjoins a hotel and spa garden to the south. The building is currently used as a garage and art studio and the proposal seeks to convert the existing outbuilding to a one-bedroom dwelling.
7. The Council's generally restrictive approach to the location of housing in the rural area is set out in Policy STRAT 8 of the Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies (LP1) which directs new housing to Key Service Centres and Local Service Centres to support local needs in the most accessible and sustainable locations. Pulford is not listed as a Local Service Centre and the appeal site lies beyond a settlement boundary for the purposes of managing new housing growth and is in the countryside. LP1 Policy STRAT 9 provides for the re-use of rural buildings in the countryside, subject to them being of a permanent construction and can be reused without major reconstruction.
8. Policy DM22 of the Cheshire West and Chester Council Local Plan (Part 2) Land Allocations and Detailed Policies (LP2) supplements LP1 Policy STRAT 9 and lists criteria which should be met for the change of use of buildings into dwellings. The Council contends that the proposal does not meet the criteria that the building is currently redundant or disused. The explanatory text to the policy states that outbuildings within residential gardens will seldom be considered sufficiently redundant or disused to outweigh the general approach of LP1 to locate new housing in identified sustainable settlements (para.12.31).
9. Based on the evidence, and my visit to the site, the building is still very much in use. The building appears well maintained, is furnished and is regularly used as a studio by a local art group, as well as providing a garage. Whilst I recognise that the appellants may feel penalised for keeping the building in active use predominantly to support free public art classes, and that this use would continue in the event that the building was converted, the building still clearly provides an incidental function to the dwelling. For the purposes of Policy DM22 it therefore cannot be regarded as redundant.

10. Grosvenor House like many dwellings nearby is located within a sizeable plot, and this is characteristic of many properties in the immediate vicinity. However, to allow this development would undermine the characteristic spacious layout of the area as well as conflict with the spatial strategy for managing the location of new housing. The Council is able to demonstrate a 5 year housing land supply, a fact not disputed by the appellant, and there is therefore no specific housing need for this dwelling to be located in the countryside.
11. I recognise, however, that the appeal site is located adjoining the settlement and that there is good public transport provision to nearby shops and services at larger settlements. The appeal proposal would also provide an accessible property for an aging couple, allowing them to remain in the community, and for their family to reside in the main house, and thereby adding to the vitality and functionality of the community. These factors carry moderate weight in favour of the development. There would also be some economic benefits due to the support of local amenities but given the limited scale of the development these benefits would be limited. A single dwelling would provide little in the way of social, economic or environmental benefits and they would not outweigh strategic aims of the development plan and the broader concept of the plan led approach to housing growth.
12. For the reasons given, the proposed conversion would not be an appropriate location for housing having regard to the settlement strategy and the effect on the countryside. As well as the National Planning Policy Framework, the proposal would be contrary to LP1 Policies STRAT 8, 9 and 10 and LP2 Policies DM22. These policies recognise the need for new development to be consistent with the principles of sustainable development.

Other Matters

13. Based on the evidence before me, the existing conservatory and raised platform have been in situ for a number of years and the Council conclude that they would be considered acceptable on visual amenity grounds for incidental residential use and, from all that I have seen and read I do not disagree.
14. As described above in the preliminary matters, I am satisfied that this element of the appeal scheme is clearly severable from the conversion of existing outbuilding into one dwelling. As such, it is appropriate to reach a split decision in these circumstances and allow only the conservatory/raised platform element of the appeal scheme.
15. The appeal property lies within the Green Belt. Whether or not the appeal scheme's elements are inappropriate development within the Green Belt, and whether or not it preserves Green Belt openness are not points of dispute between the parties. Nor have I been presented with any evidence that would lead me to conclude otherwise. However, the agreed absence of Green Belt harm does not alter my conclusions regarding whether the appeal site would be in an appropriate location for housing having regard to the settlement strategy for the area and the effect on the countryside.
16. However, in considering the conservatory and raised platform element separately it has been necessary for me to consider whether this element alone is inappropriate development in the Green Belt. In this regard Paragraph 149 c) of the Framework allows for the extension or alteration of a building provided

that it does not result in disproportionate additions over and above the size of the original building. Given the size of the additions I am satisfied that these elements are not disproportionate and meet this exception, and thus are not inappropriate development in the Green Belt.

Conditions

17. The conservatory and raised platform are already in existence and, in dismissing the proposed conversion, there are no proposals for their alteration. Thus, insofar as the drawings and plans relate to the existing conservatory and raised platform, the development shall be retained in accordance with the details set out on those plans. Those approved plans shall only relate to that element of the appeal scheme and not to the proposed conversion of the outbuilding into one dwelling which, in accordance with my split decision, I conclude should be dismissed. No further conditions have been put to me, nor do I consider any to be necessary.

Conclusion

18. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the conservatory and raised platform. Insofar as the appeal relates to the proposed conversion of existing outbuilding into one dwelling, I conclude that for the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that this element of the appeal is dismissed.

G Bayliss

INSPECTOR