



Appeal Decisions

Site visit made on 25 July 2023

by D Moore BSc (HON), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal A: APP/A0665/W/22/3313004

Unit 1, Newhey, Catton Hall Farm, Bradley Lane, Frodsham WA6 7EX

- 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 Patrick Mann against the decision of Cheshire West & Chester Council.
 - The application Ref 22/01259/FUL, dated 25 March 2022, was refused by notice dated 17 June 2022.
 - The development proposed is "alterations to garage with first floor extension".
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Appeal B: APP/A0665/Y/22/3313006

Unit 1, Newhey, Catton Hall Farm, Bradley Lane, Frodsham WA6 7EX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Patrick Mann against the decision of Cheshire West & Chester Council.
 - The application Ref 22/1260/LBC, dated 25 March 2022, was refused by notice dated 23 June 2022.
 - The works proposed are "alterations to garage with first floor extension".
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the appeal concerns a listed building, I have had special regard to sections 16(2), and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).
4. The appeal relates to one of a group of buildings forming part of a historic farm complex at Catton Hall. The farm buildings were converted to several separate dwellings sometime in the late 1990s. The appeal concerns what was originally an attached double garage belonging to one of the dwellings, known as The Coach House. I understand the garage was adapted to provide accessible residential accommodation that was used initially as an extension to the primary living accommodation. The converted garage building was then extended through the addition of a first floor, which provided two further bedrooms, and the ground floor was refurbished to include a kitchen/dining

area and an office. The works enabled the creation of a separate three-bedroom dwellinghouse, known as Newhey, which incorporates a lounge and bedroom that originally formed part of The Coach House.

5. There is no application seeking retrospective permission for a change of use to a dwellinghouse. Consequently, my consideration of the appeals is confined to the alterations and extension only.

Main Issues

6. The appeal relates to a listed building that is situated within the Green Belt. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - Whether the works preserve a Grade II listed building, 'Catten [sic] Hall Farmhouse and Attached Shippon', and any of the features of special architectural or historic interest that it possesses, and whether the works preserve the character and appearance of the area.
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether the development is inappropriate development in the Green Belt

7. The garage building has been altered and extended, and the Council considers the works to be contrary to national and local Green Belt policy. 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework sets out that new buildings should be regarded as inappropriate development, unless falling within one of the exceptions listed. This includes 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.
8. Policy STRAT9 of the Local Plan Part 1¹ concerns development within the Green Belt. The policy seeks to protect the countryside by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. The policy is read alongside Policy DM21 of the Local Plan Part 2². This enables extensions and alterations to dwellings in the Green Belt provided it would not result in disproportionate additions. As such, the development plan policies reflect the Framework. Also of relevance is the Council's adopted Supplementary Planning Document (SPD): House Extensions and Domestic Outbuildings (2021). This indicates that net increases in floorspace of over 30 percent would be regarded as disproportionate.

¹ Cheshire West and Chester Local Plan: Part One (Strategic Policies 2015).

² Cheshire West and Chester Local Plan: Part Two (Land Allocations and Detailed Policies 2019).

9. In this case, the Council considers the original building to be the former garage building. The addition of the first floor has undoubtedly resulted in a disproportionate addition, as the approximate overall floorspace has doubled. This would be the case even if I were to take into account the Council's observation that the original garage has been replaced by a building with a slightly smaller footprint, given the extent of the new accommodation at first floor level.
10. The appellant indicates that the development is not disproportionate when considered in comparison with the wider development at Catton Hall. However, Policy DM21 applies to development within the curtilage of a dwellinghouse and, in this case, the dwellinghouse is Newhey. Even if I were to include the lounge and bedroom that were originally part of The Coach House, the addition of a first floor over the double garage would still amount to a disproportionate addition.
11. I conclude that the development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and this harm carries substantial weight.

The effect on openness

12. The Courts have held that openness of the Green Belt has a spatial aspect as well as a visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
13. I am aware that a building of similar footprint existed on the site, as shown in the appellant's historic maps and aerial photographs (2005 and 2019). Nonetheless, that building was single storey. The addition of a first floor has resulted in a building with a greater mass and volume than the garage which existed previously. The first floor has also increased the ridge height, which is apparent from the appellant's own evidence. The first floor takes up space which was formerly open and, hence, it has a negative spatial impact on openness. Moreover, the greater ridge height has increased the prominence of the building which has a visual impact. Overall, I consider that the works have had a minor adverse impact on openness.

The effect on the Grade II listed building, Catten [sic] Hall Farmhouse and Attached Shippon and the character and appearance of the area

14. The building was listed in 1985 and dates from the nineteenth century. The listing description refers to the brick built Farmhouse with vernacular detailing and an attached sandstone Shippon, which extends to the north and east in an L-shape. I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its architectural style and materials, the detailing of main farmhouse and the agricultural associations.
15. As explained, the former shippon buildings have been converted to individual dwellings. One of which, The Coach House, had an attached garage which projected from the northern end of the shippon range. The plan attached to the listing description shows a building on the site of the subject garage. This also appears on the appellant's historic maps, dated 1910 and June 1919. However,

the appellant says that the structure shown on the 1910 plan was replaced by a brick built double garage in 2000/2001.

16. Despite the alterations to the sandstone buildings to accommodate the change of use, the elevations have retained their character as former rural farm buildings. In contrast, the appeal building is constructed from red brick, of a modern stretcher brick bond incorporating a string course, flat arched lintels over the windows and stone sills. The half-hipped windows at first floor level, combined with a timber front porch are not reflective of the former farm buildings. The architectural design of the altered and extended building is overly domestic and fails to complement the materials and design of the listed building. I appreciate that the garage was originally constructed from red brick, but it had a utilitarian style that was subordinate to the sandstone range. The altered building has a very different design and appearance which, although not of poor quality, is not reflective of its siting within a historic farm complex.
17. In addition, the site is within the open countryside and there are extensive views across the fields to the west and north. The suburban design and materials are such that the resulting building does not respect the character and appearance of its rural location.
18. Given the above, I find that the development fails to preserve the special interest and thus the significance of the listed building, and the character and appearance of the area. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
19. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the relatively localised impact, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
20. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant argues that the provision of an additional dwelling is a public benefit, and prior to that, the adaptation provided accessible accommodation. Taking the latter point first, the most recent works have created a family home as opposed to an annexe for use by a person with disabilities. As such, the benefit is limited to it making a very small contribution to the local housing supply. However, the addition of one unit in the countryside carries limited weight. This is insufficient to outweigh the considerable harm that I have identified.
21. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building and the character and appearance of the countryside location. This would fail to satisfy the requirements of the 1990 Act, paragraph 197 of the Framework and conflict with Policies STRAT9, ENV5 and ENV6 of the Local Plan (Part One) of the Policies DM3, DM21 and DM47 of the Local Plan (Part 2), and the Council's adopted SPD that seek, among other things, to ensure the preservation of designated heritage assets and development that respects its surroundings.

Other considerations

22. The appellant argues there was no rental demand for the original 5-bedroomed barn conversion. However, this disregards the fact that the extended property was created through unauthorised works. The fact that it is now increasingly difficult to find a suitable tenant does not justify the development.
23. I understand that two families occupy the sub-divided property, and the children are settled in local schools. I also note that investments have been made to install fibre optic cable. The refusal of these appeals would mean that the extension and alterations to the garage would be unauthorised, and the Council may seek to take enforcement action. I accept that this may result in one family losing their home. However, even if I were to allow the appeals, there is no evidence of any planning permission for a change of use. Therefore, the use of Newhey as a separate dwellinghouse would still be unauthorised and the occupants would be faced with the same outcome. Consequently, I can only afford limited weight to this consideration.
24. The appellant points out that there is no local opposition to the works, but lack of objection has a neutral effect on the planning balance.

Conclusion

25. I conclude that the development is inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be minor harm to the openness of the Green Belt, and considerable harm to the designated heritage asset and the character and appearance of the area. The other considerations advanced by the appellant carry limited weight and do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The development is unacceptable in principle and the harm could not be mitigated through the imposition of planning conditions, therefore.
26. The development would be harmful to the Green Belt and contrary to Policies STRAT9 and DM21 of the Local Plan, which seek to protect the Green Belt from inappropriate development. There would also be harm to the significance of the designated heritage asset and the character and appearance of the countryside contrary to Policies STRAT9, ENV5, ENV6, DM3, DM21 and DM47. As a result, the development would not accord with the development plan taken as a whole.

Conclusion

27. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

D Moore

Inspector