



Appeal Decision

Site visit made on 11 July 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/R0660/W/22/3313188

Smoker Hill Farm, Chester Road, Plumley WA16 0HQ

- 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 Ms Sophie Silcock against the decision of Cheshire East Council.
 - The application Ref 21/2768M, dated 10 May 2021, was refused by notice dated 12 October 2022.
 - The development proposed is the conversion of barn to 4no dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of barn to 4no dwellings. at Smoker Hill Farm WA16 0HQ in accordance with the terms of the application, Ref 21/2768M, dated 10 May 2021, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The appeal site is located within the Green Belt and therefore the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host building and surrounding area.

Reasons

Whether Inappropriate Development

3. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
4. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include 149(g), the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would

not have a greater impact on the openness of the Green Belt than the existing development. Policy PG3 of the Local Plan Strategy 2010-2030 (July 2017, the LPS), insofar as it is relevant to this case, mirrors the exception set out within the Framework.

5. Whilst both parties have referred to exceptions 149(c) and 150(d), regarding extensions, alterations and the re-use of buildings, I find that exception 149(g) is more relevant to the case before me. This is because the proposal is for a number of works that would cumulatively result in the partial redevelopment of the site which, given that there are buildings and structures present, is previously developed land. Therefore, whilst mindful of the above exceptions, I have considered the proposal under exception 149(g) instead.
6. By way of being the partial redevelopment of previously developed land, and subject to its effect on the openness of the Green Belt, the proposal would comply with exception 149(g). I must therefore consider whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.
7. The appeal site is part of a cluster of buildings that includes significant barns, smaller outbuildings and a dwelling. Collectively they are read as a farmstead and are connected by significant areas of hardstanding which appeared to predominantly be concrete pads. In particular, between the barn and the track that bypasses the cluster is a large area of concrete pads. The farmstead is otherwise surrounded by fields and is within a predominantly rural location.
8. Overall, the cluster of buildings and hardstanding have a significant impact on the openness of the Green Belt in this area given the relative lack of development surrounding it. However, I am mindful of the compact nature of the cluster and its scale in relation to the Green Belt as a whole. Therefore, I find that this impact is largely constrained to the adjoining fields and tracks.
9. Whilst the redevelopment of the host barn would result in the erection of an extension, this would not be a significant addition to the building, relative to its scale, and would not be a prominent or intrusive feature. Visually, it would be seen against the host building and the cluster of development generally. Given the effect of this cluster on the Green Belt already, I find that this extension would not materially increase the effect on the openness of the Green Belt.
10. Likewise, although the proposed gardens would take up a large area to the rear of the barn, this would replace of the above-mentioned concrete pads. Subject to a suitable landscaping scheme, which could be secured via a condition, the gardens would be visually softer than the existing hardstanding and have a lesser impact on the openness of the Green Belt.
11. The parking area would likely have an impact similar to the existing hardstanding that it replaces, and this would be somewhat increased by the presence of parked cars. However, the gardens and parking spaces collectively would cover a substantially smaller area than the existing hardstanding. They would also be contained within the cluster of development, and separated from the rest of the Green Belt, by the existing track bypassing the site.

12. Collectively, the redevelopment of part of this farmstead would not result in a greater impact on the openness of the Green Belt. The proposal would therefore comply with exception 149(g) of the Framework and would not amount to inappropriate development within the Green Belt. The proposal would not conflict with LPS Policy PG3 or the Framework as outlined above.

Character and Appearance

13. The host barn itself is a relatively simple, linear building finished in red brick with a slate roof. Each side of the building is studded with various windows and doors, they are largely randomly placed and are not uniform in size, style or proportions. I also note a number of former openings that have since been infilled. To one end of the building is a small single-storey extension which, whilst of some age, appears to be a later addition. Overall, the barn reads as an informal building that has been altered overtime to fit the needs of the farm.
14. As outlined above, the proposed extension to the barn would be relatively small and would not be disproportionate to the building as a whole. Whilst it would project perpendicular to barn, this is not to such a significant extent as to result in the linear nature of the barn being eroded. As with the single-storey extension, it is also not uncommon for agricultural buildings to be extended in somewhat ad-hoc ways. I find therefore that the proposed extension would be more evocative of such an extension rather than being an incongruous feature.
15. As the existing windows and doors across the barn are sporadic and almost random in nature, I find that the positioning, scale and proportions of the new windows and doors would not jar with the retained or reopened ones. Moreover, I find that the large areas of glazing and patio doors would be sympathetic to the existing, and previously infilled, openings. In this way they would maintain the agricultural character and appearance of the host building. I note the Council have suggested a condition requiring details to be submitted prior to the installation of any fenestration and I consider this would further ensure the character of the building is retained.
16. Although the gardens will likely be read as domestic features due to their appearance and the presence of any residential paraphernalia, they would not be so visually significant as to erode the legibility of the agricultural character of the host building. They would also be separated from the wider countryside by the existing lane and would be limited to the existing curtilage associated with the barn. Furthermore, as the concrete pads are in a poor state of repair, their removal would be somewhat beneficial to the appearance of the area.
17. In light of the above, the proposal would not harm the agricultural character and appearance of the host building or the rural surrounding area. It would therefore comply with LPS Policies SE1, SD2 and DC2 and Policies GEN1 and RUR14 of the Site Allocations and Development Policies Document (December 2022). These policies, collectively and amongst other matters, require that proposals are of a high-quality design that protect the sense of place and distinctiveness, including the landscape area and architectural features of a building. Particular regard is also had to the curtilage of a site and the domestication and urbanisation of rural sites. The proposal would also comply with the Framework, including Paragraph 130 which seeks to ensure developments are sympathetic to local character and history and maintain a strong sense of place.

Conditions

18. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
19. In the interests of protecting the character and appearance of the host building and surrounding area, conditions would be required for the submission of further details for materials, fenestration and doors. A condition requiring a landscaping plan would also be necessary to protect the character and appearance of the site and the Green Belt. There is also clear justification for the removal of some permitted development rights to ensure the protection of the Green Belt and the character and appearance of the host building.
20. To ensure that any birds making use of the host building for nesting are protected it would be necessary to impose a condition that requires a survey to be undertaken prior to any works beginning during the nesting period. Moreover, to comply with local and national policy which seeks to provide environmental net gains, a condition seeking biodiversity enhancements on site would be necessary.
21. Given the nature of the existing use of the site and wider area, there is a potential for some contamination to be present. However, I find that this potential is relatively limited and therefore, it would be overly onerous on the appellant to require a full assessment as suggested by the Council. I find it would be more appropriate to require the submission of further details and remediation works should any contamination be found during works on site. I have therefore imposed such a condition below.
22. Although the Council have suggested a condition for details of boundary treatments, such details could be included within the landscaping condition and would therefore not require a separate condition. As the host building is already present and the site is relatively level, a condition would not be necessary requiring land level data to be provided.
23. I recognise the proposal increases the footprint of the building and results in a more vulnerable use. However, it would also remove a large area of hardstanding which would improve the permeability of the site. Moreover, I have not been provided with substantive evidence to demonstrate that the site is at any flood risk. Therefore, it would not be necessary to impose a condition requiring the submission of drainage details.

Conclusion

24. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall commence within three years of the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan (1:2500), Proposed Barn Conversion (1:500), and drawing number SHB/PL/21/003A
- 3) No development involving the use of any facing or roofing materials, including rainwater goods, shall take place until details of all such materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Prior to the installation of any new or replacement fenestration as part of the development hereby permitted, drawings indicating details of all new and replacement windows and external doors, including reveals, materials and finishes, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in complete accordance with the approved details and retained thereafter.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as subsequently amended or re-enacted), no extensions, alterations or buildings normally permitted by Classes A to E of Part 1, Schedule 2 and no gates, fences or walls normally permitted by Class A of Part 2, Schedule 2 of the order shall be constructed within the site curtilages of the development hereby approved.
- 6) The removal of any vegetation or the demolition or conversion of buildings shall not take place between 1st March and 31st August in any year, unless a survey has first been carried out for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the LPA before any further works within the exclusion zone taking place.
- 7) None of the dwellings hereby permitted shall be occupied until features to enhance the biodiversity value of the development, including nesting birds and roosting bats, have been provided in accordance with details that have first been submitted to, and approved in writing by, the local planning authority.
- 8) Prior to the occupation of the dwellings hereby permitted, a scheme for the landscaping of the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

- 9) All hard and soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.