



Appeal Decision

Site visit made on 11 September 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Appeal Ref: APP/A0665/D/23/3325691

Oldcastle Mill Granary, Oldcastle Mill Lane, Oldcastle, Malpas, Cheshire West and Chester SY14 7NG

- 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 & Mrs Steven Wingett against the decision of Cheshire West and Chester Council.
 - The application Ref 22/04467/FUL dated 28 November 2022, was refused by notice dated 18 April 2023.
 - The development proposed is erection of a 4-bay garage and domestic store (retrospective).
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a 4-bay garage and domestic store (retrospective) at Oldcastle Mill Granary, Oldcastle Mill Lane, Oldcastle, Malpas, Cheshire West and Chester SY14 7NG in accordance with the terms of the application ref 22/04467/FUL dated 28 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be maintained in accordance with the following approved plans: location plan (unique plan reference #00778801-C2E742) and 20014-01.

Main Issue

2. The main issue is the impact of the proposal upon the character and appearance of the host dwelling, surrounding properties and wider setting of the appeal site.

Reasons

3. The appeal site is a former mill building which now in use as a dwelling house with an extensive site area (landscaped) at its disposal. It is located within the open countryside, in a relatively isolated location, and is accessed via a long and narrow country lane which is only utilised as access for four properties (and is therefore a no through road). The area is stated to be popular with walkers and I noted footpath signage during my site visit which would be consistent with the evidence and statements from both the Council and the appellant. I note, from my site visit, that the properties in the vicinity of the appeal site are all large, detached dwellings. The property immediately opposite, on the bend in the road, benefits from domestic outbuildings, albeit I appreciate that in that case, they are closer to the host property which appears to be largely as a result of the topography of the site on that side of the road.

4. The host dwelling is a relatively large property which extends to around 240 square metres in floor area. At the time of my site visit, I found that whilst the host property is, visually, two storeys on the elevation immediately adjacent to the lane, it is actually (and as noted by the Council) constructed on a slope, which means that it is larger than it first appears and is constructed over three storeys. This is well demonstrated in photographs provided by the appellant. I also find that, due to the site levels across the curtilage of the appeal site, there has been a requirement for notable landscaping and retaining walls to create a usable residential curtilage due to the topography of the site.
5. As a result of the site topography, I find that opportunities to construct an outbuilding, regardless of size, closer to the host dwelling, would likely be limited without the need for extensive groundworks to construct the building and that this would likely need to be accompanied by engineering works to ensure any adjustments to the overall site topography were secure. Any seeming benefit as a result of a closer physical association of a proposal in terms of location would, I feel, be then outweighed by additional works that would be required. An outbuilding constructed closer to the dwelling would also likely require a new access, as well as additional hardstanding to allow vehicular access. Based upon this I am of the view that the opportunities to locate a domestic outbuilding closer to the host dwelling would be severely limited and that any construction works required would ultimately result in unacceptable cumulative impact in an open countryside location and detract from the host dwelling and character of the area.
6. The appeal proposal before me does, however, utilise an existing access as well as existing hardstanding to the west of the host dwelling. The Council note that the hardstanding area which the proposal is sited on has been there some time and are not raising any direct issue with the hardstanding in the evidence before me, nor alluding to it having an enforceable position which could change the basis of my assessment. The structure is located at a higher level than the dwelling and is separated by distances stated to be in excess of 30 metres. Despite this, at the time of my site visit, I find that views of the proposal are against the existing trees to the rear and that, regardless of the size, the choice of materials and location assist the proposal to not look out of place as a rural outbuilding which, in this case, is to support a domestic property. The consistency in choice of materials assists in creating some relationship between the proposal and the host dwelling and the building size is proportionate taking into account the lack of existing outbuildings and overall size of the appeal site being around an acre and a half.
7. The Council's report states that the proposal would be prominent and incongruous when viewed from the public realm, however, for the reasons I have discussed, I do not find that this is the case, taking into account what I saw during my site visit. I find it is unlikely that the proposal would be visible, from many viewpoints, square on and that the most common, day to day views for nearby property owners or walkers would be largely end-on or from an angle due to the orientation of the proposal, which further contributes to a reduction in visual impact against the backdrop of the trees in the chosen location. I find that the host dwelling, and the size of the surrounding dwellings in the vicinity, would remain the dominant visual impacts in terms of both character and appearance of the area. In addition, I note the extensive photographs which have been supplied by the appellant and they further

support my findings as to overall limited visibility of the proposal in the context of the appearance of the area.

8. Any limited views would, I still find, be in the context of the host dwelling and would be viewed as a subservient addition behind it. The appeal site is surrounded by an ad-hoc cluster of buildings, and I do not find that outbuildings in a rural location are an uncharacteristic feature, and the proposal has been appropriately designed in terms of appearance. Overall, the proposal is of simple, traditional, design and (taking into account any usable first floor space, labelled or not) would equate to around 40% of the host dwelling in terms of floor space, which I find to not be a disproportionate addition with an overall height of 4.9 metres. The proposal is a subservient structure taking into account the scale, massing and design of the host dwelling.
9. As a result of my findings, and my site visit, I find the proposal would be subordinate to the original dwelling and surrounding properties. I do not find that by virtue of its scale, massing and positioning, the resulting development would be out of keeping with the character and appearance of the original dwelling and surrounding properties and the wider setting, nor would it result in harm to the open character of the countryside.
10. The proposal would be consistent with Cheshire West and Chester Local Plan (Part 1) Policy STRAT9, which requires that development must be of an appropriate scale and design to not harm the character of the countryside and Policy ENV6, which states that development should respect local character, be sympathetic to heritage, environmental and landscape assets and make the best use of high-quality materials. The proposal would also be consistent with Cheshire West and Chester Local Plan (Part 2) Policy DM3, which requires proposals are designed to respect the scale, character, and appearance of any existing building within the site and contribute positively to the character of the area as well as being sympathetic to views into, over and out of the site. The proposal would also be consistent with Policy DM21, which requires that resulting development is in keeping with the character and appearance of, and is subordinate to, the original dwelling and surrounding properties, and the wider setting.
11. The proposal would also be consistent with the Supplementary Planning Document: House Extensions and Domestic Outbuildings 2021 (SPD), which advises that proposals for new domestic outbuildings that are proportionate to the original dwelling will normally be supported with the scale and design reflecting the style and character of the original dwelling. I note that the SPD states that outbuildings should be close to the house, however, in this case for the reasons I have outlined, I find that options in the appeal site to provide something closer to the dwelling are severely limited. In this case, I find that the proposal can be clearly demonstrated to not be harmful to visual amenity or highway safety. Ultimately, overall, the overarching objective of the SPD is to ensure that detached domestic outbuildings do not have impact upon the character of the area and based upon my findings, I am satisfied the proposal is consistent with this overarching objective.

Other Matters

12. I note the response of Malpas Parish Council. I have dealt with matters relating to size and massing within the main body of this decision letter. Comments regarding removal of permitted development rights are

acknowledged but in this case the reasoning for this request is based upon concern as to future use of the building. If the building were to become residential in the future, this would be subject to further planning control and removal of permitted development rights is not necessary to control this (permitted development rights were also already removed from the host dwelling when converted to residential use). Whilst the application was submitted on a retrospective basis this does not change the basis for assessment or determination.

Conditions

13. Given that the proposal is submitted on a retrospective basis a time condition, requiring commencement within three years, is not necessary. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR