



Appeal Decision

Site visit made on 15 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02.11.2023

Appeal Ref: APP/A0665/W/23/3317093

The Stables, Duckington Lane, Tilston, Malpas SY14 7DU

- 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 Peter Bannister, of Pegasus Group, against the decision of Cheshire West and Chester Council.
 - The application Ref 22/02395/FUL, dated 23 June 2022, was refused by notice dated 28 October 2022.
 - The development proposed is conversion of Hobb Hill Stables to 2 residential units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the building is suitable for reuse to provide residential accommodation, having regard to development plan policy concerning new development in the countryside.

Reasons

3. The appeal site lies to the north-east of the village of Tilston, along Duckington Lane, within the open countryside. The site is occupied by a disused portal-framed building previously used in conjunction with an equine enterprise. There is an associated riding arena immediately adjacent to the building, along with overgrown paddock areas. The building is accessed by an unmade track that leads to an overgrown hardstanding area.
4. The parties have both submitted a copy of a previous appeal decision (ref APP/A0665/W/20/3261183) for the site, which followed a previous refusal of planning permission, reference 20/01517/FUL, for the conversion of the existing building on the site to two residential dwellings, with associated infrastructure and parking. The previous appeal was subsequently dismissed but the parties both acknowledge that this is a resubmission of that previous application. The previous appeal decision therefore represents a material consideration, albeit I have determined the appeal on its own merits based on all of the evidence before me.
5. Amendments to the scheme now proposed include a simplified design of the proposed roof arrangement. Additional structural information is also submitted in an attempt to demonstrate that the building is capable of conversion without significant loss of the existing fabric, or without major reconstruction.
6. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies (LP1) restricts new development to that dependent on a

countryside location. This includes the reuse of rural buildings where they are of a permanent construction and can be reused without major reconstruction. Policy DM22 of the Cheshire West and Chester Council Local Plan Part Two: Land Allocations and Detailed Policies (LP2) imposes a number of criteria which must be met before proposals to reuse existing rural buildings as dwellinghouses can be considered acceptable. These include requirements that the building is currently redundant or disused; that the building is of permanent and substantial construction, and it is suitable for and capable of conversion without significant loss of existing fabric, or major or complete reconstruction; and, that it would lead to an enhancement of its immediate setting. This is consistent with Paragraph 80 of the National Planning Policy Framework (the Framework).

7. The parties accept that the building is disused, and I noted during my site visit that the site was overgrown and there was little evidence that the building or site has been in active use for a number of years. Therefore, I am content that it meets the requirements of Policy DM22 in this respect.
8. One of the main contentions between the parties is whether the building is of a permanent and substantial construction and whether it can be converted without significant loss to the existing fabric, or it requires major or complete reconstruction. In this respect, the previous Inspector had concerns about the substantial absence of structural detail and the conflicting evidence between the report and the detail shown on the plans, particularly regarding the raising of the ridge.
9. The appellant has set out that the existing structure and fabric of the walls would be utilised, but the roof structure would need to be replaced and the ridge height increased. Additional windows would be required also. A structural report, which predates the previous decisions, along with structural calculations and plans have been submitted to demonstrate the level of works necessary to convert the building. The appellant believes that the alterations and additions to the building would be made wholly for the purpose of making it more liveable and the works required would be the most efficient use of the building, as opposed to being classed as substantial reconstruction.
10. I accept that the appellant has provided additional structural information, which provides more details and evidence to support their case that the works do not necessitate large sections of demolition or rebuild. However, it remains that the existing steel roof rafters would be removed, and new rafters would be installed in order to raise the ridge height of the building by approximately 1 metre. Therefore, the new roof structure would be more substantial in size due to the increase in height. A new roof covering would then be installed, along with roof lights. Additionally, eight windows, along with two sets of patio doors, would be inserted into the elevations, where there is currently just one small window. The portal framed nature of the building would require a large amount of works to sub-divide and convert it into two dwellings and bring it up to acceptable living standards. Therefore, on the evidence before me, I find that the extent of rebuild, and structural alteration to the building, required to convert the building into two dwellings, would result in a significant loss to the existing fabric of the building and would amount to major reconstruction of the existing building.

11. The appearance of the existing building is typical for its previous use and is characteristic for a rural setting. Its disused appearance and the overgrown nature of the site does not result in harm and the building has a neutral visual impact. Contrary to this, and whilst the design has been simplified since the previous appeal decision, the level of works required to convert the building, along with the external alteration works, in particular the increased ridge height, use of dark corrugated wall and roof cladding, when viewed above the grey concrete block work, would be a noticeable change to the appearance of the building. Furthermore, the other associated works that are required to bring the building and site into residential use, such as more substantial boundary treatments, the formation of garden areas, hardstanding's, the improvement of the access track, and soft landscaping, would result in a noticeable visual change to its immediate setting and the character of the landscape also. Whilst these changes would not be sufficiently harmful to the character and appearance of the landscape, the number of changes and the domestic nature of the works would significantly alter the appearance and character of the site, to the extent that it would not result in an enhancement. Overall, the proposed development would not lead to an enhancement to its immediate setting or the character to the landscape, as is required by Policy DM22.
12. The appellant has, as they did during the previous appeal, also identified two specific schemes elsewhere, that they consider, in terms of the amount of conversion and rebuilding works necessary, set a precedent for the proposed scheme to be allowed. The full details of these cases have not been provided and whilst there may appear to be some similarities, a proper comparison has therefore not been possible, and I have determined the case before me on its own merits.
13. For the above reasons and on the evidence before me, the building is not suitable for reuse to provide residential accommodation in the countryside, and it would thereby conflict with Policy STRAT9 of the LP1 and Policy DM22 of the LP2.

Other matters

14. The appellant sets out that the site, due to its proximity to a Local Service Centre, represents a highly sustainable location. However, based on the evidence before me and my observations, I find that the majority of trips, to access services in the village and elsewhere, would likely be by private motor vehicle, due to the distance of the site from the village and the narrowness of the road, lack of footways and lighting, which would discourage walking. This would also be the case for accessing nearby bus stops. Additionally, I have limited evidence before me of the frequency of a bus service and to what extent it could support the day to day needs of the future occupiers.
15. The appellant states that the works are the most efficient use of the building and are necessary to optimise the use of the site. However, I have not been provided with sufficient evidence about what alternative schemes have been explored or whether alternative uses for the building, and to what extent, have been investigated and the reasons why these options, if any, were discounted. I therefore only attach limited weight to these matters.
16. The re-use of the site would likely prevent any further deterioration of the building and site generally. However, there is no certainty that the building

would necessarily remain unused in the longer term were I to dismiss this appeal. The extent of any such deterioration and whether it would cause visual harm to the countryside is also uncertain. The proposal would contribute to boosting the supply of new housing, as referenced in the Framework and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding two additional dwellings to the housing supply in the area. Taking the above matters into consideration, the benefits would not outweigh the identified harm that I have found would be caused in relation to the main issue.

Conclusion

17. In conclusion, the proposed development would be contrary to the identified policies of the development plan and there are no other material considerations which outweigh this conflict, and for the reasons given above, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR