



Appeal Decision

Site visit made on 31 October 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/A0665/W/23/3320133

Land at Hoofield Hall, Hoofield Road, Huxley, Chester CH3 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Simon Crouch-Smith against the decision of Cheshire West and Chester Council.
 - The application Ref 22/00505/OUT, dated 11 February 2022, was refused by notice dated 28 October 2022.
 - The development proposed is the erection of two detached dwellings and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given above is taken from the Council's Decision Notice in the interests of clarity.
3. The application was made in outline with all matters of detail reserved for subsequent approval and I have determined the appeal on that basis.
4. The main parties agree that the appeal site lies within the setting of two Grade II Listed buildings, Hoofield Hall (the Hall) and the Roadside Barn 40 metres west of Hoofield Hall (the Barn). Although not forming part of the Council's reason for refusal, it is incumbent upon me as decision maker to have special regard to the desirability of preserving the setting of a listed building. It is therefore necessary to consider this matter as a main issue.
5. The Council has confirmed that it no longer wishes to defend the second reason for refusal following the submission of an Ecological Assessment (as part of the appeal documents). I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions that appropriate biodiversity mitigation could be put in place through the use of planning conditions if I were minded to allow the appeal. I have therefore focused on the first reason for refusal as well as the effects of the proposal on the setting of the listed buildings in my reasoning below.

Main Issues

6. The main issues are:
 - Whether the appeal site is suitable for the development proposed, having regard to accessibility to facilities and services; and
 - The effect of the proposed development on the setting of the Grade II listed buildings, the Hall and the Barn.

Reasons

Suitable location

7. Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1) Policies STRAT1, STRAT2 and STRAT8 sets out the Council's spatial strategy which seek to ensure new development is located so it is accessible to local services and facilities, amongst other things. To achieve this, Policy STRAT2 directs new housing to within or on the edge of larger settlements, identified key service centres and smaller rural settlements. Policy STRAT8 states that within the rural area, the Council will support development that serves local needs in the most accessible and sustainable locations.
8. Where development is in the countryside, as in this case, Policy STRAT9 states that the intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. There is no robust evidence that would lead me to conclude that the appeal proposal meets this criterion. Furthermore, the proposed development does not fall within any of the types of development that Policy STRAT 9 lists as being permissible within the countryside.
9. Policy DM19 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) specifically relates to proposals for residential development. In relation to proposals in the countryside, outside of identified settlements, LP2 Policy DM19 sets out residential development will only be supported where it is necessary to meet minimum levels of new housing or where the proposal is one of seven listed exceptions. The proposal fails to meet any of these exceptions.
10. The site is not isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework) and having regard to the Court of Appeal judgement¹ I have been referred to, as there are other houses near to it. Nonetheless, establishing that the proposed dwelling would not be isolated does not mean that it is a suitable location for residential development.
11. The appeal site's open countryside location is physically separate and beyond walking distance to facilities and services. Access to the services and facilities in Hoofield and Huxley as well as the nearest key service centres of Tarvin and Tarporley would require journeys along unlit, winding, rural roads without a continuous footway. This would serve as deterrents to many who may otherwise undertake their journeys on foot or bicycle, particularly at times of darkness and inclement weather. Furthermore, the evidence before me strongly suggests that although there would be a school bus, the occupants would not otherwise have access to a frequent bus service. Consequently, whilst acknowledging that a higher proportion of journeys by car is to be expected within rural locations, the future occupants of the appeal proposal would be dependent on the use of private cars for all their day-to-day needs.
12. The appellant has referred to an appeal decision at Little Hautbois near Norwich. In that case, whilst the Inspector stated that there were no apparent opportunities to use public transport, some journeys to the nearest services could be undertaken by cycle, particularly given the proximity of a safe route

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

along the Bure Valley railway path. Accordingly, unlike the appeal before me, the occupants of the Little Hautbois development would have a more attractive opportunity to access services and facilities by means of transport other than the private car. Furthermore, the Inspector considered that the addition of such a small single two bedroom dwelling with limited occupation, as was proposed in that case, would not significantly add to the journeys that already occur from the nearby dwellings. That cannot be said for the development before me given the intention is to construct two detached dwellings. Therefore, regarding the Gladman Development Ltd² court judgement, the Little Hautbois case is not like the case before me. As such, there is no requirement that I determine it in a like manner to ensure consistency of decision making.

13. The Framework, at paragraph 79, states that housing should be located where it will enhance and maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. In this case the site is physically separate from any settlement containing facilities and services required to meet the needs of the occupants. Furthermore, given the accessibility concerns set out above, I consider that the benefits of the proposal, due to the support that it would give to services in a village nearby, would be minimal.
14. In reaching this view I have had regard to paragraph 105 of the Framework which states that the planning system should actively manage patterns of growth in support of promoting sustainable transport objectives which it acknowledges will vary between urban and rural areas. It expects patterns of growth to be managed in such a way as to support the objectives concerned in promoting walking, cycling and public transport set out in paragraph 104. In this respect, the policies identified above are consistent with the Framework as they seek to direct development to larger settlements which have access to public transport links whilst recognising and supporting development types considered acceptable in the countryside.
15. As such, I find that the site is not suitable for the development proposed having had regard to accessibility to facilities and services. It would therefore be contrary to LP1 Policies STRAT 1, STRAT 2, STRAT 8 and STRAT 9, LP2 Policy DM19 and the Framework.

Listed buildings

16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving the setting of a listed building. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
17. The appeal site is close to two Grade II Listed buildings, the Hall and the Barn. According to the listed building descriptions, the Hall and the Barn were built c1870 for John Tollemache. The Hall is constructed in Flemish bond orange bricks and purple headers and a purple tiled roof. The architectural features include four brick chimneys with clusters of diamond stacks and a two-storey symmetrical five-bay south front. The Barn is of a simpler design, constructed in English garden wall bond orange brick with a Welsh slate roof. It has a

² Gladman Developments & SSCLG & Central Bedfordshire [2019] EWHC 127 (Admin)

central gable, with painted decorative timber framing above two circular pitch-holes and diamond lattice windows on the roadside elevation. The Barn is listed for group value.

18. Whilst initially in separate ownership to the Hall and Barn, by 1898 the appeal site formed part of the same landholding. The Hall and Barn, with other farm buildings, formed part of a working farmstead largely surrounded by open fields.
19. The significance and special interest of the Hall is derived from its associative and historic value as a small gentry farmhouse forming part of a planned dairy farm. It is also derived from its aesthetic value due to its attractive design. The significance and special interest of the Barn is derived from its evidential and historical value as a planned farm building based on model farm layouts, as well as its aesthetic value as a good example of a combined barn, shippon and stable.
20. The Hall faces away from the appeal site, within its own domestic curtilage, and is separated from it by several buildings. The Barn is located to the south of the appeal site with a pair of 1960s farm workers dwellings to the north of the site and a portal barn to the east. Such buildings separate the appeal site from any of the remaining agricultural land that formed part of the former dairy farm. Consequently, it does not provide a sense of the historical relationship of the listed buildings with the former dairy farmland.
21. The scale and position of the proposed dwellings could be carefully considered to ensure that the development would not out-compete the Barn. In addition, the proposal would create an opportunity to address the height and design of the roadside boundary treatment to better reveal it. Accordingly, I find that subject to the careful design and positioning of the buildings to avoid any obstruction of views of the Barn, the proposed development would preserve the setting of the listed buildings. Such a finding is consistent with that of the Inspector in the 2015 appeal decision for residential development on the same site.
22. In view of the above, I conclude that the proposal would preserve the setting of the Grade II listed Hall and Barn and would therefore accord with the requirements of Section 66(1) of the Act.

Other Matters

23. The Framework indicates that the planning system should support the transition to a low carbon future as part of meeting the challenge of climate change. More specifically, it indicates that new development can help to reduce greenhouse gas emission through location, orientation and design. Furthermore, paragraph 134 stipulates that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability.
24. The supporting information indicates that the dwellings would be designed to the Passivhaus premium standard and would produce more energy than they would consume. Such design credentials could be secured at the reserved matters stage through the imposition of appropriately worded conditions. Nonetheless, in the absence of precise details no more than moderate weight is attributed to this matter as a benefit. Furthermore, whilst provision for electric

vehicle charging points could be secured and the vehicles could be charged with energy generated on site, it would be impossible to control by condition the type of vehicles that would be used by the future occupiers or visitors to the dwellings.

25. I acknowledge that there is the intention to plant an area of woodland to provide a carbon offset for the construction of the dwellings and the manufacture of associated vehicles. However, in the absence of a signed legal agreement, no mechanism to secure the woodland is before me. For this reason, I therefore find this should be given only modest weight in this decision.
26. Several other appeal decisions have been referred to, both in support and against the proposed development. However, the full details of those cases are not before me. I am therefore unable to assess any direct comparability to the current appeal proposal.
27. I note that the proposal would contribute towards the Frameworks aim to boost the supply of housing through the delivery of two additional housing units. However, the Council state that it has a housing supply in excess of 5 years, which is not disputed by the appellant. As such there is nothing before me to suggest that current policy is not providing enough housing to meet the requirements for the area. As such I attach limited weight to the provision of two dwellings as proposed. Benefits to the local economy would also be limited due to the small scale of the scheme.
28. I have had regard to the other matters raised by interested parties, including impact on the landscape, highway safety, and the cost of the proposed dwellings. However, I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions on these matters and determine that the proposal would result in material harm sufficient to justify dismissing this appeal. The sale of the barns is not a material consideration to which I can attach significant weight in making my decision.

Conclusion

29. I have found that the proposal would preserve the setting of the listed buildings. However, the scheme's benefits, as set out at paragraph 28 of this decision, would not justify development on a site that I find not to be suitable for the proposal, having had regard accessibility to facilities and services. The proposed development therefore conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harms and associated development plan conflict.
30. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR