



Appeal Decision

Site visit made on 21 November 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th December 2023

Appeal Ref: APP/R0660/W/23/3322790

The Elms, Chester Road, Cheshire East, Alpraham CW6 9JH

- 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 Jamie Hiles against the decision of Cheshire East Council.
 - The application Ref 22/4342N, dated 3 November 2022, was refused by notice dated 25 January 2023.
 - The development proposed is the conversion of existing traditional farm building to form one residential unit with a rear single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have determined this appeal in the context of the revised Framework.
3. Although a different address was used by the appellant in the planning appeal form, for clarity, the site address above has been taken from the planning application form.
4. I note that permission for the conversion of the barn was granted in 2020¹. Although it appears that permission did not include any extensions, it would nevertheless have resulted in some degree of domestication of the building and the site more generally. It appears that this permission may no longer be extant. Moreover, the Site Allocations and Development Policies Document (December 2022, the SADPD) has since been adopted and bat surveys have been carried out. Therefore, whilst I have been mindful of this permission, I have only afforded it modest weight in my considerations.

Main Issues

5. The main issues are the effect of the proposal on:
 - Protected species, namely bats; and,
 - The character and appearance of the host building and the surrounding area.

¹ Decision reference: 20/3047N

Reasons

Protected Species

6. As part of the planning application the appellant submitted a preliminary Bat Survey Report by Angela Graham Bat Consultancy Service. This found some activity, including one common pipistrelle emerging from the barn. As part of the appeal a further Bat Activity Survey Report by Leigh Ecology Ltd was submitted. This was undertaken during August where bat surveys are likely to more accurately record any activity or presence. This survey again found activity across a few different species but also concluded that a feeding roost for Brown Long Eared bats is present within the barn.
7. This second report also highlights that the proposal would result in the loss of the feeding roost which would have a negative impact on the local bat population requiring a European Protected Species Low Impact Licence from Natural England. Although the report sets out that a detailed mitigation strategy would be required for the licence application, the details provided under the Method Statement are only very limited. In particular, it has not been demonstrated how the loss of the roost would be compensated for so as to maintain favourable conditions for those bats making use of the site.
8. Appropriate measures should, other than in exceptional circumstances, be present prior to the grant of planning permission so that they can be secured through conditions or a planning obligation. Such measures have not been provided and no exceptional circumstances have been demonstrated. Consequently, it would not be possible to secure an appropriate mitigation strategy.
9. In my considerations, I have had regard to my duties under Regulations 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) and considered the three tests. From the limited information before me, I am not content that there is a reasonably likelihood a licence would be issued for this scheme.
10. In conclusion, I find that the proposal would have an unacceptable impact on a protected species and their habitat on the site and that no appropriate mitigation has been demonstrated. The proposal would therefore conflict with Policy SE3 of the Local Plan Strategy 2010-2030 (the LPS) which, amongst other matters, will only permit proposals that have a significant adverse impact on protected species where the reasons for, or benefits of, the proposal would outweigh the harm.

Character and Appearance

11. The appeal site contains a linear barn parallel to Nantwich Road and set back from it by a sizeable area of hardstanding which also provides access to The Elms, a care home. The barn is a simple feature and although it contributes to the rural village character of Alpraham, it has not been demonstrated that it is of any special importance. The appeal site is physically and visually within the envelope of Alpraham and forms part of the linear development along this side of the road. The area beyond the settlement is predominantly agricultural fields and open countryside.
12. Alongside alterations to the existing openings in the front of the building the proposal also includes the erection of a small porch. Collectively, these would

be modest changes that would protect the legibility of the historic use and appearance of the barn. The modern, but subservient, design of the porch would further identify it as a discrete feature from the original building. I similarly find the single-storey rear extension would not be a significant extension. It would not, in scale or design, dominate the host building or take away from the legibility of its historic form and appearance. I do not find that any of the proposed replacement windows would be so different in appearance to, on their own or cumulatively, unacceptably affect the character or appearance of the building overall.

13. Views of the site and barn are readily afforded from the front of the site and so the proposed changes to the front of the site would be readily visible. However, given the above, I do not find that they would unacceptably affect the character or appearance of the wider area or the host building's contribution to it. To the rear of the site, I find that public views would only be possible from a significant distance glimpsed through mature trees and hedgerows. In such views the proposal would be softened by trees whilst the hedgerows would largely screen the single-storey extension. Moreover, the host build would be read against the built environment, rather than the open countryside. Therefore, I also find that these elements would not affect the character or appearance of the surrounding area.
14. Although the proposed garage would be further forward than the existing building, it would be a relatively small feature that would reflect the outbuildings and garages elsewhere in the street scene.
15. In conclusion, the proposed alterations and extensions to the host building would not, by way of their bulk, form or appearance, be harmful to the character and appearance of the host building or the surrounding area. The proposal would therefore comply with LPS Policies SD2 and SE1 and SADPD Policy GEN1. These collectively, and amongst other matters, require that proposals protect, and positively contribute to, the sense of place through their quality, distinctiveness and character. Creative and innovative designs are encouraged where appropriate and generic design solutions are to be resisted.

Other Matters

16. In the LPS Alpraham is identified as a village with a defined settlement boundary. Drawn settlement boundaries do not necessarily equate to the edge of a settlement and, from my observation on site I find that the appeal site is physically and visually within the built-up area that forms Alpraham. Consequently, the appeal site is not outside of a defined settlement and would not be the conversion of a rural building. LPS Policy PG6 and SADPD Policies RUR11 and RUR14 have not, therefore been determinative in my considerations.

Conclusion

17. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.

18. The proposal may improve the energy efficiency of the host property and provide improved living conditions for future occupiers in comparison to the previously permitted scheme. However, I have not been provided with sufficient information to demonstrate that the proposal before me would be the only way to achieve this. As such I attach these matters only modest weight in my considerations.
19. Whilst the proposal may not result in any harm to character and appearance, this lack of harm is not a benefit in itself. I therefore attach this neutral weight.
20. Conversely, the proposal would result in harm to bats, a protected species, and their habitat, in conflict with the development plan and the Regulations as outlined above. This attracts significant weight and outweighs the benefits associated with the proposed development.
21. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR