



Appeal Decision

Site visit made on 2 May 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/R0660/W/23/3327031

Higher Kinderfields Farm, Hollin Lane, Sutton SK11 0NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mike Eardley against the decision of Cheshire East Council.
 - The application Ref is 21/2866M.
 - The development proposed is change of use of a garage/workshop into 5 accessible tourist units.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Mike Eardley against Cheshire East Council. That application is subject to a separate Decision.

Preliminary Matters

3. The appellant has confirmed that the appellant's name is Mr Mike (Michael) Eardley and not as spelt on the application form.
4. There is much correspondence and debate as to whether the appeal building is lawful. Its construction followed a planning approval in 2017¹ for the demolition and replacement of a garage/workshop. There is agreement between the parties that the replacement building is approximately in the correct location but the roof design (curved rather than right angled corners to the roof) and fenestration are different. There also seems to be some disagreement about the size of the building but any differences between that approved and that constructed seem to be small. Comparisons between what has been built and what is approved by the 2017 permission is difficult as the approved plans are of a poor standard.
5. The appellant has submitted a legal opinion on the status of the building but the Council has not commented on it. Nevertheless, it is not the purpose of this appeal to determine the lawfulness of the building. There is correspondence relating to the rewording of the proposal prior to determining the planning application so that it was described as the replacement of an existing rural building with 5 accessible tourist units but the proposal was determined unchanged. Specifically, its description for a change of use was retained and is referred to on the decision notice. Therefore, I have determined this appeal on the same basis.

¹ Planning Application Ref: 17/4021M.

6. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is also a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Main Issues

7. The main issues are the effect of the proposal on: -
- the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of Higher Kinderfields Farmhouse and Kindersfield Edge by reason of noise and disturbance.

Reasons

Character and Appearance

8. The appeal building is located to the west of Higher Kinderfields Farmhouse. The farmhouse and the adjacent residential property Kindersfield Edge are stone built whilst the appeal building is clad in black metal. The building is split level – single storey at the front, facing Higher Kinderfields Farmhouse, and two storey at the rear, facing a brook and the hillside. The land slopes downwards from the front of the building towards the brook at the valley bottom. The area is characterised by the undulating countryside, trees, hedges and groupings of buildings.
9. At the time of my visit, the upper floor comprised large glazed openings consistent with the glazing shown on the proposed plans. The lower level provided open fronted storage space. This area would also be glazed as part of the proposal.
10. The building is a large, black metal clad structure and would include large areas of glazing on two levels to serve the five units of accommodation. Although the building is located behind Higher Kinderfields Farmhouse and Kindersfield Edge, it is very visible from the road and across the fields. It stands in stark contrast to the stone buildings around it and is not of a design or in materials that blend in with its surroundings. As such it appears alien and intrusive in the landscape.
11. Notwithstanding that the building exists and a building has been approved on this site, tourist accommodation would be very different in terms of its character and overall appearance than a garage/workshop associated with farming activities. The domestication of the site would bring with it paraphernalia associated with holiday makers, for example, outdoor seating, clothes drying etc. The proposal also includes space for parking and footpaths to access the lower level units. Landscaping could soften the appearance of the building and could be secured by condition but screening alone would not overcome the harm caused.

12. Local Plan Strategy² Policy PG 6 sub-section 3 (ii) allows the re-use of existing rural buildings provided that they are permanent, substantial and would not require extensive alteration, rebuilding or extension. I have stated above that it is not within the scope of this Section 78 appeal to determine whether the existing building is lawful or not. However, the previous building was demolished and the parties agree that the building as built is generally in the location, and in materials consistent with the approved building. There is no suggestion that the building was ever used as a garage/workshop. However, the proposal would involve the re-use of an existing building and to this extent the proposal is consistent with this section of the policy.
13. However, the policy states that the acceptability of such development is subject to compliance with all other relevant policies in the Local Plan. It emphasises that particular attention should be paid to the design and landscape character so that the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced. The proposal would therefore conflict with the wider aims of Policy PG 6.
14. Policy RUR 8 of SADPD³ accepts that certain types of visitor accommodation may be appropriate in a rural area where there is an identified need for the accommodation which cannot be met in nearby settlements because the type of accommodation is intrinsically linked to the countryside.
15. There is a camp site on land at Higher Kinderfields Farm and the appellant states that it has proved popular with walkers and visitors to the Peak Fringe where the site is close to the Gritstone Trail. As well as the camping facilities the main farmhouse has also been let out as holiday accommodation in the past. The proposal would add to this visitor accommodation for which the appellant states there is a need. A number of tourist attractions in the surrounding area are referred to.
16. The appellant has linked the proposed tourist units to the camping facility and states that this building would provide more comfortable accommodation than a tent and would be accessible to those with disabilities. However, although the proposal is described as accessible accommodation, only one of the units would be fully accessible in terms of wheelchair access.
17. This rural location would be suitable for those wishing to walk the footpaths in the area, use the bridleways and enjoy the rural attractions of this part of Cheshire. However, although camping could be said to be intrinsically linked to the countryside, I find the proposed accommodation less so. Tourists undoubtedly wish to stay in rural locations but there is no direct link between the accommodation proposed and a rural activity. People who wish to walk or cycle in the area or visit other tourist attractions could just as easily stay in the nearby settlement, which the appellant states is just 2.3km/1.42 miles away or other areas close by. The proposal would not therefore be intrinsically linked to the countryside.
18. Therefore, whilst the proposal would re-use an existing rural building, due to the size, appearance and location of the building it would have a harmful effect

² Cheshire East Council – Cheshire East Local Plan – Local Plan Strategy 2010-2030 July 2017

³ Cheshire East Council – Cheshire East Local Plan – Site Allocations and Development Policies Document, Adopted December 2022.

on the character and appearance of the surrounding area and it would conflict with Local Plan Strategy Policy PG 6 and SADPD Policy RUR 8.

Living Conditions

19. Access to the five holiday units would be shared with Higher Kinderfields Farmhouse and Kindersfield Edge. The appellant's address is Higher Kinderfields Farmhouse and despite earlier plans to sell the property, the appellant has indicated that the sale is not proceeding. Whilst this may have some impact on the day to day management of holiday accommodation, the appellant has submitted a management plan that would put management of the units into separate control. Notwithstanding the management of the units, it would remain that the units would be close to both Higher Kinderfields Farmhouse and Kindersfield Edge.
20. The appellant cites noise levels from the proposed units and the relationship between the units and Kindersfield Edge together with reference to window opening, wall thicknesses, insulation and other noise attenuating matters. The appellants also states that activity on the site previously associated with the original farm would have been significant.
21. Although noise from the units themselves could be minimised, this does not lessen noise and disturbance from the comings and goings associated with five separate holiday units. It is likely that people would be arriving and departing at different times and whilst on holiday, different parties would be coming and going as they went about their holiday plans. I have no information about the level of farming activity that took place previously but in any case, farming here has now ceased. I note that the Council's Environmental Health section has raised no specific objections but whilst it comments on air quality and pollution, it makes no comments with regard to amenity. Likewise, whilst there are no objections from the Council's Highway section, this indicates that there are no concerns regarding highway safety rather than any view on the living conditions of the occupiers of the neighbouring properties.
22. Given the number of units proposed and their proximity to Higher Kinderfields Farmhouse and Kindersfield Edge, due to the comings and goings of holiday makers utilising the accommodation, the living conditions of the occupiers of Higher Kinderfields Farmhouse and Kindersfield Edge by reason of noise and disturbance would be harmed. This would conflict with Local Plan Strategy Policy SE 12 and SADPD Policies HOU 10 and RUR 8 and the Framework (paragraph 191) which cumulatively seek to protect amenity amongst other things.

Other Matters

23. The appellant suggests conditions in relation to noise, contamination and reducing the parking spaces to the upper forecourt. However, neither these nor the conditions suggested by the Council would overcome the harm I have found.
24. I appreciate that the proposal would extend the appellant's farm diversification into tourism and this would bring economic benefits especially given the demise of his dairy business. However, these would not be sufficient to overcome the harms I have found.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR