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# Appeal Decision

Site visit made on 29 May 2024

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> July 2024**

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**Appeal Ref: APP/A0665/W/23/3333152**

**Hunters Retreat, Cassia Green Farm, Cassia Green, Marton, Cheshire West and Chester, Winsford CW7 2PZ**

- 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 Ms Diane Whalley against the decision of Cheshire West and Chester Council.
  - The application Ref is 23/00153/FUL.
  - The development proposed is the change of use of building from holiday lodge to permanent dwelling.
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## Decision

1. The appeal is allowed and planning permission is granted for the change of use of building from holiday lodge to permanent dwelling at Hunters Retreat, Cassia Green Farm, Cassia Green, Cheshire West and Chester Winsford CW7 2PZ in accordance with the terms of the application, Ref 23/00153/FUL, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing; Site Location Plan at scale 1:1250, and drawing number 2019/10/01.
  - 3) The parking space indicated on the approved plans shall, at all times, be retained and available for use by the residential unit hereby permitted.
  - 4) Before the dwelling hereby permitted is first occupied, it shall be provided with electric car charging infrastructure comprising, as a minimum, one dedicated 32 amp radial circuit which is directly wired to an appropriate RCD at the consumer unit. The circuit shall terminate at a three-pin socket or BS EN62196 Type 2 electric vehicle charging point located where it is accessible from a dedicated off-street parking bay.

## Main Issue

2. The main issue is whether the appeal site is a suitable location for a new dwelling.

## Reasons

3. The Council's spatial strategy, primarily through Policies STRAT 1 and STRAT 8 of the Local Plan (Part One) Strategic Policies (the LP1) seeks to direct development towards larger settlements and areas that meet economic, social

and environmental objectives where dwellings would have good accessibility to local shops, community facilities, education and public transport. LP1 Policy STRAT 9 and Policies R1 and DM22 of the Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2) provide support for the conversion of buildings within rural, or countryside, locations for uses including dwellinghouses.

4. The appeal site is within the countryside where it is surrounded by open fields and a cluster of residential dwellings. The site itself contains a detached building which was purpose built for use as holiday accommodation. The building is clearly domestic in appearance and is set within a domestic garden. Adjacent to the site is an equestrian use and small number of associated buildings within the appellant's ownership.
5. LP1 Policy STRAT 9 does not set out what is meant by the term 'rural building' and LP2 Policy DM22 refers only to 'buildings' in the countryside. No specific definition of what types of buildings are covered by this are given by either policy. I note the explanation text to Policy DM22 makes reference to traditional barns. However, this is only an example and so I consider that other buildings can also be covered. As the appeal site is within a rural, or countryside, location I find the building would fall within the scope of these policies. LP2 Policy DM22 sets out a number of requirements conversions within the countryside must comply with in order to be supported and I have considered these below.
6. At the time of my site visit the host building and grounds were clearly set up for domestic purposes. It was not, however, clear whether it was being used for holiday accommodation or as a permanent dwelling. The host building is simple and modest in appearance. The building's timber cladding and small scale reflects the appearance of the nearby stables and overall, I find it sits comfortably within the transitional space at the edge of the cluster of dwellings.
7. The building is of a permanent and substantial construction and would, given the existing use, be eminently capable of conversion to a permanent residential use. This conversion would not result in any material change of the character or appearance of the building and its curtilage and so would not affect the character and appearance of the wider area.
8. As the proposal would not result in any physical changes to the building or its visual character and nature, I also find that it could not result in any enhancement to its immediate setting. Nevertheless, given the context of this case, I consider this would not conflict with the purposes of the requirements set out under Policy DM22.
9. I do not find that there is currently any conflict between the neighbouring dwellings or the small equestrian use existing on the wider site. Although the proposal would alter the use of the building, this would only be from residential accommodation for temporary periods to permanent residential accommodation. The relationship between the host building and the surrounding uses would not, therefore, change significantly and no unacceptable conflict would arise.
10. The point of greatest contention between the main parties with regard to these requirements is that relating to whether the building is currently redundant or disused. LP2 Policy DM22 does not define what it meant by the terms

redundant or disused. I have therefore considered them, respectively, to mean superfluous to needs and unused. The explanation associated with LP2 Policy DM22 states that the Council will have regard to the nature of the most recent use, when that use ceased, and the reason why it ceased.

11. I understand from the submissions before me that the building is no longer used for holiday accommodation by the appellant and that they have no desire to continue that use. Although there is disagreement as to whether or when that use ceased. I find the use of temporary and permanent accommodation to be very similar, so although the extent to which this building is disused is disputed, I consider that the evidence is sufficient to demonstrate it is superfluous to the needs of the appellant. The building is therefore redundant in line with the requirements of the policy.
12. Although I note the Council considers that the building is still capable of being used as holiday accommodation, as noted above, I do not find Policy DM22 requires, either through redundancy or disuse, a building to be incapable of its current use.
13. I am mindful of a number of appeal cases<sup>1</sup> brought to my attention which considered the number of vehicular movements associated with temporary and permanent accommodation. I find similarly with these that it would not be possible to ascertain the exact number of trips for either use. Nevertheless, the existing use is likely to generate trips around guests arriving and leaving, as well as traveling to and from tourist attractions, hospitality businesses and shops. Given the location of the appeal site, it is very unlikely that any of these trips would be made by modes other than private motor vehicles. The movements associated with a permanent dwelling would largely stem from commuting to and from work and education, and traveling to and from services, facilities and shops. Although these movements would largely be very different in character, I consider that the number of journeys would not be so different.
14. Moreover, I am mindful that the appeal site is not overly distant from the edge of Winsford and is within an area with a substantial number of existing dwellings which would already also be reliant on private motor vehicles. Any potential difference in vehicular movements would therefore not only be modest in comparison to the existing number, but also in comparison to that generated by the surrounding uses. Therefore, the proposal would not unacceptably conflict with the aims of the Council with regard to reducing carbon emissions and minimising the need to travel.
15. In light of the above, the appeal site is not isolated by way of its immediate and wider context and the proposed change of use would meet the requirements set out in the Council's spatial strategy. In this case, the appeal site would therefore be suitable for a dwelling and would comply with LP1 Policies STRAT 1, STRAT 8, STRAT 9 and STRAT 10, as well as LP2 Policies R1 and DM22 as set out above. It would also comply with the aims of the National Planning Policy Framework (the Framework) which supports residential development while, including under Paragraph 84, avoiding isolated homes in the countryside.

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<sup>1</sup> Appeal references: APP/U1105/W/22/3298314 and APP/Q3305/W/22/3307642

## Other Matters

16. I note concerns raised by interested parties regarding the development resulting in the over development or crowding of the site. However, the proposal is for the change of use of the site rather than the erection of additional buildings. I therefore find that the proposal could not result in over crowding or development at the site.
17. All decisions turn on their own particular circumstances. These circumstances are based on the facts and evidence before those decisions-makers or Inspectors at the time. Therefore, I do not find that the decision here would bind the Council to find similarly in future applications, or preclude them from making a full assessment of proposals.
18. The appeal site, as it contains a holiday home, already generates a degree of vehicular traffic. I consider that the proposed change of use from a holiday home to a residential dwelling would not significantly alter this amount. The site already benefits from a vehicular access, and this would continue to be used for the proposed dwelling. Lacking any substantive evidence to the contrary, I consider the proposal would not unacceptably affect highway safety.
19. My attention has been drawn to several appeal decisions<sup>2</sup> relating to proposals for the conversion of holiday accommodation to residential dwellings. I have not been provided with the full details and facts of these applications and decisions. Whilst other appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. I am mindful that all four of the examples provided are outside of the Council's area and it appears that only one example<sup>3</sup> includes policies that can support rural changes of use. I also cannot ascertain whether the example sites are within comparable locations to that of the appeal site or that the host buildings are comparable to that before me. Therefore, and with the exception of those elements considering the number of vehicular movements, these examples have not been determinative.

## Conditions

20. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
21. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
22. Given the context of the surrounding highway network it would be necessary to require, through a condition, that parking is provided and retained for the lifetime of the development in order to protect highway safety. However, I find that there is more than ample space for bicycle storage to be provided within the curtilage of the appeal site. I do not, therefore, consider it necessary for a

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<sup>2</sup> Appeal references: APP/D0840/W/22/3298053 (linked with APP/D0840/W/22/3298064), APP/U1105/W/22/3298314, APP/Q3305/W/22/3307642, APP/P1615/W/22/3298072

<sup>3</sup> Appeal reference: APP/P1615/W/22/3298072

condition to be attached requiring a dedicated space to be provided. In order to support the use of more sustainable transport options, a condition is necessary requiring electric vehicle charging points to be provided.

**Conclusion**

23. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

*Samuel Watson*

INSPECTOR