

Appeal Decision

Site visit made on 31 July 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/R0660/W/24/3337676

Wood View, Ravens Lane, Nantwich, CW5 8PB

- 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 B Rushton against the decision of Cheshire East Council.
 - The application Ref is 23/4198N.
 - The development proposed is for a 40 x 20' cabin for personal use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on both the application and appeal forms references 'retention'. This is not a form of development. I have removed words not in relation to acts of development.
3. The appellant has provided a Unilateral Undertaking post the decision of the Council. The Council was invited to make comments and I have had regard to any comments made.

Main Issues

4. The main issues are:
 - Whether the appeal site is a suitable location for the development, having regard to local and national policy.
 - The effect of the development on the character and appearance of the surrounding area.
 - The effect of the development on the living conditions of the existing and future occupants with particular regard to providing appropriate internal living conditions.

Reasons

Location

5. The development is currently located in the open countryside and is accessed off a single-track lane. The appeal scheme is part of an existing predominantly equestrian site. There are stables located on the site as well as an agricultural building.
6. The parties agree that the location of the appeal site is within the 'Open Countryside'. Policy PG6 of the Cheshire East Local Plan Strategy 2010-2030 (CELP) establishes support for development in the open countryside subject to certain criteria. PG6(2) states that *'development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted'*. The appellant has stated that they intend to start an equestrian business (stud farm) from the site in the future. This function is not existing and therefore, there is limited evidence before me to demonstrate that the development is essential for any of the purposes set out in the policy. Moreover, whilst I acknowledge that the appellant considers the development to be essential in providing on site security as well as welfare checks on the animals, there is not sufficient evidence before me to demonstrate that only an individual living on site can provide these services.
7. Policy RUR3 of the Cheshire East Local Plan Site Allocations and Development Policies Document (CESADPD) seeks to ensure that agricultural or forestry dwellings are only permitted when there is an existing functional need. Therefore, Policy RUR3 in conjunction with PG6 requires a demonstrable existing functional need as well as evidence that the need relates to a full-time worker in their primary employment. Additionally, evidence is required to demonstrate that there is no suitable accommodation in the surrounding area. This is also one of multiple criteria that needs to be met in order for a development to be classed as a 'Rural Exception' outlined in Policy SC6 of the CELP. Whilst the appellant has provided a Unilateral Undertaking, the lack of an existing functional need and housing assessment of the surrounding area results in a development that conflicts with Policies PG6 and SC6 of the CELP and RUR3 of the CESADPD.
8. In conclusion, I have limited evidence before me to demonstrate the development can be classed as a 'Rural Exception'. Nor does the limited evidence suggest there is a functional need for the development. There is no evidence before me to demonstrate that the accommodation could not be provided within the locality. Therefore, the development conflicts with Policies PG6 and SC6 of the CELP and RUR3 of the CESADPD, the relevant criteria of which are set out above. The development also fails to accord with the National Planning Policy Framework (the Framework) which seeks to avoid the development of isolated homes in the countryside. Policies SD2 and SE1 of the CELPS refer to design principles and seek to ensure developments assimilate with the surrounding area. Therefore, these policies are not determinative to this main issue.

Character and Appearance

9. The cabin is located alongside a storage building and is single storey. The existing agricultural buildings including the stables are of a size and appearance commonly found in the typical open countryside. Therefore, the addition of a residential cabin is incongruous in nature. It is not a typical development in the open countryside and consequently results in harm to the character and appearance of the surrounding area. I acknowledge that the appeal scheme would not be particularly visible from the street due to the well-established screening of the site. However, this does not necessarily make a proposal acceptable and does not mitigate the harm I have identified.
10. Whilst the appellant highlights the existing cabin is temporary in nature and the design input would only occur after permission is granted, this does not mitigate the harm I have identified to the character of the surrounding area. I have considered whether appropriately worded conditions could make its appearance acceptable as the appellant suggests that its design, scale and size could be revised. However, this goes beyond what would be reasonable and appropriate for planning conditions.
11. I conclude therefore that the development conflicts with Policies SE1 and SD2 of the CELP and GEN1 of the CESADPD. These policies seek, amongst other things, to ensure new development assimilates and respects the character of the surrounding area. Furthermore, the development also conflicts with Policy RUR3 of the CESADPD which seeks to ensure that development in the 'Open Countryside' does not harm the character of the surrounding area or landscape. Furthermore, the development fails to accord with the Framework which seeks to achieve well-designed places.

Living Conditions

12. Policy HOU8 of the CESADPD states that '*Proposals for new residential development in the borough should meet the Nationally Described Space Standard [NDSS].*' The NDSS states that a 3-bedroom dwelling with 6 bedspaces requires 95m² minimum gross floor space and 2.5m² storage space. Additionally, that a bedroom with 2 bed spaces (double or twin) should have a minimum of 11m² and that at least one of these bedrooms should be 2.75m wide and the other double or twin bedrooms should measure a minimum of 2.55m in width.
13. From the evidence before me, the cabin has a gross floor area of 74m². The bedrooms all measure below the minimum width required with the largest double measuring 2.6m wide. Additionally, the gross floor areas of each bedroom also measure below the minimum requirement with the largest measuring 8.5m². Consequently, the development results in cramped living conditions for the existing and future occupiers and does not meet the minimum standards required by the NDSS. Thus, it does not provide appropriate internal living conditions.
14. In summary, the development does not provide adequate living conditions for existing or future occupants with regard to internal space standards. Therefore, the development would conflict with Policy HOU8 of the CESADPD which seeks, amongst other things, to ensure that any development does

not harm the living conditions of existing or future occupants. It also fails to accord with the Framework which seeks to ensure the effective use of land whilst ensuring safe and healthy living conditions.

Other Matters

15. The appellant has referred to a shortfall in the Council's supply of self/custom build plots, which the Council has disputed. Even if I were to find that there was a shortfall, the cabin is an off the shelf model and it is not clear that the appellant has had primary design input into its final design and layout. Therefore, the self/custom build aspect of the development attracts limited weight in favour of the appeal, but would not outweigh, the harm I have identified above.
16. The appellant has drawn my attention to a previous appeal decision at Land off Hepworth Road, Woodville¹ in regard to the provision of self/custom build permission by North West Leicestershire Council. This development was for multiple dwellings and the provision of self/custom builds was assessed in relation to a different Council. I do not have the full details of that scheme before me. Thus, it is not directly comparable to the appeal scheme.
17. My attention has been drawn to a previous planning application (Planning Reference: 18/1197N). I do not have the details of this application before me and in any case the application related to an agricultural building rather than a dwelling. Therefore, it is not determinative in my assessment of this appeal.

Final Balance

18. The appeal scheme results in a development that is in an unsustainable location, is an incongruous feature within the open countryside and provides inadequate living conditions with regard to space standards for the current and future occupants. The proposal would create one new dwelling, supporting the government objective of significantly boosting the supply of homes. However, the benefits associated with the development is limited and do not outweigh the conflict with the development plan that still exists.

Conclusion

19. 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. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR

¹ Planning Appeal reference APP/G2435/Q/18/3214498