



Appeal Decision

Site visit made on 3 December 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Appeal Ref: APP/A0665/W/24/3348033

Ashwood Barn, Shay Lane, Kelsall CW6 0UT

- 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 Adam Thwaites against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/01056/FUL.
 - The development proposed is access track and turning area for shed, plus minor design alterations.
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Decision

1. The appeal is allowed and planning permission is granted for access track and turning area for shed, plus minor design alterations at Ashwood Barn, Shay Lane, Kelsall CW6 0UT in accordance with the terms of the application, Ref 24/01056/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawings numbered: 254925, 244737 and Proposed Plans FINALv1.0
 - 2) Notwithstanding the approved plans, no external lighting shall be installed except in accordance with an external lighting scheme approved in writing by the local planning authority.

Applications for costs

2. An application for costs was made by Mr Adam Thwaites against Cheshire West and Chester Council. This application is the subject of a separate decision.

Preliminary Matters

3. At the time of my visit the development had already commenced and appeared to be largely complete. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
4. The description in the header above has been taken from the planning application form. However, 'retrospective' is not a description of development and so has been removed from the description above.

Main Issues

5. The appeal site is located within the Green Belt and therefore the main issues are:

- Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the development on the openness of the Green Belt; and,
- The effect of the development on the character and appearance of the surrounding area.

Reasons

Whether Inappropriate Development

6. Paragraph 153 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The paragraph also states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
7. Subject to a number of exceptions, as listed in Paragraph 154, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include buildings for agriculture and forestry and, engineering operations where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Amongst other matters, Policy STRAT 9 of the Local Plan (Part One) Strategic Policies (the LP1) sets out support for development that has an operational need for a countryside location, such as for agriculture. I find that, insofar as it is relevant to the matters of the appeal before, this policy is consistent with the Framework.
8. In this case the works carried out to the existing barn related to changes to materials and the relocation of the approved door to another elevation. I consider that these works are covered by the exception under Paragraph 154(a) of the Framework and would not be inappropriate development.
9. The other works that have been carried out were for the creation of a turning area adjacent to the barn and the connection of this to the existing track linking up to Shay Lane. I find these works are engineering operations and would therefore come under exception 154(h)(ii) of the Framework. As set out above, I must consider whether these works preserve the openness, and the purposes, of the Green Belt.
10. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect, and an adverse impact to either can harm the openness of the Green Belt as a whole.
11. The track and turning area extend across what would have been open farmland between the barn and the existing track. The materials and style of the track and turning area are similar to that of the existing track and cover a much smaller area than the existing one. The track is slightly cut in to the ground with the surface level being noticeably lower than the height of the surrounding grass. While the track and turning area have a spatial presence, I

find that this is very modest and that given the above, the track would be largely screened in views.

12. I noted during my visit that greenery had begun to grow over the older section of track and I consider this is likely to occur over time with the appeal section and turning area. This would further soften the appearance of the track and blend it into the surrounding fields.
13. From my observations on site and the information before me, I am content that the spatial and visual effects of the track and turning area would be so modest that it would preserve the openness of the Green Belt. The development also does not conflict with any of the five purposes set out under Paragraph 143 of the Framework, in particular it would not encroach into the countryside or result in unrestricted sprawl.
14. The scheme is not inappropriate development in the Green Belt and preserves the openness of the Green Belt and the purposes of including land within it. The development therefore complies with Policy Strat 9 and Section 13 of the Framework, including Paragraphs 143 and 153 as noted above.

Character and Appearance

15. The appeal site is located within the open countryside and is surrounded by a number of fields and wooded areas. As noted above, the development includes alterations to the existing barn and the formation of a track and turning area. The new track, on its route from the existing one, travels partially along a tree line and then close to a fence line before cutting across a short section of the field to the barn. The track is formed of a large gravel while the barn has been finished in a mixture of timber cladding and concrete blockwork on the walls, and cement sheeting on the roof.
16. During my visit it was clear that although the materials used on the barn were different to those previously approved, they were still typical of modern agricultural barns. Moreover, the relocated doorway did not significantly alter the appearance of the building. In all, the barn appears as a typical feature for its agricultural setting and does not harm the character and appearance of the surrounding area.
17. Similarly, the track and turning area makes use of materials commonly found serving agricultural units and rural buildings and I find its design to be agricultural in appearance. As noted above, it is a retiring feature softened by the grasses around it and, as greenery grows across it, this would further improve over time. The proposal, by way of this and the mature hedgerows and trees in the surrounding area, would not be readily visible or intrusive within the wider countryside. The ultimate appearance of the track and turning area is akin to the existing track, and is appropriate for a rural setting.
18. Whether considering the three elements on their own or collectively, I find the development has not resulted in a character or appearance that could be described as urbanising or commercial.
19. In conclusion, the development does not harm the rural, agricultural character and appearance of the surrounding area and therefore complies with LP1 Policies ENV2 and ENV6 and Policy E1 of the Ashton Hayes & Horton-cum-Peel Neighbourhood Plan (2016-2036). These policies collectively, and amongst other matters, require that developments respect and protect the character

and distinctiveness of the rural landscape it sits within. Although the Council have also referred to Policy DM6 of the Local Plan (Part Two) Land Allocations and Detailed Policies, this relates to new agricultural buildings which this scheme does not include.

Other Matters

20. I note concerns raised that the barn as built may not be suitable for agricultural purposes and that it may ultimately be converted to a dwelling. However, from my observations on site I have no reasons to believe that the building would not be suitable for agricultural purposes or that it is likely to be converted. This appeal does not cover the principle of erecting the barn, as that was dealt with under the prior approval scheme, reference 22/02787/AGR. I do not find that the new track and materials justify restricting the permitted development rights that the existing building may benefit from.
21. Given that agricultural businesses are often served by various vehicles and plant, I find that the presence of these vehicles on the turning and parking area would not be unusual. As such the parking of vehicles overnight in association with the agricultural business would not be harmful and, moreover, such a restriction may hamper the operation of the agricultural business itself.
22. During my visit wrapped hay bales were present, it has been suggested that these were transported to, rather than produced, on site. However, I have no evidence to demonstrate that this is the case. Moreover, given the nature and scale of the appeal works before me, I find that it is not necessary for me to establish the exact scale of the agricultural business.
23. Concerns, along with anecdotal evidence, have been submitted as to the highway safety of Shay Lane during the construction works. I understand that this primarily stemmed from the movement of construction vehicles and materials as well as their effect on the road surface. However, I do not find that the appeal development would increase the number of vehicular movements over that already likely associated with the barn and wider agricultural business.

Conditions

24. 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.
25. A condition is necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. An additional condition is necessary, for the purposes of protecting local ecology, restricting the use of external lighting.
26. A condition is not necessary requiring that the development is carried out in accordance with the approved materials as the materials have already been used.

Conclusion

27. 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