



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: 13 January 2025

Appeal Ref: APP/A0665/W/24/3347732

The Old School, Guilden Sutton Lane, Guilden Sutton, Chester CH3 7EX

- 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 Peter Hawkins against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/00444/FUL.
 - The development proposed is for the extension of residential curtilage associated to an existing property and change of use of land from agricultural to residential.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of residential curtilage associated to an existing property and change of use of land from agricultural to residential at The Old School, Guilden Sutton Lane, Guilden Sutton, Chester CH3 7EX in accordance with the terms of the application, Ref 24/00444/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 Nos: PL-001, PL-002 and PL-004
 - 3) Prior to the first use of the garden land hereby approved, details of any boundary treatments proposed along the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be provided prior to the first use of the land and retained in the approved position in perpetuity. No other boundary treatments shall be erected along the north, east or west boundaries of the site.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes E and F of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.

Main Issues

2. The appeal site is located within the Green Belt and therefore the main issues are:
 - Whether the proposal would be 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 proposal on the openness of the Green Belt; and,
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Whether inappropriate development

3. 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. It 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.
4. Subject to a number of exceptions, as listed in Paragraph 154, the Framework makes it clear that development should be regarded as inappropriate in the Green Belt. The listed exceptions include Paragraph 154(h)(v), covering material changes in the use of land provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy STRAT9 of the Local Plan (Part One) Strategic Policies (the LP1) and Policy DM19 of the Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2) rely, in so far as they are relevant to the matters of the appeal before me, on the exceptions set out within the Framework.
5. Exception 154(h)(v) of the Framework sets out examples of uses covered by the exception, this includes land for outdoor recreation. I consider that the use of a domestic garden would primarily be for recreational purposes and, as such, would be an outdoor recreational space for the purposes of this exception. As I have found the proposal to comply with the first part of this exception, I must then consider also whether it would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it.
6. 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.
7. The proposal before me comprises the change of use of the land from agricultural to a domestic garden and changes to the boundary treatments to enclose this area. From the information before me it appears that the proposed boundary treatments would be in the form of a hedgerow. Given that hedgerows are a typical feature within Green Belts, including the immediate

surroundings of the appeal site, this would preserve the openness of the Green Belt.

8. However, the domestic use of land can often be accompanied by formal planting, residential paraphernalia, the provision of outbuildings and the laying out of hard surfaces. Given the size of the proposed garden and the scale and appearance of any planting and paraphernalia usually associated with dwellings, I find that any impact from these would be very modest. Hard surfaces, outbuildings and other features such as fences and walls, however, could have a more significant impact detrimental to both the spatial and visual aspects of the Green Belt's openness. Nevertheless, any risk to the openness of the Green Belt stemming from these could be mitigated through the addition of a condition restricting the associated permitted development rights that allow them.
9. Given the small scale of the proposed garden, its bounding by a hedgerow, and the close proximity of the site to nearby residential curtilages, the proposal would not have a significant or unacceptable adverse impact on openness. The proposal is therefore not inappropriate development in the Green Belt. The proposal complies with the exception under 154(h)(v) of the Framework and would therefore also comply with LP1 Policy STRAT9 and LP2 Policy DM19 as set out above.

Character and Appearance

10. The appeal site comprises a small domestic curtilage and a portion of a wider agricultural field. The field, at the time of my visit, had some formal planting and the grassed areas were cut relatively short. In my mind it appeared more akin to a formal garden or park than an agricultural field. The proposal would extend the domestic curtilage into this field and be separated from it by a new hedgerow. No other changes to the land have been proposed as part of the scheme.
11. The provision of a domestic garden with any associated planting, paraphernalia and change in use, would likely affect the character and appearance of the land in comparison to an agricultural field. However, the site is closely related to existing domestic gardens and the field affected does not, as noted above, particularly reflect the wider agricultural area. Therefore, and subject to restricting permitted development rights, as suggested above, the proposal would not significantly affect the character or appearance of the surrounding area. This is further helped by the shape of the proposed plot which would continue the form of the neighbouring rear boundaries, rather than protrude out into the open countryside.
12. The proposed change of use would not result in any unacceptable impacts to the character and appearance of the surrounding area or its landscape. The proposal would, therefore, comply with LP1 Policy ENV6 and LP2 Policy DM3 which require developments to respect the local character and landscape to maintain a sense of place.

Conditions

13. 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.

14. 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.
15. In the interests of protecting the openness of the Green Belt as well as the character and appearance of the surrounding area, a condition is necessary controlling the use of boundary treatments around the extended garden area. A further condition is also required, for these reasons, to restrict the permitted development rights set out above as they have the potential to adversely affect the openness of the Green Belt and the character and appearance of the surrounding area.

Planning Balance and Conclusion

16. Policy DM21 of LP2 is clear that the extension of residential curtilages in the countryside is not supported. As the proposed garden area is within the countryside it would conflict with Policy DM21. Nevertheless, I have found the proposal would not be inappropriate development in the Green Belt and that it would not harm the character and appearance of the surrounding area.
17. Mindful of this, I find that the proposal complies with the development plan as a whole, and there are no other considerations, including the Framework, that outweigh this. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR