



Appeal Decision

Site visit made on 21 January 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/R0660/W/24/3350130

White Hall Barn, White Hall Lane, Warmingham CW11 3QJ

- 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 Mark Howarth against the decision of Cheshire East Council.
 - The application Ref is 24/1820C.
 - The development proposed is for the conversion and extension of a detached outbuilding to form a self-contained, three-bedroom annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the original application a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, the circumstances of this appeal are such that it has not been necessary to consult the parties on the revised Framework and no parties have been prejudiced by this approach.

Main Issue

3. The main issue is whether the proposed development would be acceptable in principle in this location, having regard to the development plan with regards to the re-use of rural buildings within the open countryside and the effect of the proposal on the character and appearance of the host building.

Reasons

4. The appeal site is a detached outbuilding with a pitched roof with front gable, it is currently used as a garage adjacent to White Hall Barn which is located in the open countryside. White Hall Lane has few properties, but where outbuildings exist these are subordinate and typically with simple pitched roofs. The existing outbuilding has a simple, unassuming appearance and scale, appearing subordinate in relation to the adjacent property and in particular the single storey part of White Hall Barn closest to the outbuilding.
5. In the open countryside Policy PG6 of the Cheshire East Local Plan Strategy (2017) (CELPs) only permits 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. A number of exceptions are allowed, including the re-use of existing rural buildings where the building is permanent, substantial and

would not require extensive alteration, rebuilding or extension. Compliance with CELPS Policy PG6 is also subject to the development complying with all other relevant policies in the Local Plan.

6. Policy PG6 is supported by Policy RUR14 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) (SADP). This allows for the re-use of rural buildings for residential use, where, amongst other matters, the building is of permanent and substantial construction so as to not require extensive alteration or rebuilding and where the building is of a size that is able to accommodate a satisfactory living environment in the new dwelling and would not require extending and where proposals are sympathetic to the buildings architectural character and character of its rural surroundings.
7. Policy RUR11 of the SADP also sets out that alterations to existing buildings outside of settlement boundaries will be permitted where the development would not result in disproportionate additions over and above the size of the original building, it respects the character of the existing building; and would not unduly harm the rural character of the countryside.
8. There is no dispute between the parties that the building is of permanent and substantial construction and I concur with this. The proposal would result in an increase in floorspace of 28%, this would be below the 50% threshold deemed acceptable in the open countryside as set out in Policy RUR11. In this regard, it would not represent a disproportionate addition.
9. However, it is the way in which the increase has been gained that raises concern. The proposal would increase the height of the roof. Whilst the height increase would only be modest, and I note the Council's comments in respect of a previous application at the site¹, this increase, in conjunction with the increased height of the eaves and introduction of a complex roof form incorporating a flat roof rear dormer along with a shallow m-shape gable roof, would result in the alterations appearing as an awkward, bulky and incongruous addition. I consider these alterations extensive and would appear at odds with surrounding roof forms, unacceptably eroding the unassuming simple character and scale of the original building.
10. The harm to the existing character would be exacerbated by the numerous windows and doors on the rear elevation, with the large patio doors and vertical window on the stairwell more akin to a larger residential dwelling.
11. The outbuilding is not of historic merit, it is set back from the road and the side and rear of the proposal would be largely screened from public view, however this does not render the scheme acceptable, the frontage of the building would be visible from the streetscene where the erosion of the original character would be noticeable.
12. I note the proposal would retain the existing openings on the ground floor front elevation, the front gable and brick corbelling. It would also utilise matching materials with timber windows and doors and the footprint of the building would not increase. However, these factors do not sufficiently mitigate against the harm identified from the proposed alterations.

¹ Ref: 23/3261N

13. I find that the proposed alterations are extensive and are not sympathetic to the building's original character and the surrounding area. Accordingly, I conclude that the development is not acceptable in principle in this location and would result in harm to the character and appearance of the host building and area. It would thus conflict with Policy PG6 of the CELPS and Policies RUR11 and RU14 of the SADP. It would also conflict with Policies MP1, SD1, SD2 and SE1 of the CELPS and Policy GEN1 of the SADAP. These together, amongst other matters, seek to ensure that development makes a positive contribution to the surroundings.

Other Matters

14. The Council argue that, given the scale of the proposal, it would be tantamount to a new dwelling, capable of being used as a separate unit to the main dwellinghouse and not ancillary. However, the description of development clearly states that the proposal is for an annexe. Notwithstanding this, none of the Policies or accompanying supporting text that I have been directed to specify any requirement for the conversion to have independence from the main dwellinghouse.
15. There is no proposal before me to subdivide the plot. Were this to happen, a separate planning permission would be required. The proposed annexe would be occupied by the applicant's daughter and her family. The annexe would be sited close to the main dwellinghouse, sharing its access, parking area and garden. On the basis of the plans before me, the building would be part of the original planning unit. The close relationship between the two buildings would likely result in adverse living conditions for any existing and future occupiers if subdivided. Notwithstanding this, the use of the annexe could be controlled by a suitably worded condition to ensure that it would remain ancillary to White Hall Barn. While the Council consider that the shared parking arrangements and distance between the buildings would make it difficult to detect a contravention of this, I am not persuaded that this would make such a condition unenforceable.
16. The proposal would not have an adverse impact on highway safety, protected species or on the living conditions of neighbouring occupiers. However, an absence of harm in these matters weighs neither for nor against the proposal.

Conclusion

17. 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. The appeal is therefore dismissed.

T Bennett

INSPECTOR