



Appeal Decision

Site visit made on 11 February 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 March 2025

Appeal Ref: APP/R0660/D/24/3357447

The Old Mill, Mill Lane, Goostrey, Crewe, Cheshire, CW4 8PN

- 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 Mrs Ashley Sant against the decision of Cheshire East Council.
 - The application Ref is 24/2447C.
 - The development proposed is extension and replacement of existing rear raised deck area, fenestration alterations to all elevations and new dormer to rear elevation at first floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address given on the application form was incorrect, as it included part of the name of the Council. I have used the correct address as given in the appeal form.
3. Material had been submitted that was outside the scope of the Householder Appeal Service (HAS), where there is no opportunity to submit any material relating to amendments to the application proposed after the local planning authority have made their determination. I have therefore proceeded to determine the appeal on the basis of the same plans and evidence that the local planning authority determined the application upon.
4. The appellant has requested that consideration is given to a split decision, as she is happy to progress without the rear dormer element. I shall return to this matter in more detail below.
5. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age.

Main Issues

6. The main issues are the effect of the proposed development on:
 - the character, appearance and significance of the non-designated heritage asset (NDHA), The Old Mill; and
 - biodiversity, with particular regard to bats.

Reasons

Character and appearance

7. The appeal building is a former water-powered corn mill that has recently been considered by Historic England to not meet the criteria required for listing. However, due to its age, massing, vernacular detailing and placement in the landscape and association with the area's agrarian past, it has historical significance. Referenced in the Goostrey Parish Neighbourhood Plan (GPNP) as a Local Heritage Asset it is therefore a NDHA. The National Planning Policy Framework (the Framework) identifies that heritage assets are an irreplaceable resource.
8. The proposed replacement deck would be significantly larger than the existing modern raised deck and extend across a much greater length of the rear elevation. It would also visually cut across the buttresses, a key feature of the building. The proposal would therefore mark a significant intrusion to the rear elevation of the building and significantly detract from its character and appearance. This would have an unduly harmful effect on its significance as a NDHA.
9. The appellant has submitted photographs to illustrate that elevated decks were a feature of many industrial buildings, a number of which relate to much larger industrial buildings. I have little information relating to the particular circumstances of the developments shown in these photographs. As such a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual merits.
10. The proposed dormer would be an addition where there is currently no such feature. This introduction would be at odds to the building's uncomplicated roof design. This would harm the character and appearance of the building and its significance as a heritage asset.
11. Historic England recognise that evidence indicates that during the building's previous conversion to residential accommodation, new openings were created to all elevations as well as the modification of existing openings. The proposed fenestration alterations relate to all elevations but are of a scale and nature that they would not affect the significance of the NDHA. I have also come to the same conclusion on the dark colour treatment to the windows.
12. Paragraph 216 of the Framework confirms that the effect on the significance of a NDHA should be taken into account in determining an application. A balanced judgement will then be required having regard to the scale of any harm or loss and the significance of the heritage asset.
13. I have found that The Old Mill has historical significance and that the proposed development would have a notable adverse effect on the character, appearance and significance of the building. On the other side of the balance, the proposed development would improve the accessibility of the property, provide a modern open living environment with increased levels of natural light as well as securing the building's long-term condition and conservation. I recognise that the expressed benefits would accrue for the appellant's family in the first instance and would remain accessible for future generations. However, I have been provided with limited evidence to demonstrate that these benefits could not be delivered in a less harmful way, such as with alternative internal and external arrangements.

14. Taking all these matters into account, I therefore conclude that the benefits of the proposed development would not outweigh the harm that would be caused to the character, appearance and significance of the NDHA. The proposal would therefore fail to deliver a sensitive design that conserve and enhance the historic environment contrary to Policies SE1 and SE7 of the Cheshire East Local Plan Strategy (CELPS), HER 7 of the Site Allocations and Development Policies Document (SADPD) and OCEH3 of the GPNP.

Biodiversity

15. The appeal site is in close proximity to woodland as well as a brook, which has the potential to provide favourable foraging opportunities for bats. Whether the host building has possible access points for bats can be established with a Preliminary Bat Roost Assessment. No such assessment was submitted with the original application, and I am aware an ecologist's report was submitted with the original appeal but fell outside the scope of the HAS. Consequently, as I am unable to take the submitted report into account, there is no evidence in front of me from a suitably qualified ecologist to say that the existing roof is well sealed, with no opportunities for bats to gain access.
16. Accordingly, the proposal does not comply with Policies SE3 of the CELPS, ENV1 and ENV2 of the SADPD, and OCEH1 of the GPNP, which requires that, amongst other things, all development positively contribute to the conservation and enhancement of biodiversity.

Other Matters

17. I am mindful of the appellant's request to consider issuing a split decision in approving all elements of the proposal with the exception of the rear dormer. Under Section 79(1)(b) of the Town and Country Planning Act 1990, I have the power to split a decision on a Section 78 planning appeal. Whilst I could approve just the fenestration alterations, many of these are directly related to the new deck, which I have also found to be harmful. As such, I have chosen to not split my decision.
18. The appellant also suggests that the proposed fenestration alterations and proposed rear dormer could be carried out under permitted development. As these elements form part of the proposals before me, I consider that if they do constitute permitted development, there is a real prospect of them taking place. However, the effect would be similar to that proposed and it would not alter the harm I have identified with the deck. As such I have found that the suggested fallback position is of limited weight in my decision.
19. I acknowledge the appellant's concern over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

20. The proposed development is supported by the thrust of policies SC3 of the CELPS, GEN1, HOU2 and HOU8 of the SADPD, and HOU3 of the GPNP, which in seeking to create accessible homes suitable for all are consistent with the Framework. However, the demonstrable harm that would be caused to The Old

Mill, which is a NDHA, would be in conflict with Policies SE1 and SE7 of the CELPS), HER 7 of the SADPD and OCEH3 of the GPNP. As a result, I find that the proposal would be in conflict with the development plan as a whole.

21. The other considerations put forward in favour of the proposal are insufficient to outweigh the harm that would be caused and non-compliance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

P Barton

INSPECTOR