



Appeal Decisions

Site visit made on 25 February 2025

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal A Ref: APP/A0665/W/24/3349323

Lower Rock Farm, Crimes Lane off Tattenhall Lane, Beeston, Cheshire, CW6 9UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Scott Ward against the decision of Cheshire West and Chester Council.
 - The application Ref 23/02610/FUL was approved on 27 March 2024 and planning permission was granted subject to conditions.
 - The development permitted is change of use of part of the former barn currently used as a recreation/exercise facility and offices in connection with the existing holiday let accommodation into a residential/holiday let unit.
 - The condition in dispute is No 3 which states that: *Prior to first use of the development hereby permitted details of the parking arrangements shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented in full prior to first use of the development hereby permitted and retained as such thereafter.*
 - The reason given for the condition is: *To ensure the layout of the development is acceptable.*
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Decision

1. The appeal is allowed and the planning permission Ref 23/02610/FUL for change of use of part of the former small barn currently used as a recreation/exercise facility and offices in connection with the existing holiday let accommodation into a residential/holiday let unit at Lower Rock Farm, Crimes Lane off Tattenhall Lane, Beeston, Cheshire CW6 9UA granted on 27 March 2024 by Cheshire West and Chester Council, is varied by deleting condition 3 and substituting it for the following condition: *The parking arrangements shall be retained in accordance with details set out on drawing number 6544/02 for the lifetime of the development.*

Background and Main Issue

2. On 27 March 2024, planning permission was granted, subject to several conditions, for the use of part of a barn as a holiday unit. The planning permission included condition 3 which required that the parking arrangements for the holiday unit were approved and implemented prior to its first use, and thereafter retained.
3. The appellant, effectively, considers that the condition does not meet the six tests set out in the National Planning Policy Framework (the Framework) and is seeking to vary condition 3 so that it requires the maintenance of the parking spaces shown on drawing number 6544/02 submitted with the appeal documents. The consequence of such a variation would be the agreement of that parking layout.
4. The Council considers that it was reasonable to attach the condition. In addition, the Council states that as there is no plan on the planning application file which relates to the car parking arrangements, a condition which requires its maintenance would not meet all the tests as it would not be precise or enforceable.

5. Having regard to the appeal submissions, the main issue is the effect of the variation of condition 3 of planning permission Ref 23/02610/FUL is necessary or reasonable in all other respects.

Reasons

6. When the Council determined the planning application, there were no plans before it that identified the position of additional parking spaces necessary to meet the needs of the occupiers of the proposed holiday let unit. Accordingly, at that time, based on the information available, it was reasonable and necessary to impose a condition that required the parking arrangements for the holiday unit to be approved and implemented prior to its first use, and thereafter retained. Such a condition would secure appropriate parking provision for the first, and subsequent, occupiers of the holiday accommodation.
7. As set out above, a plan which details the parking provision for the permitted holiday let unit has now been formally submitted as an appeal document. The plan shows the provision of three parking spaces next to the permitted holiday unit and, based on the evidence before me, such parking spaces have now been marked out in accordance with that plan. The formation of the parking spaces does not appear to have resulted in the loss of any landscaping feature and, positioned close to two buildings, they do not harm the appearance of the site. Furthermore, there is nothing before me to suggest that the number of parking spaces would be insufficient, that they are substandard in respect of their size or that there is inadequate manoeuvring space that would render them unusable.
8. In the absence of any evidence to the contrary, and for the reasons set out above, there is no basis upon which to conclude that the layout of the site is unacceptable following the introduction of the parking spaces. Consequently, I find that the removal of condition 3 and its replacement with one requiring the retention of the parking spaces in accordance with the details on drawing number 6544/02 for the lifetime of the development, would secure the provision and maintenance of appropriate parking facilities for the permitted holiday let accommodation. As the relevant plan would be on the planning file a breach of the condition could be identified, thereby ensuring that such a replacement condition is enforceable.

Other Matters

9. I acknowledge the concerns expressed by the appellant regarding the Council's conduct, however such matters fall outside of the remit of this decision.

Conclusion

10. I conclude that the requirements of condition 3 of planning permission 23/02610/FUL, to submit and agree the details of the parking arrangements, are no longer necessary or reasonable. Therefore, I will replace the condition subject to the appeal with one that refers to the retention of the parking spaces detailed on the submitted plan for the lifetime of the development.
11. For the above reasons, and having regard to all other matters raised, I conclude that the planning permission should be varied as set out in the formal decision.

Elaine Moulton INSPECTOR