



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 Ref: APP/A0665/W/24/3349231

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 failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Scott Ward against Cheshire West and Chester Council.
 - The application Ref is 23/04018/FUL.
 - The development proposed is formation of a disabled entrance and porch to existing holiday let cottage.
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Decision

1. The appeal is dismissed and planning permission for formation of a disabled entrance and porch to existing holiday let cottage is refused.

Preliminary Matters

2. The appeal follows the Council's failure to determine the respective planning application. An assessment by the Council of the scheme's planning merits has now taken place at appeal stage. It is apparent that the appellant was aware of the Council's concerns and as had the opportunity to respond to them in the statement of case and final comments. Therefore, the appellant would not be prejudiced by my taking such matters into account and for them forming the main issues.

Main Issues

3. The main issues are the effect of the proposed extension on:
 - the character and appearance of the host building and the rural area; and
 - the enjoyment of a public right of way (PROW).

Reasons

Character and appearance

4. The appeal property is part of a building, of traditional brick construction, that has been converted into several holiday cottages. The building is sited perpendicular to Crimes Lane and is closely associated with Lower Rock Farmhouse. Notwithstanding its current use, the original, simple, linear form and non-residential character of the building is readily discernible. It is a traditional rural building within a countryside setting and makes a positive contribution to the character and appearance of the area.
5. The proposal would introduce a relatively small, single storey porch extension to the side of the building facing towards the Farmhouse, in a position close to the

highway. Although views of the extension would only be possible for a short distance whilst passing the site, it would, nonetheless, appear as an overtly domestic feature. Consequently, it would represent a harmful erosion of the existing simple, uncluttered form, to the detriment of the character and appearance of the converted building and of the wider area.

6. Overall, I conclude that the proposed extension is harmful to the character and appearance of the host building and the rural area. It therefore conflicts with Policies STRAT 9 and ENV6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1) and Policy DM3 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) which seek to ensure that development is of a high quality and protects the character of the countryside.

Public right of way

7. The definitive map of the public right of way (PROW), Beeston Footpath 4, indicates that it passes through the gap between the appeal building and Lower Rock Farmhouse. The proposed extension and adjoining disabled parking bay would encroach onto the PROW reducing its width. This would, nevertheless, be for a relatively short distance and sufficient space would remain to pass. Thus, the scheme would not result in any unacceptable harmful effect on the enjoyment of the PROW and would not conflict with LP1 Policy STRAT10 or LP2 Policy DM37.
8. A plan showing a proposed amendment to the route of the footpath has been submitted with the appeal documents. However, such a diversion did not form part of the proposal submitted to the Council, and the appellant does not seek to divert the right of way as part of the proposal before me. The formal diversion of the PROW is therefore a separate matter for the appellant to resolve if or when required.
9. A grant of planning permission does not, of itself, authorise any obstruction of a PROW. For that reason, a condition which would prevent the development from taking place until the PROW has been diverted, as suggested by the appellant, would fail the test of relevance to planning and would be unnecessary.

Public Sector Equality Duty

10. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
11. I acknowledge that the proposed porch would be suitable for a wheelchair user to enter the building. However, there is nothing before me that demonstrates that a porch is essential for a disabled person to gain entrance or that the introduction of a doorway directly into the room, through the adaptation of an existing opening thereby retaining the linear form of the building, would not be sufficient. Furthermore, it has not been demonstrated that the holiday accommodation could be adapted to be fully accessible and suitable for disabled people.
12. Consequently, the adverse impacts of dismissing the scheme on those with protected characteristics would be proportionate, having regard to the harmful

effect of the proposed development on the character and appearance of the host building and the rural area.

Other Matters

13. 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

14. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
15. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR