



Appeal Decision

Site visit made on 25 February 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/A0665/W/24/3352325

The Old Stable House, Dobers Lane, Frodsham WA6 6HA

- 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 G Griffiths against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/03095/FUL.
 - The development proposed is conversion and change of use from agricultural barn to a single residential dwelling Class C3.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. The main parties have been given the opportunity to comment on the revised Framework and in reaching my decision I have taken account of the responses received. For the avoidance of doubt, where reference is made to the Framework, the paragraph numbers quoted are those that appear in the current version.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - If inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal in the Green Belt.

Reasons

Inappropriate development

4. The appeal site is located within the Green Belt where, according to the Framework, development is inappropriate unless it falls within identified exceptions set out at paragraph 154 and 155. One such exception, paragraph 154(h) (iv), is the re-use of buildings provided they are of permanent and substantial construction and the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

5. Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1), adopted January 2015, and Policies DM19 and DM22 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2), adopted July 2019, indicate that within the Green Belt restrictions will apply to development in line with the Framework. In addition, LP2 Policy DM22 permits the change of use of buildings to dwellinghouses in the countryside subject to criteria that includes that the building is of permanent and substantial construction and is suitable for and capable of conversion to residential use without significant loss of existing fabric, or major or complete reconstruction. Accordingly, in as far as the proposed development is concerned, such policies are broadly consistent with the Framework.
6. I recognise that in most cases of re-use, works are required to the fabric of the building to facilitate the new use. In this case, as recognised by the Structural Survey and as I observed on site, the existing roof and side wall cladding is in a bad state of repair with a lot of the roof and wall sheets missing or loose. Given this, the information within the appellant's statement that suggests that all corrugated metal cladding to the walls and roof, and vertical timber cladding will be retained is not convincing. Even when taking into consideration that the structural steelwork frame is in good order and would remain intact and unaltered, and that all sections of the framework would be retained, some without wall or roof cladding, the necessary works to enable the re-use of the building as a dwelling would be extensive.
7. Overall, in the absence of compelling evidence that demonstrates otherwise, I find that the degree to which the framework would need to be reclad in reconditioned or new cladding would be significant and the contribution from the existing building to the proposal would be relatively limited. Thus, the proposed works constitute substantial and significant alterations which would not be consistent with the re-use of a building but would be tantamount to a new build. The evidence before me, therefore, does not demonstrate that the building is of substantial construction.
8. I have had regard to the comments made by the appellant in relation to Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). However, the appeal before me does not relate to an application for prior approval under that Class and as the provisions of Class Q does not include a requirement that the building is of permanent and substantial construction, there is no direct correlation between those provisions and either Framework paragraph 154(h) (iv) or LP2 Policy DM22. Consequently, I am not able to determine the appeal on the basis of the Class Q provisions and whilst I have had regard to the Class Q appeal decisions attached at Appendices B and C of the appellant's statement, they have not altered my findings on this matter. There is nothing before me that suggests that my findings would be inconsistent with the *Hibbitt v SSCLG* [2016] EWHC 2853 ruling.
9. Turning to the matter of openness and the purposes of the Green Belt, the proposal does not involve an increase to the footprint or volume of the building, and it would be well screened from views from nearby public highways. The introduction of a solar array, bin store, parked cars and domestic paraphernalia and visual clutter associated with the residential occupation of the site would, however, reduce the spatial and visual openness of the Green Belt, albeit on a limited basis. To this extent the proposal would not safeguard against

encroachment of the countryside, contrary to Green Belt purpose (c) set out at paragraph 143 of the Framework.

10. Consequently, the proposal would not meet the exception under paragraph 154(h) (iv) of the Framework.
11. Paragraph 155 of the Framework provides that development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate when all identified requirements apply. The requirement at paragraph 155(a) is that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
12. Grey belt is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. Given the remote location of the appeal site, it would not contribute to the unrestricted sprawl of a large built-up area and would not result in the merging of neighbouring towns. As such the site would meet the definition of grey belt as set out in the Framework. Nonetheless, as I have found that the proposal would encroach into the countryside and thereby undermine Green Belt purpose c), part (a) of paragraph 155 would not apply in this case.
13. The requirement at paragraph 15(c) is that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. In this case, although not isolated from other buildings, the site is in a rural location 2 kilometres from the edge of Frodsham and 3.7 kilometres from the services and facilities in Frodsham town centre, which would be accessed on a route that includes long sections of unlit road with no footway. As a result, it is unlikely that the occupants of the proposal would walk to Frodsham. The speed of vehicles along the route would also be likely to be off-putting for all but the most competent and confident cyclists. Furthermore, there is no evidence before me that the occupants would have access to a frequent bus service that would provide a realistic alternative mode of transport from the site. Consequently, although there would be a reduction in daily commute trips if the development is occupied as a live/work unit, the future occupants of the proposal would, nevertheless, be highly dependent on the use of private cars for most of their day-to-day needs.
14. Whilst the Framework recognises, at paragraph 110, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also states that significant development should be focused in locations which are or can be made sustainable. Paragraph 115 states, amongst other things, that it should be ensured that sustainable transport modes are prioritised taking account of the vision of the site, the type of development and its location. In view of the accessibility concerns I have identified, and given the small scale of the proposal, it would not promote sustainable transport, or walking and cycling. Consequently, I find that the development would not be in a sustainable location and, therefore, that part (c) of paragraph 155 would not apply in this case.
15. As such, even if I were to conclude that there is an unmet need for the type of development proposed and, thus, part (b) of paragraph 155 would apply, and noting that the 'Golden Rules' are not relevant given that the proposal is not major development, it remains that the appeal scheme would not meet all the relevant

provisions of paragraph 155. Therefore, it is inappropriate development under this paragraph.

16. I therefore conclude, the appeal proposal is inappropriate development in the Green Belt and would conflict with LP1 Policy STRAT9 and LP2 Policies DM19 and DM22.

Other considerations

17. The appellant states that there is not an up to date 5-year housing land supply, and there is no evidence before me from the Council that suggests otherwise. However, the Framework indicates that the presumption in favour of sustainable development set out at paragraph 11(d) does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is one such area, and, as set out above, the proposal is contrary to the relevant policies of the Framework regarding the Green Belt.
18. Nonetheless, the proposed development would assist in boosting the housing supply and there would be economic and social benefits resulting from the construction and occupation of the dwelling. However, given the limited scale of the development, as there would only be a gain of one dwelling, these are only moderate benefits.
19. The appeal before me is not against a refusal to grant approval under Class Q of the GPDO. In any event, the proposal includes aspects, such as the solar array, that could not be permitted through an application for prior approval under that Class. As such, I attach limited weight to the Class Q permitted development rights to change the use of a building from agriculture to a dwelling as a potential fallback position.

Green Belt balance

20. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt, including harm to its openness. It goes on to say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances which will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
21. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found limited harm to its openness.
22. The other considerations I have found are of limited or moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters acknowledged in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in

combination, that outweighs the identified harm and associated development plan conflict.

24. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR