



Appeal Decision

Site visit made on 21 March 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th April 2025

Appeal Ref: APP/R0660/W/24/3352629

Moat House Farm, Middlewich Road, Minshull Vernon, Crewe CW1 4RD

- 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 Vlashi Preka of Perfect Covers against the decision of Cheshire East Council.
 - The application Ref is 24/0538N.
 - The development proposed is change of use from agricultural building to light industrial use for the manufacture of commercial covers.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Representations were received from an individual who identified that they were a Rule 6 (6) party. However, the appeal is following the Written Representations procedure as set out in The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (Statutory Instrument 2009/452) (as amended) and Rule 6 Status is granted by The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (Statutory Instrument 2000/1625) and this appeal is not following this Inquiries procedure. As such, I have considered the comments submitted as those from an interested party.

Main Issue

3. The main issue relevant to this appeal is whether the proposed development would comply with the Council's strategy for the location of development.

Reasons

4. Planning permission was granted in 2019 for 'proposed agricultural building'¹ (2019 permission). The appellant identifies within their Statement of Case that it is the building that was granted by this permission that would be converted to light industrial use and they state this permission was commenced within three years of the date of permission.
5. Evidence has been provided by an interested party which shows google map images of the area from 2023 and this shows that the building had not been completed at this point. However, it is difficult to discern definitively that work had not commenced before this date based on the google map images. There are also comments from the previous owner of the appeal site, as well as other interested

¹ Application Reference: 18/5620N

parties, who state that they began groundworks in 2019/2020. As such, on the balance of evidence, it is not clear that works did not commence within three years of the date of the 2019 permission.

6. While the Council's website may show the location of submitted applications around the appeal site, planning permission is typically granted in accordance with a condition requiring the development is carried out in accordance with specific plans and it those that are of most relevance to this appeal.
7. The decision notice for the 2019 permission states the drawing the development shall be carried out in accordance with, and this is dated '14.1.19'. The Council has provided this drawing which shows a narrow building built perpendicular with the road with concrete panels with plastic coated steel profile walls and schematic roof and one side of the building is open fronted. The drawing shows this building set back from the boundary of the wider site by around 12 metres. The drawings submitted to support the application that led to this appeal shows a building that is completely covered by corrugated metal on all sides with two large roller shutter doors, and this is what I saw had been built on site. This building was also located closer to the boundary of the wider site compared to the approved drawing. What has been built also appears to be larger than what was approved. As such, it is not clear that this building has been built in accordance with the 2019 permission.
8. The appellant has provided another drawing which shows a building built parallel with the road and based on what I saw on site there is a building of a similar scale and design to that shown on the drawing. However, those plans are dated 'Nov 18', and I do not have a decision notice which states that a building should be built in accordance with that drawing. As such, based on the information submitted, it is not clear that this building has been built in accordance with a planning permission. Furthermore, that building does not match the plans submitted to the Council with the application that led to this appeal.
9. Whilst the approved drawing for the 2019 permission has been hand drawn, it is a scaled plan, and the application was validated by the Council, and this process would typically indicate that it is a scalable drawing. Consequently, there is no robust justification to discount the clarity or certainty of the approved drawing.
10. It has not been disputed by the main parties that the site is in the open countryside for the purposes of Policy PG6 of the Cheshire East Local Plan Strategy 2010-2030 (LP) and based on the information before me I find no reason to conclude otherwise. Policy PG6.3 part ii allows the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.
11. For the avoidance of doubt, I am not categorically finding that the building is not lawful. However, taking into consideration the information submitted, the appellant has not provided substantive evidence to demonstrate that, on the balance of probability, the building might be lawful. No Lawful Development Certificate has been submitted to confirm the building is lawful either. Therefore, in this instance, the building does not benefit from the support under LP Policy PG6 and consequently, the appeal development does not comply with the Council's strategy for the location of development.

Planning Balance

12. The proposal would seek to provide employment in a rural area, diversifying the uses on the wider site, which would provide short term and long term economic benefits. Notwithstanding the above concerns with the appeal building, I attribute limited weight to the benefits of this scheme given the limited scale of the proposed use.
13. The proposal would not comply with the Council's strategy for the location of development and would conflict with relevant development plan policies and this is a matter that counts significantly against allowing the appeal.
14. Therefore, I attribute significant weight to the identified harms and find that the proposal would conflict with the development plan as a whole. The limited benefits of the proposal would not outweigh these considerations.

Conclusion

15. The proposed development would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR