



Appeal Decision

Site visit made on 25 March 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/R0660/W/24/3354163

Swineyard Lane Farm, Swineyard Lane, High Legh WA16 0SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Cemco 21 Ltd against the decision of Cheshire East Council.
 - The application reference is 24/2408M.
 - The application sought planning permission for 'Variation of Conditions 2 & 11 on 19/2907M - Conversion and extension of the existing barn to create 3 no. residential units.' without complying with a condition attached to planning permission reference 22/2043M, dated 8 November 2022.
 - The condition in dispute is No 8 which states that: *The external stone steps to the west elevation are to be retained in situ for the lifetime of the development. Any works to alter the steps are to be submitted to the Local Planning Authority for approval prior to commencement.*
 - The reason given for the condition is: *In the interests of retention of the historic agricultural character and significance of the building.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Both parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have thus had regard to the latest version of the Framework in determining this appeal.
3. This appeal seeks the removal of condition 8 of planning permission 22/20243/M to retain a set of external stone steps. It has been brought to my attention that since the Council determined the application subject of this appeal, a separate appeal has been allowed at the same site, which granted planning permission for the conversion and extension of the existing barn to create 3 no. residential units in accordance with the application reference 23/4196M, without compliance with condition numbers 2, 5 and 7 previously imposed on planning permission reference 22/2043M dated 8 November 2022¹. The permission subject of that earlier appeal decision also includes a condition requiring retention of the external stone steps.

¹ APP/R0660/W/24/3346964

4. It is not for me to determine as part of this appeal, which planning permission has been implemented at the appeal site and so I have proceeded to determine this appeal on the basis applied for.

Main Issue

5. The main issue is whether the condition is necessary and reasonable having regard to the character and appearance of the building.

Reasons

6. The appeal site comprises a former barn, located in the countryside. A detached dwelling is positioned immediately to the west, otherwise the former barn is surrounded by open fields, and the built form is limited to occasional houses or farm buildings.
7. The former barn is predominantly of brick construction, with some render, and a slate roof. The main body of the former barn extends back from Swineyard Lane, with perpendicular extensions to its northern and southern extents. At the time of my visit, work was ongoing to convert the building for residential use. Externally, this had included the installation of a number of windows and doors, the addition of porches and the erection of fencing, all of which have had a domesticating influence on the appearance of this former barn.
8. Nevertheless, the general form and roofscape of the building, as well as a number of historic features, such as the air vent slits along the eastern elevation and the external staircase to the western elevation, maintain the legibility of this building as a former traditional barn, which I understand dates from the early 19th century. There is no longer a door associated with the external stone steps subject of condition 8, and so these steps no longer have a functional purpose. A small number of the original stone steps have been replaced by concrete. However, they remain a feature that conveys how the barn was originally used and their position to the western elevation provides a visual connection to the neighbouring dwelling, which the Council indicates to have been the former farmhouse.
9. While I am not aware that the appeal building has been identified on any non-designated heritage asset (NDHA) local list that has been subject to formal consultation as part of any local plan review or supplementary planning guidance, the Planning Practice Guidance (PPG)² sets out that local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications. While the significance of the building has diminished as a result of domestic alterations, it remains of modest significance as a heritage asset, given its age and those retained agrarian qualities. Consequently, the appeal building requires consideration as a NDHA and the effect of the proposal on the significance of the NDHA should be taken into account in determining this appeal.
10. Removal of condition 8 would allow removal of the steps, which would result in a blank gable elevation to this part of the former barn. While this would not be out of character with the remaining building, nevertheless, I have identified that the external stone steps positively contribute to the modest significance of the building as a NDHA. Therefore, the removal of this condition and any consequent removal

² Paragraph: 040 Reference ID: 18a-040-20190723

of the steps, would further erode the agrarian appearance of the barn, and the legibility of its former use, which would harm its modest significance as a NDHA.

11. The appellant considers that the stone steps are in a very poor state of repair and are a significant health and safety risk for users of the site. Further, it is suggested that the steps are tracking water back to the gable elevation, wetting the brick and posing damage to the fabric of the building. The appellant suggests that to remedy the issues would require significant work, including the removal and replacement of some steps, a new membrane between the wall and the stone, and a new more sufficient handrail with balustrade provided and fastened to the steps.
12. I was able to observe a number of the issues referenced by the appellant, including the sideways movement of the steps from the wall, the worn treads, the splitting of some steps, and the incomplete and bowing handrail, although I did not observe any damage to the fabric of the building and no evidence of any such damage has been provided within the submissions.
13. While the steps have been subject to a condition survey and visual inspection by the appellant, I have not been provided with any specialist advice or detailed appraisal of the options available to address the issues identified with the steps, or a detailed scope of works required for each option, having regard to any relevant regulations or standards which might apply, noting that the steps have no functional use. Consequently, I am unable to conclude from the evidence before me that the works necessary to retain the stone steps and address any issues would significantly diminish their heritage value, as suggested by the appellant, or that removal is the only option.
14. I appreciate that the barn is being converted to residential use, which has had a domesticating impact on the appearance of the building to an extent. I note the appellant's reference to the originally approved scheme which included an extension to the road frontage view of the site, which the appellant contends would have had a greater impact on the historical character of the building than the removal of these steps, if it had been implemented. However, this would have involved the addition of a new element, as opposed to the removal of a historic feature, and in any event, the details of this original scheme are not before me for comparison purposes.
15. It is necessary for me to reach a balanced judgement on the proposal, having regard to the scale of any harm or loss and the significance of the heritage asset. The stone steps are a heritage feature which contributes to the modest significance of this NDHA. I am unable to conclude from the available evidence that the works necessary to retain the stone steps would significantly diminish their heritage value, or that removal of the steps is the only option that would address any safety issues or provide the necessary protection to the fabric of the building. Therefore, I cannot conclude that these matters weigh sufficiently in favour of removing the stone steps, so as to allow the harm identified to this NDHA, which would result from the removal of condition 8.
16. As such, the retention of condition 8 is necessary and reasonable so as to ensure that the character and appearance of the host building is not harmed to the detriment of its significance as an NDHA. The retention of the condition complies with policies SE 1, SD 2 and SE 7 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030, adopted July 2017, and policies GEN 1, HER 1, HER 7, RUR

11 and RUR 14 of the Cheshire East Local Plan Site Allocations and Development Policies Document, adopted December 2022. These policies collectively require that new development achieves a sense of place, makes a positive contribution to its surroundings, reinforces local distinctiveness, respects and where possible enhances the significance of heritage assets, and that the re-use of rural buildings for residential use is sympathetic to the building's architectural character and historic interest.

17. An archaeological record of the steps could be undertaken and the stone from the steps could be utilised elsewhere in the development. However, these measures do not address the lack of justification I have found for the removal of the steps in the first instance.
18. Reference has been made to an example of an historical barn elsewhere, where full demolition has been allowed. However, the full details of this example are not before me and so I am unable to draw any comparisons between the appeal scheme and this other example.
19. The appellant considers that should the steps remain in situ, their condition will worsen and continue to affect the fabric of the building, as well as resulting in an increased safety risk as the building is brought into residential use and given its proximity to the highway. However, as it has not been robustly demonstrated that removal of the steps is the only means by which to address their condition, there may be other means by which any concerns with the steps could be addressed.

Conclusion

20. For the above reasons, condition 8 is necessary and reasonable having regard to the character and appearance of the building. Consequently, the appeal should be dismissed.

S Brook

INSPECTOR