



Appeal Decision

Site visit made on 15 April 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/A0665/Y/24/3351851

1 The Stables, Whatcroft Hall Lane, Whatcroft, Davenham, Northwich CW9 7SQ

- 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 Mrs Caroline Meagher against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/00247/FUL.
 - The development is 'Erect two fence panels to side boundary brick wall and install lamp post light to rear garden - Retrospective.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the decision notice rather than the planning application form as it more succinctly describes the development. The fence panels and lamp post are already in situ and as such, the appeal is assessed on a retrospective basis.
3. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the development subject to this appeal, I have not invited further comments from the main parties

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building, local area and on the setting of a Grade II listed building.

Reasons

Character and Appearance

5. The appeal property is an end terrace dwelling which the appellant's site plan suggests forms part of a converted stables development. The host and adjoining buildings are built of red brick while the gardens are bound by low walls constructed of a similar brick. Features such as the sash windows and irregular spread of fenestration have allowed the host building to retain its agrarian character which relates well to the local area, with nearby agricultural buildings and the adjacent Whatcroft Hall giving the area a strong rural and verdant character.

6. The development includes two timber fence panels with supporting struts which are painted in a dark shade of grey. At the time of my visit, this also included trellising with climbing plants. The panels are attached to the top of the brick wall and adjoin the rear elevation of the host property providing screening between this and the adjoining property (No.2). At the opposite end of the garden close to the access passage, a lamp feature has been installed on a piece of timber which is attached to the top of the same wall. This is a similar colour to the fence panels and appears to have once been a taller structure which has been reduced in height.
7. My attention is drawn to the 'House Extensions and Domestic Outbuildings' Supplementary Planning Document (the SPD) (January 2021). This advises that new hard boundary treatments (e.g. walls, fences) that have regard to the prevailing characteristics of boundary treatments in the surrounding area, for example in respect of height, position and materials, are likely to be supported, particularly if located between a dwelling and the highway/road.
8. On the site visit I observed the wall forming the boundaries of No's 1, 2 and 3 are consistent in height and materials. They form a pleasant element of uniformity to the stables and are appropriate in their scale and materials to the host building. The addition of the fence panels has increased the height of the wall to this section between No.1 and 2 to around 6 feet as per the appellant's measurements and introduced an incongruous material which has harmfully interrupted the rhythm and character of the boundary treatments of this and adjoining properties. The dark colour does little to alleviate this harm.
9. The lamp post is largely reflective of the character of the host property in terms of its general appearance. However, its awkward installation on a piece of wood which overhangs the wall as well as its apparent reduction in height contributes to the post appearing contrived in its location.
10. Taken together, the fence panels and lamp post are harmful to the character and appearance of the host property and local area due to their materials, scale and installation. This conflicts with policies ENV2 and ENV6 of the LP1¹ and DM21 of the LP2². These seek, among other things, to ensure the resulting development is in keeping with the character and appearance of, and is subordinate to, the original dwelling and surrounding properties, and the wider setting. The development is also contrary to paragraph 135 of the Framework, which advises development should be sympathetic to local character and history, and the advice given in the SPD.
11. Policy DM47 of the LP2 was included in the reason for refusal. However, the extract of that policy in the Council's evidence relates to 'new or extension to hazardous installations'. It is unclear why the development was assessed against this policy, but it does not appear to have any relevance to the development before me.

Setting of Listed Building

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a statutory duty on the local planning authority or, as the case may

¹ Cheshire West & Chester Council Local Plan Part One: Strategic Policies

² Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies

be, the Secretary of State, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

13. Whatcroft Hall³ is a Grade II* listed mansion located to the west of the host building. It sits in landscaped gardens and is two-storey with a 6-bay frontage. Of particular note is the copper covered cupola to the roof which includes a weathervane.
14. There is very little information before me relating to the listed building. From what I have been able to ascertain, the special interest and significance of the listed building is predominantly drawn from historic and architectural interests. Historic interest is derived from the building's age and being a fine example of opulent rural estate domestic living of the time period. Architectural interest is drawn from the surviving historic fabric, attention to detail and features, imposing form, aesthetically pleasing design and use of traditional materials.
15. There is nothing before me to establish the special interest and significance of the listed building. Paragraph 208 of the Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Given the hall is Grade II* listed, the level of detail is lacking and not proportionate.
16. It is imperative that development proposals or, as in this case, retrospective acts of development, are accompanied by supporting information of the requisite detail in order allow a robust assessment of any consequent effects. The lack of detailed information is highly undesirable in general terms, but especially given that the property is within the setting of a Grade II* listed building.
17. From the limited information I do have, given the harm to the character and appearance of the area I have identified, and the site of the development within the setting of a Grade II* listed building, I must therefore conclude that the development fails to preserve the listed building or its setting or any features of special architectural or historic interest which it possesses.
18. Based on the scope of the works, I agree that the magnitude of harm is less than substantial. However, a less than substantial level of harm should not be conflated with a less than substantial planning objection. This harm carries considerable importance and weight.
19. Paragraph 215 of the Framework advises that in the case of less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. I am informed that the fence panels were erected to provide privacy for the appellant in their garden, while the lamp post is to provide light during hours of darkness. Although I understand the desire for both, these would be inherently private benefits rather than public. Moreover, I am not convinced that there is not a

³ List Entry Number: 1138463

less harmful way to provide both in a manner which would be better suited to the historic environment.

21. Based on my findings, the development conflicts with the requirements of the Act as it does not preserve the listed building or its setting. It also conflicts with policy ENV6 of the LP1. Among other things, this seeks to ensure development is sympathetic to heritage, environmental and landscape assets. The development also conflicts with the advice in the Framework, particularly at paragraph 212 which states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Conclusion

22. The development conflicts with the development plan as a whole, as well as the Act and relevant provisions of the Framework and supplementary guidance. The benefits do not outweigh this harm. Accordingly, for the reasons given above, I conclude that the appeal is dismissed.

C McDonagh

INSPECTOR