



Appeal Decision

Site visit made on 28 May 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Appeal Ref: APP/A0665/W/24/3357861

Westbrook Barn, Higher Lane, Dutton, Northwich, Cheshire West and Chester WA4 4JW

- 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 Ron Hammond against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/01308/FUL.
 - The development proposed is change of use of stables to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of stables to dwelling at Westbrook Barn, Higher Lane, Dutton, Northwich, Cheshire West and Chester WA4 4JW in accordance with the terms of the application, Ref 24/01308/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the development is inappropriate development in the Green Belt, including whether the principle of the development is acceptable, having regard to the National Planning Policy Framework (the Framework) and any development plan policies; and,
 - the effect of the proposal upon nesting birds.

Reasons

Character and appearance

3. The building subject to this appeal forms a part of the wider residential development of Westbrook Farm and Westbrook Barn. These two properties both serve as dwellings which face onto Higher Lane, whereas the stable building is located to their rear. The existing stables is of an L shaped gable ended form with a pitched roof which extends over the walls of the building to create a canopy covered walkway. The grounds which surround the appeal site are bound by landscaped hedges and hardstanding. Despite its location in an otherwise rural setting, these elements present a more urban appearance than its surroundings.
4. The proposal would change the use of the stables to a habitable dwelling. It would include minor extensions and alterations to enclose certain elements of the

building, amongst other changes to its fenestration. It would nevertheless retain its form and general appearance.

5. The Council are critical of the position of the stable building behind Westbrook Farm and Westbrook Barn and suggest that the character of the area is that of dwellings which line Higher Lane in a form of ribbon development. I am cognisant that this stable building exists and whilst this building does not align Higher Lane, this is not harmful. This is due to its proposed appearance and form which would largely remain the same but for a small number of external alterations. Its siting would not be experienced as a new built form in this location and therefore, this would not promote an unusual urban character.
6. The Council also suggest that the increase of parking activities would lead to a more urbanised appearance. However, the development would utilise the same access track as Westbrook Farm and Westbrook Barn, as it does in its existing form. The parking of vehicles in this location as a result of this proposal would not be uncommon. As such, it would not be unusual for vehicles to be parked in this particular area of Westbrook Farm. The proposal is for one dwelling and therefore, the presence of refuse storage to service this dwelling would be limited. The provision of a garden space would not appear to be out of character due to the connection of the appeal site with the wider landscaped area which makes up Westbrook.
7. Collectively, when all of these elements are taken into account, I do not find that the proposal would result in an unacceptable harm to the character and appearance of the area. The conversion and change of use of a vacant stables would promote an enhancement of the site through the re-use of an existing building.
8. To conclude, I find that there would be no conflict with Policies STRAT9 and ENV6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP1) or Policies DM3 and DM22 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2). These policies note that development must respect the local character of the countryside, be sympathetic to the characteristics of the development site and lead to an enhancement of its immediate setting, amongst other things.

Green Belt

9. The appeal site is in the Green Belt. The Framework sets out that the provision of new buildings in the Green Belt should be regarded as inappropriate other than for certain exceptions. Paragraph 154 (h) of the Framework notes that such an exception includes other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include the re-use of buildings provided that the building is of permanent and substantial construction.
10. Policy STRAT9 of LP1 notes that within the Green Belt and countryside, certain forms of development will be permitted. This includes the re-use of existing rural buildings, where buildings are of permanent construction and can be reused without major reconstruction. An additional, separate test to the Framework and in addition to Policy STRAT9 of LP1 is included in Policy DM22 LP2. This policy is concerned with the change of use of buildings to dwellinghouses outside of identified settlements where they meet a five-point criteria.

11. The Council contend that that the proposal would not meet the requirements of points two and four of Policy DM22. Point two states that the building must be of permanent and substantial construction, and that it is suitable for and capable of conversion to residential use without significant loss of its existing fabric, or major or complete reconstruction. Point four states that a conversion will be supported where the conversion or change of use of a buildings would lead to an enhancement to its immediate setting.
12. As I have not found conflict with the proposal in relation to character and appearance and that this change would lead to an enhancement of the appeal site, I have not considered point 4 further in relation to this main issue. I will now turn to the matters considered under point 2 of Policy DM22 of LP2.
13. The application was accompanied by a Structural Report (prepared by Brian Clancy Higby Partnership). This report finds that the building is free of significant structural defects, with no significant structural remedial works which are considered to be necessary to convert the stables to a dwelling. During my site visit, I noted that the building did have some general signs of weathering which is to be expected for a structure which is exposed to the elements. Most importantly, the roof appeared to be complete, the floor level and the walls free of any significant defects.
14. This report also recommends a series of measures to be employed to facilitate this conversion. It follows that the proposal includes the enclosure of the covered canopy area of the building and the large barn doors along the northeastern elevation. The proposal also promotes the addition of new windows, the removal or addition of internal walls, insulation, new internal ceilings, and the installation of a kitchen. I am of the view that these building operations are an acceptable form of change for a conversion to residential use. The proposal would not result in a significant loss to the existing building fabric. I am therefore satisfied that the host building is of permanent and substantial construction and that it is suitable and capable of conversion to residential use, without major or complete reconstruction.
15. I now turn to the matter of openness. This is an essential characteristic of the Green Belt which can have spatial as well as visual aspects. The proposal would increase the footprint of the building through the small infill of the area under the canopy covered walkway. Spatially, this would create further additional built footprint in purely numerical terms.
16. However, in visual terms, the proposal would infill the canopy covered walkway. This canopy is visible in its existing form. The infill of these walls would not further extend beyond this canopy structure and into the Green Belt. In practical terms, there would be no visual intrusion into the Green Belt due to the confinement of these building works below an existing canopy structure. This would not visually reduce the openness of the Green Belt.
17. The Council suggest that the increase of parking activities, refuse storage and other domestic paraphernalia would lead to a more intensive use than the existing situation. In its existing use, it would not be unusual for vehicles, including horse trailers, to be parked at the appeal site. A dwelling of this limited size would not result in the presence of vehicles beyond what would be experienced for a stables of this size.

18. The presence of refuse bins for one dwelling would have a very limited effect on openness. Due to its location within the landscaped grounds of Westbrook Farm and Westbrook Barn, a domestic garden space would not reduce openness due to its containment within these grounds. I therefore find that this proposal would not reduce the openness of the Green Belt to an extent that would be harmful due to its existing use and form and its association with Westbrook Farm.
19. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Green Belt serves five purposes and I am satisfied that this proposal would not conflict with those purposes. Furthermore, I have found the existing building to be of permanent and substantial construction and that it would preserve the openness of the Green Belt. Accordingly, I consider that it would not be inappropriate development and would accord with the Framework, Policy STRAT9 of LP1 and Policy DM22 of LP2.

Effect on nesting birds

20. The application is accompanied by an Ecological Assessment (prepared by Leigh Ecology Ltd, dated 27th February 2024). The assessment notes that three ancient swallow nests were identified within the stables. It further recommends that suitable mitigation must be included within the proposal. The application was absent of any mitigation measures. The appellant however contends that this matter can be dealt with by way of a suitably worded planning condition.
21. Policy ENV4 of LP1 notes that development should not result in any net loss of natural assets and where this is unavoidable, mitigation will be required to ensure that there is no net loss of environmental value. Policy DM44 of LP2 further notes that proposals must be designed with compensatory measures as a last resort.
22. The swallows nests which were discovered are located within the existing stable building. Due to the conversion of the building and enclosure of the building into residential use, the loss of these nests would be unavoidable and therefore, mitigation would be required. It follows that subject to an appropriately worded planning condition there would be no conflict with Policy ENV4 of LP1 and Policy DM44 of LP2.

Other Matters

23. Throughout the case presented by the Council, it is stated that the existing site was granted planning permission in 2011, subject to conditions. Condition 5 of this permission restricts the building subject to this appeal to the private recreational equestrian use to Westbrook Barn. However, this would not prevent a new permission from being granted on the appeal site for a separate application for development.

Conditions

24. The Council did indicate which conditions it wanted to be considered if the appeal was allowed. In my assessment of these conditions, I have undertaken minor changes to meet the six tests against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision. Both parties were consulted on the changes to these conditions.
25. In addition to the statutory time condition [1], I have attached a condition which specifies the approved plans [2], which is necessary in the interests of certainty. A

condition which requires the full details of the external materials of the building [3] is necessary in the interest of attaining an appropriate appearance of the building.

26. The submission of a scheme for swallow nest mitigation and bat box provision [4] is necessary to ensure that there is no net loss of natural assets through the use of compensatory measures. The provision of the full details of any external lighting [5] is necessary to ensure that such lighting does not disrupt bat flight corridors. The inclusion of a condition which prevents works from occurring within the bird nesting season unless it has been first surveyed [6] is necessary to ensure that wildlife is adequately protected during this nesting season.
27. A condition which removes certain permitted development rights [7] has been included in this decision. The wording of this condition has been significantly amended from that suggested by the Council. The suggested condition indicated which forms of development, which could be carried out through the use of permitted development rights, that it wished to be removed. I have cross referenced these development types with the classes listed within the Town and Country Planning (General Permitted Development) (England) Order 2015. I have undertaken this task in the interests of creating a precise condition. Overall, this condition is necessary to safeguard the openness of the Green Belt.

Conclusion

28. For the reasons given above and in taking all material considerations into account, the appeal should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1140-02 (Proposed Plans and Elevations)
 - 1140-04 (Insulation Details Stable Conversion)
- 3) No development above ground level shall take place until the details of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the development hereby approved, a scheme for swallow nest and bat box provision within the site shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to first occupation of the development hereby approved, and shall thereafter be retained for the lifetime of the development.
- 5) Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 6) Notwithstanding the approved details, works to the building shall not take place between 1st March and 31st August inclusive (bird nesting season) unless it has first been surveyed for nesting birds by a qualified ecologist and, if nesting birds are found, a scheme for the protection of nesting birds has been submitted to and approved in writing by the local planning authority. Once such a scheme has been approved, the works within the bird nesting season shall only be carried out in accordance with the approved scheme.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D and E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall be undertaken without the grant of planning permission by the local planning authority.

End of Schedule