



Appeal Decision

Site visit made on 10 July 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/R0660/W/25/3363280

Land adjacent to Oakville, Back Lane, Spurstow, Cheshire East, CW6 9TE.

- 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 and Mrs Mayers against the decision of Cheshire East Council.
 - The application Ref is 24/3263N.
 - The development proposed is barn conversion and associated development to create a single dwellinghouse and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for barn conversion and associated development to create a single dwellinghouse and ancillary works on Land adjacent to Oakville, Back Lane, Spurstow, Cheshire East, CW6 9TE, in accordance with the terms of the application, Ref 24/3263/N, subject to the conditions set out in the Schedule appended to this decision.

Preliminary Matters

2. The building to which the present proposal relates was also the subject of previous appeal for residential conversion dismissed in 2020¹. That decision is a material consideration which I take into account but, primarily, I make my decision on the present proposal on fresh consideration of its own individual merits.
3. The Appellants are critical of the handling of the application by the Council, in particular with respect to the consideration of biodiversity net gain (BNG), which was unresolved prior to the refusal of the application. However, this appeal provides an appropriate opportunity for a fresh and independent assessment of every matter arising in the case.

Main Issues

4. The main issues are whether the conversion and associated development now proposed for residential use would be compliant with adopted planning policy on rural conversions and, if not, whether any other material considerations, including the National Planning Policy Framework (NPPF) militate in favour of allowing this appeal.

¹ APP/R0060/W/20/3252385

Reasons

Policy

5. The adopted Cheshire East Local Plan Strategy (CELPS) and Site Allocations and Development Policies Document (SADPD) include the following policies of particular relevance to the conversion of rural buildings.
6. CELPS Policy PG6 generally resists new building in the open countryside but makes exception (ii) for the re-use of existing, permanent, substantial, rural buildings not requiring extensive alteration, rebuilding or extension.
7. Similarly, SADPD Policy RUR14 requires rural buildings for residential re-use to be of permanent and substantial construction, not requiring extensive alteration or rebuilding, and to be of a size able to accommodate a satisfactory living environment in the dwelling and not require extending. The proposals should be sympathetic to the building's architectural character and historic interest.

Proposed Conversion

8. The appeal site is in a predominantly rural area and the existing, two-storey rectilinear building stands in an agricultural field with access from Back Lane to the east. Back Lane is fronted by dwellings with open pastureland beyond. The building thus enjoys a spatial relationship with Spurstow, which comprises a relatively loose-grained group of built development without any defined settlement boundary. Public Footpath Spurstow FP1 passes to the northwest of the site.
9. The pitch-roofed appeal building is constructed of profiled metal sheeting and timber cladding over a timber frame. The ground floor of the main building comprises a largely open storage area, such that the enclosed first floor appears to be supported on stilts. There is a single-storey, lean-to structure on the south-west elevation comprising a metal roof supported by three timber posts. A further lean-to structure on the south-east elevation consists of a metal roof on timber supports extending over a shipping container, which occupies about half the plan area of the lean-to.
10. The present proposal is supported by a fresh professional structural survey. This concludes that the eight existing main timber stanchions are more than capable of supporting any loads and the first floor is suitable to carry domestic loading. However, the roof covering and timber purlins would need to be removed, and new purlins and rafters installed, whilst new internal block walls would need to be constructed off new engineered inner foundations to support the new roof loads.
11. The proposal is to create a ground floor kitchen, dining and living room, utility room and one ensuite bedroom, utilising the whole of the main ground floor, and the south-west lean-to. There would be an entrance hall on the south-east elevation, replacing the existing larger south-east lean-to. On the main first floor there would be two further bedrooms, one ensuite and a family bathroom. Although occupying a lesser overall plan area than the present barn, the dwelling would be enclosed at ground floor level by new, load-bearing blockwork walls.
12. The barn is in a visibly dilapidated condition with the northwest gable apex open to the weather. The ground floor lean-to sections, in particular, are of relatively flimsy construction and I do not consider that these lend themselves readily to contributing to the residential conversion.

13. Thus, on the evidence and from inspection, the existing main building is permanent and substantial but would require extensive alteration and rebuilding. Moreover, given the comparatively insubstantial construction of the lean-to sections, their replacement would involve virtually new built extensions. Accordingly, in this respect, the appeal proposal cannot reasonably be seen as a residential conversion compliant with Policies PG6(ii) and RUR14.
14. I therefore regard the proposed development as contrary to the development plan as whole, such that the permission sought in this appeal should not be granted unless other material considerations indicate otherwise.

Other Material Considerations

Planning Fallback

15. I deal first with the submission of the Appellants that a material planning fallback position exists due to a further exception (iii) made by CELPS Policy PG6 for the replacement of existing buildings by new buildings that are not materially larger. The Appellants also note that SADPD Policy RUR13 permits replacement buildings, outside settlements, which are not materially larger and would not unduly harm rural character by prominence, scale, bulk or visual intrusion.
16. With reference to those provisions, the Appellants maintain that the proposed development should be regarded alternatively as being for a replacement building not materially larger than the original, in line with those exceptions.
17. I note that Policies PG6(iii) and RUR13 are silent as to whether a replacement building may be put to an alternative use. However, the application was made and considered by the Council as for a barn conversion, albeit with associated development. No proposal is before me in terms of a replacement building and I therefore give no weight to this submission for fallback position in the determination of the present appeal.

The National Planning Policy Framework

18. I turn therefore to the NPPF and its accepted status as a material consideration to any planning decision. NPPF paragraph 11(d)(ii) and Footnote 8 together provide that, where the local planning authority cannot demonstrate a five-year housing land supply (5YHLS), permission for development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. That is, having particular regard to key policies, including those for directing development to sustainable locations, making effective use of land and securing well-designed places.
19. In connection with the present appeal, there is no dispute that, under current national and local planning policy, Cheshire East Council is unable to demonstrate a 5YHLS and that, therefore, the so-called tilted balance of NPPF paragraph 11 applies.
20. The NPPF maintains a broad presumption in favour of sustainable development in its socio-economic and environmental roles. More specifically, at paragraphs 83-84, the NPPF promotes sustainable development in rural areas, with housing located to enhance rural communities; but avoiding isolated homes in the countryside, unless

particular circumstances apply, including (c) that the development would re-use redundant or disused buildings and enhance its immediate setting.

21. Clearly, this proposed development would make effective and efficient re-use of a rural building, which currently appears to be disused and redundant, save for some current use for storage of materials such as timber. The building is outside any settlement regarded as a sustainable location for new homes. At the same time, it would generate a degree of local economic benefit and add a new residential unit to the District housing stock in the face of a supply shortfall and in a location related to the existing development of Spurstow.
22. Furthermore, it is accepted by the Council, and I agree, that there is no objection to the inherent design of the proposed dwelling, which appears to reflect the style and character of the building and its past use. I accept that this could be achieved without any significant adverse impact on the environment in terms of residential amenity or the character and appearance of the countryside, including when viewed from the adjacent public footpath or from Back Lane.
23. Whilst mere compliance with policies protecting the environment carries no weight as a planning benefit, the socio-economic contributions of the proposed dwelling do weigh materially in favour of the appeal in some degree.

Biodiversity Net Gain

24. The Appellants submitted with the appeal a revised site plan enlarging and adjusting the appeal site boundary in order to obviate biodiversity mitigation measures. It is not appropriate to enlarge the appeal site at this stage and I accordingly disregard the revised site plan.
25. However, whilst the application failed to provide for BNG, I have seen no reason to doubt that this can be achieved in practice and secured by way of a planning condition, as suggested without prejudice by the Council, to require the approval of a Biodiversity Gain Plan prior to commencement of the development.

Planning Conditions

26. Further conditions based upon those suggested without prejudice by the Council are also appropriate to ensure: compliance with approved drawings; suitable finishing materials; protection of any nesting birds in nearby trees; provision of bird and bat boxes; avoidance of ground contamination; appropriate drainage measures; tree protection in accordance with an arboricultural method statement; suitable boundary treatments; limitation of permitted development to prevent unwarranted additional buildings in the countryside; and appropriate landscaping of the site.

Conclusions

27. Having considered every aspect of this matter, it is my overall judgment that, properly applying the tilted balance, the adverse impact of the degree of conflict with the development plan, in the absence of other environmental harm would not significantly and demonstrably outweigh the benefits, assessed against the NPPF as a whole, even accepting that those material benefits are themselves comparatively slight.
28. I accordingly conclude, finally, that this appeal should be allowed.

B J Sims

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby approved shall commence within three years of the date of this permission.
2. The development hereby approved shall be carried out only in accordance with the following approved plans:
 - A_391_14 received on 11th September 2024
 - A_391_01 received on 11th September 2024
 - A_391_13 received on 11th September 2024
 - A_391_12 received on 11th September 2024
3. No development involving the use of any facing or roofing materials shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
4. No removal of any vegetation or demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person in a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone takes place.
5. Prior to the use of any building materials in the new development there shall be submitted for approval to the Local Planning Authority a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy shall include proposals for the provision of the following:
 - 2 x Bat Boxes
 - 1 x Universal Nest Box or Sparrow Terrace
 - (avoiding southern elevations)The proposals shall be permanently installed in accordance with the approved details.
6. Prior to commencement of development a Biodiversity Gain Plan shall be submitted to and approved by the Local Planning Authority. The Biodiversity Gain Plan shall include the following:
 - (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat,
 - (b) the pre-development biodiversity value of the onsite habitat,
 - (c) the post-development biodiversity value of the onsite habitat,
 - (d) any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,

- (e) any biodiversity credits purchased for the development, and
- (f) such other matters as may be specified by current Regulations.

The development shall be carried out only in accordance with the approved Biodiversity Gain Plan and the submitted Biodiversity Gain Plan shall demonstrate compliance with Part 1 of Schedule 7A of the Town and Country Planning Act 1990.

7. Prior to first occupation of the dwelling hereby permitted, evidence and verification information shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that any soil or soil-forming materials to be brought to the site for use in soft landscaping shall be tested for contamination and suitability for use in line with the current version of 'Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination' (in the absence of any other agreement for the development).
8. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and confirmation of this shall be reported to the Local Planning Authority (LPA). Prior to any further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme agreed in writing by the LPA.
9. No development shall take place until full foul and surface water drainage details for the site have been submitted to and approved in writing by the Local Planning Authority, taking into account Gov.UK Standing Advice for Local Planning Authorities (2022). The submitted drainage details shall include:
 - i) Surface water run-off rates, including greenfield qBar and post-development runoff estimates, ensuring greenfield rate run-off is matched, unless proven unfeasible, or 50% betterment for brownfield sites, with a restricted discharge rate not exceeding 5l/s per hectare and not lower than 2l/s per hectare,
 - ii) Details of hydraulic design up to 1 in 100+CC% Storm Event in accordance with Gov.uk Climate Change Allowances,
 - iii) Details of any boundary drainage to ensure any flooding remains within the site. If calculations show flooding on site, that developments/properties will be safe,
 - iv) Design in accordance with the drainage hierarchy (Non-Statutory SuDS Technical Standards Guidance (2016) Paragraph 3.7),
 - v) Provision of pipe diameters, slope angles, cover levels and invert levels,
 - vi) Demonstration of foul and surface water drainage via separate systems,
 - vii) Provision of hydraulic modelling for all storm durations, detailing the critical storm duration, from 15 minutes to 10 day, with the 1 in 100+CC% Storm Event also utilised,
 - viii) Provision of full management and maintenance schedule for the drainage strategy to cover the lifetime of the development, including contact details of the responsible party and any inspection and test plans.

The approved development shall be carried out only in accordance with the approved drainage details.

10. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:
 - a) Submission, implementation, supervision and monitoring of a Tree Protection Scheme,
 - b) Implementation, supervision and monitoring of the approved Tree Work Specification,
 - c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme, and
 - d) Timing and phasing of arboricultural works in relation to the approved development.
11. Prior to the first use any facing or roofing materials a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for implementation. The boundary treatment shall be carried out only in accordance with the approved details and timetable and permanently retained unless otherwise first approved in writing by the Local Planning Authority.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, AA, B or E of Part 1 Schedule 2 of the Order shall be carried out.
13. Prior to the first use of any facing or roofing materials, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.
14. The approved landscaping shall be completed in accordance with the following requirements:-
 - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following

completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.

b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BS5837: 2005 Trees in Relation to Construction: Recommendations.

d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

- *End of Schedule* -