



Appeal Decision

Site visit made on 22 July 2025

by **Graham Wraith BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Appeal Ref: APP/A0665/W/25/3363930

Existing garage on land to the rear of 10 Oakfield Terrace, Childer Thornton, Ellesmere Port, Cheshire CH66 7NY

- 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 Geoff Foster against the decision of Cheshire West and Chester Council.
- The application Ref is 24/03013/FUL.
- The development proposed is the change of use from garage to single storey dwelling (E to C3) Previous planning application involved change in roof outline (24/00074/FUL.) Refused. New application class MA.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address set out on the decision notice is more precise than that on the planning application form. I have therefore used that as the address of the appeal development in the banner header above.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) Whether the proposal would accord with the relevant development plan policies concerning development in the countryside;
 - (iii) The effect of the proposal on the character and appearance of the area; and
 - (iv) Whether the proposal would provide acceptable living conditions for future residents in terms of the provision of internal living space.

Reasons

Whether inappropriate development

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the exceptions set out applies. This includes at 154h)iv) the re-use of buildings provided that the buildings are of permanent and substantial construction and provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

5. There would be no changes to the size of the building to facilitate the proposal. Externally there would be the formal provision of two parking spaces along with several areas of paving. There would also be expected to be some domestic paraphernalia associated with a residential use, however given the size of both the plot and the proposed dwelling, it would be likely to be limited in its scope.
6. Whilst there would be vehicles parked externally, these would not be permanent fixtures, and it is likely that vehicles would be parked externally at times in conjunction with the approved use. The proposed paving would not affect openness, and any domestic paraphernalia would not have the same air of permanence or visual impact as a building. Taken as a whole, the proposal would preserve the openness of the Green Belt. Given the existing use of the appeal site, the proposal would also not conflict with the purposes of the Green Belt.
7. For these reasons, the proposal would meet with the exception set out in paragraph 154h)iv) of the Framework and would not be inappropriate development in the Green Belt. Policy STRAT 9 of the Local Plan Strategic Policies (LPSP) and Policy DM 22 of the Local Plan Land Allocations and Detailed Policies (LPLADP) both refer back to the Framework for assessment of development proposals in the Green Belt and therefore there would be no conflict with those policies where they refer to Green Belt matters.

Countryside development

8. Policy STRAT 9 of the LPSP is permissive of the reuse of existing rural buildings, where buildings are of a permanent construction and can be reused without major reconstruction. The appeal building satisfies those criteria. However, Policy DM 22 of the LPLADP is more restrictive. Of the criteria set out in that policy, the reason for refusal refers to the building not being currently redundant and that the proposal would not result in an immediate enhancement to its surroundings.
9. It is understood that the appeal building was constructed as a garage for a dwelling on Oakfield Terrace, but that its ownership has now been severed from the ownership of the dwelling. Nonetheless the Council has provided photographs of the building being in use for storage and that is consistent with what I observed at my site visit. The building could not therefore be said to be redundant in the sense that it is in use and thus apparently still serves a purpose.
10. Whilst the building is in use, the external areas of the site are unkempt and have a poor appearance, which do not contribute positively in terms of their visual impact on the surrounding area. There is no credible reason put before me as to why the site cannot be better maintained at the present time, but nonetheless there is potential for an enhancement to the surroundings to be secured as part of the appeal proposal, for example through landscaping and the improvement of external hard surfaced areas.
11. In conclusion, the proposal would fail to accord with Policy DM 22 of the LPLADP, because the building is not redundant.

Character and appearance

12. The nearest dwellings to the appeal site take a linear form, those being the dwellings on Oakfield Terrace. The proposal would result in a dwelling being positioned behind these. However, there are examples of stand-alone dwellings in

the vicinity and the relationship of the site to Oakfield Road means that using the appeal site for residential purposes would not result in a development that would be an awkward feature in the street scene.

13. The design changes to facilitate residential use would be minimal and would not materially alter the impact that the building has in the street scene, with a neutral visual impact occurring. I do not consider that there would be any significant intensification of use and landscaping could be addressed by way of a planning condition. As such the proposal would not be harmful to the character and appearance of the rural area.
14. Therefore, the proposal would accord with Policy ENV 6 of the LPSP and Policy DM 3 of the LPLADP where, taken together, they seek to protect character and appearance.

Internal living space

15. Policy ENV 6 of the LPSP refers to the nationally described space standard (NDSS). A 1 bedroom 1 person dwelling would require a minimum of 39m² of gross internal floor area and a 1 bedroom 2 person dwelling a minimum of 50m². The main parties disagree about whether or not the relevant minimum space standard would be met.
16. The NDSS sets out that the stated floor areas are the gross internal floor areas. This is defined as being the total floor space measured between the internal perimeter walls that enclose the dwelling. It is further defined that the internal face of a perimeter wall is the finished surface of the wall. Whilst the appellant refers to an on-site measurement, it is unclear whether this accounts for the finished surfaces of the internal walls.
17. Based upon the plans before me, which do show internal walls, the Council's figure of 47m² appears to be correct. There is reference in the appellant's submissions to the proposed dwelling being suitable for a couple, and I note a double bed is shown on the plans. I find it is reasonable to consider that this is the intended occupancy level.
18. The proposal would not therefore meet with the NDSS and therefore also fail to accord with Policy ENV 6 of the LPSP. This also means that the development would not accord with Policy SOC 5 of the LPSP and Policy DM 2 of the LPLADP which, taken together, seek to safeguard the quality of life for residents within a proposed development.

Other Considerations

19. The proposal would provide a starter dwelling and add diversity to the available housing stock in the area. This would align with the aims of the Framework to boost the supply of homes. Due to the quantum of development proposed, these are considerations which collectively carry moderate weight.
20. It is stated by the appellant that the proposal would prevent deterioration to the building fabric and provide maintenance of the gardens and perimeter fencing. Whilst I do consider that there would be greater incentive for maintenance if the building was in use as a dwelling, there appears to be no reason why the site could not be better maintained at the present time. This consideration as a result carries limited weight.

21. That there would be a relatively generous external area does not overcome or justify the failure to provide adequate internal living space. Reference has also been made by the appellant to flats which have been approved by the Council which are said to be below the NDSS. However, I do not have any details before me pertaining to the circumstances of those cases, and in any event the approval of such would not justify the permitting of what I have found to be a harmful development. No substantive evidence has been provided to suggest that the appeal site is, or has been, at risk of vandalism. I do not weigh any of these considerations in favour of the appeal proposal.

Planning Balance & Conclusion

22. The proposal would not be inappropriate development in the Green Belt and it would accord with the development plan policies relating to the character and appearance of the area. The proposal does not however accord with the policies of the development plan where they refer to development in the countryside, to the NDSS and to living conditions. This means that the proposal fails to accord with the development plan, taken as a whole.
23. Balanced against this is the provision of a new dwelling which carries moderate weight in favour of the proposal, and the potential for some enhancement to the visual appearance of the appeal site. However, that latter consideration carries limited weight as there appears to be no reason why the site could not be better maintained externally at the present time. These benefits do not outweigh the conflict with the development plan that would arise and therefore the appeal should be dismissed.

Graham Wraight

INSPECTOR