



Appeal Decision

Site visit made on 22 July 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Appeal Ref: APP/A0665/W/25/3360867

Russia Hall, Frog Lane, Cheshire CH3 9ND

- 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 & Mrs R Bevan against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/02453/FUL.
 - The development is an annex (C3) built within the garden of Russia Hall.
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Decision

1. The appeal is allowed and planning permission is granted for an annex (C3) built within the garden of Russia Hall at Russia Hall, Frog Lane, Cheshire CH3 9ND in accordance with the terms of the application, Ref 23/02453/FUL, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LP02, EP02 and EFP01.

Applications for costs

2. An application for costs was made by Mr & Mrs R Bevan against Cheshire West and Chester Council. This application is the subject of a separate Decision.

Preliminary Matter

3. I have not included the full description of development from the appellant's planning application form as it makes reference to the development being retrospective and that is not in itself development. However, I was able to see on my site visit that the appeal building has been erected and therefore I have determined this appeal on the basis that it is a retrospective proposal.

Main Issues

4. The main issues are linked in their consideration. They are whether the development complies with the relevant development plan policy relating to residential annexes and whether it amounts to the construction of a new residential unit in the countryside.

Reasons

5. Policy DM 21 of the Local Plan Land Allocations and Detailed Policies (LPLADP) includes provision for annexe accommodation where it is for occupation by a person dependant upon an occupant of the main dwellinghouse, and where all of the criteria for extensions, alterations and incidental outbuildings or structures, as

set out in the policy, are met. It is also stated that the annexe accommodation must be closely related physically to, and functionally dependant upon, the main dwellinghouse. There is no dispute between the parties that the criteria which relate to matters such as character and appearance and parking, are satisfied and I find no reason to take a different view.

6. The appeal building is located some distance from Russia Hall. It can be accessed on foot via a path leading from the rear garden area of the dwelling. There is also a track which passes the site and leads to an adjacent gated field. The building consists of an open plan lounge, kitchen with dining area and two bedrooms, both of which have en-suite facilities. It is stated that the use of the building is to provide accommodation for the appellants whilst Russia Hall is let out in a short-term basis, a use which has been granted planning permission¹. It is also used by the appellant's daughter and on occasion by an elderly parent.
7. Of the people who are identified, only the parent might reasonably be said to be dependant on an occupant of the main dwellinghouse. However, it would appear that they stay only infrequently. As the appellants normally reside in the main dwellinghouse they self-evidently do not meet this criterion, and I have not been provided with any reason that their daughter, who is of adult age and said to have employment elsewhere, should be considered to be dependant upon them. The building is not closely related to the main dwellinghouse in physical terms, because of the distance that exists between them.
8. With regard to the question of whether the building is functionally dependant upon the main dwellinghouse, it does provide the majority of facilities for independent day to day living, including an oven, with the notable exception being any apparent provision for laundry or external bin storage. It is however dependant on the main dwellinghouse for its utility supply, its access and its parking and it is not registered as a separate dwelling for postal or council tax purposes. All this being the case, at the present time the development is functionally dependant on the main dwellinghouse.
9. However, as those who most often occupy the building are not dependant upon an occupant of the main dwellinghouse and because of its physical separation from Russia Hall, the development does not meet with the full requirements as set out in Policy DM 21 of the LPLADP.

Other Considerations

10. The appellants occupy the building at times when Russia Hall is let out, as an alternative to staying in paid for accommodation elsewhere. It is said that their daughter plays a role in the management of the short-term letting and that she also stays in the building at other times. That the building has not been placed closer to the hall means that there can be an on-site presence without an interference with guests' privacy whilst they stay. Siting the building away from the hall has also ensured that there is no harm to its setting, and it would not be desirable to have it located closer for that reason.
11. There is planning permission in place for the short-term let of Russia Hall. This demonstrates a clear intention to use the hall in that way and indeed that it has been used as such is substantiated by a third-party representation. There is a clear

¹ 23/02164/FUL

benefit in a member of the family, be it the appellants and/or their daughter, being at the property whilst guests are staying in the main property from a management point of view, and this could help allay some of the concerns that have been raised in the third-party representation in relation to the short-term let.

12. Furthermore, I do not doubt that the upkeep of Russia Hall is substantial in financial terms. In so far as I observed the property and its grounds from the outside and in passing, it appears as a well-kept and well-maintained property. Funds obtained from letting it will certainly help in this respect and whilst there is no direct mechanism to require income generated from the short-term letting to be directed to the maintenance of the listed building, I find it unlikely that the appellants would be letting the property and have the inconvenience of moving into the annex if there was not at least some need to generate income to maintain it via this route.
13. Even though the development does not meet the requirements of the development plan policy, this does not mean that it must be considered to be an independent dwellinghouse and that a separate planning unit has been created. The case of *Uttlesford DC v SSE & R J White* establishes that this is a matter of fact and degree in each case. I am satisfied that, based on the information that has been put before me, the building is not used as an independent dwelling. Furthermore, there are benefits associated with the development, to which I afford significant weight in its favour.

Other Matters

14. The appeal building can be seen in collective views with Russia Hall but, as noted, there is a separation between them. It has no effect on the views taken of the main front elevation and is not within the more formal area of garden closest to the rear of the property. Beyond the visual relationship I have not been made aware that the land on which it sits makes any other contribution to the setting of the listed building, and there was no concern raised by the Council that the development has caused harm to its setting. I find no reason to disagree with that conclusion.
15. Although representations have been received from an interested party, their concerns relate to the use of Russia Hall as short-term let accommodation. That has been considered under the separate planning application. The building subject to this appeal is located a substantial distance from the nearest third-party dwellings and I am satisfied that its use does not give rise to harm to their living conditions from noise and disturbance or in any other respect.

Planning Balance & Conclusion

16. On the basis of the information before me I am satisfied that the appeal building does not constitute an independent dwelling. Notwithstanding this, there is a conflict with the development plan with regard to Policy DM 21 of the LPLADP which relates to residential annexes. However, I consider that the benefits which arise from having the appellants and/or their daughter on the site at times when Russia Hall is let on a short-term basis and in terms of the appeal development aiding the letting of the hall which in turn generates income which could be used in its upkeep are matters of significant weight in its favour.
17. Given that there is also no other identified harm arising from the development, I consider that in the circumstances of this particular case, there are material considerations which indicate that a decision should be made otherwise than in

accordance with the development plan. It is not necessary to impose any conditions other than one relating to the approved plan, to provide certainty. Use as an independent dwelling would require planning permission and therefore a planning condition relating to the use of the building is not needed. In conclusion, the appeal should be allowed.

Graham Wraight

INSPECTOR