



Appeal Decision

Site visit made on 8 September 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2025

Appeal Ref: APP/A0665/W/25/3366204

Stapleford Mill Farm, Ryecroft Lane, Bruen Stapleford, Chester, Cheshire West and Chester CH3 8HH

- 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 Greeves against the decision of Cheshire West and Chester Council.
- The application Ref is 24/02969/FUL.
- The development proposed is demolition of existing barn buildings. Erection of two storey dwelling, garage, office and car port.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the determination of the planning application the proposed development was amended. The main parties subsequently agreed to alter the description of the development to reflect these changes. Consequently, the description of the development in the above banner heading is taken from the Council's decision notice and the appeal form.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for housing, having regard to the Council's spatial strategy and the relevant development plan policies; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Suitable location

4. The proposal relates to previously developed land in the countryside. Policy DM 1 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019) (LP2) says that proposals for residential development in the countryside will be determined in line with the criteria set out in LP2 Policy DM 19. This allows for the development of new housing in the countryside through the replacement of buildings on previously developed land, subject to seven criteria. These criteria include, amongst others, i) there is good access to public transport; and ii) it is located within a reasonable walking distance of local services and facilities along a safe route.

5. I observed that the site was remote from any nearby settlements. My attention has been drawn to some services and facilities within the settlements of Tarvin and Waverton. However, these settlements are a significant walking distance from the appeal site, and the connecting roads did not include continuous footpaths or street lighting. As such, in order to access these settlements on foot future occupiers would have to walk within the road and this would be particularly difficult and hazardous in darker conditions, and for pedestrians with young children, a disability or a buggy.
6. I acknowledge that cycling to facilities within these settlements may be an option for some future residents. However, it is not an attractive alternative given the lack of separate cycle lanes / routes and lack of street lighting on the highways. Additionally, not everyone has access to a bike or the ability to ride one.
7. I therefore find that walking and cycling to the services and facilities in the nearest settlements are not realistic alternatives to the car for regular journeys. Furthermore, I have not been made aware of any existing bus services from the appeal site to any settlements.
8. Additionally, Policy STRAT 9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1) (2015) states that the intrinsic character of the countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. This policy sets out the forms of development that will be permitted in the countryside, including replacement buildings. Policy STRAT 9 does not specifically state that replacement buildings must be in the same use and thus the proposal would meet this requirement.
9. However, Policy DM 1 of LP2 clarifies that development on previously developed land in the countryside will only be supported where, amongst other considerations, replacement buildings are in the same use. The proposed development, to demolish two former barns and replace them with a residential dwelling and an associated outbuilding, would not adhere to this requirement.
10. In view of the above, based on the evidence before me and my observations on site, I conclude that future occupiers of the proposed dwelling would not have good access to facilities, services and public transport connections. Consequently, future occupiers would be heavily reliant on the private vehicle, and the appeal site does not therefore represent a suitable location for residential development. It would also be an inappropriate location for residential development according to the development plan's spatial strategy.
11. The proposal is therefore contrary to Policies STRAT 1, STRAT 2 and STRAT 8 of LP1, and Policies DM 1 and DM 19 of LP2, which seek, amongst other things, to ensure that development is brought forward in line with a settlement hierarchy and to direct new development to the most accessible and sustainable locations with good accessibility to local services and facilities, and with good connections to public transport.
12. The proposal would also be contrary to the provisions of the Framework where it seeks to direct new housing to suitable locations and to actively manage patterns of growth. Whilst acknowledging that sustainable transport solutions vary between urban and rural locations, the proposal would also fail to accord with the Framework where it expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use.

Character and appearance

13. The appeal site lies in a rural area characterised by the activities of agriculture, and buildings and houses associated with farming. Worked fields, hedgerows, isolated farmsteads, small hamlets, and utilitarian farm buildings underpin the distinctive character of this area of the countryside. Where there are houses, these tend to be generally smaller than the barns and agricultural buildings with which they are or were once associated, or clustered in small groups. While I saw some departures from this, the houses commonly follow the vernacular tradition, with high solid to void ratios, displaying simple and plain detailing and materials reflecting their generally modest footprints and volumes.
14. The appeal site reflects these characteristics, consisting of two small, utilitarian-appearing barns standing to the south of a house, surrounded by green fields. Whilst the agricultural use of the buildings may have ceased, these buildings, and the appeal site in general, retains an agricultural appearance in keeping with the surrounding rural landscape.
15. The two barns which would be demolished are very simple buildings, being rectangular in shape, with gables at each end under a pitched roof. Barn 1 is a single-storey building with concrete blockwork walls. Barn 2 is two-storeys and has a white painted finish. Barn 2 is partially obscured by barn 1 when viewed from the south. Moreover, due to the gap between the existing buildings, there is a sense of openness between them; they are clearly read as two separate buildings. Their modest footprints and heights, their simple detailing, and the space around and between them help them settle into the wide, flat exposed landscape around the site.
16. Whilst the site is set back from the highway, the surrounding fields are relatively flat and this creates exposed views of the appeal site and its immediate surroundings, particularly from public vantage points along the bridge and highway of Guy Lane to the south, as well as from a nearby public right of way which runs to the west of the site. These exposed views of the appeal buildings, and the existing dwelling beyond, make a positive contribution to the rural character of the wider landscape of this area.
17. In this context, the proposed house would appear uncharacteristically large. Its footprint and volume would be greater than that of either barn 1 or barn 2, which are clearly viewed as two separate, modestly sized agricultural style buildings. Moreover, the eaves and ridge height of the house would be higher than the barn on whose footprint it would stand. Due to the open characteristics of the surrounding land and fields the dwelling would appear as a large and dominant building in this exposed section of the landscape.
18. The proposed dwelling would be of a modern and contemporary design with little reference to the local building tradition, which is part of the architectural character of this area. The form of the house, when compared to the simpler and more modest forms in this area, would be uncharacteristically complex and lavish. For instance, the articulated plan, projecting and recessed features, the raised gable, the wraparound balcony, and the extensive areas of glazing.
19. Moreover, the house would have a substantial residential curtilage. Any domestic paraphernalia associated with the residential use of the site would result in the urbanisation of the appeal site to the visual detriment of the area. This would cause further harm to the rural character of the surrounding area. I acknowledge that there are areas of existing hard surfacing around the appeal buildings and at the time of

my visit parts of these areas where being used for storage, as well as the parking of a car and a boat. Nevertheless, the appeal site is large in size and also includes areas of grassland, particularly to the southwest of barn 1, which contribute to this rural setting.

20. I acknowledge the palette of materials to be used within the development would be reflective of existing buildings in the local area. However, the incompatibility of the complex architectural language, the large footprint, the height, the volume of the house, its prominence in this exposed context, and the extent of residential curtilage, would result in a significant degree of harm to the character and the appearance of the rural landscape.
21. I recognise that there are some examples of large dwellings within the wider area and there are properties of varying age and design. However, I do not have all the planning history details of these other properties to enable me to draw any comparisons with the appeal proposal. In any case, the vast majority of the buildings I observed had a traditional, rural appearance in keeping with the agricultural character of the area.
22. The appellant has drawn my attention to a relatively modern dwelling on Ryecroft Lane that was granted consent¹ by the Council. I recognise this property contains significant levels of glazing in its front and rear elevations and therefore has a solid to void ratio which is not in keeping with the general appearance of other dwellings I observed in the area.
23. However, I note this consent was granted for a replacement dwelling, whereas the appeal before me seeks to replace former agricultural barns with a dwelling and outbuilding. I have also not been provided with the elevations of the dwelling that was replaced and therefore am not aware of the design of the previous house on this site. Additionally, the property on Ryecroft Lane is located a significant distance from the appeal site and thus the two properties would not be viewed within the same context.
24. Furthermore, having visited this dwelling on Ryecroft Lane I observed that it is situated within a small cluster of properties which front onto the highway. This is not comparable to the appeal site, which occupies a more isolated location, set back from the highway, with exposed views across open land. The appeal site therefore has a more agricultural character and appearance in comparison.
25. Moreover, and in any case, whilst acknowledging the levels of glazing, I do not find the overall design or appearance of the dwelling at Ryecroft Lane to be comparable to the cluttered and complex design of the appeal proposal. As such, I give the existing property at Ryecroft Lane limited weight in my determination of the appeal proposal.
26. I conclude that the proposed development would cause significant harm to the character and appearance of the area. The proposal is therefore contrary to LP1 Policies STRAT 9 and ENV 6, and LP2 Policies DM 19 and DM 3, as well as Policy 3 of the Central Gowy (South) Neighbourhood Plan (2015 – 2030 (2018 (CGNP), where these policies together seek to ensure, amongst other things, that developments are of an appropriate scale and design to not harm the character of the countryside; are sympathetic to the characteristics of the development site, its relationship with its surroundings and views into the site; result in an enhancement of

¹ Council Ref: 18/03625/FUL

the site and the rural setting; and that there would be no greater impact on the character of the countryside from replacement buildings.

27. The proposal would also be contrary to the Framework where it seeks to ensure that developments are visually attractive and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

Fallback

28. Location: The appeal site currently benefits from an approved planning consent to convert barn 1 into a residential dwelling and barn 2 to an ancillary domestic workshop/garage with office and gym space. The appellant asserts that this permission constitutes a material fallback position.
29. As defined in case law² there only needs to be a “real prospect” of the fallback scheme being implemented and the appellant states that should the appeal be dismissed the extant permission for the conversion would be implemented. I have no reason to doubt this claim and I consider there is a reasonable prospect of this previous approval being implemented if the appeal is dismissed. This previous permission therefore represents a genuine fallback position.
30. Nevertheless, the weight to be afforded to the fallback scheme depends on whether it would be more or less harmful than the scheme for which permission is sought. This, along with the weight to be given to the fallback position, is a matter of planning judgement based on the specific circumstances of the case.
31. With regard to the suitability of the appeal site for residential development and the Council’s spatial strategy, the number of trips generated by the fallback scheme for the conversion to one dwelling would be comparable to the number of trips generated by the erection of the proposed single dwelling. As such, the appeal scheme and the fallback scheme would have a similar effect in respect of the sustainability considerations for the proposed development.
32. The fallback position is a significant material consideration which tempers the appeal proposal’s conflict with the development plan, at least, in regard to its spatial strategy for the location of new housing.
33. Character and appearance: Notwithstanding this, the fallback scheme involves the sympathetic conversion of the existing buildings into residential use. It would retain the existing simple shape, design and traditional agricultural appearance of the existing buildings, reflective of the rural character of the area. This is not comparable to the appeal scheme which, for the reasons given earlier, I find would result in a modern new-build dwelling, with cluttered and complex elevations, that would not reflect the former agricultural use of the site and its rural surroundings.
34. Furthermore, as part of the conversion scheme, barn 1 would retain the existing lower eaves and ridge height at the most visually prominent part of the appeal site when viewed from the highway and bridge on Guy Lane, whereas the appeal proposal would result in a larger and more visually dominant building on this prominent and visually exposed part of the appeal site.

² Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

35. I note the appellant has commented that the use of render as the finish on the fallback scheme is not typical of an agricultural building and the materials that will be used on the proposed dwelling would be more agricultural in appearance. However, I note the adjacent dwelling at Stapleford Mill Farm has a rendered finish and barn 2 is currently painted in a light colour. As such, I do not consider the use of render on the fallback scheme would be out of keeping with its surroundings.
36. I acknowledge the fallback scheme does involve the installation of several new glazed openings within the buildings. However, the solid to void ratio of the fallback scheme would be more reflective of the agricultural character of the area when compared with the proposed dwelling which would consist of extensive levels of glazing, and a substantial first-floor terrace area, in its most prominent elevations facing south.
37. As such, owing to my earlier raised concerns regarding the overall size, design and appearance of the proposed new dwelling, I find that the appeal proposal would have a more harmful impact upon the character and appearance of the area than the fallback scheme.
38. The proposal provides an opportunity to provide a more energy efficient and airtight dwelling, with more natural light inside the building, than the previously approved conversion scheme. I have not however been provided with full details of the energy efficiency level of the proposed dwelling or how this would compare to the fallback scheme. Nevertheless, matters relating to the energy efficiency of the proposed dwelling could be secured by planning conditions and thus this is an environmental benefit to which I attribute some limited weight in favour of the appeal proposal in comparison to the fallback scheme.
39. It is stated that the proposed dwelling would provide an improved internal layout, provide a lifetime home and the revised access road layout would no longer separate the dwelling from the outbuilding, when compared to the fallback scheme. Be that as it may, the amendments to the revised access road and the improved internal layout are largely personal benefits for the future occupiers of the proposed dwelling. Furthermore, I am not convinced that the appeal proposal is the only way to achieve these purported benefits. Nevertheless, I still give these matters some limited weight in favour of the appeal proposal when compared with the fallback scheme.
40. The appellant also states that the proposal would result in a better relationship with the existing dwelling house at Stapleford Mill Farm. However, limited information has been provided to demonstrate how the fallback scheme would be harmful to the living conditions of the occupiers of Stapleford Mill Farm given that it relates to a conversion of existing buildings and there is a significant separation distance between them. Furthermore, the relationship between the existing dwelling and the 2no. buildings to be converted was plain for the Council to see and assess when they granted planning permission for the fallback scheme. I therefore give this matter limited weight in favour of the appeal proposal in comparison to the fallback scheme.
41. The proposal would provide a private garden area for future occupiers. However as detailed earlier the residential curtilage would be large and domestic paraphernalia within this curtilage has the potential to cause further visual harm to the rural character of the area. Nonetheless, I note that the approved curtilage for the fallback scheme would be the same as the appeal proposal and thus the potential harm arising from this matter would be the same for both schemes.

42. In view of all the above, whilst there may be some matters which result in the same degree of harm, and some matters which result in a limited level of betterment in favour of the appeal proposal in comparison to the fallback scheme, I find that the proposed development would, overall, be more harmful to the character and appearance of the area than the fallback scheme. Accordingly, I afford the fallback position limited weight in favour of the proposal.

Previous decision of the Council

43. The appellant has drawn my attention to a previous decision³ of the Council at another site whereby the fallback position for an existing conversion consent was a material consideration in favour of that proposal when the Council granted planning permission for the demolition of an existing barn and erection of a new dwelling. The appellant contends that this situation is very similar to the appeal scheme and references case law⁴ in respect of the importance of consistent decisions.
44. Whilst I am not bound by previous decisions of the Council, that decision is a material consideration and I acknowledge that consistency of decision making is important to the parties and to ensure public confidence in the planning system.
45. Nevertheless, whilst I have been provided with a copy of the decision notice, officer report and approved plans for the erection of the new dwelling, I have not been provided with the approved plans for the barn conversion (the fallback scheme in that case). I am not therefore aware of the comparisons and differences between the granted permission for the erection of the new dwelling and the approved fallback scheme for the barn conversion in that case.
46. Moreover, I note from the Officer Report that the Council stated that the new dwelling incorporated design features that reflect the rural/agricultural context of the site and character of the building it is replacing. The Council therefore found the proposed development retained the rural and agricultural character of the surrounding area.
47. That situation is therefore not comparable to the appeal scheme before me where I have concluded that the proposed dwelling on this site, because of its incompatible appearance in the context of this site, would result in more harm to the character and appearance of the area than the fallback scheme. Additionally, having viewed the approved plans for that new dwelling, I do not consider its design and appearance to be comparable with that of the scheme before me.
48. As such, on the information provided I am not convinced that the case referred to by the appellant is comparable to the situation before me in respect of the impact of the proposal on the character and appearance of the area, the assessment of which is very much case and site specific. This therefore limits the weight I can attribute to that decision of the Council in my determination of this appeal.

Policy DM 21

49. The appellant comments that had the previously approved conversion scheme been implemented there would be a dwelling on the site and a proposal for a replacement dwelling would be assessed against LP2 Policy DM 21. The appellant claims that in such a situation the appeal proposal would be compliant with Policy DM 21.

³ Council Ref: 20/04481/FUL

⁴ North Wiltshire DC v SSE & Clover [1992] JPL 955, (1993) 65 P&CR 137

50. Notwithstanding the appellant's position on this matter, the conversion scheme has not been implemented and thus there is currently no dwelling on this site to be replaced. As such the replacement dwellings section of Policy DM 21 is not applicable to the appeal proposal and thus does not lend any support in favour of the appeal scheme.

Planning Balance

51. The proposal does not represent a suitable location for housing when having regard to the relevant development plan policies and its spatial strategy. Future occupiers would also be reliant upon the use of the private car and the appeal site would not therefore represent a sustainable location for residential development with respect to accessibility of local facilities and sustainable modes of transport. The proposal therefore conflicts with Policies STRAT 1, STRAT 2 and STRAT 8 of LP1, and Policies DM 1 and DM 19 of LP2.
52. However, as discussed earlier, the appeal site benefits from a fallback scheme which would result in the provision of a dwelling on this site. This fallback scheme would have a similar effect in respect of the sustainability considerations for the proposed development. I therefore find that the fallback scheme is a material consideration of significant weight which negates the harms arising from the appeal proposal's unsustainable location; the conflict with the development plan's spatial strategy for the location of new housing; and the conflict with the above policies.
53. Nonetheless, the proposal would also result in significant harm to the character and appearance of the area, contrary to LP1 Policies STRAT 9 and ENV 6, and LP 2 Policies DM 19 and DM 3, as well as Policy 3 of the CGNP. For the reasons given earlier I have found that the appeal proposal would be more harmful to the character and appearance of the area than the fallback scheme and accordingly I afford the fallback position limited weight in favour of the appeal proposal in respect of this matter.
54. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework seeks to protect the intrinsic character and beauty of the countryside and ensure that developments are visually attractive and are sympathetic to local character and history. I therefore give significant weight to the conflict between the proposal and LP1 Policies STRAT 9 and ENV 6, LP2 Policies DM 19 and DM 3, and Policy 3 of the CGNP. As the proposal would be contrary to these policies there would be conflict with the development plan as a whole.
55. The Council has confirmed that it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the appeal are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
56. Footnote 9 explains the policies referred to are those in paragraphs 66; 84; 91; 110; 115; 129, 135 and 139 of the Framework (as the appeal proposal is not for a major housing development, and does not propose a main town centre use, paragraphs 66 and 91 are not relevant to this appeal).

57. In respect of paragraph 84 of the Framework, whilst located outside any settlement, the appellant states that the development would not represent an isolated home. The appellant has therefore not advanced that the appeal proposal would meet any of the applicable circumstances set out in paragraph 84 of the Framework and I have no reason to disagree.
58. Whilst acknowledging that paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not negate the requirement for sustainable modes of transport to be prioritised as per paragraph 115 of the Framework. In this regard, I have found that the appeal site is located a significant distance from facilities, services and public transport connections. It does not therefore represent a sustainable location and would not limit future car use. The proposal would not therefore accord with paragraphs 110, 115 (a) and 129 (c) of the Framework.
59. However, for the reasons given above, as the appeal site already benefits from an existing consent for a conversion scheme to create one dwelling, the harms arising from the conflict with paragraphs 110, 115 (a) and 129 (c) of the Framework are negated. Nevertheless, as I have found that the appeal proposal would cause significant harm to the rural character and appearance of the area, I find the proposal would conflict with paragraphs 129 (e), 135 and 139 of the Framework.
60. In addition, the Framework seeks to significantly boost the supply of homes and make efficient use of land. The Council has confirmed that it can currently demonstrate a 1.89-year supply of deliverable housing sites. As such, whilst the provision of 1no. additional dwelling would make a very limited contribution to the Council's housing land supply position, taking into account the Council's significant shortfall in deliverable housing sites, I attach moderate weight to the social benefits arising from the provision of a new dwelling.
61. The submitted planning application form, and the Council's Officer Report, state that the proposed dwelling would be a self-build property and I acknowledge paragraph 73(b) of the Framework supports small sites to come forward for self-build and custom-build housing.
62. The parties have not however provided details on the level of need for self-build plots within the authority, as per the self-build register, or details of how many self-build plots have been granted consent. Consequently, the lack of information before me limits the weight I can give to this consideration in favour of the appeal proposal.
63. Economic benefits would arise from the proposal, including contributions to the local economy during the construction phase of the development. These however would be short term benefits. In accordance with paragraph 83 of the Framework further economic benefits would also arise from additional spending in the wider area by future occupants of the dwelling. Cumulatively, given the scale of development the economic support to the area arising from the appeal proposal would be relatively small. I therefore attach limited weight in respect of the economic benefits.
64. The proposal would make use of previously developed land and could be delivered quickly. These matters together carry moderate weight in favour of the appeal scheme.
65. For the reasons given earlier, and based on the information before me, I give some limited weight to the claims that the proposal would provide a better layout and be more energy efficient, airtight and provide more natural light inside the building, in

comparison to the previously approved conversion scheme. Nevertheless, as a result of the appeal proposal having a more harmful impact upon the character and appearance of the area than the fallback scheme, I have afforded the appellant's fallback position limited weight in favour of the proposal.

66. In view of all the above, I find that the adverse impacts arising from the significant harm the appeal proposal would have upon the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

67. I conclude that the proposal conflicts with the development plan and the material considerations, including the Framework and the fallback scheme, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

R. Major

INSPECTOR