



Appeal Decision

Site visit made on 1 October 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/A0665/W/25/3370431

Keepers Cottage, Hickhurst Lane, Little Budworth, Tarporley, Cheshire West and Chester CW6 9AY

- 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 R Hales against the decision of Cheshire West and Chester Council.
 - The application Ref is 25/00319/FUL.
 - The development proposed is conversion of redundant building to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant refers to Green Belt policies but the appeal site is not within the Green Belt. Whilst these policies are similar to those that relate to the countryside generally, they are not applicable and I have not taken them into account.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site relates to a detached building, built as an agricultural store and later converted to commercial use. It forms part of a small group of buildings on the corner of Hickhurst Lane and Eaton Road. The appeal building can be accessed via the shared driveway with Keepers Cottage along with a separate access both of which are from Hickhurst Lane.
5. The appeal building is located close to the boundary with Eaton Road and although partly screened by hedges and trees is visible from the road. The existing building comprises part metal cladding and part timber with a small amount of brickwork together with a range of different openings; doors/windows. The proposed conversion would create a three bedroom residential property. It would be timber clad with a metal roof. The proposal also includes a landscaping scheme.
6. The appeal site is within the countryside and future occupiers would not be able to access local services and facilities easily by walking or public transport. However, the building is existing and both Local Plan (Part One)¹ Policy STRAT 9 and Local

¹ Cheshire West & Chester Council Local Plan (Part One): Strategic Policies, adopted 29 January 2015.

Plan (Part Two)² Policy DM22 support the conversion of existing buildings. In the case of STRAT 9, it favours conversion for economic purposes but does not state this to be the only acceptable option. Policy DM 22 refers to the change of use of buildings in the countryside to dwellings houses. The criteria set out in this policy require the building to be redundant or disused; of permanent and substantial construction; the existing building does not have a harmful visual impact which would be perpetuated by its retention; the conversion or change of use would lead to an enhancement of its immediate setting; and the proposal would not conflict with existing uses in the locality. Paragraph 84 of the Framework seeks to avoid development of isolated homes in the countryside but does allow those involving the re-use of redundant or disused buildings that enhance its immediate setting.

7. In the Council's view, the existing building has a visually harmful effect which would be perpetuated by its retention and conversion that would not enhance its immediate setting. I find this view to be flawed for the following reason. There is no suggestion that the building is structurally unsound and so likely to fall down in the near or medium future. Therefore, the retention of the building is not dependent on the proposed conversion.
8. Moreover, although the planning application for the construction of the building for agricultural use in 2012 was subject to a condition requiring the buildings removal within ten years if it ceased to be used for agricultural purposes³, subsequent planning applications in 2021 and 2022 for the conversion of the building from agriculture to a flexible commercial use were granted⁴. I have limited details about these approvals but the appellant states that a food preparation business operated until 2022 along with a storage use. The Council has not put forward a case as to why the building would be required to be removed.
9. I agree that the building is not an attractive one and its alterations, possibly as a result of its earlier conversion from agriculture to commercial, has resulted in a building that fails to identify with the vernacular of the area or an agricultural background. The proposal would represent an improvement. The proposed new cladding, windows and associated landscaping would improve the appearance of the building and its setting and subsequently, the surrounding area.
10. The explanatory test to Policy DM 22 seeks to establish a balance between the visual benefits of the re-use of a rural building and its remoteness from local services. In this case, I find the improvements sufficient to outweigh the disadvantages of the building's location in terms of its accessibility to local services and facilities.
11. Furthermore, whilst the appeal building would appear very different to the domestic vernacular of Keepers Cottage or other brick buildings in the surrounding area, I do not find that the proposal would result in a building that was incongruous or out of keeping with the surrounding area, especially given that the building already exists and its re-use is limited to some extent by the form, scale and general character of the existing building. The proposal also includes an extensive landscaping scheme which will help integrate the building into its surrounding and generally improve the appearance of the area. As such it would not conflict with the aims of Local Plan (Part One) Policy ENV 6 or Local Plan (Part Two) Policy

² Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies, adopted 18 July 2019.

³ Planning Application Ref 12/00347/AGR – Condition 6.

⁴ Planning Application Ref: 21/01930/PDR & 22/01867/PDR.

DM 3 which, amongst other things, require development to respect local character and achieve a high standard of design.

12. Consequently, for the reasons above, the proposal would not have a harmful effect on the character or appearance of the surrounding area and it would not conflict with Local Plan (Part One) Policies STRAT 9, ENV 6 or Local Plan Part (Two) Policies DM 3 or DM 22. For the same reasons, no conflict with the overall objectives for good design, development in the countryside or the provision of housing set out in the National Planning Policy Framework (the Framework) would occur.

Other Matters

13. The appellant has indicated on the planning application form that the proposal would be exempt from the legal requirements for Biodiversity Net Gain (BNG) as it would be a self-build/custom build development. There is no dispute between the parties that the proposal would be subject to BNG unless it met one of the exceptions. In order to ensure that the development would be self-build/custom build a condition is suggested by the Council which the appellant agrees meets the legal and policy tests set out in the Framework and the Planning Practice Guidance.
14. The Framework⁵ and the Planning Practice Guidance (PPG)⁶ state that conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. Each of these needs to be satisfied in relation to any condition imposed.
15. The suggested condition states the following: -

Prior to the commencement of the development hereby approved, a Self-build and Custom Build Housing Statement must be submitted to and approved in writing by the Local Planning Authority. The statement shall:

- a) Demonstrate that the dwelling hereby approved is a house which is self-build or custom housebuilding as defined in Section 1 of the Self-Build and Custom Housing Act 2015; and
- b) Name the person(s) who had had or will have primary input into the final design and layout of the dwelling; and
- c) Specify a minimum period following substantial completion during which the dwelling will be occupied by the named person who has primary input into the final design and layout of the house.

The dwelling hereby approved must only be occupied in accordance with the approved statement.

The reason for the condition is to validate the exemption claimed under Regulation 8 of the Biodiversity Gain Requirements (Exceptions) Regulations 2024.

16. The proposal is for full planning permission to convert the existing building to a dwelling. The details for approval include the proposed internal floor layout and

⁵ Paragraph 57.

⁶ Paragraph 21a-003-20190723.

elevation details including materials. The proposed dwelling has already been designed. Therefore, the condition would require the person who has designed the proposal to be named. That person, or the appellant, if that is the case, would also be required to occupy the dwelling for a period of time. The condition gives no indication as to how long this would need to be. For the condition to meet the test of precision, it would therefore need to be personal to the appellant or a specified person and be clear about the length of time occupancy would be required.

17. Should the intention be to sell the property, then the purchaser would fail the requirement to have been directly involved in the design of the dwelling. Any re-design may involve a fresh planning application as a variation would be in breach of the Council's suggested condition to carry out the development in accordance with the approved plans (suggested condition 2). A condition specifying the plans is common practice and is reasonable to ensure that the development is carried out in accordance with the approval. There is therefore potential conflict between what has been approved and a condition requiring the approved scheme to be implemented and the suggested self-build /custom build condition. This would be unreasonable. Also, enforcing the condition would be difficult as it could involve negating the implementation of the approved scheme.
18. Whilst it is necessary to ensure that the dwelling is a self-build/custom build one due to it being an exception to BNG, I am not satisfied that the suggested condition would achieve this. Whilst both parties disagree that a Section 106 legal agreement would be necessary, I disagree.
19. Given that the proposal is described as a self-build/custom build development as an exception to BNG, for the above reasons, I am not prepared to impose the suggested condition to achieve this.

Planning Balance and Conclusion

20. The Council do not have a five year supply of housing land. I have found the proposal acceptable in all respects other than a satisfactory mechanism for ensuring that the development would be completed as a self-build/custom build dwelling. The benefits of adding a new dwelling to the Council's shortfall carries modest weight, commensurable with the size of the development. It would also satisfy the development plan policies I have referred to above.
21. I have no evidence regarding the Council's register for self-build/custom build housing and no indication has been made that the appellant or the appeal site is included on the register. Therefore, I cannot attribute weight in this regard.
22. Whilst there are benefits in developing the appeal site as I have set out above, the proposal fails due to the lack of a mechanism to secure self-build/custom housing.

Conclusion

23. The development would satisfy the development plan policies I have highlighted above. However, the failure to secure a mechanism for self-build/custom build as applied for is a material consideration. Consequently, for the above reasons, the appeal should be dismissed.

J D Clark

INSPECTOR