



Appeal Decision

Site visit made on 22 September 2025

by **K Winnard LL.B Hons Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/A0665/D/25/3368329

Laurels Farm, Parkgate Road, Ledsham, Chester CH1 6EZ

- 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 Michael Jones against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/03507/FUL.
 - The development is described as the demolition of the rear extension and a side/rear extension and front porch to main dwelling house and a proposed new brick wall boundary.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal scheme consists of a number of different elements. The Council does not raise any objection to the replacement front porch. I shall accordingly address my assessment to the remaining elements of the appeal scheme. These consist of the demolition of a single storey rear and side extension and the erection of a single storey rear and side extension which wraps around a two-storey rear extension, with alterations to windows and the construction of new brick boundary walls and gates to the front.
3. Save for the brick wall boundary, the development has already been constructed. The application is accordingly retrospective, and I have assessed the scheme on this basis. I have adopted the description of the development used by the Council in the banner heading above albeit I have removed the word 'retrospective' as this is not an act of development. I note too that this description has been utilised in the appeal form by the agent for the appellant.
4. The Council's first refusal reason as set out its decision notice refers to policy DM19 of the Cheshire West and Chester Local Plan Part Two Land Allocations and Detailed Policies (LPpT2). A copy of this policy has not been provided. Instead, a copy of LPpT2 policy DM21 has been submitted and this policy is referred to in the Council officer's report on the planning application leading to this appeal. LPpT2 policy DM21 is relevant to the assessment of the appeal as it relates to development within the curtilage of a dwellinghouse and includes provisions on development within the Green Belt. As such, no injustice would be caused to any party by having no regard to LPpT2 policy DM19 but considering LPpT2 policy DM21 in my deliberations on the appeal.

5. The appeal is accompanied by a legal undertaking under section 106 of the Town and Country Planning Act. I comment further on the undertaking in my reasoning below.

Main Issues

6. The main issues in the appeal are :

- the effect of the development on the character and appearance of the host dwelling and area; and
- Whether it is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies

Reasons

Character and appearance

7. The appeal property, (Laurels Farm) is a detached property which lies within a countryside area. The single storey extensions as constructed are to the side and rear of the building. Due to a combination of their siting and the existing screening of the site they are effectively hidden from public views. However, the flat roof part of the two-storey extension does not appear subordinate but instead it creates an elongated effect which appears awkward and discordant. Also, the flat roof element contrasts with the pitched roof of the original dwelling so it appears as an unsympathetic addition that relates poorly to the form and design of the house. The use of render would not mitigate this harm. As a result of the dwelling's proximity to the road and the height and form of the two-storey flat roof extension, the extension is seen as an incongruous addition to the dwelling. It therefore fails to respect or enhance the appearance and character of the host dwelling and the surrounding area.
8. The appeal scheme also proposes the removal of the existing hedging and timber fence and erection of new brick boundary walls and gates to the road frontage. Due to their height, design and position next to the road, the walls and gate would be prominent features that would be unsympathetic to the surrounding rural character of the area. Whilst I saw examples of similar boundary walls within the wider area, they are not characteristic of boundary treatments in the area as a whole and accordingly these examples do not justify the proposed boundary treatment.
9. Accordingly, the development harms, and would harm, the character and appearance of the host dwelling and the area. It therefore conflicts with policy ENV6 of the Cheshire West and Chester Local Plan Part One (LPpT1) and LPpT2 policies DM3 and DM21. These together require development to respect local character and to be in keeping with the character and appearance of the wider setting. The development also conflicts and would be contrary to the Council's Supplementary Planning Document House Extensions and Domestic Outbuildings, which requires development to be in keeping with the character and appearance of the existing dwelling and that encourages the retention of existing trees and hedges.

Whether inappropriate development in the Green Belt.

10. Laurels Farm is located within the Green Belt. The Framework establishes that the construction of new buildings is inappropriate development within the Green Belt unless it falls within specified exceptions. Paragraph 154 includes amongst other exceptions: (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building and (g) limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.
11. Policy STRAT9 of LPpt1 predates the Framework but it states additional restrictions will apply to development within the Green Belt in line with national planning policy. In addition, LPpt2 Policy DM21 requires development within the Green Belt to accord with Green Belt policy in the Framework. As such, the local planning policy is consistent with the Framework's provisions on Green Belt development.
12. Turning to the paragraph 154(g) exception, the site prior to the construction of the appeal development included a house and associated garden sited within a predominantly countryside area. Since it is not in a built-up area the residential garden, where the extensions are located, falls within the definition of previously developed land (PDL) as defined in Annex 2 of the Framework. I am advised the LPpt2 includes a definition of PDL that excludes all residential gardens. However, in establishing whether the development accords with paragraph 154(g) of the Framework it is appropriate to refer to the Framework's definition of PDL.
13. In this instance, the scheme has involved the demolition of a rear extension, the construction of a side/rear extension and front porch to the main dwelling house and proposes new boundary treatment fronting part of the curtilage of the appeal site. The extensions 'wrap around' the rear and the side of Laurels Farm following the demolition of part of the building. Given the scale of the works involved and the physical changes to the overall property, I consider that the appeal scheme should be considered as partial redevelopment of PDL.
14. The test with regard to paragraph 154(g) is whether the development causes substantial harm to the openness of the Green Belt. The greater mass of the building as extended has inevitably reduced openness from a spatial perspective. Much of the development can only be seen from within the appeal site itself. However, the flat roof element can be seen from the public highway when approaching the site in a north westerly direction. Views of the new boundary treatment would also be obtainable when travelling in either direction. Taking both spatial and visual effects into account, the development as a whole would have a modest effect on the openness of the Green Belt. This is not so sizeable as to amount to the substantial harm referred to in paragraph 154(g) of the Framework.
15. Accordingly, the development accords with this exception and I find it is not inappropriate development within the Green Belt. Therefore, I conclude the development would accord with the Green Belt provisions of the Framework, LPpt1 policy STRAT9 and LPpt2 policy DM21. In light of these conclusions, there is no requirement for very special circumstances to be demonstrated. Nor is it necessary for me to consider the exception at paragraph 154(c).

Other Matters

16. The appellant has submitted a signed and executed planning obligation in the form of an unilateral undertaking (UU). It includes provisions that prevent the owners of the appeal site from carrying out development allowed under residential permitted development rights for either extensions or outbuildings within the appeal site on the issue of any planning permission as a result of this appeal. If I dismiss the appeal, permitted development rights for the property would remain. However, there are restrictions in place under the terms of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) regarding the scope, size and siting of development that is allowed under permitted development rights. There is limited information to show the type, size and location of development that could be constructed on the site under permitted development rights or that demonstrate a more than theoretical possibility of such development being carried out in the event of the appeal being dismissed. Furthermore, the UU does not address the issues relating to design and harm to character and appearance that I have identified above. As such the benefits of the planning obligation in the UU attract limited weight in support of allowing the appeal.
17. The development would enable on site living for the running of a business operation together with extended accommodation for two families. I recognise this could be of benefit to the appellant and their relatives. However, there is little information on the business and why it is considered necessary for its operators to live nearby. As such I give this consideration little weight.
18. I am referred to appeal decision reference APP/A0665/W/23/3315220 where an Inspector allowed an extension to a house despite it constituting inappropriate development in the Green Belt. However, in that case the Inspector found the development would respect the existing building in terms of design and that it would help address the particular accommodation needs of the residents. Similar circumstances do not apply in this case and so I am not bound to arrive at a similar conclusion. This other appeal decision attracts limited weight in my assessment.

Conclusion

19. Whilst the development does not constitute inappropriate development within the Green Belt, I have found that it is and would be harmful to the character and appearance of the host dwelling and the area. As such, it would conflict with the Development Plan. There are no other material considerations to outweigh that finding. Therefore, I hereby dismiss the appeal.

K Winnard

INSPECTOR