



Appeal Decision

Site visit made on 22 July 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th November 2025

Appeal Ref: APP/A0665/W/25/3363476

Springpool Fisheries, Lake Lane, Whitley, Northwich WA4 4PW

- 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 Celia Axford against the decision of Cheshire West and Chester Council.
- The application reference is 24/00439/FUL.
- The development proposed is the change of use of an existing changing room/shower block to 2 holiday pods.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of an existing changing room/shower block to 2 holiday pods at Springpool Fisheries, Lake Lane, Whitley, Northwich WA4 4PW in accordance with the terms of the application, reference 24/00439/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings:
 - Location plan (Ref: TQRQM23332141200379)
 - 1:500 site plan
 - Existing drawings (Dimension Design Ref: A100)
 - Proposed concept (Dimension Design Ref: A101)
 - Proposed section (Dove Architecture Ref: 430/P/01)
 - 3) Prior to the commencement of development, a hedgerow retention and protection plan shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out and maintained thereafter in accordance with the approved scheme.
 - 4) The external surfaces of the development hereby permitted shall be as specified on the application form and approved drawings.
 - 5) The accommodation hereby approved shall be used as holiday lets only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all occupiers of the holiday accommodation, and shall make this available to the local planning authority for inspection at all reasonable times on written request.
 - 6) The holiday pods hereby approved shall be designed and constructed to ensure that the potential consumption of wholesome water by occupiers will not exceed 110 litres per person per day.
 - 7) The holiday pods hereby approved shall not be brought into use until details of a scheme of bird and bat boxes has been submitted to and approved in writing

by the local planning authority, and such boxes have been provided in accordance with the approved scheme.

Preliminary Matters

2. On 12 December 2024 the Government published a revised National Planning Policy Framework (“the Framework”), replacing the December 2023 version extant when the planning application was determined. Both main parties’ appeal representations were made in the light of the revised Framework, and there has therefore been no need for me to seek further comments separately on this matter. Where I have referred to specific paragraphs of the Framework, I have used the December 2024 numbering.

Main Issues

3. The main issues are:
 - Whether the scheme is inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
 - The effect of the development on the character of the countryside; and
 - If the development is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal relates to an existing amenity block used in connection with a fishery. The application “red line boundary” is drawn tight to the block itself; the wider fishery, which comprises two pools in a landscaped setting, is within the blue line boundary. The site is on the north-east side of Lake Lane, from which it is accessed, in an area of open countryside.
5. The amenity block is a simple prefabricated structure set on an area of hardstanding used as car parking; there is a small brick-built toilet and a storage shed close by. The amenity block is sited in accordance with a 2015 grant of planning permission for the “siting of a portable toilet and shower cabin”¹. The proposed development is the change of use of the amenity block, subdividing it internally to create two “holiday pods” each with a combined living and sleeping area and separate WC/shower room. The development would also include creating additional door and window openings; insulating the walls, roof and floor internally; and applying timber cladding to the exterior.

Inappropriate development in the Green Belt; Openness of the Green Belt

6. The appeal site is within the Green Belt. National planning policy in respect of the Green Belt is set out in Chapter 13 of the Framework. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, while Paragraph 154 indicates that, other than for listed exceptions, development in the Green Belt is inappropriate.

¹ LPA Ref: 15/03950/FUL

7. Policy STRAT 9 of the 2015 Cheshire West and Chester Local Plan Part One (“the Part One LP” and Policy DM 22 of the 2019 Cheshire West and Chester Local Plan Part Two (“the Part Two LP”) seek to protect the countryside and the Green Belt. In respect of the Green Belt, the policies indicate that restrictions will be applied to development in line with national policy set out in the Framework. I therefore need to consider the proposal in the light of the exceptions set out in Paragraph 154 of the Framework, three of which are potentially relevant here (I address “countryside matters” under the next main issue):
 - Paragraph 154 b) allows for “the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.
 - Paragraph 154 g) allows for “limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt”.
 - Paragraph 154 h) allows for certain forms of development providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, among them “the re-use of buildings provided that [they] are of permanent and substantial construction”.
8. The proposed development would provide short-stay holiday let accommodation in the countryside, serving up to four visitors at a time. This would support their taking part in activities such as walking or cycling in the area, travelling to other tourist attractions nearby (whether within Cheshire West and Chester or elsewhere) or, indeed, fishing. No compelling evidence has been put before me to suggest that such activities would not be appropriate forms of “outdoor recreation” as far as national and local planning policies in respect of the Green Belt are concerned.
9. The amenity block which would be converted is already present on the appeal site. Its overall size is modest, and views towards it from most directions – even from very close distances, such as from Lake Lane – are screened by the trees and hedgerows in and around the wider fishery site. Other than by the addition of cladding to the outside, which would have a negligible effect on its overall dimensions, the unit would not be enlarged. I note the Council’s concern that the use of the block as holiday pods would generate associated domestic paraphernalia, and that this would diminish the openness of the site by virtue of the intensification of the use of the land. However, the size of the proposed accommodation and the small number of visitors it could accommodate would inherently limit the amount of activity and associated paraphernalia likely to be generated by the change of use. As such, the development would have no adverse impact on the openness of this part of the Green Belt, and the openness of the Green Belt would be preserved.
10. The Council considered that the proposed development would not undermine any of the five purposes of the Green Belt set out in Paragraph 143 of the Framework. Taking these points together, I conclude that the appeal scheme falls within the

exception set out in Paragraph 154 b) of the Framework, and would not be inappropriate development in the Green Belt. In this regard it would not therefore conflict with national policy as set out in the Framework, the relevant provisions of which I have summarised above, with Policy STRAT 9 of the Part One LP, or with Policy DM 22 of the Part Two LP.

11. It is only necessary for one of the exceptions set out in Paragraph 154 of the Framework to apply for a development to be “not inappropriate”. While I note the comments made by both main parties in respect of Paragraphs 154 g) and 154 h) iv (in particular relating to definitions of “previously developed land” and whether the existing amenity block is temporary and portable, permanent and substantial, or somewhere between those descriptions), I have not considered them further here (though I address relevant points in assessing the second main issue).

Countryside character

12. Policy STRAT 9 of the Part One LP seeks to protect the intrinsic character and beauty of the Cheshire countryside by restricting development to that which requires a countryside location. Among the types of development it says will be permitted are “small scale and low-impact rural/farm diversification schemes appropriate to the site, location and setting of the area”, and “the reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction”.
13. The proposed development would support the diversification of the fishery; it would re-purpose the amenity block already on the site, and would not require the creation of new areas of hardstanding or access onto the land. In my view, it could reasonably be described as being a small-scale and low impact scheme, and would therefore be one of the types of development permitted within the countryside by Policy STRAT 9 – as with my consideration of Green Belt “exceptions” above, it is only necessary for a proposal to fall into one of the categories.
14. Policy DM 22 of the Part Two LP addresses changes of use to dwellinghouses and residential conversions in the countryside. It sets out five criteria which should be met by proposals for such changes of use; these are that:
 1. *The building to be converted is currently redundant or disused;*
 2. *The building is of permanent and substantial construction and it is suitable for and capable of conversion to residential use without significant loss of existing fabric, or major or complete reconstruction;*
 3. *The existing building does not have a harmful visual impact which would be perpetuated by its retention;*
 4. *The conversion or change of use of the building would lead to an enhancement to its immediate setting; and*
 5. *The proposal would not be in conflict with existing uses in the locality.*

The Council considers that the appeal proposal would not comply with criteria 2 or 4, but that the other three would be met.

15. The existing amenity block is described in the submitted Structural Report (“the SR”)² as “a prefabricated metal building”; the walls and roof are of thin metal sheeting, and the floor is of plywood. The block has been in place on the appeal site since between 2010 and 2017; both parties’ evidence on this is somewhat vague, though not necessarily at odds with the appellant’s description of the building as being around 20 years old, given that it could have been used elsewhere before being brought to the site. It rests on substantial timber sleepers placed on the gravel hardstanding; as the SR notes, “there are no foundations as such”. While there is a physical connection to a septic tank, to my mind this reflects the unit’s role as a toilet and shower block rather than being overwhelming evidence of it being permanent and substantial; there is nothing before me to suggest that block could not reasonably easily be disconnected from the tank, in the event of it needing to be moved.
16. The amenity block is *in situ* year-round, and has been for a considerable period; these factors have undoubtedly given it a degree of permanence; it is not a “transient or ephemeral” feature of the site. However, in my view this is not the same as “permanent and substantial” in the sense required here by Policy DM 22; the size, form, fabric, and limited (and easily reversible) physical connection to the ground are typical of a demountable building, and reflect the description “portable” used in the 2015 planning permission³.
17. The SR indicates that the amenity block is “generally structurally sound and stable”, and the proposed development would retain the existing steel structure, floor and walls, other than where new door and window openings would be created. While the development would involve the installation of internal insulation and wall boards, and the fitting of external timber cladding, these are not unusual features of conversions and would not amount to “major or complete reconstruction”. Conflict with criterion 2 of Policy DM 22 would therefore, in my view, be limited to the “permanent and substantial” point; the improvements to its outward appearance would be likely to lead to a modest enhancement of the immediate setting, so there would be no conflict with criterion 4.
18. I note the Council’s comment that the proposed holiday pod use would ordinarily sit within Class C3 of the Use Classes Order. Broadly speaking, though I agree there is often considerable crossover between the form and character of a dwellinghouse and a holiday let property, the two uses are not always analogous. Here, the very small size of the two units proposed, as well as (for example) the total lack of private amenity space separate from the fishery, mean that they would not be suitable for use as dwellinghouses, and the pattern and nature of their use and occupation would be likely to be quite distinct.
19. As I have already described in considering the Green Belt issue, providing short-term accommodation in holiday “pods” is not inherently incompatible with the appeal site’s countryside location. The small scale of the scheme and repurposing of an existing structure on the site mean that it would not have an unacceptable urbanising effect. Taking all of this together, I conclude that the proposed development would not have an adverse effect on the character of the countryside; there would therefore be no significant conflict with Policy STRAT 9 of the Part

² *Structural Report*, Structural Surveys and Design, 18 December 2023

³ In assessing this matter, I have also had regard to the *Skerritt* judgment (*Skerritts of Nottingham Ltd v SSETR* [2000] JPL 789) to which my attention was drawn.

One LP, or with Policy DM 22 of the Part Two LP, the principal relevant provisions of which I have set out above.

Other considerations

20. I have found that the proposed development would not be inappropriate development in the Green Belt in the terms set out in Paragraph 154 of the Framework. It is not therefore necessary for me to consider whether there are very special circumstances which might otherwise justify the proposal insofar as it relates to the Green Belt.

Conditions

21. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance, as well as the comments made by the appellant. Where necessary I have altered the order and proposed wording in the interests of clarity and effectiveness.
22. In addition to the standard time limit condition (1) I have specified the approved plans and other documents so as to provide certainty (2).
23. A condition relating to the protection of hedgerows (3) is required to protect biodiversity, and the character of the surrounding countryside. The appellant, questioned whether such a condition would be necessary on the basis that no extensions to the building are proposed. However, they also put forward the screening provided by the existing hedgerows as a factor which would limit the visual impact of the development, a point with which I agreed (as I have explained in my reasons above). The development would require the carrying out of works (including creating new openings, fitting windows, and installing new cladding) very close to the hedgerows; I therefore it is both reasonable and necessary to impose a condition which seeks to protect and retain those hedgerows.
24. A condition relating to materials (4) is also necessary to protect the character and appearance of the area, while a condition relating to occupancy requiring the owner or operator to keep a register of visitors (5) is necessary to ensure that the use of the holiday pods is carried out in accordance with the purpose for which permission has been granted. A condition relating to water use (6) is necessary in the interests of ensuring the efficient use of natural resources, and a condition relating to the provision of bird and bat boxes (7) is necessary in the interests of protecting biodiversity.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed and planning permission granted subject to conditions.

M Cryan

Inspector