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## Appeal Decision

Site visit made on 22 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

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**Appeal Ref: APP/A0665/W/25/3371380**

**Laurels Farm, Parkgate Road, Ledsham, Chester, Cheshire West and 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 Jones against the decision of Cheshire West and Chester Council.
  - The application Ref is 25/00058/FUL.
  - The development proposed is retrospective application for demolition storage buildings and three replacement storage buildings.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are: -
  - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
  - the effect of the proposal on the openness and purposes of the Green Belt;
  - the effect on the character and appearance of the surrounding area; and
  - whether any harm 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

#### *Green Belt – Inappropriateness*

3. The appeal site includes an access from Chapel Lane and a group of buildings. The buildings subject to this appeal have already been constructed and are substantial structures referred to on the submitted plans as Store 1, Store 2 and Store 3. There are other buildings and structures within the appeal site and a residential property adjacent with access from Parkgate Road.
4. The National Planning Policy Framework (the Framework) explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that development is considered inappropriate unless it satisfies one of the exceptions cited in paragraphs 154 and 155. Paragraph 154, sub-section d) allows the

replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. Nothing remains of the previous buildings that the appeal buildings are described as replacing.

5. The submitted plans indicate a building, described as Large Shed, in the position of Store 1 and another, referred to as Small Shed, in the position of Store 2. No buildings are shown in the position of Store 3. This, therefore, is a completely new building and no evidence has been submitted to substantiate that this is a replacement.
6. Of the other two new buildings, Store 1 and Store 2, the Council's research indicates that the Small Shed was in a very poor state of repair and could no longer be called a building. On this basis, its view is that Store 2 could not be a replacement. The appellant disputes this view. The Council also indicate that the Large Shed was also in a poor state of repair but enough of it remained to be classed as a building. In the Council's view, Store 1 could be considered a replacement building albeit larger than the building it replaced.
7. The appellant states that taking account of all the buildings on the application site, there would be a 38.3% increase in the gross internal area of the buildings. However, this figure does not break down the floor areas nor does it clarify the condition of the buildings included in this calculation. On the basis of the information available, it is not possible for me to make an informed opinion as to whether the replacement buildings are materially larger than those they purport to replace.
8. In any case, the buildings are new buildings and even though buildings were previously in the locations for two of them, the original buildings they replaced were removed before permission was sought for their replacement. The appellant purchased the site in 2020 after which the previous buildings were demolished and the appeal buildings constructed. It seems that agricultural activity ceased on the site in 2004 and the two buildings were used for the storage of caravans. Whilst some aerial photographs show caravans on the land, no substantive evidence has been submitted that would establish a consistent time frame or the extent of a non-agricultural use that indicates that an alternative use was lawful. There is therefore no certainty that the replacement buildings are in the same use as those they replaced.
9. Notwithstanding the state of the buildings or what they were used for, it seems that the appellant was not aware of the need for planning permission and this only came to light recently. However, whilst this is regrettable, the fact remains that the former buildings, in whatever state they were in, have gone.
10. Therefore, all three buildings are new structures that have been erected without planning permission, they are used for storage purposes. They fall outside any of the Green Belt exceptions cited in paragraphs 154 or 155 of the Framework and would conflict with Local Plan (Part One)<sup>1</sup> Policy STRAT 9 which accords with the Framework. As stated by the Framework, inappropriate development is, by definition, harmful to the Green Belt. Such harm carries substantial weight.

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<sup>1</sup> Cheshire West & Chester Council Local Plan Part One: Strategic Policies, Adopted 29 January 2015.

### *Openness and the Purposes of Green Belt*

11. The building identified as Store 3 is in a location where previously there were no buildings, according to the submitted drawings. Therefore, this building has an adverse effect on the openness of the Green Belt. The evidence indicates that there were two buildings/structures where Store 1 and Store 2 are located but from the information given, they were in a dilapidated state. In any case, they were removed before the replacement buildings were erected. At some stage therefore, there were no buildings and now there are three. This has an impact on openness in terms of both spatially and visually. This can only lead me to conclude that the three buildings have a harmful effect on the openness of the Green Belt. The Framework makes it clear that an essential characteristic of Green Belts is their openness.
12. The purposes of Green Belt are set out in paragraph 143 of the Framework. These include, a) to check the unrestricted sprawl of large built-up areas; b) to prevent towns from merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
13. In terms of purpose c), I accept that this site previously formed part of an agricultural group of buildings and the appeal buildings are within the former agricultural grouping. However, given my assessment above regarding the buildings or structures that have been removed, the new buildings on the appeal site visually intrude into what is an otherwise fairly flat landscape. The proposal would therefore conflict with this purpose. I am satisfied that the other purposes of Green Belt would not be compromised.
14. The impact on the openness of the Green Belt together with the conflict with one of the purposes of Green Belt would be harmful, it would conflict with the Framework and Local Plan (Part One) Policy STRAT 9. This contributes to the totality of harm to the Green Belt.

### *Character and Appearance*

15. The character of the surrounding countryside is mostly fields with small clusters of buildings. The appeal buildings are in good condition and form a grouping together with other buildings and structures and the house referred to above. However, they are a large group of commercial buildings within a rural setting. Whilst they have the simple utilitarian appearance of modern agricultural buildings, they do not relate to an agricultural enterprise.
16. The buildings are described as being for storage use and Store 1 is described as storing domestic paraphernalia and Stores 2 and 3 are for mainly vehicle storage. Whatever their existing or intended use is, the proposal is for storage and they are larger than could reasonably be expected to be for domestic purposes. Plus, there is no evidence that they are linked to a domestic property and the nearest dwelling is not within the appeal site. No evidence has been submitted to justify why commercially they need to be in this rural location or that any necessary storage cannot be accommodated within an urban, commercial, industrial or other built-up area.

17. Whilst the buildings may visually appear as an improvement to the dilapidated buildings that were on site previously, those buildings have gone and so it is not possible to compare the before and after scenarios. Having said this, I note that the appellant includes photographs of the remains of buildings, which undoubtedly are unattractive due to their poor state of repair. The aerial photographs of the whole site do not demonstrate the detailed condition of buildings or structures at those times although I accept that it is likely that it was unattractive.
18. However, the appeal buildings are large, prominent and form a substantial group of buildings in the countryside. Due to their size, amount of building and their use, unrelated to agricultural or any other use dependent on a rural area, they are visually intrusive and therefore, have a harmful effect on the character and appearance of the area. They conflict with Local Plan (Part One) Policies ENV 2 and ENV 6 and Local Plan (Part Two)<sup>2</sup> Policy DM 3 which collectively seeks to protect, respect and, where possible enhance local character and the landscape, amongst other things.

### **Other Considerations**

19. The appellant describes the site as a previously developed one and includes aerial photographs of caravans stored outside the buildings. However, these photographs are snapshots in time and do not establish the site as a previously developed one. An appropriate application to establish a lawful use would need to be secured to confirm that this was the case. It is not within the scope of this Section 78 appeal to make such a determination. Whilst paragraph 154 g) of the Framework allows development of previously developed land, provided that it does not cause substantial harm to the openness of the Green Belt, I have insufficient evidence to convince me that the appeal site can be considered previously developed under the definition in the Framework. I have also found the proposal to be harmful to the openness of the Green Belt.
20. I accept that the scale and design of the buildings are similar to those typically found in use as agricultural buildings. However, they are not agricultural buildings and have no agricultural justification for being in this location.
21. The buildings and their use do not have any adverse impact on residential amenity or highway safety. These are positive attributes of the proposal but they are insufficient to overcome the substantial harm to the Green Belt caused by virtue of inappropriateness.

### **Planning Balance**

22. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
23. I have found that the proposal would be inappropriate development. Harm caused by inappropriateness carries substantial weight. I have also found harm to the openness of the Green Belt and conflict with the purposes of Green Belts which

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<sup>2</sup> Cheshire West & Chester Local Plan (Part Two) Land Allocations and Detailed Policies, Adopted 18 July 2019.

adds to the totality of harm in the Green Belt. I have also found harm in relation to the effect on the character and appearance of the area.

24. I therefore conclude that the proposal would be inappropriate development in the Green Belt and the very special circumstances required to clearly outweigh the harm caused by inappropriateness, and any other harm, do not exist. The scheme would conflict with the Framework and with Local Plan (Part One) Policies STRAT 9, ENV 2 and ENV 6 and Local Plan (Part Two) Policy DM 3.

### **Conclusion**

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, for the above reasons, I conclude that the appeal should be dismissed.

*J D Clark*

INSPECTOR