



Appeal Decision

Site visit made on 29 October 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/A0665/W/25/3370183

Turkey Oak Cottage, Bentleys Farm Lane, Whitley, Northwich WA4 4QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Ben Jones against Cheshire West and Chester Council.
 - The application Ref is 23/02972/FUL.
 - The development proposed is conversion of four modern agricultural buildings to create eight new residential dwellings.
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Decision

1. The appeal is dismissed and planning permission for the conversion of four modern agricultural buildings to create eight new residential dwellings is refused.

Preliminary Matters

2. The appeal follows the Council's failure to determine the respective planning application. In response to the lodging of the appeal, the Council confirmed that had it determined the application it would have refused it on several grounds. The appellant addressed such grounds in the statement of case and has had the opportunity to respond further in their final comments. Therefore, they would not be prejudiced by my taking such matters into account and for them forming the main issues.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on highway safety with particular regard to access visibility, the lack of a footpath in front of Holly Barn and Cedar Barn, and width;
 - The effect of the proposal on the living conditions of the occupiers of Holly Barn and Cedar Barn, with particular reference to noise and disturbance from vehicular movements;
 - Whether the proposal would provide suitable living conditions for future occupiers, with regard to outlook and the provision of private amenity space;
 - The effect of the proposal on biodiversity;

- Whether it would enhance or preserve the character or appearance of the Higher Whitley Conservation Area (CA) and the area, and the effect of the proposal on the significance of the CA as a designated heritage asset;
- Whether the proposal would make adequate provision for affordable housing; and
- Whether any harm by reason of inappropriateness in the Green Belt, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. The appeal site is located within the Green Belt. The Framework establishes that development in the Green Belt is inappropriate other than for specified exceptions that are set out in paragraphs 154. One such exception that is relevant to this appeal is paragraph 154(h) (iv), namely, the re-use of buildings provided they are of permanent and substantial construction, the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
5. Policy STRAT9 of the Local Plan (Part One) Strategic Policies (LP1), adopted January 2015 and Policy DM22 of the Local Plan (Part Two) Land Allocations and Detailed Policies (LP2), indicate that, amongst other things, restrictions will apply to development within the Green Belt in line with the Framework.
6. There is dispute between the main parties as to whether the buildings that would be reused as part of the proposal are of permanent and substantial construction. Permanent and substantial construction is not defined in the Framework, as such it is a matter of planning judgement.
7. From the submitted information and what I observed on site, the buildings have been in existence for a considerable period, and I find that they can be described as of permanent construction.
8. The appeal is supported by reports regarding the structural condition of the buildings. Such reports conclude that they could be reused without major or complete reconstruction, although work to facilitate the proposal would be required. Such work would include strengthening within the interior of the building which the Council consider constitutes major construction.
9. Where conversion is involved, works are generally required to the fabric of the building to facilitate the new use, and, in my mind, what is proposed in this case would not be excessive. Furthermore, whilst a considerable number of new openings would be formed, the existing buildings would continue to significantly contribute to the development. For these reasons, I find that the proposed works would be consistent with the re-use of a building and not tantamount to a new build, as suggested by the Council.
10. The proposal would lead to a domestication of the site with the creation of residential curtilages, associated boundary treatments and residential paraphernalia. However, much of the area around the appeal buildings is currently hard surfaced and is likely to have been actively used for the parking of vehicles

and storage of equipment associated with its agricultural use. The domestic trappings associated with the proposal would be contained within the existing farmyard area and would be largely hidden from public view. As such, I consider that, overall, given the nature of the existing site and that two buildings would be demolished and removed from the site, openness of the Green Belt would be preserved.

11. I am satisfied that the proposal would not conflict with the five purposes that the Green Belt serves as set out in paragraph 143 of the Framework. Accordingly, given that I have found the buildings to be of permanent and substantial construction and that the proposal would preserve the openness of the Green Belt, it conforms with the exception at 154(h) (iv) of the Framework.
12. As the proposal falls within the 154(h) (iv) exception, it is not necessary for consideration to be given to paragraph 155 of the Framework, which sets out other circumstances where the development of homes in the Green Belt should not be regarded as inappropriate.
13. For the reasons given, the proposal would not be inappropriate development in the Green Belt and would accord with LP1 Policy STRAT9 and LP2 Policy DM22. Thus, it is not necessary for me to address whether other considerations amount to very special circumstances.

Highway safety

14. The site access is situated between the boundaries of Holly Barn, Cedar Barn and Willow Bank Farm. On one side, Cedar Barn has a hedge that tightly bounds the access for the initial stretch, extending up to its junction and along Bentleys Farm Lane. Willow Bank Farm also has a hedge that bounds the access which ends a short distance from the junction.
15. The access visibility splays as detailed within the appellants submissions shows them to cross land within the curtilage of Cedar Barn and Willow Bank Farm. It is reasonable to consider that the Cedar Barn hedge encroaches within the splay. Consequently, even if I were to agree with the appellant that visibility splays suitable to a 20 miles per hour highway is appropriate, ensuring that such splays are free from obstruction would be reliant on land that is not within the appellant's ownership and control. Therefore, such splays could not be secured and maintained.
16. As I observed on my visit, any driver exiting from the access when turning right has limited forewarning of any other vehicles travelling along Bentleys Farm Lane towards Dark Lane, in part due to the bend in the road. My observation on site suggests that there are a steady number of vehicles that pass along Bentleys Farm Lane, and such vehicles are travelling at low speeds. Nonetheless, given the substandard visibility splays at the junction, the ability to anticipate the movements of other highway users and stop as appropriate is adversely affected.
17. I acknowledge that the access already serves four dwellings in addition to the appeal site. Furthermore, the former use of the site generated movements by larger vehicles in excess of the number likely to be generated by the proposal. Even so, using the appellants figures, the proposal would result in a net increase of between 23 and 29 daily vehicular movements, which is a marked uplift. Accordingly, the risk of any conflict with users of Bentleys Farm Lane arising from

the substandard visibility at the access junction is likely to materially increase due to the proposal, which would be to the detriment of highway safety.

18. The front elevation of Holly Barn and Cedar Barn are very close to the access, and, given its restricted width, there is insufficient space to provide a footpath. Therefore, the occupants of those properties step out of their front door into the path of vehicles exiting the appeal site. Although vehicles will be travelling at slow speeds, due to the increase in the number and frequency of vehicular movements, use of the front doors would be unsafe for the occupants of such properties.
19. There are places along its length where the access narrows in width and, consequently, drivers of larger vehicles may be reluctant to pass at certain points. Nevertheless, there is sufficient space for a vehicle to pull onto the access, clear of the highway, before the first pinch point is encountered where the driver would have to wait to let a vehicle travelling in the opposite direction pass. It is, therefore, unlikely that a vehicle would have to wait on the public highway to turn into the site thereby disrupting the free flow of traffic on Bentleys Farm Lane.
20. Consequently, the proposal would have an unacceptable effect on highway safety due to inadequate visibility at the site access and the lack of a footpath in front of Holly Barn and Cedar Barn. As such it would conflict with LP1 Policy STRAT10 and LP2 Policy T5, adopted July 2019, which amongst other matters, seek to ensure that additional traffic generated by new development can be accommodated safely.

Living conditions – Holly Barn and Cedar Barn

21. The vehicular movements generated by the appeal proposal, particularly those leaving the site, would be extremely close to the front elevation of Holly Barn and Cedar Barn, both of which contain windows to main habitable rooms. I acknowledge that domestic vehicles generate less noise and disturbance than those associated with the agricultural use of the site. Nevertheless, there would be a materially greater number of vehicles passing those properties due to the proposal. This would include regular movements at weekends whereas the evidence before me suggests that, previously, such activity was predominantly during the week.
22. Accordingly, close proximity of the access to the adjacent properties, the scale of the proposal, and in the absence of technical evidence that demonstrates otherwise, I find that it would generate adverse levels of noise and disturbance that would be detrimental to the living conditions of the occupants of Holly Barn and Cedar Barn.

Living conditions – future occupiers

23. The large ground floor windows of the master bedrooms to dwellings numbered 6 to 8 would look onto building C. At 9 metres (m), the separation distance would fall materially short of the minimum 13m, which the explanation to LP2 Policy DM2 states is normally required.
24. Although sections of the walls of building C would be removed to accommodate vehicle parking, the master bedroom windows would look directly onto the retained external wall to the proposed storage area. At such a distance between the windows and a solid wall, building C would have a significant enclosing and

dominating effect on the outlook from the master bedrooms to such units, despite its single storey height.

25. I acknowledge that the explanation to LP2 Policy DM2 provides guidance only. However, the shortfall in the separation distance would be substantial and would be significantly at odds with those in the immediate surroundings. Notwithstanding that building C would not block natural light entering the master bedrooms, I find due to the limited separation, it would create a visual intrusion that would unacceptably diminish the living conditions of the occupiers of dwellings 6 to 8.
26. The Council has also raised concerns about the relationship between dwellings 1 to 4 and buildings B, C and D. However, even if I were to consider that the windows that would face onto such buildings were to main habitable rooms, the shortfall from the guidance is limited. It would not be to the extent where the living conditions of the occupants of dwellings 1 to 4 would be materially and unacceptably harmed.
27. Although considerably smaller than the proposed gardens to the other dwellings, the garden areas to units 2 and 3 would, nonetheless, provide sufficient space to be enjoyed by the occupants and utilised for incidental purposes, such as play, sitting out and drying laundry. The Council highlights that such gardens are less than the footprint of the proposed dwellings, however, I have not been directed to any guidance setting out that this is a requirement. Given my findings, and in the absence of any conflict with adopted standards, I consider the quantity of outdoor amenity space would be appropriate for all the proposed dwellings.

Living conditions - conclusions

28. For the reasons given above, I conclude that the proposal would harm the living conditions of the occupiers of Holly Barn and Cedar Barn due to noise and disturbance from vehicular movements. It would also not provide suitable living conditions for future occupiers of dwellings 6 to 8 due to an unacceptable outlook. The proposal therefore conflicts with LP1 Policy SOC5 and LP2 Policy DM2, which seek to ensure that development does not have a significant adverse impact on the living conditions of existing neighbouring properties and provides acceptable living conditions for future occupiers.

Biodiversity

29. The planning application for the appeal proposal was submitted prior to the introduction of mandatory biodiversity net gain requirements. Thus, it is exempt from the statutory requirement for development to deliver at least a 10% increase, relative to the pre-development biodiversity value of the onsite habitat. Nevertheless, LP1 Policy ENV4 states that development should not result in any net loss of natural assets and should seek to provide net gains. Furthermore, LP2 Policy DM44 states that development will be supported where there is no net loss of natural assets and, wherever possible, it delivers net gains within the borough.
30. The Council has raised several concerns regarding the supporting information that has been provided. The appellant has now confirmed their agreement with the Council in this regard. It is, therefore, common ground that a reliable baseline metric has not been submitted in support of the appeal.

31. I acknowledge the appellant is confident that a net gain of habitat units would be achievable within the appeal site. Nonetheless, in the absence of an appropriate pre-development quantification of baseline habitats, there is no certainty that the proposal would deliver a net gain in natural assets at the site, and it has not been demonstrated that it would not result in a net loss. Given this lack of certainty, it would not be appropriate to address this through a planning condition.
32. Consequently, based on the evidence that was provided in accordance with the appeal timetable, I am unable to conclude with any certainty that the proposal would not cause unacceptable harm to biodiversity. This is contrary to LP1 Policy ENV4 and LP2 Policy DM44 which seek to minimise impacts on, and provide net gains for, biodiversity. It would also be contrary to the Framework, which seek to safeguard and enhance biodiversity.

Character and appearance

33. The appeal site is on the edge of the village which comprises buildings of domestic scale and varied design. Such buildings include the residential properties Turkey Oak Cottage, Holly Barn Cedar Barn and Willow Bank Farm which directly adjoin the appeal site. Beyond the village is an open rural landscape.
34. The site access is within the CA and the buildings that would be converted are within its setting. The CA is small, encompassing the historic core of the village with its significance derived, insofar as it relates to this appeal, from the historic, rural residential character of the village.
35. Agricultural uses and buildings on the village fringes, within the setting of the CA, broadly make a positive contribution to the rural character of the area and, thereby, the significance of the CA as a designated heritage asset. The appeal buildings, however, are of neutral consequence in this regard given their non-traditional, utilitarian design and appearance and due to public views of the site being restricted.
36. A considerable number of new openings to the buildings are proposed, which would result a domestic appearance. Nonetheless, the footprint, scale and general shape of such buildings would be largely unchanged. Although not typical of a traditional rural development, the proposed introduction of a domestic presence to the site would complement the predominant land use in the CA. It would not result in a harmful intensification in activity on the site, including the access, or result in a harmful increase in the prominence of the buildings contained within it.
37. For the above reasons, the proposal would not harm the character and appearance of the Higher Whitley CA or the area. Furthermore, where within the setting of the CA, the proposal would not harm its significance as a designated heritage asset. It would therefore accord with LP1 policies ENV5 and ENV6 and LP2 policies DM3 and DM46, which seek to protect heritage assets and achieve high quality design.

Affordable housing

38. The appeal is supported by a planning obligation in the form of a signed and certified deed of agreement, dated 23 September 2025 (the Agreement). The Agreement secures two units as discounted market sale houses, with the discount

rate to be determined by the Council at a minimum of 30% below the open market value of the dwellings.

39. The Council has confirmed that the affordable housing provision secured in the Agreement is acceptable. Based on the evidence before me I find no reason to conclude otherwise.
40. Therefore, I find that the proposal would make adequate provision for on-site affordable housing and would accord with affordable housing requirements set out in LP1 Policy SOC1 and LP2 Policy DM23.

Other Matters

41. The Council has an identified deliverable housing land supply of 3.788 years. Therefore, paragraph 11d) of the Framework applies.
42. For the purposes of the Framework, the proposal is major housing development. As such, the 'Golden Rules' set out in paragraph 156 are a consideration.
43. Whilst the proposal would contribute affordable housing, it would not be at the level required to satisfy the Golden Rules as set out in paragraph 157 of the Framework. Furthermore, there is no compelling evidence before me that demonstrates that the proposal would contribute necessary improvements to local or national infrastructure, or would provide new, or improve existing, green spaces that would be accessible to the public. Consequently, none of the three Golden Rules would be met by the proposal and the significant weight in favour of the grant of permission set out in paragraph 158 of the Framework does not apply in this case.

Planning Balance and Conclusion

44. The proposal would develop an underused site and would contribute to the Government's aim of boosting housing supply. The proposal would also generate economic activity during the conversion works and the occupation of the proposed dwellings. However, as the contribution would be limited to 8 dwellings, the proposal would not address the Council's housing supply shortfall in a meaningful way. Furthermore, the identified economic benefits would be limited due to the modest scale of the development. Accordingly, such benefits carry moderate weight in the planning balance.
45. On the other hand, the adverse impacts I have identified in respect of highway safety, the living conditions of the future occupiers of the proposal and the occupants of the existing properties Holly Barn and Cedar Barn would be substantial and long lasting. When combined with the lack of certainty as to whether the proposal would cause unacceptable harm to biodiversity, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits in this case. As such the presumption in favour of sustainable development as set out in paragraph 11d)ii) of the Framework does not apply.
46. The proposal therefore conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

47. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR