



Appeal Decisions

Site visit made on 24 February 2026

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2026

Appeal A: APP/A0665/C/24/3337097

Land At Catton Hall Farm, Bradley Lane, Frodsham, Cheshire WA6 7EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr James Mann against an enforcement notice issued by Cheshire West and Chester Borough Council.
- The notice was issued on 27 November 2023.
- The breach of planning control as alleged in the notice is the change of use from one dwellinghouse known as The Coach House to two dwellinghouses by the subdivision of part The Coach House, the conversion of single storey garage and the erection of a first floor extension above the garage to form an additional dwellinghouse known as "Newhey" ("the unauthorised development").
- The requirements of the notice are:
 - (i) The cessation of the independent residential use of the building known as Newhey.
 - (ii) The demolition of the former garage building that was converted into residential accommodation and the first floor extension or;
The demolition of the first floor extension and the reinstatement of the ground floor to the garage building approved under planning permission reference 4/30977 dated 14.4.1997 and listed building consent reference 4/30978/L dated 14.4.1997 shown on the amended drawings bearing the date stamp "Vale Royal Borough Council 5 December 1996 Development Services Directorate".
 - (iii) The removal of all materials resulting from (ii) above.
- The period for compliance with requirements (i), (ii) and (iii) above is 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed.

Appeal B: APP/A0665/F/24/3337118

Land At Catton Hall Farm, Bradley Lane, Frodsham, Cheshire WA6 7EX

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (PLBCAA).
- The appeal is made by Mr James Mann against a listed building enforcement notice (LBEN) issued by Cheshire West and Chester Borough Council.
- The LBEN was issued on 27 November 2023.
- The contravention of listed building control alleged in the notice is the change of use from one dwellinghouse known as The Coach House to two dwellinghouses by the subdivision of part The Coach House, the conversion of single storey garage and the erection of a first floor extension above the garage to form an additional dwellinghouse known as "Newhey".
- The requirements of the notice are:
 - (i) The cessation of the independent residential unit of the building known as Newhey.
 - (ii) The demolition of the former garage building that was converted into residential accommodation and the first floor extension or;
The demolition of the first floor extension and the reinstatement of the ground floor to the garage building approved under planning permission reference 4/30977 dated 14.4.1997 and listed building consent reference 4/30978/L dated 14.4.1997 shown on the amended drawings bearing the date stamp "Vale Royal Borough Council 5 December 1996 Development Services Directorate".
 - (iii) Infill any gaps in the adjoining units resulting from (ii) above with sandstone and lime mortar.
 - (iv) The removal of all materials resulting from (ii) above.
- The period for compliance with the requirements (i), (ii), (iii), and (iv) is 12 months.

- The appeal is made on the ground set out in section 39(1) (h) of the PLBCAA.

Summary of Decision: The appeal is dismissed

Preliminary Matters

1. As the appeals concern a listed building, I have had special regard to sections 16(2), and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).
2. The appeals relate to one of a group of buildings forming part of a historic farm known as Catton Hall. It is my understanding that the farm buildings were converted to several separate dwellings some time in the late 1990s. The appeals relate to what was originally an attached double garage belonging to one of the dwellings, known as The Coach House. The evidence submitted is that it was originally adapted to provide accessible residential accommodation used as an extension to the primary living accommodation.
3. Subsequently, the converted garage was extended by the addition of a first floor, which provided two further bedrooms and the ground floor was refurbished to include a kitchen/dining area and an office. The works enabled the creation of a separate three-bedroom dwellinghouse, known as Newhey, which incorporates accommodation that originally formed part of The Coach House.

Appeal A on ground (a)

4. The ground of appeal is that planning permission ought to be granted. The main issues are:
 - (i) Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - (ii) The effect on the openness of the Green Belt;
 - (iii) Whether the development represents sustainable development for the purposes of the development plan and the Framework;
 - (iv) Whether the works preserve a Grade II listed building, 'Catton Hall Farmhouse and Attached Shippon', and any of the features of special architectural or historic interest that it possesses, and whether the works preserve the character and appearance of the area; and
 - (v) 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 required to justify the development.

Reasons

Whether the development is inappropriate development in the Green Belt

5. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate unless one of a

number of exceptions applies. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6. Policy STRAT9 of the Cheshire West & Chester Council Local Plan Part One: Strategic Policies (The LP Part One) concerns development within the Green Belt and seeks to protect the countryside by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. The policy should be read alongside Policy DM21 of the Cheshire West & Chester Local Plan (Part Two) Land Allocations and Detailed Policies (the LP Part Two). This allows extensions and alterations to dwellings in the Green Belt provided it would not result in disproportionate additions. As such, the development plan policies generally reflect the latest version of the Framework. Also of relevance is the Council's adopted Supplementary Planning Document (SPD): House Extensions and Domestic Outbuildings (2021) which indicates that net increases in floorspace of over 30 percent would be regarded as disproportionate.
7. The original building is the former single storey garage building. The addition of the first floor has unquestionably resulted in a disproportionate addition, as the overall floorspace has approximately doubled. This would be the case even if I were to take account of the Council's evidence that the original garage has been replaced by a building with a slightly smaller footprint, given the extent of the new accommodation at first floor level.
8. The appellant suggests that the development is not disproportionate when compared with the wider residential development at Catton Hall but Policy DM21 applies to development within the curtilage of a dwellinghouse and, in this case, the dwellinghouse is Newhey. If the lounge and bedroom that were originally part of The Coach House are included, the addition of a first floor over the double garage would be a disproportionate addition.
9. Therefore, I conclude that the development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and this harm carries substantial weight.

The effect on openness

10. The Courts have held that openness of the Green Belt has both spatial and visual aspects. A building of similar footprint existed on the site, as shown in the appellant's historic maps and aerial photographs. However, that building was single storey and the additional first floor has resulted in a building with a greater mass and volume than the garage which existed previously. The first floor has also increased the ridge height and utilises space which was formerly open. Consequently, it has a negative spatial impact on openness. Furthermore, the increased ridge height has increased the prominence of the building which has a visual impact. As such I conclude that the development has an adverse impact on openness.

Whether the development represents sustainable development

11. Local Plan Policy STRAT1 supports sustainable development in locations with good access to shops, community facilities, schools, and public transport. Policy STRAT2 sets out a settlement hierarchy and directs new housing to major settlements or smaller defined rural settlements with adequate services and transport access. The appeal site is not within any recognised settlement and lies in open countryside within the North Cheshire Green Belt.
12. Policy DM19 of the LP Part Two read with STRAT1 and STRAT9, restricts new residential development in the countryside unless it meets specific exceptions such as replacement dwellings, conversions, affordable housing, rural worker dwellings, neighbourhood plan allocations, or certain forms of redevelopment on previously developed land. Additional criteria require good public transport access, safe walking routes to services, maintenance of rural character, and no unacceptable landscape or employment loss.
13. The proposed dwelling sits at the far end of Bradley Lane, around 2 kilometres from the settlement boundary of Frodsham, with no continuous footpath and poor pedestrian accessibility. As a result, the location would rely heavily on private car use for most daily needs.
14. Overall, the development is considered an isolated, unsustainable new dwelling in the Green Belt, unrelated to existing buildings, harmful to rural character, and overly dependent on private vehicles. It therefore conflicts with Policies STRAT1, STRAT2, STRAT9 and DM19.

Whether the development preserves the Grade II Listed Building

15. The building was listed on 6 December 1985 and it dates back to the nineteenth century. The listing describes the building as:

“Farmhouse, circa 1830. Flemish bond brown brick with pale headers; left gable-end rendered, graded grey slate roof. 2 storeys; 3 windows; double pile. Sandstone plinth and rusticated quoins. Double half-glazed doors, 6 panes (margin panes at top and outer edge) with fielded panels below, Roman Doric doorcase with entablature. 20 pane casements (with margin panes) under wedge lintels. A brick chimney on each gable in front of ridge. Attached L-shaped farm building of sandstone at rear returning to right with driftway in corner. Interior not inspected; the house, on the site of a medieval manor house purchased by a Liverpool timber merchant early nineteenth century was rebuilt.”
16. The special interest of the listed building, insofar as it relates to these appeals, is primarily associated with its architectural style and materials, the detailing of the main farmhouse and the agricultural associations.
17. The former shippon buildings have been converted to individual dwellings, one of which is known as The Coach House which had an attached garage which projected from the northern end of the shippon range. The plan attached to the listing description shows a building on the site of the subject garage. This also appears on the appellant's historic maps dated 1910 and 1919. However, the appellant has stated that the structure shown on the 1910 plan was replaced by a brick built double garage in 2000/2001.
18. Although there have been various alterations to the sandstone buildings to facilitate the change of use, the elevations have retained their character as former rural farm

buildings. In contrast, the appeal building is constructed from red brick with a modern stretcher brick bond incorporating a string course, flat arched lintels over the windows and stone sills. The half-hipped windows at first floor level, combined with a timber front porch do not at all reflect the former farm buildings. The design of the altered and extended building is overly domestic and fails to complement the materials and design of the listed building. I understand that the garage was originally built of red brick, but it had a utilitarian style that was subordinate to the sandstone range. The altered building has a very different design and appearance which does not respect its siting within a historic farm complex.

19. Given the above, I find that the development fails to preserve the special interest and thus the significance of the listed building, and the character and appearance of the area. Consequently, I give this harm considerable importance and weight in the planning balance of the appeal.
20. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
21. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant argues that the provision of an additional dwelling is a public benefit by addressing housing supply and affordability and supporting the broader sustainability of villages and smaller settlements. In my judgement the public benefit is limited to making a very small contribution to the local housing supply and carries limited weight. This is insufficient to outweigh the harm that I have identified.
22. Given the above and in the absence of any significant public benefit, I conclude that the development fails to preserve the special historic interest of the Grade II listed building and the character and appearance of the rural location. This would fail to satisfy the requirements of the 1990 Act, the Framework and conflict with Policies STRAT9, ENV5 and ENV6 of the LP Part One and Policies DM3, DM21 and DM47 of the LP Part 2, and the Council's adopted SPD that seek, among other things, to ensure the preservation of designated heritage assets and development that respects its surroundings.

Other considerations

23. Among other considerations, the appellant contends that there was no rental demand for the original large five bedroomed house. However, this does not take into consideration the fact that the extended property was the result of unauthorised works. Therefore, the fact that it is difficult to find a suitable tenant does not justify the development the subject of Appeal A.
24. I also understand there may be consequences of the occupants losing their home. I have also noted that there is a lack of local opposition to the development the subject of the appeal, but that is only neutral in the overall planning balance in this case. Consequently, I can only afford limited weight to this consideration.

Conclusion on Appeal A on Ground (a)

25. I conclude that the development is inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be some harm to the openness of the Green Belt and considerable harm to the designated heritage asset and the character and appearance of the area. In addition, the development does not constitute sustainable development. Other considerations submitted by the appellant carry only limited weight and do not clearly outweigh the overall harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
26. The development would be harmful to the Green Belt and contrary to Policies STRAT9 and DM21 of the Local Plan, which seek to protect the Green Belt from inappropriate development. There would also be harm to the significance of the designated heritage asset and the character and appearance of the countryside contrary to Policies STRAT9, ENV5, ENV6, DM3, DM21 and DM47. As a result, the development would not accord with the development plan taken as a whole.

Appeal A on ground (d)

27. The ground of appeal is that at the date when the notice was issued, no enforcement action could be taken. The Courts have established that the onus of proof falls on the appellant and the test of evidence is on the balance of probabilities. In addition, the appellant's evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted. In order to succeed on this ground, it would be necessary to show that the detached outbuilding changed to use for self-contained residential purposes on or before 27 November 2019 and that the use then continued without interruption for a continuous period of 4 years or, if the breach of planning control commenced after 25 April 2024 the ten year rule applies under the Levelling Up and Regeneration Act 2023.
28. In support of his appeal the appellant has submitted an appeal statement and other evidence including:
- Planning permission 4/30977 dated 14 April 1997
 - Listed Building Consent 4/30978/L dated 14 April 1997
 - Site images
 - Historic Site Plan
 - Plans approved by Vale Royal Borough Council on 25 January 2000
 - Site Layout Plan 3754/5 Rev B
 - Section 106 Agreement dated 27 March 1997
 - Cheshire West and Chester Council Delegated Report 22/01259/FUL
 - Refusal of Planning Permission 22/01259 dated 17 June 2022

- Appeal Decisions APP/A0665/W/22/3313004 and APP/A0665/Y/22/3313006 dated 9 August 2023
 - Cheshire West and Chester Council Delegated Report 22/01260/LBC
 - Undated Statement of James Mann
 - Huws Gray Invoice dated 8 October 2019
 - Council Tax Bill 2017/2018 dated 16 June 2017
 - R. Hastings & Son Ltd Invoice 184178 dated 15 June 2019
 - Woodhouse Heating Quotation Reference 6866/RW dated 19 August 2019
 - Altrincham Glass Invoice dated 26 July 2019
 - Victorian Plumbing Invoice dated 17 October 2019
 - Ben Turner Electrical letter dated 19 December 2023
 - Email dated 18 December 2023
 - Undated letter from Terry Sutton
 - Email dated 16 January 2024
29. The appellant argues that the building known as Newhey was substantially completed more than four years before the Enforcement Notice was issued on 27 November 2023, claiming completion by 19 November 2019. He also states that the original garage was demolished and rebuilt in 2015 as ground-floor accommodation.
30. The Council accepts that the ground floor was used as ancillary accommodation from 2015 but notes various inconsistencies in the evidence submitted. In the 2022 Planning Contravention Notice (PCN) response, the appellant claimed the ground floor was built in 1998, with no mention of a 2015 reconstruction. No planning permission or listed building consent was sought for the 2015 works, meaning no immunity could arise until 10 years after substantial completion and no immunity at all with respect to the listed building works.
31. Regarding the first floor, roof and dormers, there are some discrepancies between dates given in the PCN and those in the appeal evidence. Although supporting invoices and other related documentation has been provided, the conflicting information makes the timeline unclear.
32. The appellant claims that the dwelling was substantially complete by 19 November 2019, but a building is only substantially complete when externally finished and internally capable of habitation, including facilities such as a functioning kitchen and bathroom. In this regard there is no firm evidence which confirms when the kitchen was installed. In addition, plumbing invoices appear to show that bathroom works were split between September 2019 and January 2020, with no clear indication of when facilities became fully usable. Submitted appendices only refer to completion “in November 2019” or “around the end of November,” not the specific claimed date.

33. Given the inconsistent information and lack of precise evidence showing when essential facilities were installed, I conclude that the appellant has not demonstrated that the building was substantially complete as a dwelling before 27 November 2019. Therefore, there is insufficient convincing evidence that the building was used continuously as a self-contained dwelling for either four or ten years. There is evidence before me to make the appellant's version of events less than probable, and their evidence is insufficiently precise and unambiguous
34. Therefore, taking the whole body of evidence into account, the appeal on ground (d) does not succeed.

Appeal A on ground (g) and Appeal B on ground (h)

35. Appeal A on ground (g) is that the time given to comply with the requirements is too short. Similarly, Appeal B on ground (h) is that the period specified as the period within which any steps required by the notice to be taken falls short of what should reasonably be allowed. With respect to Appeal A the 12 months given would be sufficient to cease the independent residential use, demolish the former garage or demolish the first floor extension and reinstatement of the ground floor to the garage previously approved and remove all materials. With respect to Appeal B the 12 months given would be sufficient to cease the independent residential use, demolish the former garage and the first floor extension or demolish the first floor extension and reinstate the ground floor to the garage previously approved, infill any gaps in the adjoining units with sandstone and lime mortar and remove all materials.
36. The appellant suggests a further 12 months is required due to delays in the planning process and time required for the appellant to review and undertake remedial works. In my judgement that is excessive in these circumstances given the ongoing harm caused by the unauthorised development as described, above.
37. Consequently, Appeal A on ground (g) and Appeal B on ground (h) fail

Conclusions

38. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice and LBEN and refuse to grant planning permission on the application deemed to have been made.

Formal Decisions

Appeal A

39. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made.

Appeal B

40. The appeal is dismissed.

A A Phillips

INSPECTOR