



Appeal Decision

Site visit made on 2 June 2026

by **C Evans MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 July 2026

Appeal Ref: APP/A0665/W/26/3377974

Pinfold Paddocks, Rectory Lane, Capenhurst, Chester, Cheshire West and Chester CH1 6HN

- 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 and Mrs Francis against the decision of Cheshire West and Chester Council.
 - The application Ref is 25/00313/FUL.
 - The development proposed is described as: “demolition of existing buildings and site clearance works, and erection of 1 no. self-build dwelling and detached garage with annex accommodation, and associated infrastructure works including access, drainage and landscaping”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description above includes reference to annex accommodation. Amended plans were submitted to the Council as part of the planning application. Changes included omitting the annex accommodation, reducing the size of the detached garage and relocating it to be closer to the proposed dwelling. The Council determined the application on the basis of these revised plans, as shall I.

Background and Main Issues

3. The site is located in the Green Belt. The proposal would replace an existing building with one of smaller area and volume on a site, which meets the definition of previously developed land. On this basis, the Council considers that the proposal is not inappropriate development as per paragraph 154 of the National Planning Policy Framework (the Framework) and the appellant is in agreement. Based on the information before me, I have no reason to take a different view. I have dealt with the appeal on this basis and therefore, the main issues are:
 - whether the site represents an appropriate location for housing having regard to local and national policy; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Appropriate location

4. The site is located near to the settlement of Capenhurst. There are various structures on the site, including a barn, storage buildings, stables, manège and a parking area, which are currently in use as a commercial livery. This proposal seeks to demolish a barn structure and replace it with a dwelling. It is intended that the commercial livery use will continue, utilising existing structures on the site.
5. The site is located outside of any defined settlement boundary and therefore, is in the countryside, as defined in paragraph 5.73 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (adopted 2015) (Local Plan Part One). Whilst Capenhurst has no defined boundary as a settlement, the appeal site is separated from the village by fields.
6. Policy DM19 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (adopted 2019) (Local Plan Part Two) outlines criteria where residential development of previously developed land in locations such as this site is acceptable. The Council has drawn my attention to two criteria regarding good access to public transport and reasonable walking distance to local services and facilities along a safe route.
7. The Council contends that the nearest bus stop is 1km away and is served by an hourly bus service. It requires walking via Chapel Lane or Capenhurst Lane. Neither has a pavement and so residents would be unlikely to travel this way. The appellant states there is a bus stop 470m away, but there is no active bus service.
8. Both parties agree that the site is located around 1km away from a railway station, which provides a regular service to Chester and Liverpool. Whilst this may be towards the top end of a reasonable walking distance, there is a pavement with lighting from the appeal site to the station. This is also a designated cycle route. On this basis, the site has access to public transport, which provides an alternative to the private car.
9. Other services and facilities are available in Capenhurst, including a Village Hall, a pre-school, primary school, leisure facilities and a church. These are within a reasonable walking distance, and Rectory Lane provides a safe route to the settlement. Further facilities and services are available in Great Sutton or Ellesmere Port, which the Council states can be accessed via a safe route. Both parties are in agreement that the distances exceed the preferred maximum for walking. They would, however, be within a reasonable distance for cycling.
10. Paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst the local bus service would not be easily available to future residents of the proposed development, the train station provides an alternative to the private car for accessing facilities and services not available in Capenhurst. Whilst there is some conflict with criterion 7 ii of Policy DM 19, overall, the site is in an accessible location.
11. For the reasons given above, I conclude that the site would be an appropriate location for housing having regard to local and national policy. It would not conflict with Local Plan Part One policies STRAT 1, STRAT 8, STRAT 9, and STRAT 10;

and policies R 1 and DM 22 of the Local Plan Part Two. Collectively, amongst other things, these seek to deliver housing in accessible and sustainable locations and ensure compliance with Green Belt policy.

Character and appearance

12. The wider area is rural in character with a variety of dwelling styles and materials, which are generally typical in form with tiled pitched roofs and brick or rendered walls. In contrast, the proposed dwelling would be contemporary in design, featuring a square footprint, large gable ends and exterior finishes made from timber cladding to the walls and metal cladding to the roof. It would result in an overly large dwelling, which would dominate the area. The functional and modern appearance would not reflect the rural characteristics of the surrounding area, and neither would it assimilate well with it.
13. A significant amount of large, modern, predominantly symmetrical glazing panels to each elevation and terraces with glass balustrades are proposed. This would introduce design features that are not typical of this rural area. The front elevation in particular, would be dominated by the large, glazed panels. This would be exacerbated by the proposed aluminium materials. As a result, the dwelling would be a prominent addition and would jar with the more traditional features of smaller glazing that is typical of the area.
14. Whilst the footprint, scale and massing would be smaller than that of the existing structure that is to be demolished, large barn type structures of this size and design, featuring the wide gable ends, are commonly seen in the countryside. By comparison, the proposal has an ambiguous design, which incorporates features of a barn and domestic dwelling. Contemporary materials of metal cladding and aluminium windows give an industrial appearance. This mixed form and design, which does not reflect any original structure, would not respect the local rural character. Consequently, it would result in an incongruous addition to the area.
15. The appellant is willing to accept conditions regarding landscaping and materials for the dwelling. These would not, however, overcome the harm that I have identified above.
16. For the reasons highlighted above, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Local Plan Part One policies STRAT 9 and ENV 6; and policies DM 19 and DM 3 of Local Plan Part Two. Collectively, these require the design of the development to not harm, respect and fully reflect the character of the area.

Other Matters

17. The appellant contends that the site is grey belt, as defined in the Framework. However, the site is inappropriate development as per the criteria in paragraph 154.

Planning Balance

18. I have found that the proposal would harm the character and appearance of the area. The proposal is therefore in conflict with the development plan as a whole. I give these matters significant weight. On this basis, the proposal should be refused unless material considerations indicate otherwise.

19. The Council and the appellant agree that the Council cannot demonstrate a 5 year supply of deliverable housing sites. The appellant has provided evidence that the current supply is 1.89 years, which is a significant shortfall. The Council has not contested this. Paragraph 11 (d) of the Framework applies. Planning permission for new sustainable development should be granted, unless adverse impacts significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole, having particular regard to directing development to sustainable locations.
20. The proposed development would make a positive contribution towards the housing supply in an area where there is a shortfall. It would also make use of previously developed land. There would be associated economic benefits during construction and future occupancy. The use of solar and electric vehicle charging would provide environmental benefits. I give moderate weight to these benefits, although they would be limited in extent due to the modest scale and nature of the development
21. This proposal is for a self-build dwelling with a private domestic garden, and the appellant has submitted a planning obligation to secure this. I have not been provided with any evidence regarding the need for self-build in the area, the availability or delivery of plots. Nevertheless, the Framework supports this type of housing and so this attracts moderate weight in favour of the proposal.
22. The appellant has made reference to a fallback scheme, where conversion of the existing building to residential with an extension could be permitted under development plan policies. Whilst it may be a possibility, evidence has not been provided to me to demonstrate that such a scheme would meet all relevant policy criteria and secure consent. Neither has evidence been provided which shows that the effect on the character and appearance of the area would be more harmful. On this basis, I give little weight to the fallback.
23. It has been put to me that the proposal would not impact regional or national statutory or non-statutory designations or the historic environment. There would be no unacceptable impact on best and most versatile agricultural land, noise, air quality or contamination as a result of the proposed development. Neither would it harm living conditions of neighbouring dwellings. In terms of the natural environment, the appellant contends that there would be minimal loss of existing landscape features, an increase in green infrastructure, no loss of any features of significant ecological value, nor harm to any protected species. There would also be no conflict with local and national Green Belt policies. Whilst these weigh in favour of the proposed development, they only attract limited weight.
24. On the other hand, the harm to the character and appearance of the area would conflict with development plan policies due to the design of the proposal. This harm would endure beyond the current housing land supply issue. The development plan policies regarding local character are consistent with the Framework, which also requires developments to be sympathetic to local character and seeks good design. It states that development that is not well designed should be refused. This matter carries significant weight against the proposal.
25. Overall, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken

as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

26. 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. For the reasons given above the appeal should be dismissed.

C Evans

INSPECTOR