

Notice of Listed Building Consent

Mr Peter Madden
c/o DK Seddon
Howard & Seddon ARIBA
64 Washway Road
Sale
M33 7RE
United Kingdom

Application Number:
21/04765/LBC

31 July 2023

Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

Proposal: Demolition of all the non-listed and derelict structures including the tank, conversion and extension of barn into 6 dwellings and conversion of farmhouse into 2 dwellings

Location: Lane Ends Farm, Marston Lane, Marston, Northwich, Cheshire, CW9 6DP



In pursuance of their powers under the above Acts, the Council hereby grants **CONSENT** for the above development to be carried out, subject to compliance with the following conditions:

1. The works hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The works hereby approved shall be carried out in accordance with the following approved plans:

Proposed Farm House Elevations 14822 07 A
Proposed Farmhouse Floor Plan 14,822 06 B
Proposed Garage 14822 12 A
Proposed Barn Plan 14822 08 C
Proposed Site Plan 14822 10 D
Proposed Barn Elevations 14,822 09 C
Location Plan 14,822 11 A

Reason - For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the application form and approved plans.

Reason - To ensure that the external appearance of the development is appropriate to its surroundings.

Notes

1. The local planning authority has sought to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social and environmental conditions of the area, in line with the NPPF

Signed:

Date: 31 July 2023



Rob Charnley
Head of Planning and Placemaking

Cheshire West and Chester Borough Council The Portal Wellington Road Ellesmere Port CH65 0BA

Please read the notes on the following page, they will explain your rights and other important matters about this decision.

NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from:

The Planning Inspectorate, 3/13 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN - (Tel: 0303 444 5000)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the

land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTICE TO APPLICANT WHERE LISTED BUILDING or CONSERVATION AREA CONSENT IS REFUSED OR GRANTED SUBJECT TO CONDITIONS.

If you are aggrieved by the decision of the local planning authority to refuse listed building or conservation area consent for the proposed works, or to grant such consents subject to conditions, then you can appeal under Sections 20, 21, and 22 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal must be made within 6 months of the date of this notice on forms available from the Planning Inspectorate at the above address. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed works are in progress.

If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state, and cannot be rendered capable of reasonable beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the District Council in which the land is situated a listed building purchase notice requiring that Council to purchase his interest in that land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

OTHER IMPORTANT POINTS TO NOTE:

Your attention is drawn to the relevant provisions of the Chronically Sick and Disabled Persons Act, 1970 and the Code of Practice for Access for the Disabled to Buildings. These provisions apply to (a) buildings or premises to which the public are admitted, whether on payment or otherwise or (b) premises in which persons are employed to work. Similar provisions also apply for the benefit of disabled in educational buildings.

Development for which listed building consent and/or permission is granted is subject to compliance with the general statutory provisions in force in the District, except as may be modified in this permission and the Building Regulations. Your attention is drawn to Section 50 of the Cheshire County Council Act, 1980 which provides that where plans are deposited under the Building Regulations for the erection/extension of a building with the district council, then that council will reject the plans unless, after consultation with the Fire Authority, they are satisfied that the plans show there is an adequate means of access for the Fire Brigade to the building or extension and that the building or extension will not render inadequate any existing means of access, for the Fire Brigade, to the neighbouring buildings. This note is included to give effect to Section 50 of the 1980 Act by virtue of sub-section (2) of the said Section.

Developers should check with all statutory undertakers at an early stage to ensure where their equipment (pipes, cables, poles etc) is located in relation to the development site and agree measures to ensure that no damage is caused to that equipment during construction, or negotiate the repositioning of some or all of the equipment.

Any Environmental Statement submitted with the application, together with any related information, has been taken into account by the Council in arriving at this decision.

Street Naming and Numbering – It is a legal function of the Council to allocate property numbers and street names to new developments and conversions. This service is chargeable, please visit the Street Naming and Numbering page on our website and use the online form to submit an application. The charging scheme, guidance and contact details are also available on our Street Naming and Numbering web page.

CHESHIRE WEST AND CHESTER COUNCIL

DELEGATED REPORT

APPLICATION NUMBER: 21/04765/LBC TARGET DATE: 31 July 2023

DESCRIPTION OF DEVELOPMENT: Demolition of all the non-listed and derelict structures including the tank, conversion and extension of barn into 6 dwellings and conversion of farmhouse into 2 dwellings

SITE ADDRESS: Lane Ends Farm Marston Lane Marston Northwich Cheshire CW9 6DP

WARD: Marbury

**WARD MEMBERS: Councillor Norman Wright
Councillor Lynn Gibbon
Councillor Phil Marshall**

CASE OFFICER: Edward Shepherd - Tel:

RECOMMENDATION: Approval

SITE AND PROPOSAL

This application relates to an existing Grade II Listed B farmhouse building, with a number of listed barns immediately adjoining. The site is located on Marston Lane at the junction of Dark Lane.

This application seeks Listed Building Consent to sub-divide the main dwelling into two properties and also convert the barn into 6 residential units. The plans have also been amended to reduce the total amount of parking spaces, as these were in excess of the parking SPD and resulted in visual harm to the setting of the listed building and also amend the external appearing and number of openings of the barns

A number of other modern sheds or dilapidated pig sties are also present within the site and proposed to be removed, it is not considered that these are listed. The plans propose that these would be demolished.

RELEVANT PLANNING HISTORY

21/04764/LBC: Demolition of all the non-listed and derelict structures including the tank, conversion and extension of barn into 5 dwellings and conversion of farmhouse into 2 dwellings:
Approved

CONSULTATIONS

Conservation: No objections following revised plans, the proposal would result in less than substantial harm but bring a public benefit in bring the building back into a viable use.

ISSUE AND ASSESMENT

CHESHIRE WEST AND CHESTER COUNCIL

The NPPF states that local planning authorities should have a positive strategy for the conservation of the historic environment including for heritage assets most at risk through neglect, decay or other threats. In doing so the NPPF advises that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. Paragraph 195 of the NPPF sets out that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area (CA). In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Finally paragraph 202 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

In regards to local policy, LP1 Policy ENV 5 indicates that amongst other criteria development will be required to respect and respond positively to designated heritage assets and their settings, avoiding loss or harm to their significance. LP2 DM 46 requires that in line with LP1 ENV 5 development within or affecting the setting of a conservation area will be expected to pay special attention to the desirability of preserving or enhancing the character and appearance of that area, whilst LP2 DM47 relates to listed buildings and in this case requires development proposals to have special regard to the desirability of preserving their setting.

The subdivision of the existing building into two dwellings would be acceptable, given LP2 DM22 sets out that proposals of sub-division of an existing dwelling would only be supported where the conversion would not lead to significant alterations or extensions that would have a detrimental impact on the appearance and character of the original building or surrounding area. The proposal wouldn't result in any extensions or alterations to the external appearance of the existing listed dwelling, the works would be sympathetic and pay special regard to the desirability of preserving the listed building.

In terms of the works to the barns, the plans have been amended and now would convert the barn into 6 dwellings, to include two affordable properties. The plans have been revised various times, with the overall design and number of openings greatly simplified, including removing the wrap around hipped roof, only introducing new openings to the side of the small scale extension and adding in roof lights and modest scale dormers. The revised plans are viewed as being significantly more sympathetic. It is clear that the works to bring the units into residential use would result in a low degree of less than substantial harm, with the overall extent of the works altering the original character of the buildings. However, the buildings would clearly still reflect the original agricultural function and the simplified layout would ensure they appear ancillary in appearance to the main farm building. The barn buildings have been vacant for a considerable time and would fall into disrepair should they continue to not be used. As such, converting the buildings would provide a public benefit in ensuring their long term sustainable use. Overall, although the benefits of this change of use to the wider economy would be limited, it is considered they are sufficient to outweigh the very low degree of less than substantial harm in this instance. Moreover, the

CHESHIRE WEST AND CHESTER COUNCIL

proposed change of use would comply with the NPPF and policies ENV 5 of LP1 and DM47 of LP2.

CONDITIONS

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