



Appeal Decision

Site visit made on 15 October 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 28th November 2024

Appeal Ref: APP/R0660/W/24/3344957

The Space Invader (formerly The Red Lion), 3 Station Road, Goostrey, Cheshire CW4 8PJ

- 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 Matthew Parker, The Space Invader, against the decision of Cheshire East Council.
 - The application Ref is 23/3015C.
 - The development proposed is described as 'formation of new raised external seating area to front/side of public house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development applied for has been carried out.
3. I have used the address provided in the appeal form in the banner heading above as this appears to be more accurate.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including the setting of a non-designated heritage asset (NDHA).

Reasons

5. The appeal relates to a large white rendered two storey public house, that is likely to have been built in the 18th Century. It sits in a spacious prominent raised position, adjacent to the outward curve of a bend along Station Road. The Goostrey Parish Neighbourhood Plan (GPNP) identifies this public house as a landmark building that forms a part of a cluster of historic buildings which provide an attractive gateway into the main part of the village.
6. The main parties do not dispute that the appeal building should be considered a NDHA. From the evidence before me and my site observations, I have no reason to reach an alternative view. I find the significance of this NDHA, insofar as this appeal is concerned, to derive from its age, character, setting and historic relationship with the nearby Grade II* Listed St Luke's Church and Grade II Listed Church Cottages which are within the oldest part of the village.
7. Whilst the development is set back from Station Road and is around 30 metres away from the nearest residential property, it is of considerable size and is

positioned in proximity to the facade of the appeal building. Due to the difference in levels between this property and Station Road, timber plank retaining walls have also been provided, with the raised level seating area, tables, chairs, parasols and timber picket fencing above them.

8. The use of contrasting timber materials, when combined with the development's built-up size, scale and projection into the car park, has resulted in a dominant, jarring, and unsympathetic feature that competes with and detracts from the historical character and appearance of the NDHA and its immediate surroundings. As a consequence, it visually distracts from views of the NDHA, which, given its prominent gateway location, is plainly visible from a number of public vantage points along Station Road. Accordingly, this leads to harm to the significance and setting of the NDHA, which would not be overcome by decoration or the use of darker colours.
9. Although the appeal building has been significantly extended in the past, these additions are to the side and rear of the property and do not challenge its frontage, character or status as a NDHA. Nonetheless, I consider that the harm that would occur to its significance would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). I note that the appellant's heritage statement reaches a similar view.
10. Policy HER 7 of the Site Allocations and Development Policies Document (2022) (SADPD) sets out that, when considering the direct or indirect effects of a development proposal on a NDHA, a balanced judgement will be required, having regard to the significance of the heritage asset and the scale of any loss or harm. This reflects paragraph 209 of the Framework.
11. The benefits put to me include the need for a viable business which, like many other hospitality venues, suffered during the Covid-19 pandemic. I have also been made aware that it is important for the business and the comfort and safety of the customers that the public house has a safe, practical, formal external seating area that can be easily serviced by staff. I am sure that the public house is also an important local facility that makes a worthwhile contribution to the well-being of the local community. Nonetheless, there is nothing in the evidence before me to indicate that the development is in the most suitable location or the only way of achieving such benefits, including those suggested in respect of highway safety. This limits the weight that I can attribute to them in favour of the development.
12. With all of the above in mind, I find that the merits and benefits of the development do not outweigh the harm that is caused to the significance of the heritage asset and the character and appearance of the area.
13. Accordingly, I find that the development has an unacceptably harmful effect on the character and appearance of the area, including the setting of a NDHA. It thereby conflicts with Policies SE1, SE7 and SD2 of the Cheshire East Local Plan Strategy 2010-2030 (2017), Policy HER 7 of the SADPD, and Policy OCEH3 of the GPNP. Amongst other things, these policies seek to ensure that development is of high-quality design which makes a positive contribution to its surroundings and avoids harm to heritage assets.

Other Matters

14. Neither main party has raised any objections to the effect of the development on the setting of St Lukes Church, Church Cottages and the Old School House, which are Grade II* and Grade II listed buildings. In reaching my decision I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of these listed buildings. Given the separation distance and limited intervisibility between these and the development I agree that it does not harm the significance and setting of these heritage assets.
15. The removability of the structure, lack of complaints to the proprietors, or matters in respect of issuing an enforcement notice have not had any bearing on my decision as I have only had regard to the planning merits of the appeal scheme that is before me.

Conclusion

16. The development consequently conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR