

Appeal Decision

Site visit made on 6 September 2016

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th September 2016

Appeal Ref: APP/R0660/W/16/3152566

Wood Farm, Wood Lane, Congleton, Cheshire CW12 3PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Yates against the decision of Cheshire East Council.
 - The application Ref 16/1036C, dated 29 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is the demolition of existing farmhouse, outbuildings and stables and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt and its effect on openness; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

3. The appeal site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their permanence and openness. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. However, there are exceptions to this presumption against development in the Green Belt. A *replacement building, provided the new building is in the same use and not materially larger than the one it replaces and partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use* is not inappropriate development within the Green Belt, provided that it *would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
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4. The proposed dwelling would be located a significant distance from the existing dwelling, approximately 70 metres. Whilst it would be within the same overall site as the existing dwelling, and the existing dwelling would be demolished, I do not consider that it would be a replacement dwelling for the purposes of the exception under Paragraph 89.
5. I have had regard to the previous planning permission for a replacement dwelling on the same location as the existing dwelling. Notwithstanding the limited details of the permission, by reason of the significant distance between the existing and proposed dwellings, I do not consider that there is any direct comparison with the proposal before me.
6. The proposed site of the dwelling comprises a collection of stable blocks and outbuildings. At the time of my site visit a number of horses occupied the stables. To the north of these buildings is an area of open land that is used for the storage of a container and a horse box. Beyond the application site, but still within the applicant's ownership, there is a manege. Therefore, it seems to me that the appeal site forms part of an equestrian use. Whilst there is some doubt over the lawful use of the appeal site, with the exception of the stable block, based on the evidence before me, on the balance of probabilities, I find that the development would constitute the redevelopment of previously developed land (brownfield land). However, to meet the exception in paragraph 89 of the Framework, the development must not have a greater impact on the openness of the Green Belt than the existing development.
7. The existing dwelling is located at the end of the lane. It is two-storey in height and is similar in size to the proposed dwelling. To the south of the existing dwelling is a railway line, the boundary with which comprises mature hedging and trees. Immediately to the north of the dwelling are large, two-storey barns, which benefit from planning permission for their conversion into residential units. Further to the north of this are the stable block and outbuildings that form part of the appeal site. These buildings are single storey in height and, with the exception of the stable block, are in a poor state of repair. To the east and west are open fields which contribute to the overall rural character of the area and the openness of the Green Belt.
8. The proposal would include the demolition of the existing single-storey stable block and outbuildings. Whilst they do not make any positive contribution to the character and appearance of the area, the proposed two-storey dwelling would be significantly larger and more prominent within the site.
9. I note the appellant's argument that as the dwelling would be similar in size to the existing dwelling and the existing stable block and outbuildings would be demolished, there would be an overall improvement to the openness of the site. However, I do not agree. The existing dwelling is well screened by natural screening and the neighbouring barns. Furthermore, its proximity to the barns, consolidates the larger built form of the site. Details of the approved scheme for the conversion of the barns is not before me; however, the proposed dwelling would extend the existing two-storey massing into the wider site in an area that is more open and therefore the dwelling would be more prominent in views from within and outside of the site.
10. I find therefore the development would lead to a significant loss of Green Belt openness and the purpose of including land within it and as such would

fail to accord with the exceptions under Paragraph 89 of the Framework. Consequently it would be inappropriate development, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances.¹ Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Other Considerations

11. The appellant has referred me to a previous appeal decision². However, the proposed dwelling in that case would result in the demolition of buildings which benefitted from planning permission for residential conversions. The Inspector found that the harm to the openness of the Green Belt by the presence of these buildings would be removed and this was the main factor weighing in the proposal's favour. However, I have no details of the size of the buildings that were to be demolished. The stable block and outbuildings that would be demolished in the proposal before me do not benefit from any such planning permission and, as I have identified above, the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing buildings. Therefore I cannot draw any direct comparison with the proposal before me.
12. I have had regard to the proximity of the existing dwelling to the railway line and the effect it has on the living conditions of its occupants. I have no doubt that the proposed dwelling would be less affected by noise and disturbance from passing trains. However, there is no evidence before me that the noise and disturbance caused by trains has a significantly harmful effect on the occupants. Furthermore, there is no evidence of the possibility of mitigation measures being undertaken to the existing property to reduce the existing effects.
13. I have also had regard to the proximity of the dwelling to local facilities. However, due to the proximity of the site to the existing dwelling, any such improvements would be negligible. I also note that upon the removal of the existing dwelling the land would revert back to agricultural use and that the new dwelling would be more energy efficient, which would provide some benefit.
14. I consider that the substantial weight given to Green Belt harm is not clearly outweighed by these considerations. Therefore there are no very special circumstances to justify the new dwelling and the proposal would conflict with saved Policy PS7 of the Congleton Borough Local Plan and Policy PG3 of the emerging Cheshire East Local Plan Strategy, which largely reflects the national policy on Green Belts set out in the Framework.

Conclusion

15. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

¹ Paragraph 87 of the Framework

² Appeal Ref APP/R0660/A/12/2188089