
Appeal Decision

Site visit made on 20 September 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/R0660/W/16/3154639

83 Knutsford Road, Chorley, Alderley Edge, Cheshire SK9 7SH

- 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 Palmerston Properties Limited against the decision of Cheshire East Council.
 - The application Ref 15/5461/M, dated 2 December 2015, was refused by notice dated 28 January 2016.
 - The development proposed is to demolish existing dwelling and detached double garage and replace with new dwelling with integrated double garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's first reason for refusal made reference to the development encroaching into the Green Belt due to it being sited outside the existing curtilage of the dwelling. I note that subsequently the Council granted a Lawful Development Certificate on 22 July 2016 for the domestic use of the garden area and vehicular access to the site. Accordingly, the proposed dwelling is sited within the domestic curtilage of the existing property. I have considered the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - whether the proposal would form inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework);
 - the effect on the openness of the Green Belt;
 - 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 it.
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Reasons

Inappropriate development

4. The appeal site comprises a large two storey detached dwelling located to the rear of Nos 77 to 87 Knutsford Road. The property is sited in a large plot and has a detached double garage. The proposed development is to demolish the existing house and garage and construct a replacement two storey house with integral garage.
5. Saved Policy GC1 of the Macclesfield Local Plan (adopted January 2004) seeks to restrict the construction of new buildings in the Green Belt except for specific purposes which include the replacement of existing dwellings, subject to Policy GC11. Policy GC 11 was not saved and therefore does not form part of the development plan.
6. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. The paragraph goes on to list several exceptions to this which include the replacement of a building, provided it is in the same use and would not be materially larger than the building it replaces.
7. Policy GC1 pre dates the National Planning Policy Framework (the Framework) and whilst it reflects the general thrust of paragraph 89 it is not consistent with its detailed provisions. I therefore attach greater weight to the Framework in my determination of this appeal in accordance with Paragraph 215 of the Framework.
8. The Framework does not define the term 'materially larger' and there is no specific definition in the relevant development plan policies before me. It is suggested by the Council that the proposed dwelling would have an increased floor area of approximately 31% when compared to the existing dwelling together with the detached garage. The appellant suggests the figure is 28%.
9. I agree with the appellant that floorspace is only one factor that should be considered in determining whether the replacement dwelling would be materially larger than the existing. The height, volume, dimensions and footprint are also important to be considered. In terms of height the appeal proposal would be approximately 1.6 metres higher and would have a footprint of around 12% greater than the combined footprint of the existing dwelling and the garage. The replacement dwelling would also be approximately 1.6 metres wider and 3.2 metres greater in depth than the existing dwelling. Neither party has provided me with figures comparing the volume of the existing and the proposed dwellings. Nevertheless, having regard to the figures above, the appeal proposal would be materially larger than the house it replaces.
10. The appellant has made reference to Saved Policy GC12 of the Macclesfield Local Plan. He advises that this Policy, which concerns extensions to dwellings in the Green Belt, includes a 30% guideline for the increase in floorspace. In applying this threshold to the appeal case, the appellant suggests that the proposed floorspace increase of the replacement dwelling would be in line with this policy. The appellant also brings my attention to

the supporting text to Policy GC12 which accepts there may be circumstances where extensions more than a third larger than an original dwelling may be acceptable. The appellant argues that this reasoning could logically be extended to replacement dwellings. I disagree. This policy specifically relates to extensions and alterations of existing dwellings. It makes no reference to replacement dwellings which are subject to a different policy, saved Policy GC1, and which form a separate exception under paragraph 89 of the Framework.

11. Accordingly I consider that the appeal proposal would result in a new building that would be materially larger than one it replaces. The development proposed would therefore form inappropriate development in the Green Belt.

Openness

12. Paragraph 79 of the Framework states that openness is an essential characteristic of the Green Belt. It can be considered as meaning an absence of built or otherwise urbanising development. Whilst there is an existing dwelling on the site and a detached double garage, the proposed dwelling would be materially larger, in height, depth and width than the one it would replace.
13. The existing dwelling is sited at the edge of the plot immediately behind Nos 77-87 Knutsford Road. The existing detached garage would be demolished which would have a positive benefit to the openness of the Green Belt by removing buildings from the southern edge of the plot adjoining open fields. However, whilst the appeal proposal would consolidate built development on the site, the replacement dwelling would be sited further into the centre of the plot in an area of the garden that is currently open.
14. As the proposed dwelling would be materially larger than the one it replaces and would be positioned on an open part of the site, I consider that the appeal proposal would have an adverse effect on the openness of the Green Belt.

Other considerations

15. I note that the Council does not currently have a five year supply of housing land. The appeal proposal would not add to the supply but it would provide a modern, energy efficient dwelling in a sustainable location. I attach limited weight to this benefit.
16. The dwelling would be of a high quality design and materials and there is no dispute between the parties that the dwelling would have no adverse effect on the character and appearance of the area or the street scene. The proposal would have no adverse impact on the living conditions of neighbouring dwellings and would be acceptable in terms of highway safety and parking provision. Within the site is a protected Scots Pine tree which would be retained and could be appropriately protected during the construction of the development. A bat survey accompanies the original planning application which finds that there is no evidence of their presence, though suitable mitigation measures would be advisable as the site has some potential for roosting bats. I consider the above factors to form neutral considerations whereby a lack of harm does not weigh in favour of the appeal proposal.

17. I also note that there are no objections to the proposal from statutory consultees or the Parish Council. Lack of objection does not infer support and I give limited weight to this factor.

Conclusion

18. I have found that the proposal would result in a new building materially larger than the one it replaces and therefore, for the purposes of the paragraph 89 of the Framework, it forms inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except, in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
19. I give limited weight to the contribution the replacement dwelling would make in providing a modern energy efficient home in a sustainable location. I also attach limited weight to the lack of objection by statutory consultees and the Parish Council. In addition there are a number of neutral factors which I have acknowledged above.
20. I conclude that these other considerations do not clearly outweigh the harm by reason of inappropriateness and the harm to the openness of the Green Belt. Very special circumstances necessary to justify the development do not therefore exist. The proposal would therefore conflict with paragraph 89 of the Framework.
21. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR