
Appeal Decision

Site visit made on 10 January 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 31st January 2017

Appeal Ref: APP/R0660/D/16/3163338

Dickens Farm, Mottram Road, Alderley Edge, Cheshire SK9 7JF

- 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 Ms Jenny Dawson against the decision of Cheshire East Council.
 - The application Ref 16/4137M, dated 22 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is the erection of leisure building and conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of leisure building and conservatory at Dickens Farm, Mottram Road, Alderley Edge, Cheshire SK9 7JF in accordance with the terms of the application, Ref 16/4137M, dated 22 August 2016 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 1 and Drawing 2 both dated 18 August 2016
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the dwelling shall be carried out other than those expressly authorised by this permission.

Application for costs

2. An application for costs was made by Ms Jenny Dawson against Cheshire East Council. This application is the subject of a separate Decision.
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Main Issue

3. The main issue is whether the harm that the proposal would cause by reason of its being inappropriate development in the Green Belt, and any other harm, is clearly outweighed by other considerations.

Reasons

Green Belt and other harm

4. The proposed development does not fall within any of exceptions to the general presumption against the construction of new buildings in the Green Belt as set out in the National Planning Policy Framework (Framework) and, accordingly, is inappropriate development. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight be given to any harm to the Green Belt and advises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
5. In essence, the appeal proposal involves the remodelling of an existing leisure building which stands to the rear of the appellant's house and the extension of that building such that it would physically connect with the house. Its principal effect would be to introduce built development in the gap between the existing leisure building and the rear elevation of the house. The filling of this gap would inevitably result in some loss of openness but the effect on the visual dimension of openness would be minimal.
6. The site of the house, leisure building, stables and other associated buildings is extensive and the adjacent land to the west, north and north east comprises paddock and pasture land which is also in the appellant's ownership. The only potential public viewpoints are from Mottram Road but, due the high hedge and trees to the site boundary, only the upper floors of the front elevation of the house and part of the roof of the building can be seen from this direction. The appeal proposal would not be visible from outside of the site.
7. Due to combined effect of the fall in site levels from the house towards the northern boundary of the site, the low height of the existing leisure building and adjacent garage compared to the house itself, and the narrowness of the gap between these buildings there is no perception, in views from the northern/ north eastern part of the site that this gap exists. Instead, the buildings read in these views as a single building or a very closely connected grouping. The appeal proposal would not extend the building line any further to the north and, although the ridge of the proposal would be slightly higher than that of the existing leisure building, there would be no loss of openness as perceived from this direction. The screening provided by the house and garage means that no views of the proposal would be available from the eastern or south eastern part of the site.
8. It is only from that part of the garden immediately to the west of the existing leisure building that the presence of a gap between that building and the house can be readily appreciated but, even in that view, it is apparent that the gap is both relatively narrow and is closed off at its eastern end. Although there would be some adverse effect on this visual aspect of openness I consider the

resultant harm would be very limited. No other harm has been alleged by the Council and I saw nothing on my site visit which would lead me to a different conclusion.

Other considerations

9. A key consideration in terms of the potential effect on openness is that the Council has separately granted planning permission for a new conservatory under planning permission Ref 16/0715M. With a much larger footprint and massing than the existing conservatory the construction of the approved structure would serve fully to close off the western end of the existing gap such that the remaining space between the various buildings would be enclosed on all sides. In my judgement that development, in isolation, would have the same overall effect on the openness of the Green Belt as the appeal proposal.
10. In addition, the Council issued, in July 2016, a Certificate of Lawfulness for Proposed Use or Development (CLOPUD) (Ref 16/2653M). The CLOPUD confirms the availability of permitted development rights for the construction of a new leisure building and conservatory with substantially the same footprint as that proposed in the appeal but with a 250 millimetre (mm) gap retained between the external wall of those new structures and the rear elevation of the house. I consider that the appeal proposal would not result in any greater harm to the openness of the Green Belt than that which would be caused if the permitted development rights confirmed by means of the CLOPUD were to be exercised in full.
11. The CLOPUD, together with the appellant's letter dated the 19 August 2016, provide sufficient evidence that the implementation of that alternative scheme is a realistic fallback option for the appellant to pursue and this is, accordingly, a consideration of considerable weight. Having regard to the tests set out in section 9 of the Framework I find that the availability of this fallback option amounts to a material consideration which would outweigh the harm that would be caused by reason of inappropriateness and the limited harm that the appeal proposal would cause to the openness of the Green Belt. I also accept the appellant's submissions that, in avoiding the need for additional external walls, doors and windows, the appeal proposal would represent a more sustainable form of development than the permitted development scheme and that this is a consideration of significant weight.

Conditions

12. A condition is needed to tie the permission to the approved plans. Although general details of external materials are indicated on those plans a condition is also needed to require that samples of the proposed materials are submitted and approved prior to the commencement of development in order to ensure that the appearance of the new building is consistent with that of the existing house. In addition, as the proposal will be physically connected to the existing house I have attached a condition which removes the normal permitted development rights for extensions and alterations to the house. This is appropriate given the previous additions to the original building, the scale of the extension hereby permitted and the Green Belt location of the appeal property.
13. The Council suggested a condition which would also remove the rights for the erection of buildings or enclosures within the curtilage of the dwelling house

which are granted under Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Order does not itself restrict those rights in Green Belt locations and, in the absence of a specific justification from the Council, I am not persuaded that there is a need for the removal of those permitted development rights.

Conclusions

14. I conclude that the very special circumstances required to justify a grant of planning permission have been demonstrated and that no conflict with paragraphs 87 and 88 of the Framework would arise. The Council's reason for refusal alleges conflict with saved Policy GC12 of the Macclesfield Borough Local Plan (2004). The policy tests set out in Policy GC12 are not fully in line with those in the third bullet of paragraph 89 of the Framework, relating to the extension or alteration of existing buildings, and the policy does not provide for permission to be granted where very special circumstances have been demonstrated. Accordingly, I find that the Policy GC12 is not consistent with the policies in the Framework and should be given very limited weight.
15. For the reasons set out above I conclude that the appeal should be allowed.

Paul Singleton

INSPECTOR