The Planning Inspectorate

Appeal Decision

Site visit made on 7 March 2017

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 24th March 2017

Appeal Ref: APP/R0660/D/17/3168881
The Chase, Trouthall Lane, Plumley, WA16 9RZ

- 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 S Ashworth against the decision of Cheshire East Council.
- The application Ref 16/5429M, dated 8 November 2016, was refused by notice dated 23 January 2017.
- The development proposed is a first floor extension to provide a master bedroom suite.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr S Ashworth against Cheshire East Council. This application is the subject of a separate Decision.

Procedural Matter

3. Both parties have referred to several local and national policies in their submissions. I have only specifically referred to those policies that I consider most relevant to my Decision. Whilst Cheshire East's emerging Local Plan is at an advanced stage, it has not yet been adopted and no policies from this document are identified in the Council's decision notice.

Main Issues

4. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework);
    - The effect of the development proposed on the openness of the Green Belt; and
    - If the proposal would be inappropriate development 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.

Reasons

Whether inappropriate

5. 'The Chase' is an existing dwelling in the Green Belt. The appeal proposal would see the construction of a first floor extension.

6. Policy GC12 of the Macclesfield Borough Local Plan (Adopted 2004) (LP) seeks to ensure that alterations and extensions to existing houses in the countryside are up to 30% of the original floor space providing the scale and appearance of the house would not be significantly altered. Exceptions to this include where the proposal is in a group of houses or ribbon development. The policy also seeks to ensure that there would be no harm to the character and appearance of the countryside.

7. Paragraph 89 of the National Planning Policy Framework (Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

8. There are some slight differences between the local policy and the Framework, specifically there is no specific quantitative measure identified in paragraph 89 as to what would represent a 'disproportionate addition'. Rather this is left as a matter of planning judgement. There is also no requirement in paragraph 89 for proposed extensions to be acceptable in terms of the effect on the character and appearance of the area, although this is dealt with elsewhere in the Framework. I therefore attach no weight to this specific element of the policy in accordance with paragraph 215 in terms of assessing whether or not the proposal would represent inappropriate development. However, the general thrust of policy GC12 in seeking to restrict the size of extensions to existing houses in the Green Belt is broadly consistent with the aims of the specific paragraph 89 exception and I therefore attach moderate weight to this aspect of the policy.

9. In assessing whether the size of the appeal proposal would represent a disproportionate addition, it is necessary to compare this with the size of the original building as set out in paragraph 89. There is some dispute between the parties regarding this. Whilst I note the appellant's reference to a legal judgement[1] in this respect, that case related to the interpretation of the General Permitted Development)(England) Order 2015 Part 1 Class A (GPDO) and the meaning of the terms 'dwellinghouse enlarged', 'existing dwelling' and the 'original dwelling' when used in specific sections of the GPDO.

10. Paragraph 89 specifically refers to the 'original building'. This is defined in Annex 2 of the Framework as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. There is nothing to suggest in the Framework's definition of 'original building' that permitted development that has been built after the original building has been constructed should be excluded from the definition.

11. For these reasons, as the permitted development rear extension does represent an addition to the appeal dwelling as it was originally constructed as

[1] Hilton v Secretary of State for Communities and Local Government (CO/309/2016)

it does not form part of the 'original building'. I shall therefore have regard to this extension in making my overall assessment of the appeal proposal.

12. A previous appeal[2] at 'The Chase' approved a single storey front extension and a two storey rear extension. This represented an approximate 49% increase in floorspace over and above the size of the original dwelling and the scheme has been implemented. Since the appeal was allowed, the single storey permitted development rear extension scheme has also been implemented. When the floorspace of this extension is added to that of the previous scheme this represents an approximate 60 % increase in floor space when compared with the original building.

13. The appeal proposal before me is for a first floor extension that would follow the curve of the rear extension above the single storey element. When the additional floorspace proposed is added to that of the other extensions under construction then this would represent an approximate 91% increase over and above the original building.

14. The appeal dwelling is a substantial property and if the proposal were to be judged on the amount of additional floorspace alone then the size increase would be substantial. Percentage increases in floorspace are also a useful guide as this assessment takes into account the relative size of the original building and so the comparison is more meaningful when assessing the merits of a scheme. The appeal proposal would amount to a 91% increase in floorspace, taking into account the other extensions, over and above the floorspace of the original building. Whilst the appeal dwelling is a substantial property, a percentage increase of this size would clearly amount to a significant increase that would represent disproportionate additions for the purposes of paragraph 89 of the Framework. Whilst I note the appellant's comments, both local and national policy exceptions necessitate some form of size comparison to occur so as to reach a conclusion on whether the proposed increase would be 'disproportionate'.

15. The previous Inspector concluded, amongst other things, that the appeal dwelling formed part of a ribbon of development and therefore the 30% limit referred to in policy GC12 did not apply. Whilst I have taken this finding into account, there is nothing in the policy to suggest that if a proposal falls within one of the exceptions listed that it necessarily follows that there is no upper limit to the size of extensions that would be permitted in the Green Belt. Indeed, that would be contrary to national policy as set out in paragraph 89 of the Framework.

16. Whilst the previous appeal may have considered a rear two storey extension acceptable, the floorspace of that scheme was less than that of the proposal before me and at that time the permitted development extension had not been constructed and was considered to be a 'fall-back position. The situation has therefore changed considerably since the previous Inspector made their assessment of the site.

17. Accordingly, I conclude on this issue that the development proposed would result in disproportionate additions over and above the size of the original building. The proposal would therefore be inappropriate development as described in paragraph 89 of the Framework and policy GC12 of the LP.

[2] APP/R0660/D/16/3152865 Decision date: August 2016

Openness

18. Although the proposed extension may be situated to the rear of the house and not readily visible form Trouthall Lane, an assessment of openness includes a spatial dimension. The proposal would add to the bulk of development on the appeal site. It would result in additional development at first floor level where there is currently none and would extend the mass of the appeal building at the rear, albeit to a limited extent taking account of the extensions currently under construction. The proposal would therefore have a limited negative effect on the openness of the Green Belt.

19. Whilst paragraph 89 of the Framework and policy GC12 of the LP may not specifically refer to 'openness', paragraph 79 of the Framework confirms that this is one of the essential characteristics of Green Belts. It is therefore a relevant planning consideration.

20. Based on the information before me, the proposal would not conflict with any of the five purposes of the Green Belt set out in paragraph 80 of the Framework. However, a lack of harm does not weigh in favour of the proposal and this consideration does not form part of the Council's case in any event.

Any other circumstances

21. I note the appellant's intention to provide accommodation for elderly relatives at some point in the future and attach limited weight in favour to this consideration.

22. Based on the information before me, the proposal would be acceptable in terms of parking and access, the effect on the living conditions of neighbouring occupants, protected trees and in design terms. There would also be no harm to the character and appearance of the countryside as a consequence of the proposal or an intensification of the existing use. These are however neutral matters whereby a lack of harm does not weigh in favour of the appeal scheme.

23. Whilst I note the Parish Council may have indicated support for the proposal and there may have been no objections from neighbouring properties, I have assessed this appeal on its own merits and with regard to relevant local and national policy.

24. I note the appellant's comments regarding how the Council dealt with reaching a decision on the original application. However, my determination of this appeal has been based only on the planning merits of the case before me.

Conclusion

25. Drawing matters together, I have found that the development proposed would be inappropriate development in the Green Belt as it would result in disproportionate additions over and above the size of the original building. The proposal would also have a limited negative effect on the openness of the Green Belt. Paragraph 88 of the Framework confirms that great weight should be given to any harm to the Green Belt and I do so accordingly.

26. On the other hand, I have attached limited weight in favour to the appellant's intention to provide accommodation for elderly relatives at some point in the future. I have also identified several neutral considerations that do not weigh

in favour of the proposal. I conclude that these other considerations do not clearly outweigh the totality of harm I have identified. Accordingly, very special circumstances necessary to justify the development do not exist and the proposal would therefore conflict with paragraph 89 of the Framework and policy GC12 of the LP.

27. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas-Gosnold

INSPECTOR