

Appeal Decision

Site visit made on 23 May 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 30 May 2017

Appeal Ref: APP/R0660/W/17/3169914

Hibbertbrow Farm, Brookledge Lane, Adlington, SK10 4JX

- 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 Gleave against the decision of Cheshire East Council.
 - The application Ref 16/3108M, dated 24 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is the erection of a garage, store and tractor shed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework;
 - The effect of the proposal upon the openness of the Green Belt;
 - 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 or not it would be inappropriate

3. The Framework establishes that new buildings within the Green Belt are inappropriate unless they fall within certain exceptions. Paragraph 89 of the Framework gives two of these exceptions as; buildings for agriculture and forestry (1st bullet point); and 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 (3rd bullet point).
 4. Policy GC1 of the Macclesfield Borough Local Plan indicates that within the Green Belt, approval will not be given, except in very special circumstances, for the construction of new buildings unless it for specific purposes including buildings for agriculture (exception 1) and the limited extension of an existing dwelling (exception 3). Further detail regarding extensions to dwellings is contained in MBLP Policy GC12.
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5. The appellant says that the building would be used to store a tractor, vehicles, implements, animal feed and fencing materials. Whilst I understand that the appellant has seven acres of land to maintain, I have no evidence of any agricultural operation. Furthermore, there would be ancillary living accommodation within the building. For these reasons, the building would not constitute an agricultural building and would not fall within the exception contained in the first bullet point of Paragraph 89 or within exception 1 of MBLP Policy GC1.
6. The proposed building would be located a substantial distance from the house at the end of what looks to be a residential garden. There are two other large buildings between the house and the site of the proposed building. The proposal would add yet another large building to the existing group. I do not consider the proposed development to be an extension of any of these buildings due to its free-standing nature and lack of a close physical or demonstrable functional relationship between it and any of the existing ones. As the building would not be an extension, it would not fall within the exception contained in the 3rd bullet point of Paragraph 89 or within exception 3 of MBLP Policy GC1. Consequently, MBLP Policy GC12 is not relevant.

Openness

7. Openness is a lack of built development. The building would be located adjacent to trees, close to another large building and would be in a dip. However, a lack of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. As the building would introduce built development where currently there is none, I consider that there would be some harm to the openness of the Green Belt.

Other Considerations

8. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development 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.
9. The building would be used for storage. This might provide some benefit to security but there are other very large buildings on the site. Although the appellant says the other buildings are not big enough to accommodate the storage items, it is not very clear why the space within them cannot be used, as together, they are several times bigger than the building proposed. I give the security issue minimal weight in favour of the proposal.
10. I understand that an alternative scheme for a lower building on the same footprint has been approved by the Council. Whilst this provides a fall-back position, it cannot justify the current proposal due to it being for a taller building. I therefore give this factor very little weight in favour of the proposal.
11. The harm I have identified in respect of openness weighs moderately against the proposal.

The Green Belt Balance

12. In conclusion, all these other considerations do not clearly outweigh the totality of substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist. The proposal is therefore unacceptable.

Conclusion

13. I dismiss the appeal.

Siobhan Watson

INSPECTOR