



Appeal Decision

Site visit made on 16 July 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/R0660/D/19/3224028

Oakfield Manor Farm, Chelford Lane, Over Peover WA16 8UQ

- 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 & Mrs Stobart against the decision of Cheshire East Council.
 - The application Ref 18/6287M, dated 13 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is demolition of existing two-storey side extension and rear conservatory and construction of a two-storey side extension with basement, single-storey rear conservatory extension, single-storey side extension with accommodation in the roof space and side/rear balcony (amendment to 18/5181M).
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within the North West Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect on 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

3. The appeal property is a large and modern 2 storey mansion house situated within extensive grounds that are screened from public view by mature hedgerows and trees. Since its construction, the property has been extended, following which it has been the subject of a number of further planning applications, which have sought to increase the size of the house incrementally. The most recent of these¹ was approved by the Council and includes much of what forms part of the application which is the subject of this appeal. When comparing the appeal proposal to this extant scheme¹ some significant

¹ Council Reference 18/5181M

differences are evident including: a basement level under the extant 2 storey side extension, to accommodate a gymnasium; a single storey extension under the extant balcony, to increase the size of a dining room and an additional double bedroom within the roofspace of the extant single storey side extension. These represent an additional increase of floor space of about 45% in addition to the approximate 82% increase that has already been granted planning permission¹.

Whether inappropriate development?

4. The Framework advises that new buildings within the Green Belt are inappropriate. Exceptions include the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building, a view which is echoed in Policy PG3 of the Cheshire East Council Local Plan (LP) (2017). Saved Policy GC12 of the Macclesfield Borough Local Plan (MBLP) (2004) provides further guidance in respect of alterations and extensions to houses in the Green Belt, including a provision for certain exceptions that would allow for extensions that create increases of floorspace greater than 30%. At over 4 times this figure at around 127%, the proposal would result in a more than doubling of the floorspace of the appeal property.
5. The appellants' have suggested that they do not consider the changes brought about by the proposal when compared to the extant permission¹ would result in any harm, due to their respective locations, in the basement, roofspace and under a balcony. Whilst it is accepted that the extant permission¹ already allows for an approximate 82% increase in floorspace, an additional increase by around a further 45% to about 127% would clearly amount to a significant alteration to the scale of the building. Even though the additional changes brought about by the proposal would not be prominent or harm the character and appearance of the countryside, they would nonetheless be a disproportionate alteration over and above the scale of the original building. Therefore, the proposal would be inappropriate development, which is by definition, harmful to the Green Belt and in conflict with Policy PG3 of the Cheshire East Council Local Plan (2017) and the Framework.

Openness

6. Openness is an essential characteristic of the Green Belt. Paragraph 133 of the Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As the proposal concerns an existing building of substantial size, it therefore follows that the appeal site itself must already have an effect on openness. The appeal property is in a secluded location, set within extensive grounds that are screened from public view. As the proposal would result in the increase of the bulk of the existing appeal property building, it would, therefore, reduce openness. However, when taking into consideration that parts of the appeal property would have to be demolished in order to accommodate the extensions and the extant scheme¹ then the loss of openness would be neutral.

Other considerations

7. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any proposal, substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt

- by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
8. Policy GC12 of the MBLP advises that extensions and alterations in the Green Belt should not result in the scale and appearance of the house being significantly altered and that they should not generally exceed an increase in floorspace of 30%. There is a provision within Policy GC12 however, which allows for exceptions for increases in floorspace of over 30%, provided such exceptions are not prominent and do not affect the character and appearance of the open countryside.
 9. The appellants' have highlighted this provision as being applicable to their proposal due to the location within a ribbon of development and have suggested that very special circumstances exist, as when compared to the extant permission¹ the additional floorspace that would be delivered by the appeal proposition would not be prominent and would not result in any additional harm to the character and appearance of the countryside.
 10. There are further provisions under the exception test set out under Policy GC12 however that also have to be met to in order to make a proposal acceptable. These are that the proposal is to provide basic amenities or an additional bedroom or living room in a small cottage and that the extension is to provide a conservatory or domestic building within the curtilage of an existing dwelling. Whilst the first of these criteria would not be applicable in this instance due to it specifically referring to a small cottage, the second one is considered as being of relevance in this case. Furthermore, when reading Policy GC12 as a whole, it is clear to me that the overall aim of the policy is to reduce the prominence of extensions and to ensure that these do not compete with or dominate the host dwelling. Whilst it is clear that there may indeed be instances where proposals greater than 30% would be acceptable, this does not imply that there is simply no upper limit.
 11. As explained earlier, the proposal would result in a very significant increase in the floorspace and scale of the building, when compared to the extant scheme¹ and as such the appeal proposal cannot be considered to be directly comparable to this. As a result, even though the proposal would not be prominent and would not result in any additional harm to the character and appearance of the countryside, I only attach limited weight to the appellants' argument that the extant scheme¹ is a very special circumstance. Consequently, the proposal is contrary to policy GC12 and also Paragraph 145(c) of the Framework, which only allows buildings in the Green Belt to be extended where it does not result in disproportionate additions over and above the size of the building.
 12. I have also taken into account the appellants' wider evidence, including examples of other developments² where basement developments have been considered as being acceptable. Whilst it is inevitable that comparisons may be made between developments, each has its own site-specific circumstances and merits upon which it is considered. From the limited information before me, these examples differ from the appeal site however, as these do not also include other significant additional extensions as is the case with the proposal which is before me. Consequently, I only attach limited weight to this evidence.

² Council Reference 18/3076M
Planning Inspectorate Reference APP/N5090/D/17/3174495

Conclusion

13. Taking all of the above factors into account, I therefore find that the proposal would be inappropriate development in the Green Belt under the terms set out in the Framework and would have a neutral effect upon its openness. The other considerations in this case do not clearly outweigh the substantial weight I must give to the harm that would arise from the inappropriate development in the Green Belt so as to amount to the very special circumstances necessary to justify the development. Consequently, for the reasons given above I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR