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## Appeal Decision

Site visit made on 27 August 2019 by Hannah Ellison BSc (Hons) MSc

**Decision by A U Ghafoor BSc (Hons) MA MRTPI**

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

**Decision date: 1 October 2019**

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**Appeal Ref: APP/R0660/D/19/3230792**

**The Oaks (formerly Bradley Fold), Woodford Lane, Newton, Macclesfield, Cheshire, SK10 4LH**

- 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 Daniel Lee against the decision of Cheshire East Council.
  - The application Ref 19/0902M, dated 15 February 2019, was refused by notice dated 15 April 2019.
  - The development proposed is the construction of single-storey side and rear extensions, front porch, dormer windows and hardstanding area (amendment to 18/2965M).
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The site is situated within the Green Belt. The appellant accepts that the proposed development would constitute inappropriate development in the Green Belt, because the extensions would represent disproportionate addition over and above the size of the original building. I agree.
4. Against that background, the main issues are as follows: (1) The effect on the openness of the Green Belt and purposes of designating land inside the Green Belt, and; (2) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons - *Effect upon openness and purposes*

5. The appeal concerns a detached bungalow situated in a large plot within the Green Belt. The site is bound by dwellings to the north and south, and open fields to the east and west. The proposal is for single storey extensions to the side and rear following partial demolition of the original dwelling and earlier extensions, and the addition of dormer windows, front porch and area of hardstanding.
6. The proposal would introduce built development over a significant area of the appeal site which is currently undeveloped. Whilst it is noted there is an area of raised decking to the rear of the dwelling, the proposed extensions would have a

much greater bulk and volume, and robust form and would reduce the openness of the Green Belt in spatial terms. In visual terms, the development would be highly prominent from the public realm due to its scale and siting of the extensions. As such, it would harm the openness of the Green Belt.

7. Consequently, the proposed development due to its scale, siting and massing would result in unacceptable encroachment into the countryside, thus harming its openness and the purposes of including land in the Green Belt. It would therefore conflict with policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) and saved policies GC1 and GC12 of the Macclesfield Borough Local Plan 2004 (MBLP), which collectively seek to ensure developments respect their setting and would not adversely affect the character and appearance of the countryside. The proposal would also be contrary to paragraph 133 of the National Planning Policy Framework (the Framework) which states that a fundamental aim of Green Belt policy is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

#### *Other considerations*

8. It is acknowledged the Council issued a Certificate of Lawfulness for Proposed Use or Development (CLOPUD) for the appeal property<sup>1</sup>. The CLOPUD granted a similar development to the appeal proposal albeit with narrow gaps between three rear elevations. If erected, it would result in approximately 5 square metres less floorspace than the appeal proposal. The Council is concerned that the fallback proposal would not be sensible or practical by virtue of its layout. However, the appellant has stated their intentions to pursue the CLOPUD development. The appellant has also referred to an appeal decision<sup>2</sup> in which it was found that whilst the permitted development fallback granted through a CLOPUD had a lesser footprint than the appeal proposal, it was a realistic fallback option and thus considerable weight was afforded to it.
9. That said, however, the evidence presented shows that the CLOPUD development would represent an awkward design and layout given the narrow gaps between the side walls. Even if there is a greater than theoretical possibility of the fallback being implemented, the proposed scheme would be plainly unacceptable given the scale and size of the proposed extensions. I attach limited weight to the fallback arguments.
10. Saved policy GC12 of the MBLP advises an upper limit increase of 30% on the original floorspace. However, this policy goes on to note that exceptions may be permitted where the proposal lies in a group of houses or ribbon of development and the extension would not be prominent. The main parties agree that the appeal dwelling lies in a ribbon of development. Thus, the appellant states that despite the proposal resulting in a 192.6% increase in floorspace there would be no policy conflict. In support of this, the appellant references an earlier approval by Cheshire East Council<sup>3</sup> in which a 61% increase was determined to comply with policy GC12.
11. However, the development in that case would not be prominent. In comparison, taking into consideration the positioning of the side and rear extensions close to neighbouring dwellings and adjacent a side access road, and the overall size increase in terms of volume and external dimensions, the appeal proposal before

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<sup>1</sup> 18/2965M

<sup>2</sup> APP/R0660/D/16/3163338

<sup>3</sup> The Cottage, Woodford Lane, 14/1395M

me would be a visually prominent. It would therefore adversely affect the character of the area and conflict with saved policy GC12 of the MBLP. Consequently, this matter carries moderately some weight in favour.

12. A recent approval<sup>4</sup> by Cheshire East Council has been referenced in support of this proposal. That development was an amendment to a CLOPUD, and the Council determined the proposal would have no greater harm than the granted CLOPUD plans. However, full details have not been submitted. Notwithstanding this, from the evidence before me, this approval is not directly comparable to the appeal scheme, as a significant proportion of that proposal was to be sited underground. Thus, this consideration holds limited weight.
13. The appellant notes the proposal would not adversely affect the living conditions of neighbouring occupiers or highway safety. The Council has raised no objection to the proposal on this basis and I have no reason to disagree with this view. However, this is a neutral factor which neither weighs for or against in the overall balance.

#### *Planning balance*

14. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. The proposed development would constitute inappropriate development in the Green Belt to which substantial weight is given. Additional weight is given to harm to openness and the proposal would represent encroachment into the countryside and conflict with at least one of the purposes of designating land within the Green Belt, which is a serious planning objection. There is therefore conflict with the Framework and local plan policies cited above.
15. The advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

#### **Conclusion and Recommendation**

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be dismissed.

*Hannah Ellison*

Appeal Planning Officer

#### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

*A U Ghafoor*

INSPECTOR

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<sup>4</sup> Oak Lodge, One Oak Lane, Wilmslow, Cheshire, 18/3076M