
Appeal Decision

Site visit made on 14 October 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 21 January 2020

Appeal Ref: APP/R0660/D/19/3235210

Fair View Farm, Bleeding Wolf Lane, Scholar Green, Stoke-on-Trent DT7 3BH

- 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 & Ms, G. and M. Lunn and Dutton against the decision of Cheshire East Council.
 - The application Ref 19/2364C, dated 2 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is alterations to provide bedroom and en-suite bathroom in existing roof space and erection of single storey rear extension.
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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 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;
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The appeal site, which lies within the South Cheshire Green Belt, is a previously extended detached, part two, part single storey dwelling located at the end of Bleeding Wolf Lane.

5. The proposal includes a single storey rear extension and alterations to the roof including raising part of the ridgeline, to accommodate a bedroom and en-suite bathroom in the roof space.
6. The Framework establishes that new buildings in the Green Belt are inappropriate, except in certain circumstances including where they involve an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building as set out in paragraph 145c. Policy PG3 of the Cheshire East Local Plan Strategy (2017) seeks to protect the Green Belt by only allowing limited extension, alteration or replacement of existing buildings in line with the Framework.
7. The Framework does not explain what a disproportionate addition means. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement. Policies PS7 and H16 of the Congleton Borough Local Plan First Review (2005) limit extensions to dwellings in the Green Belt to around 30% of the original dwelling or to provide a satisfactory standard of facilities in a very small existing dwelling. In this case the original dwelling was modest in terms of its size and appearance and has been previously considerably extended. The extensions now proposed, in addition to those already constructed would significantly increase the volume, floorspace and massing of the original building.
8. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt because, in combination with previous extensions it constitutes a disproportionate addition to the original dwelling. I concur with that position.

Effect on openness

9. Openness, in Green Belt terms, can be regarded as an absence of built form. As well as a limited increase in the footprint of the dwelling through the addition of a rear conservatory, the proposal would increase the mass and bulk of the building at first floor level. Consequently, albeit to a limited degree, the proposal would, in both visual and spatial terms, harm the openness of the Green Belt.
10. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness and permanence are essential characteristics of the Green Belt. For the above reasons the proposal would cause limited harm to the openness of the Green Belt in addition to harm by reason of being inappropriate.

Other considerations

11. In order to demonstrate very special circumstances, the appellant has indicated that the property could be extended under permitted development rights set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. This has not been challenged by the Council and I have no reason to consider that permitted development rights do not exist. There is therefore a possibility that if the appeal were to fail, alternative development in the form of single storey extensions and a dormer window, as shown on the appellant's indicative drawings, could be constructed. However, the appellant has not applied for a Certificate of Lawfulness for this development and as the accommodation proposed would not necessarily provide the same first floor

bedroom accommodation the appellant is seeking, there is no certainty that the alternative development would be carried out.

12. In addition, the degree of weight to be given to the fallback position depends on whether or not it would be equally or more harmful than the scheme proposed. As set out above, the fallback position differs from the appeal proposal in that the form of the development in that case would be restricted to single storey elements, with some limited alteration to the roof. The extensions proposed in the fallback position would be limited in scale and would appear subordinate to the host dwelling. In contrast the roof extensions proposed in the appeal before me, which include the raising of part of the roof, would add considerable mass and bulk to the first floor of the building and alter the form of the dwelling. Accordingly, the disproportionate nature of the development would be more apparent and its impact on openness in visual terms would be greater. For this reason, the proposal, although more limited in terms of its increase in footprint and floorspace, would thereby have a greater impact on the Green Belt than the fallback position.
13. Consequently, taking all these matters into account, the fallback position carries limited weight in favour of the proposal.

Conclusion and Recommendation

14. The development constitutes inappropriate development and would cause harm to openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to this identified harm.
15. As set out above, other considerations put forward in support of the proposal attract limited weight. Consequently, this does not clearly outweigh the substantial harm identified to the Green Belt by reason of its inappropriateness and harm to openness. Therefore, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal would conflict with the Framework, Policy PG3 of the Cheshire East Local Plan Strategy and Policies PS7 and H16 of the Congleton Local Plan First Review.
16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

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 the appeal is dismissed.

Susan Ashworth

INSPECTOR