The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/R0660/D/19/3240413
Green Lane Farm, Green Lane, Bollington SK10 5LG

- 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 Cooper against the decision of Cheshire East Council.
- The application Ref 19/2912M, dated 17 June 2019, was refused by notice dated 9 August 2019.
- The development proposed is alterations and extensions to an existing dwelling - re-submission of application ref. 18/5585M.

Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to an existing dwelling - re-submission of application ref. 18/5585M at Green Lane Farm, Green Lane, Bollington SK10 5LG, in accordance with the terms of the planning application Ref 19/2912M, dated 17 June 2019, and subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 3936_00_02 Rev A; 3936_00_01 Rev B; 3936_00_03 Rev A; 3936_00_13 Rev L; 3936_00_11 Rev J; 3936_00_12 Rev G.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this appeal are:

    - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
    - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
    - if it is 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 the development.

Reasons

Inappropriate Development

3. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development. However, it lists certain forms of development which are not regarded as inappropriate. This includes 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.

4. This is generally reflected in Policy PG3 of the Cheshire East Local Plan Strategy 2010 - 2030 (CELP) adopted July 2017, which also provides a list of exceptions. In so far as they are relevant to this appeal, these are largely similar to the exceptions set out in the Framework.

5. There is no definition of disproportionate development within Policy PG3 or the Framework. However, the reasoning for saved Policy GC12 of the Macclesfield Borough Local Plan (MBLP) adopted January 2004 says that a proposal in the Green Belt will be considered to be 'disproportionate' if the development would result in an increased floorspace of more than 30% of the original dwelling.

6. There is no dispute between the main parties that due to the size of the proposed development, it would represent a disproportionate addition to the original dwelling, and I have no reason to disagree. Accordingly, the proposed development would comprise inappropriate development in the Green Belt. It would therefore be at odds with Policy PG3 of the CELP, Policy GC12 of the MBLP and paragraph 145 of the Framework in this regard.

Openness and Green Belt Purposes

7. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect. I recognise that the appeal site is within an area characterised by long open views and the site makes a major contribution to this part of the Green Belt.

8. It is evident that the proposed extension would result in a loss of openness to the Green Belt, because of its size and scale when compared with the existing dwelling. The proposed development would be visible from Green Lane and to a lesser extent from Long Lane. Although the proposal would be seen in the context of the existing dwelling, in spatial terms, it would add built form where there presently is none. Whilst the extent of the loss of openness would be limited, it would still be material.

9. Green Belt purposes that appear to be served by the designation of the appeal site within the Green Belt include, amongst others, checking unrestricted sprawl and safeguarding the countryside from encroachment. Considering my findings on the visual and spatial aspect, the proposal would impact on the related Green Belt purposes.

10. I therefore conclude that the proposal would lead to a loss of Green Belt openness and would impact on the purposes of including the land within the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within the Framework.

Other Considerations

11. The appellant has drawn my attention to a planning permission and Lawful Development Certificate[1] in respect of a similar development to that proposed which could be implemented (the fallback position). One relates to alterations and extensions including the demolition of the outrigger, whilst the other relates to a single storey side and rear extension. The fallback position would differ from the appeal proposal in that it would create small gaps so as to not adjoin the various rear projections. Moreover, the fallback position is slightly larger than the proposal before me.

12. I recognise that the introduction of the parallel walls and gaps makes for an awkward arrangement in the fallback position which is unlikely to be as desirable as the appeal proposal. Moreover, such an arrangement would add to the costs and require additional building materials. However, the internal layout of the fallback position still appears to be able to function and it would provide substantial additional living accommodation. Moreover, given that an LDC and planning permission have been issued for the fallback position I consider it a strong possibility that they would be implemented were this appeal to fail.

13. The appeal site lies within an Area of Special County Value (ASCV) as set down in the MBLP. The proposal would amalgamate the fallback position, removing the awkward gaps and parallel walls to create a more integrated design. I recognise that these would only be fully appreciated in close views and, in quantum terms, the proposal would represent a sizeable extension. Nonetheless, it would be an improvement spatially, from the fallback position, in respect of the openness of the Green Belt. Moreover, it would also be an improvement visually, from the fallback position, in respect of the character and appearance of the host dwelling and surrounding ASCV.

14. I recognise that the appeal site lies on the edge of the Bollington Conservation Area (CA). As such, I have had regard to the special duty placed on decision makers in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I note that the Council consider the proposal would not harm the character and appearance of the CA and I have no reason to disagree. Given my findings on the fallback position in comparison to the design of the appeal proposal, I am satisfied that it would preserve the character and appearance of the CA.

Planning Balance

15. The proposal would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

16. The proposal would result in disproportionate additions to the original building and so would comprise inappropriate development in the Green Belt. In addition, there are adverse impacts on openness and the Green Belt purpose.

17. However, I give significant weight to the potential fallback position which may be implemented. This would have a greater effect on openness and would be an inferior design compared to the appeal scheme.

[1] 17/5447M and 18/2556M

18. I find that this other consideration is of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness and Green Belt purpose. As a result, very special circumstances exist to justify inappropriate development in the Green Belt.

19. Although there would be conflict with the development plan, the balance of planning considerations in this case leads me to the view that the appeal should succeed.

Conditions

20. The Council has suggested conditions in the event of the appeal being allowed. These have been considered against the advice contained within the Planning Practice Guidance and I have amended the wording in the interests of clarity. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of the character and appearance of the area.

Conclusion

21. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Robert Walker

INSPECTOR