



Appeal Decision

Site visit made on 20 January 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/R0660/D/19/3239712

Holly Corner, Paddock Hill, Mobberley, WA16 7DH

- 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 David Nicholson against the decision of Cheshire East Borough Council.
 - The application Ref 19/3436M, dated 17 July 2019, was refused by notice dated 11 October 2019.
 - The development proposed is a rear two storey 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 Issue

3. The appeal site lies within the Green Belt and so the main issues are:
 - 1) Whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework); and
 - 2) If found to be inappropriate development, whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons for the Recommendation

Whether the proposal constitutes inappropriate development

4. The appeal site is situated on Paddock Hill Lane in Mobberley within the Green Belt. It comprises a detached dwelling with garage and greenhouse, as well as gardens to the front, side and rear. The immediate vicinity is rural in nature. The site is bounded by Paddock Hill Lane to the front, and open fields to the rear, separated from the site by hedging. The proposal relates to the erection of a two storey rear extension.

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. While the construction of new buildings is inappropriate in the Green Belt, there are a limited number of exceptions, as detailed by paragraph 145 of the Framework. This includes at 145(c) *"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"*. Original building is defined in the Framework as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. However, the concept of a disproportionate addition has not been defined in the Framework.
6. Policy PG3 of the Cheshire East Local Plan Strategy 2010 – 2030, adopted 27 July 2017 and Saved Policy GC12 of the Macclesfield Borough Local Plan, adopted January 2004 (the Local Plan) echoes the position of paragraph 145 of the Framework. Policy GC12 then clarifies that alterations and extensions to existing houses in the countryside may be granted for up to 30% of the original floor space providing the scale and appearance of the house is not significantly altered, subject to a number of exceptions. It is confirmed in the supporting text to the policy that this applies to houses in the Green Belt and that a proposal will be considered to be disproportionate if the development would result in an increase of more than 30% of the original dwelling. For the avoidance of doubt, none of the exceptions in Policy GC12 are applicable in this appeal.
7. While a disproportionate addition is not defined in the Framework, the concept of increases over 30% being disproportionate is a reasonable stance. That figure was examined and found to be in accordance with the Framework, as was then in force. Given the conformity of Policies PG3 and GC12 with the Framework, I attach substantial weight to these policies in the context of the appeal.
8. No plans have been provided showing the original dwelling, and the extent of previous extensions and additions was not immediately apparent from the site visit. While the Council have provided a planning history of the site, it is not clear which of the granted permissions, if any, have been implemented. However, in the Officer Report the Council has provided a table demonstrating that the proposal would result in an overall increase in floorspace of 148% when compared with the original dwelling. This has not been disputed by the appellant and I have no reason to doubt the accuracy of the information presented. This sizeable figure is well in excess of the 30% limit set down in Policy GC12 and clearly represents a disproportionate addition. Therefore, taking account of the cumulative effects of the proposal when combined with previous extensions, it would result in disproportionate additions over and above the size of the original building.
9. Accordingly, the proposal does not fall within the exception at Paragraph 145(c) of the Framework. There is no suggestion that the proposal would meet any other exception listed in the Framework and it would therefore represent inappropriate development.

Impact on openness

10. The Framework states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* It has been established that openness can have both a spatial and visual aspect.

11. From a spatial perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing additional built elements at the site. However, it is relatively modest in size and scale and would not extend beyond the rear or side elevation of the current dwelling. Rather, the proposal would simply fill in part of the current L shape to the rear of the building to result in a more rectangular dwelling.
12. From a visual perspective, there would be no views of the proposal from the public highway along Paddock Hill Lane. From the rear there would also be minimal visibility due to the presence of open fields and the hedging on site that would screen the development.
13. Therefore, having regard to the location of the site and the position of surrounding development, I conclude that the harm to the Green Belt arising from loss of openness would be limited.

Other matters

14. The Framework states that 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.
15. The parties are in agreement that the proposal relates well to the existing dwelling from a design perspective, that it would be largely unseen from public vantage points and that there is no unacceptable impact on the amenity of occupiers of neighbouring dwellings. The parties also agree that the car parking arrangements would be in excess of the minimum standard. The appellant also points out that there has been no development on the site in the last 30 years, and that no objections to the proposal were received from neighbours. These benefits of the scheme are acknowledged. However, in order to comply with national and local planning policy, any scheme would be expected to be well designed and to have regard to matters such as neighbouring amenity and car parking provision. The absence of harm in those respects does not amount to a benefit, over and above what would normally be expected and those matters attract limited weight.
16. The appellant contends that a scheme of similar size could be achieved under permitted development rights. However, no plans showing such an alternative have been presented and I am not aware that any lawful development certificate exists for an alternative scheme. The Council officer's report refers to the suggested fallback position but raises doubts as to whether what was presented to the Council would, in fact, constitute permitted development and also suggests that the details depicted a smaller extension than that currently proposed. Consequently, in the absence of any plans or details, and taking account of the uncertainty of whether a similar scheme could be erected under permitted development rights, I attach limited weight to the suggested fallback position.

Whether Very Special Circumstances Exist

17. It is accepted that the harm arising from loss of openness would be limited. However, the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt.
18. The Framework establishes that substantial weight should be given to any harm to the Green Belt. When taken cumulatively, the other considerations advanced in support of the scheme attract limited weight and do not clearly outweigh the

substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion and Recommendation

19. The proposal would amount to inappropriate development in the Green Belt having regard to the policies of the Framework and would be contrary to Policies PG3 and GC12 of the Local Plan. In the absence of any very special circumstances to justify the proposal, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

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

C Preston

INSPECTOR