The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2020

Appeal Ref: APP/R0660/D/19/3235255
Boundary Farm, Peacock Lane, High Legh WA16 6NT

- 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 Peter Oldbury against the decision of Cheshire East Council.
- The application Ref 19/1603M, dated 26 March 2019, was refused by notice dated 22 May 2019.
- The development proposed is the reconstruction/replacement of an outbuilding as an ancillary domestic building.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal in relation to the Green Belt as follows:

   - Whether or not it is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy, and the effect of the development on the openness of the Green Belt;
   - The effect of the development on the character and appearance of the countryside;
   - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site is a two-storey detached farmhouse and its gardens which contain the remains of a former ancillary domestic outbuilding which was converted from a former agricultural barn and other outbuildings. The outbuilding collapsed in 2004, and the proposal is to erect a building on the same site for use as garaging, a gym, sauna, games room and storage.

4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

specific circumstances. Paragraph 145 of the Framework states that, other than for a number of exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. Policy PG3 of the 2017 Cheshire East Local Plan (CELP) is consistent with the requirements of the Framework. My attention has been drawn to a number of exceptions which could be relevant in this case, so I will deal with them individually as follows.

Extension or alteration of an existing building

5. Paragraph 145(c) of the Framework and exception (iii) of CELP Policy PG3 allow for 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. Saved Policy GC1 of the 2004 Macclesfield Borough Local Plan (MBLP) provides for the 'limited extension or alteration of existing dwellings' within the Green Belt, while MBLP Saved Policy GC12 indicates that alterations and extensions to existing houses up a size threshold of 30% of the floor area of the original building may be permitted.

6. The barn which previously stood on the site is no longer in place and therefore the proposed development cannot be considered to be an extension or alteration of that particular building. Turning to the proposal's relationship with the existing farmhouse, the appellant has brought to my attention a previous appeal decision relating to the site in 2006[1] ('the 2006 appeal'), in which the Inspector observed that 'the construction or reconstruction of an ancillary domestic building need not be inappropriate development in the Green Belt'. None of the evidence now before me leads me to a different view on this general point, although I note that the Inspector then concluded that proposal represented inappropriate development in the Green Belt.

7. The appellant has also referred to case law which has established that in some circumstances an ancillary domestic outbuilding which is physically separated from the main dwelling can be regarded as part of the main dwelling[2], although whether it should be or not is a matter of fact and degree in each case. In this appeal the uses of the proposed development would serve the occupiers of the farmhouse, so there would be a functional relationship. However, it is clear from the submitted drawings and my observations on site that the proposed development would be comparable in size to the existing farmhouse, and well above the 30% threshold set out in the development plan.

8. Both the scale of the building and its physical separation from the farmhouse are such that it would be a substantial freestanding building, and therefore in this case it would not constitute an extension to the existing dwelling. Because of its proposed size, it would be a disproportionate addition even if I were to accept that it should be treated as an extension to the existing farmhouse in other regards. It does not therefore fall within this exception to inappropriate development within the Green Belt.

Replacement of a building

9. Paragraph 145(d) of the Framework and exception (iv) of CELP Policy PG3 allow the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

[1] Ref: APP/C0630/A/05/1175343
[2] Sevenoaks District Council v SSE and Dawe [1997]

10. Although the appellant refers to reinstating the buildings which once occupied the site, following the 2004 collapse they are no longer present and only remnants are left. While changes to national Green Belt policy since the 2006 appeal mean that the replacement of any building rather than simply a dwelling may now be considered an exception under Paragraph 145 of the Framework, there is no building to be replaced. The proposal does not therefore fall within this exception to inappropriate development in the Green Belt.

Redevelopment of previously developed land, effect on openness

11. Paragraph 145(g) of the Framework and exception (vi) of CELP Policy PG3 allow limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. The appeal site comprises previously developed land as defined within the Framework.

12. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site. As very little of the previous building remains in place, the development proposed would inevitably result in there being a considerably greater built form on the site than at present. It would therefore have a greater impact on spatial openness than the existing development.

13. The remains of the former barn's northern gable end are already visible from the entrance gates on Peacock Lane. However, as most of the walls and all of the roof are no longer in place, the remainder of the site appears substantially open when seen from other places, including further along Peacock Lane and around its boundaries. The proposed development would reduce visual openness, as the walls and roof would be seen where currently there is no visible built development. While there are few, if any, public views of the site other than from Peacock Lane, this is not determinative in considering the effects on openness.

14. Although the proposal would represent the redevelopment of previously developed land, it would harm the openness to the Green Belt. As such it does not fall within this exception to inappropriate development within the Green Belt.

Findings

15. For all these reasons, I conclude that the proposal would be inappropriate development in the Green Belt, contrary to the Framework and CELP Policy PG3. The proposal would also fail to comply with MBLP Policies GC1 and GC12, which provide clarification and definition of size thresholds for development in the Green Belt.

Character and appearance

16. The proposed new building would similar in appearance and scale to the collapsed barn, although from the submitted drawings it would not be an exact reconstruction of the previous building. It would be large in size, very much more visible from the surrounding area than the remaining parts of the previous barn, and would be comparable in size to the existing farmhouse which it would dominate. Its visual impact would be mitigated to an extent by the reuse of bricks and other materials from the collapsed barn, and by

replicating many of its design features. However, it would add considerable built bulk into an area currently characterised primarily by openness, and so would nonetheless be harmful to the character and appearance of the surrounding countryside.

17. I therefore conclude that the proposal would conflict with CELP Policies SD2 and SE1, and MBLP Saved Policy GC12, which seek to ensure that development proposals make a positive contribution to their surroundings.

Other considerations

18. Paragraph 141 of the Framework provides support for the measures to improve damaged and derelict land. The remains of the previous building are unsightly and cause some harm to the character and appearance of the surrounding area, and in these circumstances their removal could in itself represent a visual enhancement of the site. However, it does not follow from this that their replacement with a building as large as that which previously stood on the site is necessarily the best, or even an appropriate option. This does not outweigh the other conflict with the Framework which I have identified.

19. The appellant has emphasised that the collapse of the barn which previously stood on the site was accidental, and that it has always been his intention to rebuild the structure. This is not disputed by the Council, and I see no reason to consider otherwise. Paragraph 146 of the Framework indicates that the re-use of buildings is not inappropriate provided they are 'of permanent and substantial construction', but I have already found above that there is no existing building to reuse or rebuild. The information before me relating to the 2004 collapse of the barn indicates that the building was evidently not of such substantial construction that it was suited to the conversion for which planning permission had been granted in 2001[3]. I note that the Inspector in the 2006 appeal considered that although the collapse of the building was accidental it was not beyond the appellant's control, and she found that it did not amount to very special circumstances.

20. The Inspector in the 2006 appeal also found that the remains of the previous building 'could be demolished, or an application made to rebuild it as a domestic outbuilding [while complying with] Green Belt policy'. However, that appeal decision predates both the introduction of the Framework in 2012 and its subsequent amendment, and the adoption of the CELP in 2017. I have considered the proposal before me on the basis of the development plan and national planning policy as it currently stands, and found that it would be inappropriate development as described above.

21. The appellant has also brought to my attention an appeal decision in Pendle[4] where the Inspector allowed the rebuilding of a collapsed barn where around a third of the previous structure has been lost. In the appeal now before me however, very little of the previous building remains. Furthermore, I note both that the Pendle case did not relate to development within a Green Belt, and that the appeal also dates from 2009 before the introduction of the Framework. Consequently It would be subject to different planning policies. For these reasons, I do not consider that it is comparable to this case.

[3] Ref: 01/0470P
[4] Ref: APP/E2340/A/09/110746

Green Belt Balance

22. I have found that the proposal would not fall within any exception to inappropriate development within the Green Belt as set out in the Framework and CELP Policy PG3. Paragraph 144 of the Framework indicates that I must attach substantial weight to any harm to the Green Belt. In addition, the proposal would harm the character and appearance of the countryside, contrary to CELP Policies SD2 and SE1. I acknowledge the potential improvement of the site arising from the removal of the remains of the previous barn, which carries moderate weight in favour of the proposal. I have also had regard to the previous Inspector's decision in the 2006 appeal, but this does not raise considerations which provide material weight in favour of the proposal before me.

23. As such, the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. The proposed development is therefore contrary to CELP Policy PG3, MBLP Saved Policies GC1 and GC12, and to the requirements of the Framework which seek to protect the Green Belt from inappropriate development.

Conclusion

24. I conclude that the proposal would be contrary to the requirements of the Framework and the development plan. The appeal is therefore dismissed.

M Cryan

Inspector