



Appeal Decision

Site visit made on 22 May 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2020

Appeal Ref: APP/R0660/W/20/3245138

The Old Surgery, Church Lane, Mobberley

- 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 & Mrs Eckersley against the decision of Cheshire East Council.
 - The application Ref 19/2821M, dated 11 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is demolition of existing dwelling and new replacement dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt;
 - (c) The effect of the proposal on the character and appearance of the area; and
 - (d) If the proposal 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 in Green Belt

3. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
4. The term "materially larger" is not defined in either local or national guidance, and accordingly this is a matter of planning judgement having regard to the particular circumstances of the case. In this instance, the proposal would be 43.5% larger than the existing property in terms of built volume, and 39.9%

larger in terms of gross external floorspace. Moreover, the proposal would have a significantly greater scale, bulk, and visual prominence in the street. In my view, the proposed increase in size would clearly be materially larger than the existing property.

5. Separately, it has been put to me that the proposal would comply with the exception set out at Paragraph 145(g) of the Framework. This allows for redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt than the existing development. However, for the reasons set out in the following section, I consider that the proposal would result in a loss of openness. The exception at Paragraph 145(g) would therefore not apply in this case.
6. I conclude that the proposal would be inappropriate development in the Green Belt, which Paragraph 143 of the Framework states is harmful by definition and should not be approved except in very special circumstances. It would also be contrary to Policy PG 3 of the Cheshire East Local Plan Strategy (2017) and Policy GC1 of the Macclesfield Borough Local Plan (2004) in this regard.

Openness

7. The proposal would introduce significant additional floorspace and built volume that would be clearly visible from the street. It would therefore fail to preserve the openness of the Green Belt. In this regard, the Framework advises at Paragraph 133 that openness is an essential characteristic of Green Belts.

Character and appearance

8. The appeal site is located within a small group of properties near to the village of Mobberley. The neighbouring properties are traditional in style and are largely constructed in brick, which contributes to the area's pleasant rural character. In contrast, the appeal proposal would be of an overtly modern design, with expansive areas of glazing and an asymmetric window layout. The proposed materials and finish would also be contemporary and would include areas of white render, timber and natural stone cladding, and aluminium detailing. Whilst the proposed ridge height would be comparable to the existing property, its upper floors would be far wider than the existing pyramid hip roof. The proposal would also be significantly more prominent within the street and would be only partly screened by existing and proposed landscaping. In my view, it would have an unduly modern suburban appearance that would contrast sharply with the traditional rural surroundings.
9. My attention has been drawn to a number of recent planning approvals in the area for replacement dwellings. However, the full details of those cases, including the approved plans, are not before me. In any case, I have come to my own view on this matter rather than relying on the approach the Council may have taken elsewhere.
10. For the above reasons, I conclude that the proposal would significantly harm the character and appearance of the area. It would therefore be contrary to Policies SE 1, SD 1, and SD 2 of the Cheshire East Local Plan Strategy (2017) and Policy DC35 of the Macclesfield Borough Local Plan (2004). These policies seek to ensure, amongst other things, that development proposals make a positive contribution to their surroundings, are locally distinct, and use appropriate materials and finishes.

Other considerations

11. It is asserted that the existing dwelling could be significantly extended through the use of permitted development rights. In this regard, the appellant has obtained Lawful Development Certificates¹ for side, rear, and dormer extensions to the property, and for the introduction of 3 large outbuildings. The combined floorspace and footprint of these extensions and outbuildings would be significantly greater than that of the appeal proposal. Moreover, the appellant states that they have a need to either extend or remodel the property and have provided a number of reasons for this. Accordingly, I consider that there is a greater than theoretical possibility that the fallback scheme would be at least partly implemented should the appeal be dismissed.
12. The majority of the floorspace and footprint associated with the fallback scheme would consist of the 3 outbuildings, which would be located on either side of the existing house and in the rear garden area. However, the position of the replacement dwelling would still allow each of these outbuildings to be constructed. Whilst a condition removing permitted development rights could be imposed, this would only take effect once the permission had been implemented. However, the outbuildings could be erected prior to this, and a planning obligation would be required to avoid this outcome². No such planning obligation has been submitted. In addition, the type of accommodation proposed in the 3 outbuildings would differ significantly from the appeal scheme, and would include a swimming pool, games room, gym, and an elongated double garage. It is therefore unclear whether the outbuildings would meet the appellant's stated need to extend the living space within the property. These considerations significantly limit the weight I attach to this part of the fallback scheme.
13. In isolation, the side, rear, and dormer extensions would be far more modest in scale. The side and rear single storey extensions would be subservient in appearance and would have limited visibility from the road. Whilst the dormers would be less sympathetic additions, they would be set back significantly from the front elevation of the building. In combination, these extensions would preserve the character of the existing dwelling and would be more sympathetic to the surroundings than the appeal scheme.
14. The proposal would not directly offend any of the 5 purposes that Green Belt serves, as set out at Paragraph 134 of the Framework. However, that is not uncommon in the case of replacement buildings, and it does not alter the fact that the proposal would constitute inappropriate development in the Green Belt and would result in a loss of openness.
15. The proposal would also generate some economic benefits and it would be built to modern energy efficiency standards. However, these are modest benefits that are common to most developments of this type and size.

Conclusion

16. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. In addition, the

¹ Refs 18/5217M, 19/0486M and 19/1643M

² For example, in which the appellant covenants to forgo relevant permitted development rights immediately upon the issue of planning permission

proposal would significantly harm the character and appearance of the area. Even when taken together, the other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policies PG 3, SE 1, SD 1, and SD 2 of the Cheshire East Local Plan Strategy (2017), Policies GC1 and DC35 of the Macclesfield Borough Local Plan (2004), and guidance contained in the Framework.

17. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR