
Appeal Decision

Site visit made on 11 June 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2020

Appeal Ref: APP/R0660/W/19/3243500

Springsett Farm, Chelford Road, Prestbury, Cheshire SK10 4PT

- 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 Ashley Ladson against the decision of Cheshire East Council.
 - The application Ref 19/2651M, dated 31 May 2019, was refused by notice dated 11 November 2019.
 - The development proposed is a new domestic garage set within the existing slope of the field and associated landscaping/regarding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm to the Green Belt 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 it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal property is located within an area of well wooded, rolling farmland. The brick farmhouse has an attached barn and together the buildings form a U-shape around a rear courtyard. Planning permission has previously been granted for demolitions, alternations and extensions to the western wing to form a leisure suite.
4. To the west of the property, the side garden slopes down to a dip in the adjacent field. The proposed garage would be built into this slope, with the land regraded so that the building would be covered by earth and partly hidden from view. The garage would be located within the field, with its front elevation facing towards the house, following the line of the existing garden boundary.

5. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This approach is reiterated in Policy PG3 of the Cheshire East Local Plan Strategy 2017 (CELPS) and Saved Policy GC1 of the Macclesfield Local Plan (MLP).
6. Paragraph 145 of the Framework says that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. The appellant contends that the proposal falls under criterion c), which allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the dwelling.
7. The proposed garage would be a separate building which would be of substantial size. It would be sited some 15 metres from the existing building, or around 12 metres if the previously permitted extensions to the house were constructed. Even taking into account the size and scale of the plot and the wide frontage of the buildings, the degree of separation proposed here is significant. The proposed garage would be sited to the front and side of the existing buildings, and this relationship between the buildings, with the proposed garage facing towards the house at an angle, would further add to the sense of separation between them.
8. I note the court ruling¹ that a garage is an important domestic adjunct and that even if detached, is capable of being treated as an extension. However, this is a matter of fact and degree in every case. In the appeal proposal, the proposed garage would be set well away from the main house, and although it would be closely related to the house in terms of its function, it would not appear as an extension to the property.
9. The proposal would not constitute an extension to the dwelling. It would not, therefore, meet the exception set out in Framework paragraph 145 c), CELPS Policy PG3 and Saved MLP Policy GC1.
10. I note the appellant's reference to case law regarding the interpretation of policy². However, the proposal does not constitute an extension and as such, the provisions for extensions and alterations in the Green Belt contained within CELPS Policy PG3 and Saved MLP Policies GC1 and GC12 do not apply, despite their lack of reference to curtilage. Consideration of the level of additional floorspace which could be added without the building becoming a disproportionate addition, is also unnecessary.
11. Framework paragraph 146 sets out other forms of development, including engineering operations, which are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. The proposal would involve regrading works which would significantly change the topography of the site. However, these engineering works would only be required to facilitate the new building, and would not be required in their own right. As such, paragraph 146 b) is not a

¹ Sevenoaks DC v Secretary of State and Dawe (1997)

² Tesco Stores Ltd vs Dundee City Council (2012)

significant consideration in this case. Similarly, a change of use from agricultural to domestic use would only occur as a result of the proposed building, so paragraph 146 e) does not apply either.

12. The proposal would not meet any of the exceptions set out in Framework paragraphs 145 and 146. It would therefore constitute inappropriate development in the Green Belt, and would conflict with CELP Policy PG3, Saved MLP Policy GC1 and section 13 of the Framework, all of which seek to protect the Green Belt.

Openness

13. The substantial front elevation of the garage, which would be formed of four opening sections, would be clearly visible from within the appeal site, along with part of the roof. However, due to the rural location of the site, its undulating topography and well treed character, these parts of the building would not be readily visible from beyond the appeal site itself.
14. The majority of the proposed garage would be submerged and grassed over, so as to appear indistinguishable from the existing field. The proposal would involve a significant regrading of the site and the field. This would change the topography of the site itself and part of the field quite significantly. However, the field would retain its character as undulating pasture land.
15. I note references to case law by the appellant which relate to matters to be taken into account in assessing openness³. In this case, the proposal would have a visual impact as well as a spatial impact, but this would be limited in extent. Overall it would have a modest impact on openness.
16. I note the appellant's comments that the proposal would remove the need to park cars in front of the house, but cars are not permanent structures and parking within a domestic curtilage does not cause the same degree of harm to openness.

Other considerations

17. The proposed garage would be inappropriate development in the Green Belt, regardless of whether or not it would be within the residential curtilage. Consequently, the appellant's proposal to enlarge the curtilage to encompass the building, and remove a section of curtilage at the front of the site to compensate for this, carries minimal weight.
18. The appellant has suggested that, if the appeal is not successful, a garage could be constructed in the space at the side of the house under permitted development rights. I note the appellant's reference to case law and previous appeal decisions⁴ which found that existing planning permissions and the availability of permitted development rights were capable of forming very

³ John Turner v Secretary of State for Communities and Local Government and East Dorset Council [2015] EWHC 2728 (Admin);
Europa Oil and Gas Ltd. v Secretary of State for Communities and Local Government [2013] EWHC 2643 (Admin);
Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018] EWCA (Civ) 48;
Euro Garages Ltd v SSCLG [2018] EWHC 1753 (Admin).

⁴ Tesco Stores Ltd v SSE and Hounslow LBC (1992)
Brentwood BC v SSE and Gray (1996)
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special circumstances. However, I have no plans or lawful development certificate in this respect, and therefore I give the fallback argument limited weight.

19. The proposed garage would provide secure storage for the family's vehicles and would not affect the amenity of neighbouring occupiers. No additional trees would be removed and no ecological objections have been raised. These factors are neutral in the planning balance and do not outweigh the harm to the Green Belt which I have identified.

The Green Belt Balance and Conclusion

20. The proposed development would be inappropriate development which would, by definition, cause harm to the Green Belt. The Framework establishes that substantial weight should be given to such harm. In addition, there would be a modest loss of openness.
21. When taken together, the other considerations do not clearly outweigh the harm to the Green Belt. Consequently, very special circumstances to justify the proposal do not exist.
22. I conclude, therefore, that the appeal be dismissed.

R Morgan

INSPECTOR