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## Appeal Decisions

Site visit made on 29 September 2020

**by Nigel Harrison BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 October 2020**

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### **Appeal A: Ref: APP/R0660/W/20/3253453**

#### **Barn at land off Mottram Road, Alderley Edge, SK9 7JQ**

- 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 John Parkin against the decision of Cheshire East Council.
  - The application Ref: 19/4598M, dated 27 September 2019, was refused by notice dated 6 December 2019.
  - The development proposed is "conversion and extensions to barn"
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### **Appeal B: Ref: APP/R0660/W/20/3253455**

#### **Barn at land off Mottram Road, Alderley Edge, SK9 7JQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr John Parkin against Cheshire East Council.
  - The application Ref 20/0533M, is dated 7 February 2020.
  - The development proposed is "conversion and extensions to barn".
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#### **Decision: Appeal A**

1. The appeal is dismissed.

#### **Decision: Appeal B**

2. The appeal is dismissed.

#### **Applications for Costs**

3. An application for costs in respect of both appeals were made by Mr John Parkin against Cheshire East Council. These applications are the subject of a separate Decision.

#### **Procedural Matters**

4. The appellant has referred to the emerging *Cheshire East Local Plan Strategy*, although this Plan has not been referenced in the decision notices. Nor have copies of any potentially relevant policies been forwarded to me. I understand that a Publication Draft Report of Consultation has now been published and the responses are being considered by the Council prior to submission for examination. However, as this is still in draft form and subject to change following examination, I have afforded its policies little weight. In any event those draft policies referred to by the appellant do not specifically address development proposals in the Green Belt.

### **Main Issues (Both Appeals)**

5. It is agreed by the main parties that the appeal schemes would not harm the living conditions of nearby residents or result in unacceptable harm to matters concerning flood risk, nature conservation and air quality. I find no reason to disagree and therefore, the main issues in both appeals are:
  - i) Whether the proposed development amounts to inappropriate development in the Green Belt;
  - ii) The effect of the proposal on the character and appearance of the existing building and the surrounding countryside;
  - iii) The effect of the proposal on highway safety; and
  - iv) If it is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

### **Reasons (Both appeals)**

6. The appeal site lies within the Green Belt on the eastern fringes of Alderley Edge. Both schemes involve extensions and alterations to an existing barn, a detached garage building/store, a new access track across the adjacent field, and new vehicular access from Mottram Road.

#### *Whether inappropriate development in the Green Belt*

7. National policy on Green Belt development is set out in paragraphs 133-147 of the National Planning Policy Framework (the Framework).
8. Policy PG3 of the *Cheshire East Local Plan Strategy* (CELPs) sets out the Council's approach to development proposals in the Green Belt. It replicates the provisions of the Framework with regard to the re-use and extensions and alterations of buildings.
9. Saved Policies GC8 and GC9 of the *Macclesfield Borough Local Plan* (LP) have some resonance with the Framework's Green Belt objectives to prevent inappropriate development, but differ from it markedly in saying that the conversion of a rural building to residential use will only be permitted where it is not suitable for a business use. They also refer to the openness of the countryside rather than the Green Belt, and to former *Planning Policy Guidance Note 2* which was in force at the time of the Plan's adoption. As such, these policies are out of date insofar as they are inconsistent with the Framework.
10. Paragraph 143 of the Framework says inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate (and only permissible under very special circumstances) unless it falls within the closed lists of exceptions in paragraphs 145 and 146.
11. Paragraph 145 says the construction of new buildings within the Green Belt is inappropriate development, but lists certain forms of development which are not regarded as inappropriate. These include 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.

12. There is no dispute between the parties that the proposed extension in both appeals would not be disproportionate additions over and above the size of the original building (defined as the building as it existed on 1 July 1948), and would satisfy the requirements of saved LP Policy GC12, insofar as that policy is consistent with the Framework. Consequently, they would not amount to inappropriate development.
13. In the application of paragraph 145 c), where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, there is no further requirement to assess the impact of the development on the openness of the Green Belt.
14. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual dimensions. The proposals would introduce additional built form through the proposed extensions and garage buildings. However, as these would be seen in the context of the adjacent existing dwelling and other housing development beyond, I am satisfied that they would preserve the openness of the Green Belt. In reaching this conclusion I am mindful of the fact that a large extension formerly occupied part of the site and that the domestic curtilage of the proposed dwelling (in both appeals) would be confined to a fairly modest area tightly drawn around the existing building.
15. In these proposals the extensions and alterations are an integral part of the overall schemes for re-use the of the building which also need to be considered under the exception in paragraph 146 d). This says certain other forms of development are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it; subject to the building being of permanent and substantial construction. The 146 d) exception also includes associated uses of land such as garden areas, external storage, car parking and boundary treatment), and it follows that the impact of the proposed driveway be considered within the compass of 146 d), as this is clearly an associated use of land rather than an independent engineering operation.
16. Based on the information contained in the appellant's survey, I am satisfied that the building is of permanent and substantial construction and this is not disputed by the parties. The re-use of the building would preserve openness, and I have set out above why I consider the proposed extensions would also preserve openness.
17. The proposed access drive would be formed across an open field currently free of any development. However, the use of a permeable stone base and central grass strip would give the drive a low-key and agricultural character, and I am satisfied that this feature would preserve the openness of the Green Belt.
18. For the above reasons, I find that the proposed development taken as a whole would preserve the openness of the Green Belt, and there would be no conflict with the purposes of including the land within it. I therefore conclude on this issue that the development proposed in both appeals would not be inappropriate development in the Green Belt for the purposes of the Framework and CELPS Policy PG3. Therefore, the issue of whether very special circumstances exist does not arise.

*Effect on the character and appearance of the existing building and countryside*

19. Both schemes involve single storey extensions to the barn. That proposed in Appeal A would wrap around two sides of the building, and the longer arm of the extension on the front elevation would be very prominent in views towards the site from Mottram Road. The extension proposed in Appeal B is more modest in scale, and would extend the building on the south-east side only. In Appeal A the extension would be almost wholly fully glazed with a zinc standing seam roof incorporating rooflights. The design of the extension in Appeal B has a similar roof treatment, although the amount of glazing is reduced with greater use of brick walling. Both schemes make use of existing openings, though several new window openings and rooflights are proposed including (in Appeal B) a large full height opening on the rear elevation.
20. Both schemes show a free-standing garage/storage building to the south-west of the barn to a more traditional design incorporating timber supports and a slate roof. However, the otherwise similar building proposed in Appeal B has significantly smaller plan dimensions.
21. Amongst other things CELPS Policy SD2 requires new development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, choice of materials and external design features. CELPS Policy SE1 says proposals should make a positive contribution to their surroundings in terms of protecting and enhancing the quality, distinctiveness and character of settlements.
22. The site lies within a Local Landscape Designation Area where CELPS Policy SE4 seeks to conserve and enhance the quality of the landscape, and to protect it from development which is likely to have an adverse effect on the its character and appearance and setting.
23. Paragraph 127 c) of the Framework does not seek to prevent or discourage appropriate innovation or change. However, in common with the CELPS policies referred to above it does require developments to be sympathetic to local character and history, including the surrounding landscape setting.
24. Although I have no objections to a contemporary design solution *per se*, the extensions and some of the alterations to the fabric proposed in both schemes would significantly detract from the building's traditional rural character and appearance, being incongruous in form, layout and overall appearance relative to the host building. Although the extension proposed in Appeal B is significantly more modest in scale, and has considerably less glazing, it would still detract from the characteristic proportions and form of the traditional brick barn. The supporting evidence suggests that the large areas of glazing proposed for the extension in Appeal A would allow the original barn structure to be seen through the glazed elevations. However, even if this proved to be the case, I am not persuaded that this factor sufficiently justifies such extensive areas of glazing in such a prominent location.
25. Nor does the fact that a previous lean-to extension occupied part of the site justify the contemporary design solution of the present schemes in any way. Neither scheme, both of which have flat roofs, is attempting to replicate or reinstate previous structures.

26. The appellant says the Council has recently granted permission for the conversion of a barn to a dwelling in the locality, where the alterations also incorporate contemporary design features and extensive areas of glazing. However, based on the submitted photographs, that building appears to be less traditional and more utilitarian in appearance, with little of the vernacular character of the appeal building. In any event, each application and appeal falls to be considered on its own merits.
27. For the reasons given in paragraph 17, I consider the access driveway would be not at odds with its rural setting and thus not materially harmful to the character of the surrounding landscape. However, the entrance gates and gate piers are rather formal features with suitable to a more urban setting, and would appear incongruous in this semi-rural location.
28. Overall, I conclude on both appeals that the design and materials of the proposed development, would be relate poorly to the traditional character of the barn, and would have an adverse effect on the character and appearance of this sensitive countryside location. Whilst some limited extension and alterations to the fabric may be justified in achieving a viable conversion to modern living standards, the appeal schemes go beyond what can be justified in those terms. In short, both schemes fail to capitalise on the opportunity to create an entirely sympathetic conversion of this attractive vernacular barn that would successfully integrate with its surroundings. As such, the proposals conflict with the objectives of CELPS Policies SD2, SE1 and SE4.

### **Highway Safety (Both Appeals)**

29. The appellant submitted revised drawings in connection with the application the subject of Appeal B (Drawing Ref: ATR001 Rev C), together with a Transport Technical Note. The Council's highway officer has confirmed that the revised visibility sightlines and arrangements for refuse collection shown in that drawing would be acceptable, would not harm highway safety, and would not be in conflict with saved LP Policy DC6. I find no reason not to concur with the professional highway assessment.
30. As this revised information was not previously available to the Council, it says the introduction of new evidence at the appeal stage is contrary to the advice in the Planning Appeals Procedural Guide. However, although the revisions are of a relatively minor nature, they may prejudice other interested parties (and a number of local residents have commented on the highway safety aspects of the proposal). Without this information the highway safety issue in respect of Appeal A has not been resolved and I have dealt with that appeal on the basis of the evidence provided as part of the application.
31. Nonetheless, it is evident from the revised drawing that a safe access can be provided to serve a dwelling at the appeal site (irrespective of whether it is the scheme in Appeal A or Appeal B), and that concerns regarding highway safety can be overcome. In any event, given my decision to dismiss the appeals for other reasons this is not something I need to address further.

### **Conclusion (Both Appeals)**

32. On the first main issue I have concluded that the proposals would not be inappropriate development in the Green Belt and would preserve the openness of the Green Belt. On the second issue I am satisfied that the proposal in

Appeal B would not be harmful to highway safety, and could be resolved in relation to Appeal A.

33. However, for the reasons given above I conclude on the second main issue that the proposals would be materially harmful to the character and appearance of the existing building and the surrounding countryside. This presents a substantive and overriding objection which must be decisive. as such, the proposals in both appeals would conflict with the policies in the development plan and the Framework taken as a whole. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that both appeals should be dismissed.

*Nigel Harrison*

INSPECTOR