



Appeal Decision

Site Visit made on 13 October 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/R0660/D/20/3257621

Brown Owl Cottage, Golborne Lane, High Legh, Knutsford, WA16 0RD

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 Drs Taylor against the decision of Cheshire East Council. The application Ref 20/1987M, dated 12 May 2020, was refused by notice dated 9 July 2020.

The development proposed is the construction of a first-floor side/rear and two-storey side extension with glazed link (amendment to 19/5403M).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework, 2019 (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development in the Green Belt

3. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. This includes that the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. Policy PG3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017 (CELP), deals with the Green Belt, its designation, which aims to keep land permanently open or largely developed and planning permission will not

- be granted for inappropriate development except in very special circumstances. It is therefore consistent with the approach and aims of the Framework.
5. Saved Policy GC12 of the Macclesfield Borough Local Plan, 2004 (Saved 2007), (MBLP) sets out the Council's approach to alterations and extensions to existing houses in the countryside, including the Green Belt and that proposals may be granted for up to 30% of the original floor space. The policy has exceptions which includes criterion (3) - the extension is to provide a conservatory or domestic building in the curtilage and the proposal would not adversely affect the character and appearance of the countryside.
 6. The appeal site is a detached property and is located within an area of countryside designated being within the Green Belt. The proposed development would involve the demolition of an existing link extension connecting the garage to create a first-floor side/rear and two-storey extension, incorporating a new linked glazed passageway to the existing garage. The proposals and minor external/internal alterations would increase the rooms both at ground floor and first floor considerably to the dwelling.
 7. The Framework does not define the term 'disproportionate' and whilst I acknowledge that the scheme has been amended from an extant planning approval¹, the footprint and bulk of the property would still be significantly increased by the proposed extensions, due to the glazed passageway linking both the original, extensions and existing garage together. Therefore, it does not appear to be comparable; whereas the extant permission provided a physical detachment between the garage/outbuilding from the dwellinghouse, reducing its overall bulk and existing net floor space, the proposals do not.
 8. Furthermore, the Council advise, in total the proposed extensions including historic additions would be an increase of floor space some 89% above the original dwelling. This is not disputed by the appellant, and as such there is no reason to disagree. Therefore, in that regard, the proposals would not be of a limited scale or a proportionate addition when comparing to the original building and would be at odds with the 30% set out in Policy GC12.
 9. The appellant argues that the proposals would satisfy criterion (3) of Policy GC12, with the glazed link being a conservatory. I am not persuaded by this argument, the plans and evidence indicate that this would be a passageway, a gap consisting of a fully glazed structure linking the existing house and extensions with the garage. The functionality would be as a passageway, used for that purpose of linking the entities of the property together with the outbuilding/garage, unlike that of the functionality and typical use of a conservatory. Therefore, the proposal would not meet the exception criteria at (3).
 10. For the reasons given above, I conclude that the proposed development would be inappropriate development in the Green Belt as a result of a disproportionate addition over and above the size of the original building. It would be contrary to Saved Policy GC12 of the MBLP and Policy PG3 of the CELP as identified above, and the Framework.

¹ 19/5403M, dated 17 January 2020

Openness

11. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof being their openness and permanence. The physical presence of built forms may affect openness, which can also have a visual element. In that, the bulk of the building would be increased by additional built development, the glazed link would reduce the open space between the property and outbuildings. The proposals would be visible from along Golbourne lane and would reduce openness noticeably. In view of the above points, I conclude that the proposed development would have an appreciable impact on the openness of the Green Belt.

Other Considerations

12. The appellants evidence relies heavily on the comparisons between the proposed development and the extant permission. They contend, that by virtue of the granted planning permission, a 'fallback' position exists whereby if the appeal scheme does not progress the alternative scheme, for extensions to the dwelling, could be developed, equating to very special circumstances to justify the proposed development within the Green Belt.
13. Therefore, I consider there is a genuine 'fallback' scheme, and there is a greater than a theoretical possibility that the development might take place. However, from the evidence before me, the 'fallback' would be less harmful than the appeal scheme. I accept that the 'fallback' scheme, is identical in part but the design of what is proposed has now changed with the inclusion of a glazed passageway linking the dwelling to the garage. Resulting in the overall bulk, mass and floor space being increased, having a greater adverse effect on the Green Belt. As such, the 'fallback' consideration does not justify the harm I have found the proposed development would have, and I attach little weight to the fallback position.
14. Although the proposed development would not cause any harm to the living conditions of neighbouring properties, character and appearance of the host dwelling and highway safety, the absence of harm in these respects weighs neutrally and does not amount to a consideration in support of the appeal.
15. I understand other developments have been granted planning permission by the Council in the area, 'Newton'. I have been provided with limited details, although there may be some similarities. However, it does appear from the evidence that the glazed link referred to was part of an existing conservatory extension, unlike the proposals before me for a new glazed link passageway to fill a gap. In any event, the appeal is necessarily determined on its individual merits on the basis of the evidence before me.

Conclusion

16. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would lead to an appreciable loss of openness to the Green Belt which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.

17. Against this, the other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
18. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR