



Appeal Decision

Site visit made on 6 October 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 13th November 2020

Appeal Ref: APP/R0660/W/20/3255175

Brook Cottage, Chelford Road, Alderley Edge, Cheshire SK9 7TL

- 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 S Doyle against the decision of Cheshire East Council.
 - The application Ref 19/0384M, dated 22 January 2019, was refused by notice dated 13 May 2020.
 - The development proposed is replacement dwelling, associated garage and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - ii) The effects on the openness of the Green Belt;
 - iii) The effect of the proposal on non-designated heritage assets; and
 - iv) 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 it.

Reasons

Whether the proposal would be inappropriate development

3. Brook Cottage is a modest traditional 2 storey property set in a large triangular plot of land with a wide frontage to Chelford Road. It is in the Green Belt.
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 special circumstances.
5. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of listed exceptions including Paragraph 145 d) the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030

Adopted July 2017 (the CELPS) confirms that proposals within the Green Belt will be determined in accordance with the national policy, including the listed exceptions.

6. The existing dwelling has a footprint of 65 m² and a volume of 258 m³. In contrast, the proposed dwelling would have a footprint of approximately 122 m² and a volume of roughly 676 m³. The proposed garage would have a footprint of 42 m² and volume 157 m³.
7. Consequently, although the replacement building would be in the same use, it would be materially larger than the existing building. Therefore, the proposal would not meet the relevant exception set out in Policy PG3 of the CELPS and Paragraph 145 d) of the Framework. It would be inappropriate development and it would conflict with Policy PG3 of the CELPS and the policies in the Framework that protect the Green Belt.

Openness of the Green Belt

8. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
9. By virtue of the significant increase in the permanent footprint of development, including buildings and hardstanding areas, the proposal would result in a significant spatial loss of openness. There would also be a significant visual impact as a result of the large increase in the bulk of contemporary built development, associated parking and vehicle manoeuvring areas, paths and the domestic paraphernalia associated with the occupation of a substantial family dwelling. Therefore, the combined spatial and visual aspects would result in a moderate loss of openness of the Green Belt.

Heritage assets

10. Brook Cottage is a traditional brick and slate dwelling dating from the 1800s. It has a 3 bay front elevation with an off-centre doorway and nineteenth century wooden 3-light casement windows with chamfered heads at ground floor level and square heads at first floor. It has a plank and batten front door set in a small timber porch. There is a brick and pitched slate roof 2 storey outbuilding to one gable end with diamond pattern ventilation suggesting the first floor was originally in use as a hay loft. Although it is not nationally listed, the Council considers that it is a non-designated heritage asset (NDHA).
11. The dwelling has 2 rooms at each of ground and first floor levels, with stone flag floors at ground level and a central flight of stairs. Original internal features that remain, such as floors and plank and batten doors are common and the interior lacks any special interest. External alterations to the original building, including the loss of an historic outbuilding to the rear, unsympathetic repointing and general deterioration detract from the buildings character and appearance. Nevertheless, it retains interest as a nineteenth century vernacular dwelling with an attached store that points to its agricultural origins.
12. The Framework states that heritage assets including buildings of local historic value should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Accordingly, local authorities are directed to identify and assess the particular significance of the heritage asset taking account of the

available evidence and any necessary expertise. In this regard, the Planning Practice Guidance (the PPG) notes that while local lists can be helpful in clearly identifying NDHA, they can also be identified by planning authorities through the decision-making process.

13. In this case, although it is apparently not included on a local list, Brook Cottage was identified as a NDHA at the time of the earlier refused application. Moreover, there is little before me in relation to the local list including in terms of its date, whether it has been reviewed or updated since the earlier application or whether or not Brook Cottage has been considered and discounted for local listing. Therefore, the absence of Brook Cottage from the list of locally important buildings does not demonstrate that it is not a NDHA.
14. Irrespective of how they are identified, decisions to identify NDHA should be based on sound evidence. While the earlier English Heritage assessment clearly forms part of the evidence, the Council had considered Brook Cottage to be of heritage value prior to its assessment for the purposes of statutory listing. The more recent heritage assessments contribute to the evidence in relation to the building's origins and its current condition. In this regard, I note that the age of the current dwelling has been questioned, on the basis that its current siting does not correspond to the earlier tithe map. However, tithe maps do vary in terms of their scale and accuracy and there is no substantive evidence that the particular tithe map is accurate. Therefore, given the potential for mapping errors, I cannot be certain that Brook Cottage is a later building.
15. Brook Cottage has been unoccupied for roughly 10 years, during which time its condition has deteriorated, in part due to an apparent lack of maintenance and indirect damage from altered ground conditions following the removal of trees. Given its small size and state of disrepair, the cost of repairing and refurbishing it in its current form would not be economically viable. There is an alternative scheme before me¹ that would extend and alter the property to create a modern family dwelling. This would result in further loss of the historic fabric of the building. However, it would retain the front elevation which is the part of the building that contributes most to its significance. On this basis, there would be alternative schemes that could provide for modern family living while retaining the historic and aesthetic interest of the cottage.
16. The application was not refused on grounds of conflict with Policy SE7 of the CELPS. Nevertheless, the policy requires that heritage assets should be retained and reused where possible and that harm to heritage assets should be outweighed by the benefits of the scheme. I have therefore weighed the loss of the NDHA against the benefits.
17. The proposal would be a primarily private benefit to the appellant. There would be very limited economic and social benefits in this location. While it would create a large dwelling, there is little before me to suggest that this is a type of dwelling that is underrepresented in the local housing stock. The proposal would conform to modern building regulations and it would be more energy efficient than the existing unoccupied dwelling. However, this could be argued for many proposed replacements for historic buildings. Moreover, an alternative scheme involving repair and refurbishment of the dwelling would also result in improved energy efficiency. It has not been demonstrated that alternative schemes could not similarly improve the highway access. The proposal would

¹ Refs 18/1660M, 18/1717M, 18/4786M, 18/5037M

be a high quality design with a landscaped garden. However, Brook Cottage makes a positive contribution to the character and appearance of the area.

18. Therefore, notwithstanding that Brook Cottage has been modified and it has fallen into a state of disrepair, the loss of the heritage asset would be a harm that weighs to a moderately small degree against the proposal.

Other Considerations

19. There is a fallback position at this site, by virtue of the alternative scheme that would extend the dwelling using permitted development rights. The permitted rights have not been implemented and therefore they do not constitute a baseline for the assessment for the purposes of the Green Belt. Nevertheless, it is appropriate to consider whether there is a real prospect of the fallback development taking place and whether its effects would be materially different from those of the appeal scheme.
20. The fallback would extend the building to both sides and to the rear. I note the Council's concerns in relation to the contrived and predominantly ground floor living accommodation and whether or not it would be developed. In this regard, the fallback is clearly not the appellant's preferred option. However, it would be financially viable. Moreover, the planning history demonstrates the appellant's desire and intention to develop the site. Consequently, I have no reason to think that the site would not be developed if the appeal should fail.
21. The fallback would have a larger footprint and bulk of built development than the appeal scheme. However, both would be substantially large developments. Moreover, in contrast to the appeal scheme, a large proportion of the fallback scheme would be to the rear of the building and therefore not readily visible from the public realm. Notwithstanding that the appeal scheme would be constructed at a lower ground level, the roughly 10% reduction in floorspace and 12% reduction in the volume of the appeal scheme compared to the fallback would not result in a significantly lesser visual impact.
22. The fallback frontage would be formed by the modest historic building with subservient side extensions in matching materials. While it would have a wider frontage than the appeal scheme, it would nevertheless have the appearance of an extended traditional dwelling. In contrast, the appeal scheme would appear both larger and a more conspicuously contemporary form of development including in terms of its design, including fenestration, and materials. Consequently, the appeal scheme would have a greater visual impact.
23. Therefore, assuming that there is a genuine fallback position at this site, nevertheless it would not result in significantly greater harm to the openness of the Green Belt. Consequently, it does not provide a justification for the appeal scheme. Accordingly, the fallback position carries only limited weight.
24. My attention has been drawn to an appeal decision elsewhere² where the Inspector allowed an inappropriate development in the Green Belt. In that case, the design of the proposal, its energy efficiency and the existence of a fallback position, to which the Inspector attached considerable weight, were considered to amount to very special circumstances. From a reading of the appeal decision, the fallback position in that case similarly included single storey side and rear extensions and an outbuilding. However, that scheme

² APP/R0660/A/12/2187490

differs from the appeal proposal before me in terms of its siting and prominence and surrounding context. Moreover, the Inspector found the fallback in that case to be more obtrusive and discordant than the proposal, which is not my conclusion in this case.

25. I am also aware of the planning decision (ref 16/4043M) relating to the replacement of a single storey dwelling with a 2 storey dwelling. Notwithstanding the increase in ridge height, there was only a 34% increase in floor space which the Council considered to be proportionate. Moreover, that scheme was seen in the context of surrounding built development. Therefore, schemes permitted elsewhere, including on appeal, are not directly comparable to the appeal scheme and they do not weigh in favour of it.
26. Measures for the avoidance of impacts on biodiversity during demolition and the provision of bird nesting and bat roosting opportunities could be addressed by planning condition. There would be no adverse impacts on highway safety. The proposal would not impact upon the living conditions of neighbouring occupiers and it would provide an adequate living conditions for future occupiers. These are requirements of planning policy and they carry neutral weight. While the landscaping plan would establish a garden, there is little to indicate that it would result in any significant biodiversity enhancement and it carries neutral weight in my assessment.

Green Belt Balance

27. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a moderate loss of openness of the Green Belt. These matters attract substantial weight. There would also be harm arising from the loss of a non-designated heritage asset.
28. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and the loss of the heritage asset. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

29. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR