



Appeal Decision

Site visit made on 18 January 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2021

Appeal Ref: APP/R0660/W/20/3261166

Broadheath Farm, Macclesfield Road, Over Alderley SK10 4SN

- 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 Tom Gardiner against Cheshire East Council.
 - The application Ref 20/1114M, is dated 4 March 2020.
 - The development proposed is to extend the existing farmhouse, conversion of the existing brick-built barn to provide a second dwelling and erection of a new third dwelling within a courtyard formation following repositioning of the existing northern access and demolition of all other existing buildings and structures (c. 1000m²).
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Decision

1. The appeal is dismissed and planning permission to extend the existing farmhouse, conversion of the existing brick-built barn to provide a second dwelling and erection of a new third dwelling within a courtyard formation following repositioning of the existing northern access and demolition of all other existing buildings and structures (c. 1000m²) at Broadheath Farm, Macclesfield Road, Over Alderley SK10 4SN is refused.

Applications for costs

2. An application for costs was made by Mr Tom Gardiner against Cheshire East Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal was submitted against the non-determination of the application. The Council's appeal statement assessed the proposal and outlined the reasons it would have been refused had the appeal not been submitted. I have had regard to these putative reasons for refusal in my consideration of the appeal.

Main Issues

4. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
 - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - The effect of the proposal on the character and appearance of host buildings and the surrounding area having regard to the fact that it is a Local Landscape Designation Area; and

- 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 inappropriate development

5. The appeal site is located in the Green Belt as defined by Policy PG3 of the *Cheshire East Local Plan Strategy 2010 – 2030 (adopted July 2017)* (CELPS). This policy indicates that development within the Green Belt will only be permitted if it meets one of a limited number of criteria. Similar advice is provided in paragraphs 145 and 146 of the Framework.
6. The appeal scheme consists of 3 elements: the extension of the existing farmhouse, the conversion of an existing barn to a dwelling and the erection of a new dwelling. It is not disputed between the main parties that the conversion of the barn would not be inappropriate development as it would accord with part 4 iv of Policy PG3 and paragraph 146d) of the Framework. In addition, as it would not accord with any of the exceptions listed in part 3 of Policy PG3 or paragraph 145 of the Framework, it is agreed that the proposed new dwelling would be inappropriate. From the evidence before me these are conclusions with which I agree.
7. However, it is disputed whether or not the extension to the farmhouse would be inappropriate development. Both Policy PG3 of the CELPs and the Framework indicate that extensions and alterations to existing buildings are not inappropriate as long as they do not result in disproportionate additions over and above the original buildings. What is a disproportionate addition is not defined in the Framework. However, Saved Policy GC12 of the *Macclesfield Borough Local Plan (adopted January 2004)* (MBLP) indicates that a proposal will be considered disproportionate if it results in an increase of more than 30% of the original floorspace, although large extensions may be allowed if the extension is to provide a conservatory or a domestic building in the curtilage.
8. The proposal would result in a variety of alterations and extensions to the existing farmhouse. It is agreed that the original floorspace of the farmhouse is 174sqm. Whilst there are slight differences in the Council's and the appellant's figures for the proposed floorspace, they both indicate it would result in around a 50% increase in floorspace. This is significantly greater than 30% allowed in the policy.
9. Part of this increase in floorspace results from a conservatory and an integral garage. In the light of what Policy GC12 says the appellant suggests the floorspace of these parts of the proposal should be discounted. If this is done, he indicates the increase in floorspace would only be 22%, and so below the policy threshold. However, I do not agree that an integral garage can be considered to be a domestic building in the curtilage of the property as it is not in the curtilage but attached to the house. Thus, even if discounting the conservatory, the proposal would result in an increase in floorspace of 42% based on the appellant's figures.
10. The appellant has argued that the attached garage would mean that separate garaging would not need to be provided in the curtilage. However, there is no

guarantee that the garage would be used for the parking of vehicles meaning they could be parked in the curtilage instead anyway, or that the garage would not, in the future, be converted to living accommodation and alternative facilities sought in the curtilage.

11. Moreover, I note that the policy only indicates that the exception *may* be permitted (my emphasis). As such, just because a proposal includes a conservatory and/or a domestic building in the curtilage does not mean that the floorspace of these are automatically discounted from any calculations but is a matter of planning judgement. In addition, the criterion also requires that the proposal should not adversely affect the character and appearance of the countryside. This is a matter which I will consider later in my decision.
12. Therefore, I consider that the extensions and alterations to the existing farmhouse would result in disproportionate additions and so this element is also inappropriate development. However, even if I had considered this element of the proposal was not inappropriate, the overall scheme would still constitute inappropriate development due to the new dwelling that is proposed. According to paragraph 143 of the Framework, inappropriate development is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.

Openness and Purposes

13. Openness is an essential characteristic of the Green Belt. At present the appeal site comprises a collection of agricultural buildings of various sizes, types and designs. The development would necessitate the demolition of the vast majority of these and I am satisfied that the demolition of the others could be secured by condition.
14. The appellant has calculated that the proposal would result in a 43% decrease in the volume of the buildings on the site and a 53% reduction in footprint. These figures, and those on which they are based, have not been disputed by the Council.
15. Some of these buildings, mainly the smaller ones are in a poor state of repair and are close to dereliction, but the majority of this volume comprises 4 large buildings that are either tin roof pole barns or steel portal framed buildings. Whilst some of these are in a better state of repair than others, unlike some of the smaller buildings that are already partially collapsed, I see no reason why these buildings would not be likely to remain standing for the foreseeable future.
16. Although the proposed new dwelling would be two storey and the existing buildings are single storey, the scale and mass of the agricultural buildings are significantly greater than the house, and the portal framed buildings in particular appear just as permanent as a dwelling would.
17. Overall, the scheme would result in a significant reduction in the built form on the site. It would also result in a more compact form of development. Consequently, I consider that the proposal, both visually and spatially, would have a beneficial impact on openness. In addition, there is no suggestion that the proposal would conflict with any of the purposes of Green Belt – a conclusion with which I agree.

18. I note the suggestion of the Council that the re-use of the farmhouse and the conversion of the barn for residential purposes on their own is a realistic possibility and such a scheme would also require the removal of the other buildings on the site. Be that as it may, I am determining the appeal on the basis of the scheme before me and consider that it would result in an improvement in the openness of the site.
19. The Council have argued that even if it is considered that the proposal would benefit openness, it should not be considered a very special circumstance as agricultural buildings are excluded from the definition of previously developed land. The appellant has not sought to argue that the site is previously developed land or that the proposal should be considered under paragraph 145 g) of the Framework. Furthermore, I see nothing within the Framework that indicates that only structures on previously developed land are to be considered when addressing matters of openness.

Character and appearance

20. The barn is a part two storey part single storey red brick building that has limited openings, a high solid to void ratio, and a traditional agricultural form and character. The proposed conversion scheme involves numerous alterations to the barn including alterations to the roof form and height, the creation of an integral garage and the insertion of numerous windows many of which would be floor to ceiling windows. These changes would give the converted barn an overtly domestic appearance. It would thus destroy the simple rural character of the building.
21. The existing farmhouse is in a poor state of repair but nonetheless its simple form and appearance complements the rural character of the farmstead. Whilst there are elements in the design of both the refurbished farmhouse and the new dwelling that are sympathetic to the agricultural setting, the extensive use of glazing on several elevations of both dwellings would give both of them a suburban character that would be out of keeping with the rural setting. The formal gardens and domestic paraphernalia that would be associated with the dwellings would exacerbate the domestic suburban character of the development.
22. The site lies in a Local Landscape Designation Area as defined by the CELPS. In such areas Policy SE4 seeks to ensure that the quality of the landscape is conserved and enhanced and that it is protected from development that is likely to have an adverse impact on its character and appearance.
23. Many of the existing buildings on the site are unattractive and the site has a somewhat haphazard appearance. However, this is not uncommon for farmsteads and so the site at present does not appear incongruous in this rural setting nor does it detract from the agricultural character of the landscape. The removal of many of the buildings would therefore not benefit the character of the wider area.
24. It is stated that the remaining parts of the appeal site that would not be used for the dwellings or their curtilages would be returned to being permanent open farmland. In addition, it is indicated that the site would be subject to an extensive landscaping scheme so that there would be a subtle transition from rural to the built form. However, the proposal is not accompanied by a detailed landscaping strategy to enable any assessment of how the site would be

integrated with the surrounding landscape. Moreover, if the balance of the site is to be returned to farmland, it is not clear how any subtle transition would be achieved, given that the layout plans show little open space other than formal gardens and hardstandings, and the curtilages would immediately abut what would be farmland.

25. Consequently, I consider that the proposal would have an adverse impact on both the character and appearance of the host buildings and the local landscape. It would therefore conflict with Policy SE4 of the CELPS outlined above and Policies SD2 and SE1 of the same and Policies GC8 and GC9 of the MBLP which require developments to make a positive contribution to their surroundings, creating and reinforcing local distinctiveness, and that the design of buildings being re-used are in keeping with their surroundings.

Other Considerations

26. It is stated that the proposal would result in a significant ecological net gain due to the hedgerow and tree planting proposed. However, the basis of how this net gain has been calculated has not been provided. As such, I give this little weight. Whilst it is stated that the scheme would incorporate sustainable building techniques and materials, there is no evidence to suggest that what is proposed goes beyond that which is required in the Building Regulations, so I accord this little weight as well.
27. The scheme would provide adequate living conditions for future occupiers and would have no impact on any existing occupier. In addition, it would not be detrimental to highway safety. However, an absence of harm in these matters is a neutral factor.

Other Matters

28. The Bat Survey Report indicates that the proposal would result in the loss of one minor bat roost and therefore suggests mitigation measures and a method statement for how the works should be carried out and supervised. I am satisfied that the survey provides sufficient data to ensure an adequate assessment of the proposal's impact on bats, and to identify appropriate mitigation measures that would be likely to maintain the favourable conservation status of the species.
29. Given the proposal will impact on a European Protected Species (EPS) an EPS licence from Natural England will be required. The Council has assessed whether the development would satisfy the three tests needed for a licence and consider it would be likely to be granted. I see no reason to come to a different conclusion in this regard. I am therefore satisfied that the proposal would not have a detrimental impact on protected species.

Planning Balance and Conclusion

30. The proposal would be inappropriate development in the Green Belt which is harmful by definition. In accordance with paragraph 144 of the Framework, I attach substantial weight to the harm to the Green Belt. In addition, the proposal would unacceptably harm the character and appearance of host buildings and the wider area.
31. In its favour the scheme would bring about an improvement to the openness of the Green Belt, and I give this significant weight. Nevertheless, having regard

to all the other considerations, I consider that the factors in the scheme's favour do not clearly outweigh the harm it would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with Policy PG3 of the CELPS and the Framework.

32. Therefore, for the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR