
Appeal Decision

Site visit made on 23 February 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/R0660/D/20/3262828

Bradford Lane Farm, Bradford Lane, Nether Alderley SK10 4TR

- 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 and Mrs Elston against the decision of Cheshire East Council.
 - The application Ref 20/2190M, dated 28 May 2020, was refused by notice dated 8 September 2020.
 - The development proposed is the demolition of existing outbuilding and erection of replacement outbuilding for ancillary use, including garaging.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site is located within the Green Belt and includes a substantial detached dwelling set within extensive grounds. The proposed outbuilding would be located adjacent to the service access driveway to the north west of the dwelling, in a similar position to an existing single storey outbuilding.
5. Policy PG3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 (July 2017) (the CELP) notes that the construction of new buildings is inappropriate in the Green Belt however exception iv allows for the replacement of a building,

- provided the new building is in the same use and not materially larger than the one it replaces. This is consistent with paragraph 145 d) of the National Planning Policy Framework (the Framework).
6. Both the existing and proposed outbuildings are for ancillary use associated with the main dwelling. However, the existing outbuilding is single storey and of a limited footprint. The proposal would have a greater width and depth than the existing and thus a significantly larger footprint. It would also have a greater volume and floorspace due to its two storey scale.
 7. Therefore, the proposed development would be materially larger than the building it would replace and thus would constitute inappropriate development in the Green Belt. It would therefore conflict with Policy PG3 of the CELP and the Framework for this reason.
 8. Reference has been made to saved Policy GC12 of the Macclesfield Borough Local Plan (January 2004). However, this policy relates to alterations and extensions to existing houses, whereas the proposal before me is for the replacement of an existing outbuilding. I therefore afford this policy no weight in the consideration of this case. Nevertheless, even if I were to consider the proposal against criterion (3) of Policy GC12, I am not persuaded that the floorspace is automatically discounted from any assessment against this criterion. In accordance with the more up to date Framework, consideration should still be given to its proportionality. I have not been provided with details of the original floorspace of the dwelling, any previous extensions and other outbuildings on the site. As such, I cannot be certain that the proposal would not result in a disproportionate addition in this regard.
 9. I do not have the full details of the example at The Old Vicarage¹ and cannot therefore be certain it is directly comparable to this appeal. Furthermore, given the above, a consideration of the distance between the host dwelling and the proposal is not relevant in the context of this appeal.

Effect on openness

10. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both visual and spatial aspects.
11. Large trees and hedges are positioned along the northern boundary of the appeal site, and to the west of where the proposed building would be positioned is a mature wooded area. Whilst this soft landscaping would provide a good degree of screening to much of the north and west elevations of the proposal, it would only be up to a certain height, as the tree and hedge coverage becomes considerably more dispersed once above single storey level. Given the two storey height of the proposal, the upper section of the building, particularly its pitched roof, would be prominent from public vantage and, due to its considerable massing, it would have a significant visual impact upon the openness of the Green Belt.

¹ Application ref: 18/4386M

12. The proposed building would be partly positioned in the same siting as the existing outbuilding, although it would have a much larger footprint and thus would result in additional built form in a part of the garden which is currently undeveloped. This would increase the overall bulk of development present within the site, thus also reducing the openness of the Green Belt in spatial terms. For these reasons, the proposal would be harmful to the openness of the Green Belt, contrary to Policy PG3 of the CELP and the Framework.

Other considerations

13. The Council issued a Certificate of Lawfulness for Proposed Use or Development (CLOPUD) for an outbuilding of similar use albeit with a larger footprint and single storey scale. The appellant has stated their intentions to pursue the CLOPUD development should this appeal fail.
14. The CLOPUD development would be laid out in an 'L' shape across a greater area of the garden than the appeal proposal. However, it would be of a significantly reduced height and would also be well screened from public vantage due to its low scale and mature boundary treatment. Overall, the CLOPUD development would be less harmful than the proposal before me which, as noted, would be harmful to the openness of the Green Belt as it would be of a considerable overall height, with a prominent pitched roof. Accordingly, the fallback position can carry only moderate weight in support of the proposal.
15. I note that no objections were received from neighbours or consultees and that the Council has not raised any concerns with the design of the proposal or its effect on ecology, trees and landscaping. I have no reason to disagree however, a lack of objections and harm on other grounds are neutral matters that do not weigh in favour of the proposal.

Whether very special circumstances exist

16. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. The proposed development would constitute inappropriate development and would cause harm to its openness, to which substantial weight is given. Therefore, the advanced consideration in support of the appeal does not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

18. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR