



Appeal Decisions

Site Visit made on 2 June 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2021

Appeal A Ref: APP/R0660/W/20/3262921

Meadow Lodge, Clamhunger Lane, Mere WA16 6QG

- 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 David Harlow against the decision of Cheshire East Council.
 - The application Ref 20/0086M, dated 8 January 2020, was refused by notice dated 14 May 2020.
 - The development is alteration to roof of dwelling, creation of new access and gateway, extension to residential site and creation of hardstanding for parking and turning.
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Appeal B Ref: APP/R0660/W/20/3262923

Meadow Lodge, Clamhunger Lane, Mere WA16 6QG

- 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 David Harlow against the decision of Cheshire East Council.
 - The application Ref 20/1173M, dated 13 March 2020, was refused by notice dated 11 May 2020.
 - The development is erection of garage on existing hardstanding.
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Decision

1. Appeal A is allowed insofar as it relates to the enlarged dwellinghouse, an enlarged residential site and the creation of a driveway and larger parking and turning areas. Planning permission is therefore granted for alteration to roof of dwelling, creation of new access, extension to residential site and creation of hardstanding for parking and turning at Meadow Lodge, Clamhunger Lane, Mere WA16 6QG in accordance with the terms of the application, Ref 20/0086M dated 8 January 2020 and the plans Ref. sa 4909/01 and 3715 120 Rev C.
2. Appeal A is dismissed insofar as it relates to the creation of a new gateway.
3. Appeal B is dismissed.

Preliminary Matters

4. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes in the same document.
5. In respect of Appeal A, a split decision has been made (in accordance with s79(1)(b) of the Town and Country Planning Act 1990 (as amended)) allowing only part of the proposal. This has been done on the basis that these parts of the development are severable.
6. The developments subject of both appeals have already been completed. I have considered both appeals on a retrospective basis.

7. With respect to Appeal A, drawing no. sa 4909/01 showing the appeal site outlined in red, was submitted originally with the application. Subsequently, during the course of the application, drawing no. 3715 500B Rev B was submitted which shows a smaller site, excluding some of the garden, the hardstanding and the garage previously within the red line. The Council consider the second plan supersedes the first, but the appellant has requested that the original plan be considered. As all interested parties have had the opportunity to see the original plan, I have agreed to the appellant's request as no parties would be prejudiced. The site shown on this original plan is more reflective of the site as it currently is.

Main Issues

8. The main issues in both appeals are:
- Whether the developments are inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - The effects on the openness of the Green Belt; and
 - The effects on the character and appearance of the site and the area;
 - Is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the proposal.

I have taken each issue in turn as it relates to each appeal.

Reasons

Inappropriate development?

9. Paragraph 145 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) and policy GC1 of the Macclesfield Borough Local Plan (MBLP) are consistent with this.
10. The new gateway, subject of Appeal A, comprises entrance gates with flanking walls. These are forms of development that do not fall into any of the exceptions listed in paragraph 145 of the Framework, or policies PG3 or GC1, that can be considered not inappropriate. Moreover as they are buildings, they must be considered under paragraph 145 of the Framework and not paragraph 146 which refers to other forms of development. Consequently, they are inappropriate development.
11. Turning to the garage in Appeal B, the exceptions listed in paragraph 145, and policies PG3 and GC1, include 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. MBLP policy GC12 clarifies that extensions that result in an increase of more than 30% of the original dwelling would be considered disproportionate, though where the house lies in a group of houses, exceptions may be permitted.
12. Although not attached to the dwelling, the garage has a close association with it and so can be considered an extension to it. The Council estimate the garage represents an increase of over 50% and the appellant does not dispute the

Council's calculations. I agree that visually it appears as a large building, comparable in height to the main house and with a large floor area with floorspace in the roof for storage. It is a disproportionate addition. Although policy GC12 states exceptions could be made for larger additions on a site such as this, which is within a group of dwellings, the development must also not be prominent, which is a criteria that, for reasons given below, the garage does not meet. The garage is therefore inappropriate development.

13. In respect of the increases to the size of the original building, which comprise an additional porch, a canopy on the west end of the building and an increase in the height of the building, the Council consider that these are not disproportionate as they result in the building being 15% bigger. I agree.
14. The extension to the residential site beyond that which was permitted by a previous planning permission¹ and which is edged green on drawing no. 500C Rev A, is effectively a change of use of that land to residential use. Changes of use are not inappropriate in the Green Belt providing they preserve the openness of the Green Belt and do not conflict with its purposes. The additional areas of the appeal site are generally open and used, mainly, as garden. Though, along the boundaries of the appeal site as shown on drawing no. sa 4909/01, there is some hedging, this has no detrimental effect on openness. Likewise, the canopy on the western end of the building, which appears to project beyond the previously approved site boundary, is open on all sides. As a result, the change of use preserves the openness of the Green Belt and so is not inappropriate development.
15. The change of use is also manifest in the greater area of hardstanding (comprising the areas for turning, parking and the new driveway) which itself constitutes an engineering operation. Engineering operations can also be considered not inappropriate providing they preserve the openness of the Green Belt and do not conflict with its purposes. I do not consider the enlarged hardstanding harmfully affects the openness of the site. It is not significantly larger than that which could have been provided on the original, smaller, site and there is no intensification of its use compared to the lawful use of the site as a dwelling. As such, these works also are not inappropriate.
16. In summary, the alterations to the dwellinghouse, the extension to the residential site, the provision of hardstanding for parking and turning and a new driveway are not inappropriate. They therefore do not conflict with policies PG3, GC1 and GC12 set out above. However, the erection of the garage and the gateway are inappropriate and so conflict with these same policies.
17. Paragraphs 143 and 144 of the Framework say that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Openness

18. For those developments that are considered not inappropriate, it is not necessary for me to further consider their effects on openness.
19. The entrance gates and, to a greater degree, the flanking walls, visually detract from the openness of the Green Belt due to their height and, mostly, solid

¹ Ref 14/3396M

form. Spatially their impact is limited due to their small scale. Nonetheless, overall, they moderately adversely impact on the openness of the Green Belt.

20. In respect of Appeal B, the garage appears, from Clamhunger Lane, as a large building, commensurate in size with the house itself. It projects above the vegetation in front of it and the front facing roof slope is prominent. This visually impacts upon the openness of the Green Belt. In addition, its footprint reduces the openness of the Green Belt in a spatial sense. Overall, it has a significantly harmful effect on the openness of the Green Belt.

Character and appearance

21. The wider area is characterised by detached houses in spacious and verdant gardens. Many of the properties have substantial boundary treatment along their frontages including tall walls and gates and mature vegetation. The appeal site is anomalous because of the open grassed areas either side of the driveway which provides a rare degree of openness. The entrance gates and walls are slightly higher than the hedgerows on either side and contrast with this openness. However, the gates and walls are comparable to many others nearby on Clamhunger Lane, not least those at the neighbouring property Meadow View. Therefore, whilst they do affect the openness of the immediate area, they are not incongruous and are not harmful to the local character. Similarly, the driveway and flanking low level lighting has created a more urban feel, but this is in keeping with residential character of the wider area.
22. The garage is set slightly further forward than the dwelling, but due to its distance back from the road, this is not particularly apparent. However, its height, which is similar to the main house, and the massing of its front facing roof slope is prominent. There are a number of other large garages at other properties nearby, but they generally appear subservient to their main houses. This is not the case at the appeal site and consequently the garage contrasts harmfully with this local characteristic to the detriment of the character and appearance of the area.
23. The Council raise no objection to the impact of the alterations to the main house, nor to the enlarged residential site, on the character and appearance of the area. I have no reason to disagree.
24. In conclusion on this issue, the entrance gateway does not harm the character and appearance of the area or the site and so accords with policies SD2 and SE1 of the CELPS which seeks to protect and reinforce local distinctiveness, and CELPS policy SE4 which aims to ensure development preserves landscape character. However, the garage does harm the character and appearance of the site and the area and so conflicts with the same policies.

Other Considerations

25. Paragraph 144 of the Framework says that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. It is necessary therefore, for those aspects that are inappropriate in the Green Belt, to consider other considerations.
26. By being set back from the edge of the highway, the gates do allow cars to pull fully off the road. Nonetheless, Clamhunger Lane does not appear to be a particularly busy road and the development most likely generates few vehicle movements. As such the benefit to the free flow of traffic on Clamhunger Lane

of vehicles not having to wait on the highway whilst the gates area opened, which may have been the case before the access was created, is negligible.

27. The appellant suggests that the access and gateway have been in situ for more than four years and they are therefore effectively lawful developments. However, it is not for this appeal against the refusal of planning permission to determine their legality and I give this consideration little weight.
28. Reference is made to a current application for, effectively, infill development on the adjoining parcel of land. This has no bearing on my considerations of the garage and the gateway as it is for a very different form of development.

Green Belt Balance

29. In respect of the gateway in Appeal A, I find that the other considerations in that appeal do not clearly outweigh the harms that I have identified by virtue of its inappropriateness and to openness. The lack of harm to the character and appearance of the area carries neutral weight. Consequently, the very special circumstances necessary to justify it in the Green Belt do not exist.
30. Similarly regarding the garage subject of Appeal B, there are no other considerations that outweigh its inappropriateness and its harm to openness. Again, the very special circumstances necessary to justify it in the Green Belt do not exist.

Conclusions

31. With regard to the developments in Appeal A, the alteration to the dwelling, the creation of a new access, the extensions to the residential site and the creation of hardstanding for parking and turning, are all not inappropriate development in the Green Belt and do not harm the character and appearance of the site and the area. They all accord with the development plan as a whole.
32. However the provision of the entrance gateway, including the flanking walls, does conflict with the development plan taken as a whole and there are no material considerations that indicate the decision on them should be made other than in accordance with the development plan.
33. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that Appeal A should be partly dismissed and partly allowed as set out in paragraphs 1 and 2 above. I note the Council's request for a condition to specify the relevant plans, and I have included direct reference to the approved plans within the terms of my decision.
34. With regard to Appeal B the development conflicts with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
35. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that Appeal B should be dismissed.

A Owen

INSPECTOR