



Appeal Decision

Site Visit made on 6 July 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/R0660/W/21/3268801

Existing storage unit south of Knutsford Road, Mobberley WA16 7BN

- 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 Mr Tom Bagley against Cheshire East Council.
 - The application Ref 20/2431M, is dated 15 June 2020.
 - The development proposed is new cladding to an existing storage unit.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed cladding of an existing open barn at land adjacent to Allwinds, Knutsford Road, Knolls Green, Mobberley WA16 7BN, in accordance with the terms of planning application Ref 20/2431M, dated 15 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19-068(FPL)10 Rev A, 19-068(FPL)20 Rev A, 19-068(FPL)40 Rev A and 19-068(FPL)45.

Applications for costs

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

Preliminary Matters

3. The description of development appearing in the banner heading above is taken from the planning application form. However, during the course of the planning application the proposals were revised to show the use of timber cladding to the elevations of the building rather than metal sheeting, as originally proposed. In addition, the parties agreed to the revised description of 'Proposed cladding of existing open barn'. It is clear that the Council re-consulted on the revised proposals. I have therefore determined the appeal on the basis of the amended description and revised plans that were before the Council and on which parties were consulted.
4. The address appearing in the banner heading above is taken from the application form. The address appearing on the statements of both the appellant and the Council is land adjacent to Allwinds, Knutsford Road, Knolls Green, Knutsford WA16 7BN. As a more precise description of the site's location I have relied on the alternative address.

5. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have supported the application for the cladding of the building elevations in timber. However, it raises concerns in relation to the potential use of the building and the subsequent effects on the Green Belt and nearby living conditions. I have had regard to this statement in framing the main issues.
6. There is some dispute between the main parties in relation to the use of the building which was originally described by the appellant as a storage (B8) use on the planning application form. It is not for me, under a section 78 appeal, to determine whether or not an existing or proposed use of the building is lawful. To that end, it is open to the appellant to apply for a determination under s191 or s192 of the Town and Country Planning Act 1990 and my determination of this appeal under s78 does not affect the issuing of a determination under s191 or s192 regardless of the outcome of this appeal.
7. Neither the original or revised descriptions of development relate to a change of use of the land or building. Accordingly, my determination of this appeal relates only to the operational development arising from the external cladding of the building. At the time of my site visit, the elevations of the building had been substantially clad in profiled metal sheeting. For the avoidance of doubt, my assessment is based on the information provided on the revised drawings showing timber cladding to the elevations and slate grey metal cladding to the roof.

Main Issues

8. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy
 - the effect of the proposed alterations on the character and appearance of the locality and the adjacent Mobberley Conservation Area
 - if the development is inappropriate, 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 the development.

Reasons

Green Belt

9. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in Paragraph 145 c) relating to the alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

10. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 [2017] (CELPs) reiterates the provision for building alterations within the Framework. However, saved Policy GC1 of the Macclesfield Borough Local Plan [2004] does not allow for the alteration of non-residential buildings. As a policy which pre-dates the Framework and is inconsistent with it, the provisions of the more recent Framework prevail.
11. The cladding of the building in timber boarding would project marginally beyond the limit of the existing stanchions. However, this would be no more than the thickness of the boarding and supporting rails. The replacement of the metal roof would cause no discernible change. Accordingly, in the absence of evidence to indicate that the building has previously been extended, any increase in its size would be almost imperceptible. The alterations would not therefore result in disproportionate additions to the original building.
12. For those reasons, I find that the proposal would be consistent with the exception to Green Belt development listed at Paragraph 145 c) of the Framework. It would not constitute an inappropriate form of development within the Green Belt. The proposal would therefore comply with the requirements of Policy PG3 in the CELPs and very special circumstances are not required to justify the development.

Character and Appearance

13. Under the duty imposed under s 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Mobberley Conservation Area (CA), including its setting.
14. The existing building is an asymmetrical part metal/part timber framed shed with dual pitched roof. It is set on a brow within a fenced area of loose stone hardstanding. The site is set behind houses accessed from Knutsford Road (B5085) where it borders areas of open pasture to the south and west in a rural landscape of irregular fields enclosed by hedgerows and tree lines. The adjacent houses lie within the CA.
15. The CA has a verdant rural character with a dispersed arrangement of development about narrow rural lanes. In the vicinity of the site, the buildings include numerous examples of vernacular brick cottages with slate or stone roofs and former farmsteads of some age.
16. The infilling of the sides of a previously open building would give greater visual bulk to the building on account of the solid walls. However, despite its location on a rise, it is barely visible from the nearby road network. The position on the edge of the local cluster of development south and east of the junction of Newton Hall Lane and Knutsford Road causes it to be largely screened by the local development or seen against its backdrop.
17. As a typical modern-styled agricultural shed, the building sits comfortably in the context of the adjacent rural landscape. The use of timber cladding would give rise to a softer external appearance than potential alternatives such as concrete or the existing metal cladding. In addition, the proposed cladding would reflect that used on other rural buildings in the locality.
18. For the reasons above, I conclude that the development would assimilate in its setting to preserve the character and appearance of the locality and the

adjacent designated heritage asset. It would therefore comply with the requirements of Policy SD2 of the CELPS in relation to appropriate design, including the choice of materials, and Sections 12 and 16 of the Framework as they seek appropriate design and the conservation of the historic environment.

Other Matters

19. I acknowledge the concerns of neighbouring occupiers in respect of the potential use of the building and any consequential effects on nearby residential properties. However, as I have determined, the use of the building is a matter outside of the scope of this appeal. If an unauthorised use is introduced, this is a matter for the Council to consider.
20. Third parties have raised concerns in respect of the removal of a tree/s and wildlife habitat on or near the site. In the absence of substantive evidence in relation to the circumstances of the removal of the tree/s or other vegetation, I am unable to attribute significant weight to this argument.

Conditions

21. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
22. As the nature and colour finishes of the external materials are detailed on the drawings, a further condition relating to materials is unnecessary. A condition relating to the removal of vegetation or the demolition or conversion of a building are not relevant to the development to be permitted.

Conclusion

23. For the reasons set out above, I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR