



Appeal Decision

Site Visit made on 21 September 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal Ref: APP/R0660/D/21/3278701

Nine Oaks, Stocks Lane, Over Peover WA16 8TU

- 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 Paul Elliott & Dr Maria Elliot against the decision of Cheshire East Council.
 - The application Ref 21/0723M, dated 10 February 2021, was refused by notice dated 27 May 2021.
 - The development proposed is internal remodelling, extension to the rear and glazed side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants' names in the banner heading above are taken from the appeal form, as only the surname 'Elliot' was given on the application form.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have given the main parties the opportunity to comment on this and have considered the appeal on the basis of the revised Framework.
4. Historic application files relating to previously-permitted extensions to the appeal property were not available for the appellants to view during the course of the application due to restrictions relating to the Covid-19 pandemic. However, the files have been made available to the appellants during the course of this appeal and I have allowed the appellants the opportunity to make further comments in this regard.
5. The appellants have confirmed that works have commenced on the construction of the extensions as proposed, referring to the works as 'substantially complete'. At the time of my visit, works had been carried out. However, notwithstanding the works which have taken place, my decision is based on the proposed development as shown on the submitted drawings.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect on the openness of the Green Belt; and

- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Background

7. The appeal relates to a detached house in the Green Belt. It has been extended previously and has a detached garage to the front. Permission is now sought for extensions including a first floor extension and a glazed single storey extension to the side, a two storey extension to the rear and a glazed lantern to the roof.

Whether the proposal would be inappropriate development

8. Paragraph 149 of the Framework regards the construction of new buildings as inappropriate development in the Green Belt, with exceptions which 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 (bullet point c).
9. Policy PG 3 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030 (the CE Local Plan) states that within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy. It states that the construction of new buildings is inappropriate in the Green Belt except in specified circumstances. Those 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, consistent with paragraph 149c) of the Framework.
10. Saved Policy GC1 of the Macclesfield Borough Local Plan (the MB Local Plan) states that within the Green Belt approval will not be given, except in very special circumstances, for new buildings unless it is for specified purposes. Those include the limited extension or alteration of existing dwellings, subject to Policy GC12 of the MB Local Plan. These MB Local Plan policies pre-date the Framework.
11. Saved Policy GC12 of the MB Local Plan states that alterations and extensions to existing houses in the countryside may be granted for up to 30% of the original floorspace providing the scale and appearance of the house is not significantly altered. Although the policy refers to houses in the countryside, it is clear from the supporting text that it is intended to be applied in the Green Belt. The supporting text clarifies that a proposal will be considered 'disproportionate' if the development would result in an increase of more than 30% of the original dwelling.
12. Insofar as it defines the Council's interpretation of 'disproportionate', and in the absence of any such definition in the Framework, Policy GC12 is within the scope of, and consistent with, the exception in paragraph 149c) of the Framework. I therefore afford substantial weight to the 30% figure cited therein.
13. Policy GC12 goes on to state that exceptions to the policy may be permitted where the extension is to provide a conservatory, or where the proposal lies in a group of houses or ribbon of development (as it does in this case) and the

extension would not be prominent, and the proposal would not adversely affect the character and appearance of the countryside. In so doing, Policy GC12 introduces a further exception, in which development that would result in disproportionate additions may not be deemed inappropriate in certain circumstances.

14. However, Paragraph 149 of the Framework does not make provision for any such further exceptions in circumstances where a development has been found to result in disproportionate additions to an existing building. The Framework does not differentiate between extensions to buildings that are in ribbons of development and those which are not. Nor does it make provision for the visual effects of extensions with regard to their prominence, or effect on the character or appearance of their surroundings, to be considered in determining whether they are disproportionate over and above the size of the original building.
15. Therefore, in introducing those further exceptions beyond the scope of those in paragraph 149c) of the Framework, the second part of Policy GC12 is not consistent with the Framework. Accordingly, I afford it limited weight. I have therefore considered the appeal on the basis of the exceptions in the Framework and those in CE Local Plan policy PG 3 which are consistent with it, and having regard to the 30% 'disproportionate' threshold defined in the first part of Policy GC12.
16. I have been referred to other appeal decisions¹, and to decisions made by the Council², in which greater weight has been attached to the further exceptions in the second part of Policy GC12. Although I have had regard to those previous decisions, I am not bound to come to the same conclusions. I have considered the relationship between Policy GC12 and the Framework. For the reasons given, I find the second part of Policy GC12 to be inconsistent with the Framework. I have afforded that part of the policy limited weight accordingly, having regard to paragraph 219 of the Framework.
17. It is agreed by both main parties that the extensions now proposed, taken together with those which have been carried out previously, would result in a cumulative increase of 142% in floorspace over and above that of the original building. As such, the proposed development would result in extensions significantly above the 30% figure in Policy GC12, and in a building more than double the size of the original building in terms of its floorspace.
18. As the proposed extensions include the addition of an upper floor to an existing ground floor projection and a large, almost full width, two storey extension to the rear, they would also substantially increase the volume of the building. When taken cumulatively with the extensions carried out previously, I conclude that the extensions now proposed would result in disproportionate additions over and above the size of the original building.
19. The proposed development would therefore not meet the exception criteria in paragraph 149c) of the Framework or the criteria in CE Local Plan Policy PG 3, which are consistent with the Framework. Consequently, it would constitute inappropriate development which would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances.

¹ Reference numbers: APP/R0660/D/20/3250084; APP/R0660/D/20/3264384

² Including reference numbers: 18/3076M and 18/1898M

Effect on openness

20. In considering the effects on openness I have taken account of the spatial and visual impacts of the proposal.
21. The proposed extensions would be substantial, including a large two storey projection to the rear of the building and the addition of an upper floor to an existing ground floor projection. They would result in a significant amount of additional built form and volume which would significantly reduce the spatial openness of the Green Belt.
22. The side extensions would be largely screened from public views by the detached garage to the front of the building and trees along the boundaries, but would nonetheless be visible from the neighbouring property. Furthermore, although the two storey extension would be to the rear of the building, its side elevation and the additional depth of building proposed would be evident from public vantage points on Stocks Lane to the front of the site as well as from adjoining gardens. The glazed roof lantern, whilst relatively lightweight in appearance, would nonetheless also have an evident volume which would be visible above the roof of the building from Stocks Lane, as well as from neighbouring properties.
23. Although the extensions would be seen in the context of an existing house and alongside other houses and large outbuildings in the neighbouring garden, they would result in a significant increase in the scale and volume of built development where none existed previously, and which would be evident despite boundary planting and existing structures. They would therefore also erode the visual openness of the Green Belt.

Other considerations

24. The development would provide additional accommodation for the appellants and their family, in an existing settlement with some local facilities and public transport links. However, such circumstances are not unusual and I afford limited weight to this consideration.
25. The appellants have referred to alternative extensions which could be carried out under the property's permitted development (PD) rights. Indicative details in that regard were provided to the Council as part of a previous application. However, although reference is made in the appellant's submissions to single storey side and rear extensions, no specific proposals have been provided as part of this appeal. In the absence of detailed information in that regard, I am unable to assess or determine whether the suggested PD fallback position would be comparable to, or worse than, the proposal before me in terms of its impact on the Green Belt. Nor have I any indication that the works indicated have been determined to be permitted development or received any necessary prior approvals from the Council. Taking those factors together, the suggested fallback position is not something that I can afford significant weight in the planning balance. Therefore, although I have had regard to it as a material consideration, and taking into account the court judgment cited in the appellants' submissions³, I afford it limited weight in this case.

³ R (on the application of Zurich Assurance Limited (trading as Threadneedle Property Investments)) v North Lincolnshire Council [2012] EWHC 3708 (Admin)

26. The site is in a ribbon of development in the settlement of Over Peover, which includes some large houses in large plots. The design and materials of the proposed extensions would be sympathetic to the appearance of the property and its surroundings. However, the absence of harm in those regards is neutral, not a factor to be weighed in favour of the proposed development.

Green Belt Balance and Conclusion

27. The Framework requires that substantial weight is given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and harm to the openness of the Green Belt. The Framework states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. For the reasons given, I afford limited weight to the various matters that have been advanced by the appellant in support of the proposal or, in some instances, find that the points made do not weigh in favour of it. Consequently, I conclude that the other considerations put forward would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. The very special circumstances necessary to justify the development therefore do not exist and the development would conflict with the Green Belt protection aims of the Framework and those of PG 3 of the CE Local Plan and Policies GC1 and GC12 of the MB Local Plan insofar as they are consistent with it.
29. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR