



Appeal Decision

Site visit made on 14 December 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/R0660/W/21/3278797

Green Lane Farm, Green Lane, Bollington SK10 5LG

- 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 Ian Cooper against the decision of Cheshire East Council.
 - The application Ref 20/2136M, dated 21 May 2020, was refused by notice dated 8 March 2021.
 - The development proposed is the demolition of existing dwelling and construction of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and construction of a new dwelling at Green Lane Farm, Green Lane, Bollington SK10 5LG in accordance with the terms of the application, Ref 20/2136M, dated 21 May 2020, subject to the conditions in the attached schedule.

Applications for costs

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

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the loss of the existing building on the character and appearance of the 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 the development.

Reasons

Inappropriate Development

4. The appeal site is situated in the Green Belt. The National Planning Policy Framework (Framework) states (at para 149) that, other than in connection with a number of exceptions, the construction of new buildings should be

regarded as inappropriate in the Green Belt. One of the exceptions is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy PG 3 of the Cheshire Local Plan Strategy 2010-2030 (Local Plan) broadly reflects the exceptions in the Framework.

5. Although the development is for the replacement of a building, with a new building in the same use, it is common ground between the main parties that the replacement building would be materially larger. I have no reason to take a different view. As such, the proposed development would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would be contrary to the Framework in this regard and would also conflict with Policy PG 3 of the Local Plan, which states that the construction of new buildings is inappropriate in the Green Belt. The Council have also referenced Policy GC1 of the Macclesfield Borough Local Plan (MB Local Plan) which allows for the replacement of existing dwellings subject to Policy GC11 of the MB Local Plan. I have not however been provided with details of this latter policy.

Openness and Purposes of Green Belt

6. The Framework (para 137) states that openness is an essential characteristic of the Green Belt. As the appeal development would be materially larger than the existing building, it would result in a loss of openness to the Green Belt. I accept that the harm to the visual aspect of openness would be limited as the appeal dwelling is situated amongst other buildings. Despite the limited harm in this respect, due to the additional built form, the proposal would nevertheless be harmful to the spatial aspect of openness.
7. The Council have raised concerns on the proposal conflicting with the purposes served by the Green Belt, referencing unrestricted sprawl and safeguarding the countryside from encroachment. The Framework and Local Plan Policy PG 3 however specifically reference the 'unrestricted sprawl of large built-up areas'. Although the appeal proposal is larger than the building it intends to replace, it would be broadly situated on the same footprint and I do not therefore find that there would be encroachment in the countryside or that it would contribute to the unrestricted sprawl of a large built up area.
8. Nevertheless, whilst the proposal would not conflict with the purposes of the Green Belt, it would result in a loss of Green Belt openness. It would therefore conflict with the Framework in this regard.

Character and appearance

9. The proposal would result in the loss of the existing building which the Council state should be treated as a non-designated heritage asset (NDHA). Since the refusal decision, the Council have subsequently confirmed in their response to the Costs Application that their refusal related to design and not heritage matters. I have not therefore considered the matter of whether the appeal building is a NDHA any further.
10. The appeal building appears as a traditional farmhouse, situated amongst other traditional buildings on this farmstead. It is evident from the appellant's submission and my site observations that the farmhouse building has been

significantly altered. Nonetheless, it forms part of a cluster of agrarian buildings that are set amongst open fields which contribute positively to the surrounding rural landscape.

11. The Council has stated that although the existing property has historic and archaeological interest, they do not object to loss of the building. They have however raised concerns that the replacement would not be capable of replicating the character of the original dwelling. The proposed dwelling, particularly the south-eastern elevation facing Green Lane would have similar sized window openings to the existing and make use of traditional materials, including a stone slate roof on the proposed building. I note the larger scale of the appeal proposal, but it would still appear as a two storey farmhouse building in a similar siting to the existing dwelling. Given these factors, and the fenestration and materials proposed, the replacement dwelling would fit with the vernacular of buildings that have agricultural origins and which reflect the rural landscape.
12. In conclusion, the proposal would not unduly harm the character and appearance of the area. As such, the proposal would not conflict with Policy SD 2 of the Local Plan, which seeks all development to, amongst other matters, contribute positively to an area's character and reinforce local distinctiveness. It would also not be contrary to guidance within Section 12 of the Framework.

Other Considerations

13. The appellant has referenced a previous appeal¹ on the appeal site which granted consent for alterations and extensions to the appeal dwelling. This approved permission could be implemented if this appeal does not succeed. The Council have considered this alternative permission and acknowledge that the appeal proposal by comparison, would be of a smaller volume, floor area and footprint. Whilst there would be an increase in the overall height of this appeal proposal compared to the fallback position, from the information before me, this increase would be very limited and mainly due to the chimneys proposed. I find therefore, as the Council have also confirmed, that the proposal would be a more compact form of development than the permission that exists and consequently would have a lesser effect on the openness of the Green Belt.
14. The Council also do not dispute the likelihood of the fallback position being implemented if this appeal was to fail. Although the permission granted previously on appeal comprises of extensions and alterations to the existing building rather than a replacement dwelling, it would result in a broadly similar layout and level of accommodation and I do not therefore doubt the likelihood of it being implemented.
15. The site is situated within an Area of Special County Value, but the Council have confirmed that the increase in the size of the proposal from the existing building would not have a visual impact on the landscape. I note also the location of the appeal site close to Bollington Conservation Area (CA) but given the proposal would not have a harmful effect on the character and appearance of the area, it would also preserve the character and appearance of the CA.

¹ APP/R0660/D/19/3240413 allowed 4 February 2020

Conditions

16. I have considered the conditions suggested by the Council and other parties, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of the suggested conditions as appropriate.
17. A condition is necessary requiring the submission of materials in the interests of the character and appearance of the area and a condition to ensure adequate drainage of the site, in the interest of flood prevention and avoiding pollution. I have imposed a condition requiring details of ground levels in order to ensure that the replacement dwelling is properly positioned. Conditions are also necessary to test any soil brought on to site and on contamination found during construction to minimise risks from land contamination.
18. I have considered the requirement for an Electric Vehicle Infrastructure plan but given the appeal development is for a single dwelling, the provision of an Electric Vehicle charging point is adequate to support the uptake of ultra-low emission vehicles. I am not persuaded that conditions are required in relation to landscaping as the site already accommodates a dwelling, which has a garden. The proposal is for a replacement dwelling in broadly the same location as the existing and I consider the gardens have an acceptable appearance.
19. I have also considered the suggested conditions requiring the development to be substantially completed within a period of 3 years following demolition as well as those requiring a scheme of investigation and programme on the heritage value of the existing building and of archaeological work. Although I consider the latter to be necessary as it would impact on below ground remains, I consider the existing farmhouse building which has been subject to various alterations, does not justify the submission of further information on the heritage value. I appreciate that the Framework states that the loss of a heritage asset should not be permitted without taking all reasonable steps to ensure that new development will proceed. However, in this case, which involves the replacement of a dwelling in the rural area and where the Council have confirmed that their concern related to design and not heritage matters, I consider the development will proceed and further controls are not necessary.
20. It is essential for details relating to the site levels and a written scheme of investigation and programme of archaeological work to be pre-commencement conditions to ensure the development is properly set out and that there are no adverse effects arising on archaeology.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

F Rafiq

INSPECTOR

Schedule of 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: Location Plan (Scale 1:2500), Site Plan as Existing (3936_00_01 Rev C), Block Plan as Existing (3936_00_02 Rev B), Plans & Elevations as Existing (3936_00_03 Rev A), Site Plan as Proposed (3936_00_11 Rev R), Block Plan as Proposed (3936_00_12 Rev N) and Plans & Elevations as Proposed (3936_00_13 Rev N).
- 3) No above ground works shall take place until samples of all external facing materials have been submitted to, and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No part of the development hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The drainage scheme must include: (i) An investigation of the hierarchy of drainage options in the National 3 Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); (iii) A timetable for its implementation; and (iv) details of foul and surface water being drained on separate systems. The approved scheme shall also be in accordance with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.
- 5) Prior to the commencement of development, a written scheme of investigation and programme of archaeological work shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the approved scheme.
- 6) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) Details of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained thereafter.
- 8) Any soil or soil forming materials to be brought to the site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation onto the site. Prior to occupation of the development hereby approved, evidence and verification information

(for example, laboratory certificates) of this imported material shall be submitted to, and approved in writing by, the local planning authority.

- 9) Any contamination that is found during the course of construction of the approved development shall be reported immediately (as soon as practicable but within a maximum of 5 days from the find) to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

End