

Appeal Decision

Site visit made on 14 February 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/R0660/D/21/3288239

Smithy Cottage Tabley Hill Lane, Tabley, WA16 0ES

- 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 J Taylor-Pyett against the decision of Cheshire East Council.
 - The application Ref 21/2523M, dated 6 May 2021, was refused by notice dated 18 November 2021.
 - The development proposed is a two storey extension to rear.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Officer's report indicates that the proposal includes the change of use of land to the west of the site to garden land and a new wall and gate posts for the vehicular access. However, the description of development given on the application form, decision notice and appeal form refer only to the proposal as being for a two storey rear extension, and no plans have been supplied which show the new wall and gate posts. Therefore, I have determined the appeal on the basis of what was applied for, that is a two storey rear extension.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
 - The effect of the proposal on the openness of the Green Belt; 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 it.

Reasons

Whether inappropriate development

4. Policy PG3 of the *Cheshire East Local Plan Strategy 2010 – 2030* (adopted July 2017) (CELPS) states that the construction of new buildings in the Green Belt is inappropriate unless it is for one of a limited number of exceptions. This includes 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. This accords with paragraph 149 c) of the Framework. Saved Policy GC12 of the *Macclesfield Borough Local Plan (adopted January 2004)* (MBLP) indicates that extensions or alterations that would result in an increase of more than 30% of the original dwelling will be considered disproportionate.

5. I have not been made aware that the dwelling has previously been extended. Nonetheless, the proposal would result in an increase in the floorspace of the existing dwelling of around 60% which is significantly more than 30%. An increase in the floorspace of this magnitude can only be considered to be a disproportionate addition over and above the size of the original dwelling.
6. In the light of the above, I conclude that the proposal would be inappropriate development, which according to paragraph 147 of the Framework is, by definition, harmful to the Green Belt.

Openness

7. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development. Although located to the rear of the house, the proposal would increase the mass and bulk of the house, and so the openness of the Green Belt would be reduced. Although in isolation the loss would be minimal, nonetheless, there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other Considerations

8. The appellant has highlighted that a lawful development certificate has been granted¹ for various single storey side and rear extensions to the property. These would increase the floorspace of the house by around 89sqm as opposed to the approximate increase of 82sqm that would result from the appeal proposal.
9. He has indicated that should the current appeal be unsuccessful, it would be his intention to build these alternative extensions. This is a fallback position which I am asked to consider. The appellant contends that this fallback scheme would cause greater harm to the Green Belt.
10. The appeal scheme would provide a porch, morning room and downstairs toilet on the ground floor and an additional bedroom on the first floor. Whilst the fallback scheme would provide a porch, toilet and morning room, the other extensions would provide a games room and media room rather than an additional bedroom. As such, the fallback scheme would not provide the same type of additional accommodation, which may reduce its attractiveness as an alternative scheme. In addition, I have not been provided with any quotes or costings to show that financially the fallback scheme would be a more attractive proposition.
11. The floor area of the fallback scheme would be slightly larger than the appeal proposal. With regard to the impact on the openness of the Green Belt, the fallback scheme would cover a greater area at ground floor level, but the massing of the appeal scheme would be greater at first floor level. The two side extensions either side of the lounge in the fallback scheme would make it more visible from the public realm than the appeal scheme. However, the distance

¹ Application reference 20/5386M

the house is set back from the road and the height of the front boundary hedge would still limit their visibility from the road. Nonetheless, taking into account both the spatial and visual impacts, I consider that the fallback scheme would have a slightly greater impact on the openness of the Green Belt.

12. However, there is nothing before me to constrain the fallback to just an alternative. The two side extensions either side of the lounge could still be constructed as well as the appeal scheme, adding to the overall scale of development. A condition to remove permitted development rights for further extensions should the appeal be allowed, would only take effect once the appeal scheme is implemented and so enlargements within the permitted development scheme could take place before the appeal proposal is implemented. Such an outcome could only be precluded by means of a planning obligation by which the appellant would forgo relevant permitted development rights immediately on the issue of planning permission.
13. Consequently, even if I were to conclude that there was a realistic prospect that the fallback scheme would be pursued should the appeal fail, the absence of any mechanism to prevent the implementation of elements of the fallback proposal means only limited weight can be afforded to the fallback scheme.

Other Matters

14. The appellant has suggested that consideration of whether or not a proposal is disproportionate should not just be a mathematical test but should take account of its height, scale and massing. The design of the extension is an important consideration in terms of assessing the impact of the development on the character and appearance of the area. However, the test in the development plan and the Framework is whether a proposal, in combination with any previous additions to the original building, results in a disproportionate addition in terms of its size not its design.
15. Whilst there were no objections from the Parish Council or local residents, this is a neutral factor.

Planning Balance and Conclusion

16. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework (paragraph 148) substantial weight has to be given to any harm to the Green Belt. In addition, the proposal would result in a small reduction in openness. Whilst, I have considered the fallback position, for the reasons set out above, I only give this limited weight. Thus, I consider that the factors in the scheme's favour do not clearly outweigh the harm it would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with Policy PG3 of the CELPS, Policy GC12 of the MBLP and the Framework.
17. Therefore, for the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR