



Appeal Decision

Site visit made on 28 February 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2022

Appeal Ref: APP/R0660/W/21/3288021

Keldan Cottage, Millington Hall Lane, Millington, WA14 3RN

- 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 M Freeman against the decision of Cheshire East Council.
 - The application Ref 21/1577M, dated 19 March 2021, was refused by notice dated 15 September 2021.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is located within the Green Belt as defined by Policy PG3 of the *Cheshire East Local Plan Strategy 2010 – 2030 (adopted July 2017)* (CELPS). So, I take as my starting point the relevant policy context set out in Policy PG3, Policies GC1 and GC12 of the *Macclesfield Borough Local Plan (adopted January 2004)* (MBLP) and the *National Planning Policy Framework* (the Framework). Having regard to these, it is not disputed between the parties that the proposed extension would be a disproportionate addition over and above the size of the original dwelling and I agree. As such, it would be inappropriate development in the Green Belt.
3. Therefore, the main issues in the appeal are:
 - the effect of the proposal on the openness of the Green Belt; and
 - 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

Openness

4. Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development. The proposal, being a first floor extension, would not increase the footprint of the building. Nonetheless, it 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, there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other Considerations

5. The appellant has submitted plans showing how an extension to the existing single storey rear extension could be built under permitted development rights. It is stated that the gross internal floorspace of the appeal scheme would be 2.8m² less than the permitted development scheme, whilst its volume would be 21.13m³ less. These figures, and the fact that the scheme could be built under permitted development rights, have not been disputed by the Council. This is a fallback scheme that I am asked to consider.
6. In addition, a Unilateral Undertaking has been submitted. Should the appeal scheme be granted this would prevent the construction of the fallback scheme and any other extensions or alterations pursuant to permitted development rights under Class A, Class AA, Class B and Class E of Schedule 2, part 1 of the Town and Country Planning (Permitted Development Rights) (England) Order 2015 (as amended).
7. The appeal scheme would provide an additional bedroom to the property whereas the fallback scheme would provide an additional sitting room. As such, the latter would not provide the same type of additional accommodation. Given the plans show the house already has two ground floor sitting rooms, as well as a dining room, I consider that this would reduce the attractiveness of the fallback as an alternative scheme.
8. 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.
9. The floorspace and volume of the permitted development scheme would be slightly greater than the appeal proposal. With regard to the impact on the openness, unlike the fallback proposal the appeal scheme would not increase the footprint of the building. Nevertheless, it would increase the mass of the building at first floor level. As such both schemes have an impact spatially on openness.
10. As both proposals would be located to the rear of the property, neither of them would be readily visible from Millington Hall Lane. As the rear garden and fields beyond it are higher than the house, the single storey would be largely screened from views of the property across the open fields from Millington Lane. However, even if seen in the context of the house, the appeal scheme would be clearly visible in these views.
11. Consequently, although the fallback scheme would be slightly larger, I am not persuaded that either spatially or visually its impact on the openness of the Green Belt would be significantly greater than the appeal proposal.
12. Therefore, even if I were to conclude that there was a realistic prospect that the fallback scheme would be pursued should the appeal fail, as it would not result in significantly greater harm to the openness of the Green Belt, I give it limited weight.
13. The appellant has indicated that the suggested fallback scheme is only one of a number of ways that the property could be extended using permitted development rights. It is suggested that collectively these could cause greater harm to the openness of the Green Belt. However, no details of any such schemes have been provided and it is not possible to make any assessment

with regard to their impact on the openness of the Green Belt or on the character and appearance of the house.

14. Moreover, it is not within the scope of an appeal pursuant to section 78 of the Town and Country Planning Act 1990 for me to determine the extent of the permitted development rights asserted. In the absence of any substantive evidence or formal determination with regard to other potential extensions, I give little weight to these other potential schemes.
15. The design of the proposed extension would respect the character of the host property which is a traditional cottage. However, an absence of harm in this regard is a neutral matter.
16. It is not disputed by the Council that the appeal scheme would be a more attractive and sympathetic addition to the house than the flat roof fallback scheme and I agree. However, as noted above, there would be little visibility of the fallback scheme due to its position at the rear of the house and the difference in levels with the land to the rear of the site. As such, I only give this limited weight.

Conclusion

17. The proposal would be inappropriate development in the Green Belt which is harmful by definition. In addition, the proposal would result in a reduction in openness. According to the Framework (paragraph 148) substantial weight has to be given to any harm to the Green Belt and states that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
18. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the appeal scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with Policy PG3 of the CELPS, Policies GC1 and GC12 of the MBLP and the Framework.
19. Therefore, for the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR