



Appeal Decision

Site visit made on 6 April 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2022

Appeal Ref: APP/R0660/D/22/3291211

Brooklands, Castle Hill, Mottram St. Andrew, Cheshire SK10 4AX

- 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 Graham Marginson against the decision of Cheshire East Council.
 - The application Ref 21/1767M, dated 29 March 2021, was refused by notice dated 9 December 2021.
 - The development proposed was originally described as '*single storey front and rear extensions*'.
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Decision

1. The appeal is allowed and planning permission is granted for single storey front extension at Brooklands, Castle Hill, Mottram St. Andrew, Cheshire SK10 4AX in accordance with the terms of the application, Ref 21/1767M, dated 29 March 2021, and the plans submitted with it, 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: CSD-2018-06A Site/Location Plans; CSD-2018-04B Proposed Plan; CSD-2018-05B Proposed NE & NW Elevations.
 - 3) The materials to be used in the construction of external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development shall be carried out in accordance with the reasonable avoidance measures as set out in section 10.6 of the Phase 1 Habitat Survey (Tyrer Partnership, dated 30/8/2016). The measures shall be adhered to and maintained until the development is complete, and any long-term reasonable avoidance measures shall be maintained for the lifetime of the development.

Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development was revised during the planning application stage, removing the single storey rear extension, and amending the original description. Therefore, the proposal comprises of only the '*single storey front extension*'. I have dealt with the proposal on this basis in the decision.

Main Issues

3. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- 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, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions.
5. This includes 149 (c) that the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy PG3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017 (CELPs), deals with the Green Belt, its designation, which aims to keep land permanently open or largely developed and planning permission will not be granted for inappropriate development except in very special circumstances. It is therefore consistent with the approach and aims of the Framework.
7. Neither does the CELPs nor the Framework define the term 'disproportionate'. Nonetheless, Saved Policy GC1 of the Macclesfield Borough Local Plan, 2004 (MBLP) directs Green Belt proposals for limited extension or alteration of existing dwellings to be subject to Saved Policy GC12 of the MBLP. This policy sets out the Council's approach to alterations and extensions to existing houses in the countryside, including the Green Belt. Proposals may be granted for up to 30% of the original floor space providing the scale and appearance of the house is not significantly altered.
8. Saved Policy GC12 also includes exceptions which may permit proposals where it lies in a group of houses or ribbon development and would not be prominent, provides basic amenities, provides a conservatory or domestic building in the curtilage; and would not adversely affect the character and appearance of the countryside.
9. In this case, the appeal site is within the Green Belt and comprises of a detached bungalow. The property was constructed, following a consent for a replacement dwelling '*Demolition of existing bungalow and outbuildings and the construction of a detached bungalow with associated outbuilding*' granted by the Council in 2017¹, approved with conditions which restrict permitted

¹ 16/5550M

development rights, by virtue of Classes A-G of Part 1, Schedule 2 of the GPDO². A further permission was granted for additional extensions to the property in 2020³.

10. There appears to be some disagreement between the main parties, on the original floor area of the replacement dwelling, outbuilding and recent additions. Nevertheless, for the purposes of the original building the Framework definition sets out that as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally. The Framework does not make any specific reference to replacement dwellings or ancillary outbuildings within the curtilage of a dwelling.
11. It appears to me that the replacement dwelling, and outbuilding were originally built together. Therefore, the logical conclusion on the basis of the evidence presented would be that the outbuilding would be included as the baseline from the original consent for 'the replacement' and 'originally built' for the purposes of Green Belt assessment. The later additions which involved the linking to the existing outbuilding were considered as a whole, and calculations took account of both.
12. Notwithstanding this, there appears to be significant differences in figures given by both the main parties at the application stage and for the purposes of the appeal. The appellant suggests that there would be some 41% increase of floor area with the proposal and existing extensions over the original building, whilst the Council suggest ranges between some 80% and 114% increase.
13. Therefore, I cannot be satisfied that all calculations are accurate, whilst it is unclear why the Council considers that an outbuilding is assessed under different policy, and the policy basis of why the 60% limit would be acceptable. Given this dispute, I have determined the appeal on the basis of the plans before me, and site observations. However, even if I were to take either approach the appellant does not disagree that the proposal would result in an increase above 30% of the original dwelling as set out in Saved Policy GC12.
14. The Council identified that the appeal site is deemed to be in a group of development, I have no reason to disagree. The appeal site is surrounded by a group of detached dwellings of varying designs, each one of a substantial size and set within spacious plots. The appeal site is some 0.75 hectares in size, the dwelling including the garage are set back some distance from the roadway of Castlehill, it is privately gated with a large front landscaped garden area and there are limited long distance views of the property.
15. The appeal scheme proposes a modest extension to the garage. The extension would be single storey, and although sited to the front of the garage would still result in it being a considerable distance from the roadway of Castlehill, thus it would not appear prominent. It would be seen in the context of the existing built form and not a significant alteration to the dwellinghouse.
16. The appeal site is screened to a degree by the existing landscaped areas and vegetation/trees along the boundaries with adjacent plots, which would result in minimal views of the proposal from the surrounding properties and area. Any encroachment would only be to the existing lawn area and driveway.

² The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

³ 20/0745M

17. Therefore, the proposal would fall within the exceptions of Saved Policy GC12 which permits where the proposal lies in a group of houses and the extension would not be prominent, and it would not adversely affect the character and appearance of the countryside. Moreover, the Council have set out that the proposal would not adversely affect the Local Landscape Designation Area, and that the proposed design and materials would be acceptable matching those of the original dwelling.
18. Nevertheless, there would be an increase in footprint and volume of the dwelling, albeit the extension would only be single storey. However, the increase would not be excessive, particularly given the existing scale of the dwelling taken individually or cumulatively with previous extensions. Therefore, the scale, bulk and mass of the resulting building from the proposal would not be unreasonably increased to a significant degree that would be considered to be disproportionate.
19. For the reasons given above, I conclude that the proposed development would not be inappropriate development in the Green Belt, it would not result in disproportionate additions over and above the size of the original building. There would be no conflict with Policy PG3 of the CELPS, Saved Policy GC1 and GC12 of the MBLP and it would be in accordance with the criterion set out at paragraph 145 (c) of the Framework.
20. As I have found that the proposed development would not be inappropriate development in the Green Belt, there is no place for a subsequent assessment of the effect of the development on the openness of the Green Belt, or the impact on Green Belt purposes.
21. Moreover, given that the proposed development would not amount to inappropriate development, there is no need for me to assess other considerations, and whether very special circumstances exist in order to justify the development.

Other Matters

22. In support of the application, the appellant included an 'Extended Phase 1 Habitat Survey'. The Council assessed this and confirmed there is a low risk that the proposal may have an adverse impact upon Great Crested Newts, which may occur within an adjacent water body. The Council are satisfied, and I have no reason to disagree with their ecology assessment that any risks could be adequately mitigated against the implementation of reasonable avoidance measures as set out in the survey in a suitably worded condition.
23. The Council have referred to the separation of the garage to reduce the overall footprint of the dwellinghouse, and also refer to the original proposal which incorporated a rear extension. However, this is not the proposal before me, and any subsequent assessments for extensions, planning applications are future matters for the Council to consider against the relevant development plan and national planning policies.
24. I have had regard to the other appeal decisions and developments the appellant has drawn my attention to. However, I have no evidence that these are comparable to the proposal in respect of the planning history of the sites, size, scale and massing. In any event, I have dealt with the proposal on the basis of the evidence, and the relevant planning policies.

Conditions

25. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance and have undertaken some minor editing and rationalisation.
26. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials are to match the existing building in order to safeguard the character and appearance of the area. It is necessary to impose the condition relating to the protection of those species identified, and to ensure compliance with the reasonable avoidance measures set out in the ecology survey.

Conclusion

27. The proposed development would not be inappropriate development in the Green Belt and would not conflict with the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
28. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

KA Taylor

INSPECTOR