



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: 17 May 2022

Appeal Ref: APP/R0660/W/22/3291102

Netherfield House, Nursery Lane, Nether Alderley, Cheshire SK10 4TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Beeson against Cheshire East Council.
 - The application Ref 21/5963M, is dated 23 November 2021.
 - The development proposed is demolition of two existing buildings and erection of single new building to be used as stables, tack room, food store and implement store.
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Decision

1. The appeal is dismissed and planning permission for demolition of two existing buildings and erection of single new building to be used as stables, tack room, food store and implement store is refused.

Procedural Matters

2. The Council have not issued a refusal notice. However, I have had regard to the Council's accompanying statement of case, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so.
3. The Council have referred to the emerging Revised Publication Draft, Site Allocations and Development Policies Document, 2020 (SADPD). The SADPD has been independently examined by an Inspector and the Council are preparing main modifications. Most relevant to this appeal is emerging Policy RUR13. As such, in accordance with paragraph 48 of the National Planning Policy Framework (the Framework), and given its advanced stage of the plan preparation, I attribute moderate weight to the SADPD in the appeal decision.

Main Issues

4. 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 of the proposal on the openness of the Green Belt;
 - The effect of the proposal 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, be clearly outweighed

by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. 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. 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. The exceptions are set out in paragraph 149 of the Framework. The Council have assessed the proposal against the exceptions 149 a), b), d) and g) of the Framework. However, the appellant does not contest that it would be for agricultural or forestry purposes or relate to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation, as the building would be split into two elements.
7. Neither does the Framework apply specific criteria to the size of a building for outdoor recreation, and Policy DC32 of the Macclesfield Borough Local Plan (MBLP), 2004 does not relate to development in the Green Belt. The appellant also accepts that the replacement building would only be partially used for stables. Nevertheless, the Framework only requires a proposal to meet one of the exceptions in paragraph 149, including satisfying any tests which are set out.
8. Therefore, from the evidence before me I consider the most relevant exceptions in consideration of the appeal, are paragraph 149 d) *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'*; and g) *'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). Which would: not have a greater impact on the openness of the Green Belt than the existing development'*.
9. Policy PG3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017 (CELPs) sets out the Green Belt purposes, relevant criteria exceptions for the construction of new buildings in the Green Belt, and that permission will not be granted for inappropriate development, except in very special circumstances, it is consistent, and in accordance with the Framework.
10. The appeal site is located within the Green Belt and is associated with the dwelling known as Netherfield House. Access to the site was from the curtilage of the property, which then opens up to the south with extensive grassed fields and a pond. There are two existing buildings in situ, with one appearing to still be in use as stables as there were horses on the land. The buildings are generally low level, constructed of breeze block and to some extent in disrepair.
11. The proposal would involve the replacement of the two buildings with one larger building. It would consist of two bays, one of which will be utilised for

- three stables with a food store and tack room. The second bay would be used for the storage of machinery and implements for maintenance of the land.
12. There does not appear to be any planning history associated with the buildings, and I have no clear evidence what one of the buildings was previously used as, despite the other as a stable block. There is also some dispute between the parties over whether the buildings were or have been used for the purposes of agriculture in the past.
 13. The proposal would be utilised for a mixed use of storage and equine facilities, and the appellant accepts it would only be partially used for stables. I would disagree that the implements store should be seen as being immaterial for Green Belt assessment. As such, I consider the proposed building would not be in the same use. Even, if I were to agree with the appellant, the crux of the matter would be whether the proposed building would be materially larger.
 14. There is no definition in the Framework or the CELPS of 'materially' larger, accordingly this is a matter of planning judgement having regard to the particular circumstances of the case. However, emerging Policy RUR13 relating to replacement buildings outside of settlement boundaries, advises that proposals will usually be considered materially larger where the increase is more than 5%, the supporting text advises that thresholds may still be considered to be materially larger depending on their height, bulk, form, siting, design floorspace and footprint.
 15. There is some disagreement between the parties over the figures of the proposed footprint. This is likely to have come from external and internal measurements. Nonetheless, the Council state there would be some 13% increase. There is no substantive evidence on the heights of existing buildings, but the height of the proposed building would be some 5.2m. This would be considerably higher than those of the existing single storey buildings, and massing and bulk would be increased. Taking, all these factors and parameters together I consider that the proposal would be materially larger than the buildings it replaces.
 16. The Framework makes efficient use of land, through the definition of PDL¹, which includes land occupied by a permanent structure including the curtilage of developed land (although this should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. However, this does not go without being caveated. It excludes land that is or was last occupied by agricultural buildings.
 17. The existing use of the site is identified as storage/outbuildings/yard. The appellant contends that the appeal site amounts to PDL, of which the Council disagree. I accept that the buildings are of low quality, but from the evidence before me including site observations they appear to be of semi-agricultural appearance, and the extent of existing hardstanding is unclear. Moreover, the buildings are surrounded by fields and areas of open countryside. Therefore, I cannot be certain that the site would amount to PDL.
 18. Nevertheless, even if I were to take the appellants approach that it would meet PDL. The Framework makes provision for the redevelopment of PDL, which would not have a greater impact on openness of the Green Belt than the

¹ Annex 2 of the Framework refers to the definition of previously developed land

existing development. As such, my conclusions on the next issue, its effect on Green Belt openness, will determine whether the development is inappropriate.

Openness

19. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual and spatial element.
20. Despite, the internal footprint being similar, the proposal would result in a considerable higher building than the low-level structures it would replace. Although two low-quality constructed buildings would be replaced and the spread. Overall, the additional massing and size of the building would reduce the existing visual and spatial gap that currently exists between those buildings. This would clearly reduce the openness of the site, which the gap also gives a wide range of welcome visual views within the site and the surrounding existing open areas of the land. It would not open up the area but reduce it and built form visually and spatially would be greatly increased.
21. Moreover, there is limited evidence of the height and elevations of the existing buildings, or that modern rural buildings justify the need to increase height or mass within the Green Belt.
22. Whilst the site is enclosed by mature trees and vegetation surrounding the boundaries, it would still be visible from public views along the access road from Nursery Lane, particularly as there is low level hedges and a field access point. Given the proposal is for built form of significant scale, bulk, height and massing, it would be clearly discernible in those views.
23. For the reasons given above, the proposed development would harm the openness of the Green Belt in both visual and spatial terms, it would fail to preserve openness, and would have a greater impact than the existing development. The proposal would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above. I conclude the proposal would be contrary to Policy PG3 of the CELPS, and it would not meet the exceptions in paragraphs 149 of the Framework, it would therefore form inappropriate development in the Green Belt.

Character and Appearance

24. The proposed building would result in a substantial sized building, in terms of its overall scale, height and mass. It would appear to some degree as an isolated building in an area of open land, resulting in no connection to the existing built form of the dwelling. Despite, the existing buildings materials being of low quality, the design of the proposal would be unacceptable, exacerbated by the appearance, which would almost represent an industrial and commercial feel to the building, with the uncharacteristic element of the large roller shutter doors. Therefore, the proposal would fail to respect or enhance the landscape character of this open area of countryside or reinforce local distinctiveness.
25. Consequently, I conclude the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policy SD2, SE1 and SE4 of the CELPS. Amongst, other things these policies require

development to conserve landscape character and protect the open countryside, make a positive contribution to its surroundings, including design, distinctiveness and character. It would also be at odds in respect of the Framework, which recognises the intrinsic character of the countryside, and the creation of high quality, beautiful and sustainable buildings.

Other Considerations

26. The appellant contends that the replacement building would be of higher quality and replaces two unsuitable buildings. I acknowledge that the existing buildings due to their condition make some negative visual contribution. I do not have any evidence to support that the proposal would be essential for security reasons on the land. I also accept that the proposal would provide benefits to the appellant in terms of the stabling of horses on their land, but this would only benefit the appellant and their family.
27. The appellant also refers to an alternative of adding a further stable block, however I do not have any evidence of an alternative scheme that could be considered as a genuine 'fallback'. However, these considerations do not outweigh the harm I have identified, and I attach limited weight. In any event, the appeal needs to be determined on the basis of the evidence, and relevant development plan policies.
28. In consideration of other planning matters, including highway safety, living conditions of nearby residents and biodiversity matters. The absence of harm in those matters which could be addressed by conditions, are a neutral factor, any planning concerns regarding other buildings or uses at the site are not determinative to this appeal.

Planning Balance and Conclusion

29. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness, which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.
30. Against this, the other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm I have identified, in respect of character and appearance. Consequently, the very special circumstances necessary to justify the development do not exist.
31. The proposed development would be contrary to 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.
32. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR