

Appeal Decision

Site visit made on 24 May 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/R0660/W/21/3286533

7 Moss Road, Alderley Edge SK9 7JA

- 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 Jacob Knox against the decision of Cheshire East Council.
 - The application Ref 20/2735M, dated 29 June 2020, was refused by notice dated 13 October 2021.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy and the National Planning Policy Framework (the Framework). I see no reason to disagree with that position.
3. The main issues are therefore as follows:
 - the effect of the proposal on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations (and if so, whether this would amount to the very special circumstances required to justify the proposal).

Reasons

Openness of the Green Belt

4. The appeal site comprises a detached dwelling set in a generous plot located on Moss Road. The street scene is characterised by dwellings of a similar scale although there are a range of architectural styles evident. The proposal seeks to replace the existing dwelling.
5. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with their permanence. Openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt.
6. The submitted Proposed Site Plan drawing (No P1223/11) indicates the footprint of the proposed dwelling would be increased significantly set against the existing, particularly to the rear. As such there would be a considerable

increase in built form in terms of floor area and a reduction of openness spatially. In their submissions the appellant calculates there would be a 94% increase in volume over the existing building.

7. Although at present the dwelling extends up to the boundary with No 9, this side extension is single storey. The Existing and Proposed Street Elevations drawing (No P1223/10) demonstrates that although there would be some space retained to either side boundary, built form would be two-storey to both sides. While the existing ridge height would be retained, at present the roof is hipped which reduces some of the mass at this level. The proposal would retain the same ridge height but feature two storey projecting gables to either side. As a result, the proposal would appear much larger and readily visible from Moss Road, particularly at first floor level. Visually, there would be further loss of openness.
8. For the above reasons, the proposal would increase the level of built development within the appeal site and would result in harm to the openness of the Green Belt both spatially and visually. As such, the scheme would conflict with the purposes of Green Belt policy, as stated in paragraph 137 of the Framework, to keep land permanently open.

Other Considerations

9. The appellant has been granted a Certificate of Lawful Use or Development¹ which confirms they could extend the existing property with single storey side and two storey rear extensions along with an outbuilding and a porch. A site plan to demonstrate this was included in the statement of case. I am informed that these changes would result in a volume that would exceed the appeal proposals by 100m³ and result in more openness than the appeal proposals. Be that as it may, the layout possible under the alternative proposal would not be as attractive a proposition given the requirement for a separate outbuilding to provide the additional space. As such I attribute this fallback limited weight in favour of the scheme.
10. I am directed to relevant Case Law² which dictates that a fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect to be considered a material consideration. I don't dispute that the fallback proposal is a material consideration and I have duly considered it as such. However, this merely dictates that appropriate weight is attributed to the fallback position in the balance. This is still a matter for the decision maker to ascertain, which I have undertaken above.
11. I am informed of other approvals for similar developments on Moss Road. From the evidence before me as described in the appellant's statement of case, No's 6 and 8 Moss Road were both granted permission for a replacement dwelling and an infill dwelling. In both cases, it was concluded by the Council or Inspector that the proposals would not lead to the appeal sites becoming cramped or overdeveloped. No 60 Moss Road was granted permission for a replacement dwelling, although this appears to significantly predate the Framework. However, from the limited information before me on these

¹ 21/4085M

² Zurich Assurance Limited T/A Threadneedle Property Investments v North Lincolnshire Council and Simons Developments Limited [2012] EWHC 3708

proposals, these appear to relate to matters of character and appearance rather than inappropriateness or openness of the Green Belt. Despite some significant increases in volume of built form, I am unsure as to the circumstances which led to those conclusions. In any event, I have assessed the proposal on its own merits, and it is incumbent on me to form my own judgement.

12. Other approvals on Moss Road, such as No's 15, 19, 62 and 64 evidently relate to extensions to existing properties rather than replacement dwellings. While these may also have resulted in large volumetric increases, they are subject to different considerations against the development plan and exceptions in the Framework. As such, their existence does not lead me to conclude differently on matters relating to openness.
13. I have had regard to concerns raised by the appellant about the way that the Council handled the application, including an apparent lack of engagement during the application process. However, this does not affect the material planning considerations of the case. I have considered this appeal proposal on its own merits and any complaints should be raised with the Council directly.
14. It is suggested that the proposal would improve the appearance of the site and replace the existing house, which the appellant considers unattractive with an improved design. I observed on the site visit that the garden at the time was somewhat unkempt and there were some minor repairs required to the outside of the building, such as fascias and paintwork. However, these issues were not necessarily harmful to the streetscene and while the site would appear tidier when completed, the total redevelopment of the site is not required to achieve this. The design of the proposal in terms of its character and appearance was not considered harmful by the Council. As such, I attribute this matter limited weight.
15. I have had regard to the appellant's statement which advises there would be no harm to the living conditions of occupiers of neighbouring properties nor are there any objections to the design and materials proposed for the house. However, these matters are not in dispute and a lack of harm is not a benefit and weighs neither against nor in favour of the proposal.

Green Belt Balance and Conclusion

16. The proposal would be inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt. These matters carry substantial weight against the scheme.
17. Set against these, the material considerations cited in support of the proposal carry limited weight. They therefore do not outweigh the totality of the harm the scheme would cause. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

18. As such the proposal would conflict with Policy GC1 of the Macclesfield Borough Local Plan (adopted January 2004), Policy PG3 of the Cheshire East Local Plan Strategy 2010 – 2030 (adopted July 2017) and Green Belt policy as set out in paragraphs 147 – 151 of the Framework. For the reasons given above, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR