



Appeal Decision

Site visit made on 29 June 2022

by M Clowes BA (Hons) MCD PGCERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/R0660/W/22/3294822

Delaine, Pavement Lane, Mobberley WA16 7EJ

- 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 R Davis, Blue Moon Holdings Ltd against the decision of Cheshire East Council.
 - The application Ref 21/3694M, dated 5 July 2021, was refused by notice dated 28 January 2022.
 - The development proposed is demolition of existing buildings and erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw that the detached timber outbuilding is sited parallel with the rear site boundary, rather than in the position depicted on the submitted plans. Nonetheless, I am satisfied that I have sufficient information before me to assess the impact of the proposed development, in regard to the main issues.

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 on the openness of the Green Belt;
 - The effect on the character and appearance of the area; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

4. The appeal site is located within the Green Belt. Paragraph 149 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The replacement of a building, provided that the new building is in the same use and not materially larger than the one it

replaces, is one of the exceptions. This is reiterated in Policies PG3 and PG6 of the Cheshire East Local Plan Strategy (CELPS) 2017. The appellant relies on this exception.

5. The existing buildings to be replaced by the proposed dwelling include a garage and a detached stable building, used for purposes incidental to the occupation of Delaine as a dwelling. The proposed dwelling is not therefore in the same use as the buildings it would replace.
6. An extant approval exists for the conversion of the existing garage to a dwelling (application reference 20/1778M). As the building has not been converted and occupied as a dwelling, the proposal should not be considered as a replacement dwelling.
7. The parties dispute the floor area of the existing outbuildings. Notwithstanding the discrepancies on the submitted plans with regard to the position of the smaller timber stable building, taking the appellants figures, the floor area of the proposed dwelling would be 25m² larger than the existing buildings. It would further be 85m² larger than the extant approval for conversion. The proposed dwelling would be of a greater height, width and depth and would therefore be materially larger than the outbuildings to be replaced.
8. The appellant refers to the exception for the partial or complete redevelopment of previously developed land under paragraph 149g of the Framework. However, this only applies where there is no loss of openness. Even if I were to conclude that the site was previously developed, the erection of a dwelling that is larger than the buildings to be replaced would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it.
9. Consequently, the proposal would fail to meet any of the exceptions set out by paragraph 149 of the Framework and would be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would also conflict with the aims of Policies PG3 and PG6 of the CELPS (2017).

Openness of the Green Belt

10. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension.
11. The proposal would result in the replacement of 2 single storey buildings with a 1.5 storey dwelling. Due to the size and form of the proposed dwelling which would have a greater floor area as well as volume, the amount of built development on the appeal site would be increased. An erosion of three-dimensional space would occur as a result.
12. The appeal site benefits from mature landscaping including a hedgerow to the front boundary and tall trees within the site. This helps to partially screen the existing buildings from open view. However, the removal of 2 trees would reduce the level of the screening, which along with the proposed dwelling's scale and siting further forwards than the existing buildings, would render the development more visible from Pavement Lane. The position, scale and mass of the proposed dwelling would therefore impact on the spatial and visual dimensions of the site leading to a moderate loss of openness.

13. Therefore, I find conflict with Policy PG3 of the CELPS (2017) which aims to protect Green Belt land and keep it permanently open or largely undeveloped. I also find conflict with paragraph 137 of the Framework.

Character and Appearance

14. The appeal site is located within the open countryside. It marks a transition between the built up area of Pavement Lane to the north, and the countryside to the south where development is more scattered amongst agricultural land.
15. The existing garage building is of a relatively limited scale, pushed back towards the rear of the site. The stable building is of an even smaller scale and also sited along the rear boundary. I have already concluded that the siting of the dwelling further forward along with the loss of trees would have an impact on openness.
16. The proposed dwelling would have a contemporary appearance including the use of full height glazing and black vertical timber cladding within the front facing gable projection. However, despite the proposed dwelling being within the countryside it would be viewed alongside other dwellings. Significant harm would therefore arise from the sharp contrast of the contemporary design and materials, with the architectural styles of nearby dwellings that are typically more traditional in appearance with more limited glazing.
17. Examples of developments considered comparable to the style of design proposed for the appeal scheme are referred to by the appellant. Green Meadows is located at the end of a small housing estate and I am advised, outside of the Green Belt. It has been remodelled with large, full height windows facing the road. The glazing is broken up by horizontal bands between the ground and first floors and a central vertical band of stonework. I do not find the context of the site nor the design, to be comparable to the appeal scheme. I have no evidence before me as to the circumstances of the housing development at The Forge including whether the site is within the Green Belt, or the development plan context that they were permitted under. Irrespective of this, the existence of other contemporary housing within the wider locality does not justify development that fails to take account of its specific context.
18. The proposed dwelling would maintain the building line formed by The Bungalow and Delaine. The curve in the road would result in the proposed dwelling benefitting from a larger front garden than its immediate neighbours, allowing sufficient room to accommodate a car parking and turning area. The modern dwellings on the opposite side of Pavement Lane have generous front gardens in contrast to the majority of dwellings along the northern part of Pavement Lane, which are sited closer to the road. I find the proposed plot size to be acceptable and in-keeping with its neighbours to the south.
19. Whilst the plot size would be acceptable, the specific design, form and materials of the proposed dwelling would harm the character and appearance of the area. As a result, it would fail to comply with Policies SD1, SD2 and SE1 of the CELPS (2017) which seek collectively to ensure that new development makes a positive contribution to its surroundings, reinforcing local distinctiveness in height, form, materials and design features.

Other Considerations

20. Reference is made to the fallback position of converting the existing garage to a dwelling. Given the extant approval (reference 20/1778M), there is a realistic prospect that this development may come forward. However, it would result in a smaller dwelling that would have less visual and spatial impact on the openness of the Green Belt. The degree of harm would therefore be less than the proposal before me. It is a possibility but by no means certain, that permitted development rights for extensions would be implemented were the building to be converted, given that occupation of the dwelling would be required before the rights come into effect. Accordingly, I attach modest weight to the fallback position.
21. The proposed dwelling would contribute towards meeting the Council's housing requirements, construction jobs and spending in the local economy and the new homes bonus for the Council. However, the benefit of 1 new home in these regards would inevitably be modest and in this instance, to the detriment of local character and the openness of the Green Belt. Given the conflict with Green Belt policy, the appeal scheme would not benefit from the presumption in favour of sustainable development.
22. The acceptability of the scheme in respect of highway safety, biodiversity, living conditions and provision of noise mitigation measures, along with the lack of objections from neighbours, are neutral factors that weigh neither for nor against the proposal. Concerns raised in respect of the Council's alleged failure to advise the appellant of their recommendation before issuing the decision, is a matter for the appellant and the Council and is not relevant to my decision.
23. The Council suggest that Policies GC12 and DC2 of the Macclesfield Borough Local Plan (2004) are applicable to the appeal. As these policies relate to alterations and extensions to existing buildings and houses within the countryside, I do not find them relevant.

Conclusion

24. The proposal would amount to inappropriate development in the Green Belt, resulting in a modest loss of openness and harm to the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
25. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed accordingly.

M Clowes

INSPECTOR