



Appeal Decision

Site visit made on 30 August 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2022

Appeal Ref: APP/R0660/W/22/3295734

**Brooklan, Englesea Brook Lane Englesea Brook, Weston, Cheshire
CW2 5QW**

- 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 Mrs Heather Pettican against the decision of Cheshire East Council.
- The application Ref 21/2131N, dated 14 April 2021, was refused by notice dated 30 September 2021.
- The development proposed was originally described as 'Change of use for primary residential purposes'.

Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal site lies within the Green Belt the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and the development plan,
 - The effect of the appeal development on the openness of the Green Belt and purposes of including land within it, and
 - If the proposed development constitutes inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations which amount to very special circumstances required to justify a grant of planning permission for the alleged development.

Reasons

3. The appeal proposal comprises a single storey, blockwork stable building (the building) with a broadly linear form and a flat roof. The end elevation facing the road is open sided. It sits between existing bungalows 'Brooklan' and 'Sunningdale' in an established ribbon development of housing fronting Englesea Brook Lane, as part of the wider settlement of Englesea Brook. I am led to understand the building was erected under permitted development in about 2011. The building is now within its own defined enclosure, separated from the garden of Brooklan by fencing. It has its own existing and independent access off Brook Lane.
4. The proposal would involve the change of use and conversion of the building into a 2-bedroom dwelling, with associated works and alterations and on-site parking.

Whether in appropriate development

5. The Government attaches great importance to Green Belts. The Framework identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to a number of exceptions set out in paragraph 149. Certain other forms of development listed in paragraph 150 are also not inappropriate provided they **preserve** [emphasis added] the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. The Council does not refer to which Green Belt Framework exception the proposal falls under. I concur with the appellant that the proposal principally falls to be considered under exception 150d) for the '*the re-use of buildings provided that the buildings are of permanent and substantial construction*'.
8. As the proposal to re-use the building also includes extensions or alterations, these stand to be considered under Framework exception 149c) for '*the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building*'.
9. Policy NE1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011¹ (the 'CNRLP') seeks to limit development in the Green Belt. It permits the re-use of existing buildings in the Green Belt subject to a number of criteria, including the development should not have a "materially greater impact" on openness than the present use, or for the building to be capable of conversion "without major or complete reconstruction". The CNRLP pre-dates the first publication of the Framework in 2012 and its subsequent iterations. These criteria do not form part of the national Green Belt policy and in this regard Policy NE1 is not fully compliant with the Framework. I afford it limited weight.
10. Policy PG3 of the Cheshire East Local Plan Strategy² (the 'CELPS') seeks to protect Green Belt from urban sprawl and inappropriate development unless the development falls within the exceptions listed in the Framework. I am satisfied that Policy PG3 is broadly consistent with the Framework.
11. I shall first consider whether the building is of a 'permanent and substantial construction' for the purposes of Framework paragraph 150d) and paragraph 4.iv of Policy PG3. On my visit I saw its walls are blockwork, some of which have been painted, with existing openings for the stables. The walls extend into the ground with a damp proof course and there is a concrete floor throughout. The roof is wooden chip board panels set on wooden rafters, sloping slightly down to the rear of the building, and covered with profiled corrugated metal cladding. the building looked to be in generally sound condition.

¹ Adopted 17 February 2005

² Adopted July 2017

12. The appellant has submitted a Structural Survey³ by a professional engineer which finds the building has load bearing masonry walls with bed joints running relatively level and a solid concrete floor. The report concludes the building to be of permanent and substantial construction, in good structural condition with no evidence of structural defects to the roof, walls or floor. It finds the building would be suitable of conversion to a residential dwelling without any significant rebuild or replacements of the existing building structure.
13. From the submitted evidence and my observations I am satisfied the building is of a permanent and substantial construction. My following conclusions on the effect on Green Belt openness will determine whether or not the development is inappropriate development.

Openness

14. The test in Framework paragraph 150d) is whether the openness of the Green Belt is **preserved**. This is not the same test found in the older Policy NE1 as to whether the proposal would have a 'materially greater impact than the present use'. As already mentioned, Policy NE1 has limited weight due to its lack of compliance with the Framework.
15. Openness is one of the essential characteristics of the Green Belt, but there is no definition of it in the Framework or the development plan. However, caselaw has established that it requires consideration of both spatial and visual aspects. The openness of the Green Belt is evident with open fields immediately adjacent to the site and at the rear of the host property and other houses along Brook Lane.
16. The proposal would involve replacing the roof with a dual-pitched one. This would make the building about 0.7 metres taller. It would also add volume, as would the dual pitched roofs over the front extension and the existing projecting bay for the kitchen/dining area. A rectangular extension would be added to the front elevation. This would increase the footprint of the building, albeit modestly. Therefore the proposal would make the building bigger and taller, and would change the shape and massing of the building which would have more physical presence. There would also be an increase in hardstanding to provide parking and the proposal would likely introduce associated domestic paraphernalia that would further reduce openness. This would have a moderate adverse impact on safeguarding the countryside from encroachment, one of the purposes of including land within the Green Belt.
17. All of these changes, even if moderate, would still reduce the spatial and visual openness of the Green Belt and means that its openness is not preserved.

Whether disproportionate additions

18. I now turn to consider whether the extensions and alterations would be 'disproportionate additions' under Framework exception 149c), which does not require a separate assessment of openness. The building comprises 4 stables of similar width and a store that is narrower, effectively creating a 5-bay building. This extension would project out less than half the depth of the building and extend across only one of the stable bays, approximately one fifth of the overall length of the building. The appellant calculates that the footprint of the building would increase by about 4.36%, which is a modest increase.

³ By C2C Consulting Engineers Ltd dated 2 August 2020

19. The shallow dual-pitched roofs over the building, front extension, the protruding bay would increase the volume of the building by about 22.97%, or less if the overhang was included. The appellant refers to the Council's rule-of-thumb it used during pre-application of a 30% threshold over and above the size of the original. I have not been provided with any further information about this, but the appellant's calculated increases would be within that threshold. The Council has not submitted an appeal statement or disputed these figures.
20. The only other alterations are to introduce doors and windows in existing openings and render the blockwork. The building does not require re-building or major or complete reconstruction, and the proposed works would not amount to substantial alterations.
21. I am satisfied the proposed alterations and extensions would not amount to disproportionate additions over and above the size of the original building and in themselves would not be inappropriate development and would comply with Framework paragraph 149c). I find there would be no conflict with CELPS Policy PG6 and CNRLP Policy NE1 which seek to ensure that buildings for re-use in the open countryside would not require extensive alterations, rebuilding, extension or major or complete reconstruction. Nor would it conflict with CELPS Policy PG3 on Green Belt.
22. The Council refers to CELPS Policy SE1 (Design) in its decision notice, but makes no mention of it in its Delegated Officer Report, even under the heading 'Design, Green Belt and Open Countryside' to explain its relevance. It is a broad and general design policy, but I do not consider it relevant to the particular issues.
23. The appellant refers to the dual pitched roofs and extension not being necessary to facilitate the conversion. That may be so, but they are shown on the submitted plans and form part of the appeal proposal before me.

Conclusion on inappropriate development

24. Under Framework paragraph 150d) I have found the building to be of a permanent and substantial construction, but the openness of the Green Belt would not be preserved and it would conflict with one of the purposes of including land within the Green Belt. Hence the proposal does not satisfy all of the criteria required in order to fall within the exception in paragraph 150d). It therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework, CELPS Policy PG3, and to a limited extent CNRLP Policy NE1.
25. Whilst I have found the proposed alterations and extensions would not be disproportionate additions and hence would not be inappropriate development under Framework paragraph 149c), this does not alter the fact that the proposal constitutes inappropriate development under paragraph 150d).

Other Matters

26. I acknowledge the appellant's concerns with the Council's handling of the application, but in reaching my decision I have been concerned only with the planning merits of the case. There may well have been previously refused applications to convert the building, but how the appeal proposal differs to

them is of little relevance - they do not form a 'fallback' and it only the appeal proposal that is before me, which I must consider on its own merits.

Other Considerations and Green Belt Balance

27. The development would not preserve openness and represents inappropriate development in the Green Belt, which is harmful by definition. I have also found conflict with one of the Green Belt purposes. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. The development conflicts with both local and national planning policy. Any harm to the Green Belt is a serious planning objection and must be given substantial weight.
28. The appellant has advanced a number of other considerations to support her appeal. The appellant wants to downsize and move into the proposed dwelling, and free up Brooklan as a family-sized home for another family to occupy. This is the appellant's personal choice, but does not indicate that the proposal is the only means of achieving this. The proposal would increase the housing stock by only 1 dwelling. I have not been provided with any substantive evidence to indicate there is a need for family-sized housing in the area, or that the Council has a shortage of housing. I therefore give this moderate weight.
29. The proposal would re-use an existing building. The Framework encourages the re-use of previously developed land and buildings. However, land in built-up areas, such as residential gardens, does not fall under the definition of previously developed land. Even if I were to find the site was previously developed land, I would give this significant weight.
30. The proposed alterations would make visual changes to the building, in an area where there is a diverse range of building designs and styles. Whether or not the proposal would be an enhancement is not a requirement of Green Belt policy. The existing building is a simple stable building that is in a good state of repair, and is not an eyesore that would benefit from replacement. I give this limited weight.
31. I find that these other considerations, whether taken individually or together, do not clearly outweigh the totality of harm, which is the test that they have to meet, in light of the national importance given to protecting the Green Belt relative to the modest benefits that would accrue from the appeal development. Consequently, very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Accordingly the proposal would conflict with CELPS Policy PG3, to a lesser extent CNRLP Policy NE1, and to the Framework.

Conclusion

32. For the above reasons I conclude that the appeal should be dismissed.

K. Stephens
INSPECTOR