



Appeal Decision

Site visit made on 23 May 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/A0665/W/23/3315220

**Wickentree Farm, The Old Granary, Blakemere Lane, Norley,
Northwich WA6 6NW**

- 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 William Appleton against the decision of Cheshire West and Chester Council.
 - The application Ref 22/04103/FUL, dated 29 October 2022, was refused by notice dated 12 January 2023.
 - The development proposed is to erect a first floor extension to create a bedroom and ensuite.
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Decision

1. The appeal is allowed and planning permission is granted to erect a first floor extension to create a bedroom and ensuite at Wickentree Farm, The Old Granary, Norley, Northwich WA6 6NW in accordance with the terms of the application, Ref 22/04103/FUL, dated 29 October 2022, 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: site plan; drg no. 2; drg no. 3 amended; and drg no. 4 amended.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this case are: (a) whether the proposal would be inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (the Framework); (b) the effect of the proposal on the openness of the Green Belt; (c) the effect of the proposal on the character and appearance of the area; and (d) if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal property is a detached two storey cottage within the North Cheshire Green Belt. The property has previously been extended with a first-floor side extension, single storey extensions and an extended garage. The property lies

within a cluster of converted farm buildings set back from the road within landscaped grounds.

4. Policy STRAT 9 of the Local Plan (Part One) Strategic Policies (LP1) says that additional restrictions will apply to development in the Green Belt in line with the Framework. Framework paragraph 149 c) relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This exception is reflected in Policy DM 21 of the Local Plan (Part Two) Land Allocations and Detailed Policies (LP2).
5. LP2 Policy DM 21 does not outline what would or could be a disproportionate addition. Nor does the Framework. However, the explanation to LP2 Policy DM 21 sets out that, as a general guide, the original dwelling should not be increased in size by more than 30 per cent.
6. The Framework defines 'original building' as a building as it existed on 1 July 1948. In a previous appeal decision, it was held that the original dwelling had a floorspace of around 81m². The proposed extension would add roughly 14.5m² to the dwelling's footprint and 20m³ to its volume. On its own, the proposal could well be described as a modest addition.
7. However, when earlier extensions are considered alongside the proposed extension, the Council estimate that the original dwelling's floor area would increase by around 130%. The appellant does not dispute this figure and I have no reason to doubt it. However, even if the proposed extension were to be discounted, the dwelling as extended is already beyond the general percentage guide found in LP2 Policy DM 21. Although this figure is a guide, the proposal would take the dwelling significantly above that figure and I consider that the proposal would be a disproportionate addition to the original building.
8. I note the appellant's points about the housing development on Blakemere Lane, but this is not a matter before me and in applying the policies in the development plan and the Framework to the appeal scheme, I conclude, in respect of this issue, that the proposal would be inappropriate development in the Green Belt. Conflict would arise with LP1 Policy STRAT 9, LP2 Policy DM 21 and Framework paragraph 149 c) which jointly require the extension or alteration of a building to not result in disproportionate additions over and above the size of the original building.

Openness

9. The proposed extension would result in a modest loss of visual and spatial openness of the Green Belt owing to the additional development proposed above the existing ground floor part of the dwelling. However, that harm would be modest by the scale of the proposal and its location between existing built form. Even so, the proposal would conflict with Framework paragraph 137 which says an essential characteristic of Green Belts is its openness.

Character and appearance

10. The proposed extension would sit on top of an existing single storey part of the dwelling and between the flank first floor elevation of the appeal property and The Cottage. The extension would be subordinate to the host dwelling, be an appropriate design response, and largely be screened from public view by existing built form with only a glimpsed view possible from the public footpath that extends past the group of properties.

11. I do not agree with the Council's concerns about the extension not being of good design as I consider that the extension would sensitively respond to the character and appearance of the area and its host. A planning condition could be imposed to ensure that suitable materials are used. Although the original building has been extended in a piecemeal manner, that is often the case with buildings of this nature and age. It does not necessarily mean the proposal is harmful to the character and appearance of the host building or the area.
12. Accordingly, I conclude that the proposal would accord with LP1 Policy ENV 6, LP2 Policies DM 3 and DM 21 as it would be of high-quality design that respects local character, the scale, character and appearance of the existing building and use suitable materials. The proposal would also accord with Policy HOU 1 of the Norley Neighbourhood Plan which only supports extensions to dwellings where they are small in scale and do not adversely affect the character of the original building. No conflict would also occur with Supplementary Planning Document: House Extensions and Domestic Outbuildings.

Other considerations

13. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Given the occupiers are disabled, they have a protected characteristic for the purposes of the PSED. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. In reaching my decision, I have kept these interests at the forefront of my mind. However, these are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
14. The appellant and his wife wish to stay in their home, and I have had regard to the evidence setting out their health conditions and the bearing they have on their living arrangements. Further, I have considered their submissions around the need for an additional bedroom and a lift to provide access throughout the dwelling. The appellant submits that the former is required to allow family members to stay and provide essential care to the occupants, whilst also ensuring the occupants bedrooms are suitable for their needs.
15. It is submitted that consideration has been given to reconfiguring the property in another way to make it suitable for the occupants and their needs, without harming neighbouring occupants. However, there is no substantive detail of this process or reasons to explain why other configurations have been discounted. I am therefore unable to attach significant weight to this exercise, save for the proposal is the likely outcome of that process and in response to an earlier scheme which was refused planning permission by the Council.
16. Given the existing layout of the dwelling and available head height within the largest bedroom, a lift, which would enable the whole dwelling to remain accessible and usable to the occupants, would not be possible anywhere without the proposed extension. In doing so, the proposal would enable the occupants to remain in their home and essential care provided. I accept that alternative living arrangements could be sought, but that would be at the expense of the appellants' settled home life, and may involve them splitting up, and losing the care that family provides.
17. Having regard to all these matters, I attach substantial weight in favour of the appeal scheme to the considerations raised. There would also be time limited

economic and social benefits arising from the appeal scheme from jobs and expenditure from the construction of the proposal.

Conditions

18. I have an approved plans condition in the interests of certainty and a condition concerning the materials in the interests of the character and appearance of the area.

Conclusion

19. The proposal would be inappropriate development which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Limited harm would arise to the openness of the Green Belt. The Green Belt harm attracts substantial weight. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
20. I consider that the other considerations do clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do exist. As such, I conclude that the proposal would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this.
21. For the reasons given above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR