



Appeal Decision

Site visit made on 14 June 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2023

Appeal Ref: APP/R0660/W/23/3314049

Birtles Farmhouse, Hocker Lane, Over Alderley, Cheshire SK10 4SB

- 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 Haydar Fathulla against Cheshire East Council.
 - The application Ref 21/1815M, is dated 30 March 2021.
 - The development proposed is construction of a garage.
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Decision

1. The appeal is dismissed and planning permission for a garage is refused.

Application for costs

2. An application for costs was made by Mr Haydar Fathulla against Cheshire East Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal stems from the Council's failure to make a decision on the application within the necessary timescales.
4. The Council has not explained whether it would have permitted or refused the application. However, from the evidence provided, it appears that the Council's view is that, when considered alongside existing extensions, the proposal would constitute a disproportionate addition over and above the original building, for the purposes of Green Belt policy. No other issues of concern have been raised by the Council or other parties, and I have not identified any additional matters of concern either. I have therefore determined the appeal proposal in terms of national and local policy for the protection of Green Belts.
5. The Council has provided copies of policies which it considers pertinent to the appeal from the adopted Cheshire East Local Plan Strategy 2017 (Local Plan) and the Site Allocations and Development Policies Document 2022 (SADPD). I have taken those policies into account.
6. The appellant has referred to Policy GC12 of the Macclesfield Local Plan (MLP), but that plan has been replaced by the SADPD, and no longer forms part of the adopted development plan for the area. Policy GC12 does not, therefore, provide a basis for determining this appeal.

Main Issue

7. The main issue is whether the proposal is inappropriate development in the Green Belt, and if so, 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 it.

Reasons

Whether inappropriate development

8. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt, and should not be approved except in very special circumstances. Framework paragraph 149 indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it would fall within one of the exceptions listed. A similar approach is set out in Local Plan Policy PG3.
9. Both Policy PG3 and Framework Paragraph 149c) allow for the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the 'original building', defined in the Framework as the building as it was on 1 July 1948. The Framework does not provide a definition of a 'disproportionate addition', but local interpretation is provided in SADPD Policy RUR11. That policy says that, within the Green Belt, proposals which increase the size of the original building by more than 30% will usually be considered to be disproportionate additions. The policy makes clear that, in making such an assessment, full account will be taken of any previous extensions to the building.
10. Birtles Farmhouse is a detached dwelling, located within a small cluster of buildings in the countryside. In recent years, the traditional rural cottage has been extended to the side and rear, and the appeal proposal seeks to add an integral garage.
11. I do not have enough information to determine the size of the original dwelling, or the increase in floorspace which has already occurred, and it is clear that there is disagreement between the parties on both of these matters. The appellant's figures differ markedly from those used by the Council in assessing previous applications. However, even using the appellant's lower figures, the proposed garage would equate to an increase in floorspace of 45% over and above the original dwelling.
12. This figure of 45% increase does not include the single storey rear extension, which was allowed by the Council under an exception for conservatories contained in MLP Policy GC12. However, the rear extension is a sizeable addition, with a solid, rather than lightweight, appearance. If the floorspace of the rear extension were taken into account, the 45% figure would be significantly higher.
13. Even without the rear extension, the proposed garage would result in the 30% policy threshold being significantly exceeded. In purely quantitative terms, the proposed extension would be a disproportionate addition over and above the original dwelling. However, SADPD Policy RUR11 explains that matters including height, bulk, form, siting and design will also be taken into account in assessing whether an extension would be disproportionate.
14. On its own, the proposed garage, with a floorspace of around 18m², would be a modest addition. The proposed extension would be clearly subservient to the

main house, continuing the existing stepping down from the main roof. The design and form of the proposal would be acceptable.

15. The siting of Birtles Farmhouse, set back from Hocker Lane and fronting onto the private access road, means that the proposed garage would not be prominent when viewed from the lane. Nonetheless, it would be visible, and would be seen alongside the existing two storey side extension. Together, the two side additions would almost double the width of the frontage of the main part of the house.
16. I note the appellant's suggestion that the Council has taken a narrow view. However, in controlling disproportionate additions, Green Belt policy seeks to avoid properties becoming ever larger through incremental extensions, and the associated increase in built form in the Green Belt. In this case, the property has already been extended significantly. On its own, the proposed garage might well be acceptable, but combined with the existing side and rear extensions, it would represent a significant increase in the footprint and scale of the original house.
17. Furthermore, by further extending the property to the side, the proposal would erode the openness of the Green Belt in both spatial and visual terms, albeit by a small amount.
18. The appeal site is located within a small cluster of buildings, but there is a reasonable degree of separation between them. The house appears as a distinct and individual dwelling, and does not form part of a built up frontage. Even if it did, there is nothing in adopted Policy RUR11 to indicate that the presence of other buildings nearby would provide a reason to allow disproportionate additions to a house in the Green Belt. Any such exception contained in MLP Policy GC12 no longer applies.
19. Having regard to the above considerations, I find that the proposal would constitute a disproportionate addition over and above the original dwelling. As such, it would be inappropriate development in the Green Belt. Consequently, the proposal conflicts with Local Plan Policy PG3, SADPD Policy RUR11 and section 13 of the Framework, all of which seek to protect the Green Belt.

Other considerations

20. The appellant has commented that, in coming to a decision on application 17/460/M, the Council calculated that the proposed two-storey side extension would result in a 45% increase in floorspace, but still found it acceptable. Using the appellant's figures, the extension now proposed would be a similar level of increase. However, in allowing the two-storey extension, the Council took account of a valid permitted development fall-back, under which extensions and outbuildings with a similar overall floorspace could have been constructed anyway, with the potential for greater harm to openness.
21. The Council had a clear reason to allow the two-storey extension, despite its scale. However, the Council was evidently concerned about the potential effect on the Green Belt of further extensions and outbuildings at the property, and so removed permitted development rights. As a result, the permitted development fall-back does not, therefore, apply here.

22. The Council's decision on application 17/460/M does not provide a justification for allowing the current appeal, which conflicts with policies to protect the Green Belt.
23. Paragraph 6.44 of the explanatory text to SADPD Policy RUR11 notes that exceptions to the 30% size threshold may be acceptable, acknowledging the need for homes to have basic amenities or sanitation. However, it goes on to say that proposals relying on this exception would be a rare occurrence, probably limited to very small and unimproved properties.
24. In this case, the property is not small and has already been extensively improved. It does not have a garage, but there is ample space to park a car in the driveway. I note the appellant's comments about the need to store equipment to maintain the large plot of land. However, if additional storage space is required, there may be other options for providing this in a discrete location on the site, without causing unacceptable harm to the Green Belt. The desirability of providing space to store outdoor equipment does not provide a reason to allow a further extension to the house, which has already been significantly enlarged.
25. The appellant has referred to an appeal decision for a utility extension in the Green Belt which represented a 59% increase (ref APP/B3030/D/19/3241277), but I have been provided with no further information about this, so cannot comment further.
26. Similarly, I do not have details of the previous developments at the converted listed barn nearby, or neighbouring Rosner. I note, however, that those developments were considered under a different policy context. The appellant has referred to those developments being treated as exemptions under MLP Policy GC12, but that policy, which is different from Policy RUR11, no longer applies.

Other Matters

27. The appeal site is close to a listed barn, but as I have dismissed the appeal for other reasons, I have not considered the effect on the setting of the designated heritage asset any further.

Conclusion

28. I have found that, in combination with previous extensions to Birtles Farmhouse, the proposed garage would be a disproportionate addition over and above the original dwelling. As such, it would be inappropriate development in the Green Belt. There would also be a small amount of harm to openness.
29. Framework paragraph 148 establishes that substantial weight should be given to any harm to the Green Belt. I have identified no other considerations which clearly outweigh this harm, so the very special circumstances necessary to justify the scheme do not exist. For these reasons, the appeal is dismissed, and planning permission is refused.

R Morgan

INSPECTOR