



Appeal Decision

Site visit made on 9 August 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2023

Appeal Ref: APP/R0660/D/23/3322214

Brookfield Farm, Ancoats Lane, Great Warford, Cheshire East SK9 7TT

- 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 D Hall against the decision of Cheshire East Council.
 - The application Ref 22/3845M, dated 27 September 2022, was refused by notice dated 24 February 2023.
 - The development proposed is the erection of a two-storey side extension, relocation of garage door and regularisation of an existing porch and conservatory.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From the evidence before me the porch and conservatory have been built and the Council, in its planning report, appear to accept that both are lawful through the passage of time. On this basis the Council does not raise objection to these elements of the scheme, and I have found no reason to consider otherwise. However, both the porch and the conservatory are additions to the property.
3. The changes to the garage, with the swapping of the door from one elevation to the other, do not appear to raise any planning issues and I have not needed to consider this matter further.

Main Issues

4. The main issues are:
 - whether or not the two-storey addition to the property would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework 2023 and any relevant development plan policies, including the effect of the development on the openness of the Green Belt; and
 - whether any 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

Whether or not inappropriate development

5. The National Planning Policy Framework (the Framework) explains that the Government attaches great importance to Green Belts. The fundamental aim of

Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6. The construction of new buildings within the Green Belt are inappropriate development with the exceptions of the types of development listed in Paragraph 149 of the Framework. The appellant contends that the proposed development complies with paragraph 149 c) and g) of the Framework. However, it would only require one of the exceptions to be met for the proposal to be considered not inappropriate development.
7. In summary, the exception at Paragraph 149 c) of the Framework allows for 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.
8. Policy PG3 of the Cheshire East Local Plan Strategy, 2017 (LP) reflects the Framework, resisting extensions or alterations that are disproportionate additions over and above the original building and, in this regard, PG3 is consistent with the Framework and is given full weight. However, neither the Framework nor PG3 define 'disproportionate additions'.
9. Policy RUR11 of the Cheshire East Site Allocations and Development Policies Document, 2022 (SADPD) provides further guidance on assessing proposals for extensions and alterations to buildings in the Green Belt and outside of settlement boundaries. Criterion 3 advises that proposals would usually be considered as disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt and section 4 of the policy defines the original building¹. The Policy states that the increase in size will usually be determined by assessing the net increase in floorspace.
10. By providing a more detailed definition of disproportionate additions, and an indicative threshold, Policy RUR11 of the SADPD differs from the framework. However, in my judgement, Policy RUR11 follows the broad approach of the Framework and adds a locally specific definition to assist the decision maker. I have therefore afforded full weight to Policy RUR11 of the SADPD in making my decision.
11. The appeal site falls within land defined as Green Belt. It comprises a detached dwelling and detached garage, set back from the road, accessed off a private driveway and positioned between fields. To the rear of the property are stables and other buildings. The immediate area is mixed with detached and small groups of houses set with open fields between. Immediately opposite the site is a housing estate.
12. The property has been extended previously and both main parties agree that the previous extensions already significantly exceeded the 30% threshold. As such any further additions, including the proposed two-storey addition, would increase the original dwelling by more than 30% and, therefore, would fail to meet the requirements of Policy RUR11 of the SADPD.
13. Whilst based on these purely statistical measurements, although the addition would only be a small increase over the current dwelling, the proposed and existing extensions would lead to a sizeable increase in the footprint and floorspace of the original dwelling. However, it is important to consider the

¹ Original building means as it was originally built, or as it existed on 1 July 1948.

proposal in terms of the height, bulk, form, siting and massing that would result from the changes sought.

14. The existing dwelling is a large two-storey property. However, the 1978 dwelling was modest and has since been substantially added to. That the previous extensions, where planning permission was sought, were considered to be acceptable at that time does not justify the appeal before me.
15. Although the two-storey extension would not exceed the existing ridge height, or project beyond the existing limits, the proposed extension would elongate the appearance of the front and side elevations and would increase the scale, bulk, and massing of the property. The extension would, as a result, alter the building's envelope and appearance to a significant degree in relation to the original dwelling.
16. Accordingly, the proposal results in extensions to the dwelling which exceed the 30% threshold set within Policy RUR11 of the SADPD and the two-storey extension would not meet any of the exceptions in Policy RUR11 of the SADPD. Moreover, when taken cumulatively with the previous extensions the proposed additions would result in disproportionate additions over and above the size of the original building. The two-storey extension would, therefore, be inappropriate development when considered against the relevant exception set out in paragraph 149 c) of the Framework and within Policy PG3 of the LP.
17. The appellant also makes the case that criterion g) of paragraph 149 of the Framework is met by the two-storey extension. This criterion allows for limited infilling or the partial redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
18. In *Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin) (Euro Garages Case), as referred to by the appellant, the judge provided advice on the sensible reading of criterion g) at paragraph 18 and also indicated, in summary, that it is openness of the Green Belt that must be considered not the site and that any infilling would, almost by definition, have an impact on the openness of a site.
19. The judge in the Euro Garages Case referenced *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council* [2018] EWCA (Civ) 489 and what is meant by greater impact but indicated, at paragraph 29, that the decision does not define the meaning of 'greater impact'. Rather than treating any change as having a greater impact on openness of the Green Belt, the correct approach is to consider whether the openness of the Green Belt is impacted or harmed by the proposals to a greater extent than that openness has already been impacted, and this is a matter of planning judgement.
20. I acknowledge that there is a difference between the wording of the limited infilling exception within Policy PG3 of the LP and the current Framework. The wording of Policy PG3 repeats the wording of the 2012 Framework in requiring limited infill to not have a greater impact on the openness of the Green Belt and the purposes of including land within it. Although the purposes of the Green Belt remains within the current Framework, and therefore remains part of the material consideration of any application within the Green Belt, it is no longer part of the relevant exception. I have, therefore, considered the current appeal against the wording of the current Framework rather than Policy PG3 of

the LP and, therefore, need to assess whether the proposal has a greater impact on the openness of the Green Belt than the existing development. However, Policy PG3 is still generally consistent with the Framework, and I have therefore given it moderate weight in my decision.

21. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Although there is a housing estate opposite, the appeal property itself is set within fields with longer distance views of the wider and open countryside from the adjacent highway. The views of the dwelling would be limited and transient, however the property is also visible from the junction of the housing estate opposite where vehicles would be waiting to pull out of the junction. Moreover, the road outside the site could be used by walkers or horse riders who would view the property at a slower pace than vehicles. The space around the dwelling currently contributes, albeit modestly, towards the openness of the Green Belt, both spatially and visually.
22. The proposed two-storey extension would be built onto a part of the property, which is currently free from development, but is an area of hardstanding. The area which is proposed for the two-storey extension is previously developed land as it is part of the curtilage of the dwelling and the house is not within a built-up area. Furthermore, as the proposed extension would not extend beyond the limits of the existing dwelling, in my judgement, the extension would result in limited infilling.
23. However, although though the proposal would be attached to the existing dwelling and within a site with other domestic and equestrian buildings the extension proposes built development in a section of the site where there is currently no development. The extension would, as any infilling would, reduce the spatial openness around the dwelling and would, therefore, have a spatial impact on the openness of the Green Belt.
24. Although the extension would be partially screened by the existing roadside hedge and trees within the site, it would be seen from the road and neighbouring properties. The change to the dwelling, brought about by the proposed extension, although not extending beyond the existing front or side elevations and not objectionable in design terms, would alter the massing and bulk of the building when viewed within the context of the Green Belt. The extension would reduce the appearance of the gap between the house and the garage and would be a noticeable addition to the property. This would perceptibly reduce the visual openness of the Green Belt, as appreciated from the surrounding area. In my judgement, the increase in bulk and massing, compared to the existing dwelling, would have an impact on the visual aspect of the openness of the Green Belt when viewed from the surrounding area.
25. Taking account of the Euro Garages Case and criterion g) of paragraph 149 of the Framework, although the impact on openness would not be significant it would, nonetheless be harmful. The Framework requires the development to not have a greater impact rather than not have a significant impact. In my judgement the proposed extension would have a greater impact on both the spatial and visual aspects of openness, due to the changes to the bulk and massing of the dwelling, when viewed from the surrounding area and within this part of the Green Belt as a whole.
26. The proposed two-storey extension would have a greater impact on the openness of the Green Belt and therefore would be inappropriate development

under the exception in Paragraph 149 g) of the Framework. For these reasons, the two-storey extension would fail to preserve the openness of the Green Belt and conflicts with Policy PG3 of the LP and Policy RUR11 of the SADPD. I give the harm to the openness of the Green Belt and the conflict with the development plan substantial weight in my decision.

27. In drawing these matters together, the proposed two-storey extension constitutes inappropriate development as it is a disproportionate addition over and above the size of the original dwelling and, although the two-storey extension is limited infilling, the addition would have a greater impact on the openness of the Green Belt, as a whole, than the existing dwelling.
28. For these reasons I conclude that the two-storey extension would be contrary to Policy PG3 of the LP and Policy RUR11 of the SADPD which, taken together, seek to resist inappropriate development in the Green Belt, except in very special circumstances.
29. The two-storey addition to the property would not meet with any of the exceptions for new buildings in the Green Belt. Paragraph 147 and 148 of the Framework explains, in summary, that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Other considerations

30. The main parties agree that the design of the two-storey extension, in itself, would not have an adverse effect upon the character and appearance of the area and the addition would not affect the living conditions of neighbouring occupants or the parking and access arrangements. I find no reason to consider otherwise in these matters. However, the absence of harm in such terms is a neutral factor in my assessment, carrying neither positive nor negative weight. The lack of any objections from neighbours or consultees is also neutral in my decision.
31. I have considered the bulk and massing of the addition and concluded that the two-storey extension would result in a disproportionate addition over and above the original dwelling with a greater impact on the openness of the Green Belt as a whole. The size of the extension is, therefore, not a positive benefit of the scheme. The existing dwelling has a rural character which was clearly smaller when it was first built and has been extended substantially. However, the previous extensions have all respected the scale and massing of the rural dwelling and the set-back sections currently contribute positively to the character and appearance of the house. In my judgement the previous extensions have not resulted in the loss of the character of the property.
32. Although the dwelling is not isolated and there are residential and commercial developments in the area, some of which are much larger, the dwelling does not form part of a cluster of houses or part of either the residential estate opposite or the commercial developments. The existing house is part of the sporadic housing located along this side of the road, set within the Green Belt and the presence of other buildings in the area does not justify the harm.
33. Overall, I give limited weight to the other considerations put to me in evidence in favour of the approval for the additions to the property.

Planning Balance

34. The Government attaches great importance to Green Belt. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm to the Green Belt by reason of the proposal being inappropriate development and its impact on openness. These matters attract substantial weight.
35. The same reasons also lead me to conclude that the proposal would be contrary to the development plan as a whole and I attribute significant weight to the conflict with the development plan policies.
36. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
37. In this case the limited weight given to the other considerations would not clearly outweigh the harm that I have identified to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

38. For the reasons given above I conclude that the proposal would conflict with the development plan as a whole, including the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

K Townsend

INSPECTOR