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# Appeal Decision

Site visit made on 3 October 2023

**by F Rafiq BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 October 2023**

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**Appeal Ref: APP/R0660/D/23/3320123**

**Ruthven, Sand Lane, Nether Alderley, Cheshire SK10 4TS**

- 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 John Morris against the decision of Cheshire East Council.
  - The application Ref 22/3518M, dated 2 September 2022, was refused by notice dated 18 January 2023.
  - The development proposed is the retention of existing carport.
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## Decision

1. The appeal is allowed and planning permission is granted for the retention of the existing carport at Ruthven, Sand Lane, Nether Alderley, Cheshire SK10 4TS in accordance with the terms of the application, Ref 22/3518M, dated 2 September 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: Location Plan, Current Site Plan (19378-1003 P-02), Proposed Car Port Plan & Elevations (19378-1006 P-00) and Tree Constraints Plan.
  - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the submitted plan: Proposed Car Port Plan & Elevations (19378-1006 P-00).

## Applications for costs

2. An application for costs was made by Mr John Morris against Cheshire East Council. This application is the subject of a separate decision.

## Preliminary Matter

3. There was a car port structure in place at the time of my visit with two open sides and the appellant has submitted plans which reflect this. Proposed plans are also before me which show the structure to be fully enclosed. These proposed plans were considered by the Council in determining the application subject of this appeal and I have determined the appeal based on these same plans.

## Main Issues

4. The main issues are:
  - whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (Framework);

- the effect of the proposal on the openness of the Green Belt;
- the effect of the development on the character and appearance of the area; and,
- 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*

5. Paragraphs 149-150 of the Framework define those categories of development, which may be regarded as inappropriate, subject to certain exceptions. One of those exceptions is 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. Policy PG 3 of the Cheshire East Local Plan Strategy 2010—2030 (Local Plan) is broadly consistent with the Framework in this regard. Policy RUR 11 of the Site Allocations and Development Policies Document (SAD Policies Document) states that in considering whether a proposal represents disproportionate additions, matters including height, bulk, form and siting and design will be taken into account, with particular regard to increases in the building height. The policy also sets out that proposals will usually be considered to represent disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt, although it does set out a number of exceptions, including where a proposal is for a small-scale domestic outbuilding in a residential curtilage. This policy is also consistent with the Framework.
6. The appeal property has been extended previously, with the details of the property's previous planning history identifying a two-storey side extension with other additions. More recently, permission has been granted for a rear single storey extension and infill development at first floor level amongst other alterations, which the appellant states works have not yet commenced on. Together with the double garage, it is common ground between the main parties that the additions, including the unimplemented permission have exceeded the 30% limit set out in Policy RUR 11 of the SAD Policies Document.
7. This same policy however allows for small scale domestic outbuildings that may be acceptable as one of the exceptions to the 30% size threshold. Although the proposal would be used to accommodate a motorhome rather than a car, it is accepted by the Council that appeal proposal is for a domestic outbuilding within the residential curtilage. It would be situated adjacent to the garage and would have a similar footprint to it. Whilst the Council has raised concerns that the proposal, cumulatively, alongside the double garage would result in outbuildings that are not small scale, the referenced exception in Policy RUR 11 of the SAD Policies Document does not require consideration to be given to the number of outbuildings or for a cumulative assessment to be made.
8. The car port would be closely positioned to the garage and although it would be 0.5m higher than it, I do not consider this would appear unduly tall. In the context of the large residential curtilage of the appeal site, I consider, the

proposal would be for a small-scale domestic outbuilding and it would not represent a disproportionate addition.

9. I therefore conclude that the proposal would not amount to inappropriate development and therefore there would be no conflict with Local Plan Policy PG 3 or Policy RUR 11 of the SAD Policies Document, which seek to permit, extensions and alterations to existing buildings (including ancillary outbuildings), where amongst other matters, they would not result in disproportionate additions over and above the size of the original building. There would also be no conflict with Paragraph 147 of the Framework.

### *Openness*

10. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
11. The appeal site is well screened by trees, vegetation and fencing from the surrounding roads. Due to its height and the site levels however, it would be partially visible from certain public vantage points. This would result in it having some visual impact on openness, as well as a spatial effect on it given it represents an additional form of built development. However, given my findings that the proposal would not be a disproportionate addition, any loss of openness would be modest.
12. As such, there would be no conflict with Local Plan Policy PG 3 or Policy RUR 11 of the SAD Policies Document or with Paragraph 137 of the Framework.

### *Character and Appearance*

13. The appeal property is situated in a location which contains large, detached properties set in spacious grounds. The presence of trees and other mature planting as well as grass verges, gives the area a spacious, rural character.
14. The proposal would be situated towards the front of the site, but there is already a double garage present in this broad location. The proposal would be sited at a high point in the site's topography and higher than the closest part of Sand Lane, but there is not a significant difference in levels across the site and views of the appeal structure would largely be screened by the gates, fencing and other planting around the boundaries of the site. Although the proposal would be enclosed, it would make use of timber cladding which would assimilate well with the surrounding trees. I do not therefore consider that it would appear as a prominent feature that would be harmful to the area's rural character.
15. Consequently, I conclude that the development would not have an unacceptable adverse effect on the character and appearance of the area. As such, it would not conflict with Policies SD 2 and SE 1 of the Local Plan or Policy GEN 1 of the SAD Policies Document, which seek, amongst other matters, for development to contribute positively to an area's character. It would also not be contrary to Paragraph 130 of the Framework, which seeks, amongst other matters, development that is sympathetic to local character.

### **Conditions**

16. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
17. Although a car port structure is in place, given the appeal is for a proposed enclosed structure, a commencement condition is required. A materials condition is also necessary in the interests of the character and appearance of the area.

### **Conclusion**

18. The proposed development 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 different decision other than in accordance with this. I conclude that the appeal should be allowed.

*F Rafiq*

INSPECTOR