



Appeal Decision

Site visit made on 17 October 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal Ref: APP/R0660/D/23/3325949

Dovedale, Chelford Road, Great Warford, Cheshire SK9 7TL

- 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 McCann against the decision of Cheshire East Council.
 - The application Ref 22/0434M, dated 5 February 2022, was refused by notice dated 18 May 2023
 - The development proposed is two storey and first floor extension to east elevation, amendment to front gable, canopy over front entrance and new access point.
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Decision

1. The appeal is allowed, and planning permission is granted for two storey and first floor extension to east elevation, amendment to front gable, canopy over front entrance and new access point at Dovedale, Chelford Road, Great Warford, Cheshire SK9 7TL in accordance with the terms of the application Ref 22/0434M dated 5 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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 - 744 LP.pdf

Existing Plans – 838/1C.pdf

Revised Proposed Plans Rev R – 838/2LR
 - 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 dwelling.

Main Issue

2. The main issue in this appeal is whether or not the proposal would be inappropriate development in the Green Belt, with specific regard to the National Planning Policy Framework (the Framework) and relevant development plan policy.

Reasons

3. The Framework explains that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent

- urban sprawl. The essential characteristics of Green Belts are their openness and permanence.
4. Paragraph 149 of the Framework states that construction of new buildings within the Green Belt is inappropriate development, subject to certain exceptions. One of those exceptions at Paragraph 149 c) allows for extension or alteration of a building provided it does not result in disproportionate addition over and above the size of the building.
 5. In this respect, policy PG3 of the Cheshire East Local Plan Strategy (2017) (the LP) is consistent with the Framework and can be attributed full weight. However, one caveat is that neither that policy nor the Framework define a "disproportionate addition".
 6. There is further guidance regarding Green Belt proposals with regard to extensions set out in policy RUR11 of the Cheshire East Site Allocations and Development Policies Document (2022) (the DPD). Criterion 3 advises that disproportionate additions would be increasing the size of original building by more than 30%, usually determined by the increase in net floorspace.
 7. In providing a definition of disproportionate additions, this differs from Policy PG3 or the Framework. Yet it still follows the broad principle of the Framework, with a specific definition for the LPA in question and as such can still be awarded full weight.
 8. The proposals constitute a myriad of works, including addition and demolition, and works covered under permitted development. There is a considerable amount of planning history to the property. There is some disagreement between the parties as to precise figures, but it is common ground between the parties that the property has been extended previously to a figure in excess of the 30% threshold.
 9. Irrespective of the above, the Council have stated in their Officer report that the works would result in a "2sqm increase" in the size of the dwelling, and raised no objections with regard to the design, neighbour amenity or highway safety; the objection relates to the principle of the development in terms of the overall percentage increase of floorspace from extension from that of the original dwelling in respect of its Green Belt location.
 10. Any additions to the property would be a "disproportionate addition" according to Criterion 3 of policy RUR11 of the DPD. However, given the net increase in floor area from the overall works in terms of the size of the dwelling, when taken in that context, I consider the works, as a whole to be "de minimis" in terms of its overall net floorspace increase.
 11. Subsection ii) of Criterion 3 provides an exception to the 30% threshold where additional floorspace is created with no significant alteration to the building envelope or external appearance.
 12. I find that although the envelope and appearance would be altered, it would not be to any significant degree, hence my "de minimis" reasoning.
 13. In considering paragraph 149 c) of the Framework, when taken cumulatively with the previous extensions, the proposed extension would result in additional floorspace. Nevertheless, the height, bulk, form and massing, and therefore the volume and external dimensions of the total extensions, would not result in

disproportionate additions over and above the size of the original building. The proposal would therefore meet the exception set out at paragraph 149 c) and would, therefore, not be inappropriate development according to the Framework.

14. For the same reasons the proposal would not result in a disproportionate addition over and above the original dwelling and, as such, it complies with the exception in Policy PG3 of the LP. This is based on the specific site circumstances, context and works proposed for this appeal only, and any other future works at other properties would be required to be assessed on their own individual merits.
15. I therefore find that the proposal would not be inappropriate development in the Green Belt according to the provisions of Policy RUR11 of the DPD which attracts full weight as set out above. Further compliance exists with Policy PG3 of the LP.

Conditions

16. The Council have requested no additional conditions other than the standard conditions if the appeal were to be allowed. I see no reason to add any other conditions in this instance.

Conclusion

17. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan, of which the relevant policies attract full weight. For the reasons given above, I therefore conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR