



Appeal Decision

Site visit made on 31 October 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/R0660/D/23/3322370

Lower Woodend Cottage, Strines Road, Strines SK6 7GN

- 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 Tony Deakin against the decision of Cheshire East Council.
 - The application Ref 22/4417M, dated 10 November 2022, was refused by notice dated 29 March 2023.
 - The development proposed is detached garage, store and home office.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form, omitting wording that is not an act of development.
3. There was a detached garage structure with storeroom above in place and in use at the time of my site visit. The appeal seeks permission for the structure as built with further proposed external materials and fenestration alterations. As I cannot be certain that the works that have taken place thus far are fully in accordance with the submitted plans, for the avoidance of doubt, I have assessed the appeal as a proposed development.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework), and any relevant development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; 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 inappropriate development in the Green Belt

5. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

- circumstances. Paragraph 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of 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.
6. There is no specific allowance for new detached garden structures within the listed exceptions to inappropriate development at paragraph 149. However, it is common practice for ancillary structures to be considered as extensions under paragraph 149(c) where they would amount to a normal domestic adjunct. Having regard to the use of the proposed building and its proximity to the host dwelling (the dwelling), that would appear to be the case here.
 7. The Framework does not define what constitutes a disproportionate addition. However, Policy RUR 11 of the Site Allocations and Development Policies Document (SADPD) states 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. Several exceptions to this are set out in the policy, including where a proposal is for a small-scale domestic outbuilding in a residential curtilage. No definition of small-scale is provided within this policy and none other has been presented to me. It is therefore a matter of planning judgement on the basis of the scheme and its context. Policy RUR 11 also advises that in considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account, with particular regard to increases in the building height.
 8. The proposed outbuilding would directly face and be located to the east of the dwelling. Whilst neither party has provided a volume calculation of the original dwellinghouse or the proposed building, the submitted plans indicate that it would be 6.3m to the ridge. This would be a significant height and one that the Council argue would be less than 1m lower than the dwelling. Moreover, the scale of the building would be exacerbated by the dormer on the rear roof slope and the degree of additional built form on the site would add to the spread of building coverage across the site.
 9. In the context of the size of the dwelling, and particularly due to the height of the proposal, it would not be small scale. Given the substantial height and scale of the building, it would amount to a disproportionate addition. Consequently, the proposal would not meet the exception criteria in paragraph 149 c) of the Framework.
 10. I therefore conclude that the proposal would be inappropriate development which would be harmful to the Green Belt. The proposal would conflict with Policy PG3 of the Cheshire East Local Plan Strategy 2010—2030 (CELPS) and Policy RUR 11 of the SADPD which together, amongst other things, 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 conflict with paragraph 149 of the Framework in this regard. This is a matter to which I attach substantial weight.

Openness

11. Paragraph 137 of the Framework attaches great importance to Green Belts. Openness is an essential characteristics of Green Belt policy and has a spatial as well as a visual dimension.
12. The proposed building would be of two storey solid construction which would be clearly visible behind the dwelling from Strines Road when approaching the site from the west. Although the building would be screened by woodland from other directions, the outward expansion of built form on the site at two storey height would spatially increase the form, volume and massing of development and result in a loss of both spatial and visual openness. For that reason, I conclude that the proposal would result in a harmful loss of openness to the Green Belt. This is also a matter to which I attach substantial weight.

Character and appearance

13. The appeal site is located adjacent to the River Goyt in a wide valley that is characterised by open fields and woodland with scattered farm and other buildings. It is accessed along a private driveway of reasonable length so is set back from the road. However due to the topography of the area, the dwelling is visible from Strines Road.
14. The proposed building would be largely screened by existing vegetation surrounding the site as well as the dwelling itself. It would be clad in timber boarding with a slate roof, which would harmonise with the rural character of the area.
15. Nevertheless, the proposal would be significantly higher than the predominant scale of garaging and other garden outbuildings visible in the area, the majority of which are single storey and positioned close to the main dwelling. It would be visible in some public views and due to its height, slate roof and distance from the dwelling, would be seen as a separate unrelated building, the proposed scale of which would starkly contrast with that of characteristic residential outbuildings typical of the vicinity.
16. Although the physical presence of the proposal in the wider context of the surrounding area would be somewhat mitigated by vegetation, the building's overall height would be significant and to the extent that it would visually compete with that of the dwelling and be harmful to the character and appearance of the area.
17. For the above reasons, and on the basis of the submitted evidence, the proposal would conflict with Policies SD2 and SE1 of the CELPS as well as Policies GEN 1 and RUR 11 of the SADPD. These policies, amongst other things, require that proposals achieve a sense of place, respect the character and appearance of the existing building, and would not harm the rural character of the countryside by virtue of prominence, excessive scale, bulk or visual intrusion. There would also be conflict with the design aims of the Cheshire East Borough Design Guide and the Framework.

Other considerations

18. Even if the proposed development would provide a home office, secure garaging with electric vehicle charging facilities, and a garden store, which would contribute towards environmental, economic and social well-being, there

is no substantive evidence before me to suggest why, in the face of harm to the Green Belt, the same benefits could not be achieved through alternative means or the implementation of a less impactful form of development.

19. Although a refusal of planning permission may restrict the combined scale of garaging and accommodation proposed, it would not prejudice the ability to accommodate these uses on the site otherwise. Accordingly, those personal circumstances, which would be outlasted by the permanent nature of the proposed development, are not a strong justification for setting aside national and local policies with the legitimate aim of protecting the essential characteristics of the Green Belt in the public interest. I therefore attach them limited weight having regard to the particular circumstances of the case.

Other Matters

20. I recognise that the building would be sympathetically designed in terms of its materials and external appearance and that well established landscaping would help to soften and screen its impact. However, any new development would be expected to be well designed in order to comply with local and national planning policy. This is therefore not a benefit of the proposal.
21. My attention has been drawn by the parties to a previous appeal decision at the site for a similar development that was dismissed¹. I have not been provided with a copy of the decision to make a robust comparison. Nevertheless, the Council's officer report suggests that the Inspector was unable to gain access to the site to assess that proposal.
22. In the decision notice, the Council refers to Policy SD1 of the CELPS I relation to development in the Green Belt. As this policy relates to the wider aspects of 'sustainable development', I do not consider it determinative in my consideration of this appeal.

Planning Balance and Conclusion

23. The proposal would be inappropriate development in the Green Belt and would cause harm to its spatial and visual openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. I have also found that the proposal would harm the character and appearance of the area on account of the building's scale.
24. The considerations presented by the appellant do not clearly outweigh the totality of the harm that I have identified. Consequently, other considerations amounting to very special circumstances sufficient to outweigh the harm to the Green Belt do not exist.
25. The proposal would conflict with the development plan taken as a whole, the Framework, and all other relevant material considerations. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Veivers

INSPECTOR

¹ LPA Ref: 19/4897M