



Appeal Decision

Site visit made on 31 October 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/R0660/D/23/3324206

Annexe, Sunny Bank Farm, Knutsford Road, Mobberley WA16 7BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Derricott against the decision of Cheshire East Council.
 - The application Ref 22/4691M, dated 24 November 2022, was refused by notice dated 17 May 2023.
 - The development proposed is extension to existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether or not 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 policies;
 - (ii) the effect of the proposal on the openness of the Green Belt;
 - (iii) the effect of the proposal on the character and appearance of the area;
 - (iv) the effect of the proposal on protected species; and
 - (iv) 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 in the Green Belt

2. There is no dispute between the parties that the appeal site is located within the Green Belt. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One exception at Paragraph 149 c) 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. The same exception is also included under Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy (2017) (LPS) and Policy RUR 11 (Extensions and alterations to buildings outside of settlement boundaries) of the Cheshire East Local Plan Site Allocations and Development Plan Document (2022) (SADPD).

3. What constitutes a disproportionate addition is not defined in the Framework. Policy RUR 11 of the SADPD confirms that when considering whether a proposal represents a disproportionate addition, matters including height, bulk, form, siting and design will be taken into account, with particular attention to increases in overall building height. Moreover, this policy also confirms that proposals will usually be considered to represent disproportionate additions in the Green Belt where they increase the size of the original building by more than 30% and that this will usually be determined by assessing the net increase in floorspace. Without any alternative definition of what constitutes a disproportionate addition, the requirements of the development plan are pertinent to my considerations.
4. The evidence before me indicates that the proposal would enlarge the Gross Internal Area of the dwelling by 62%. On this basis, the extension would significantly exceed the 30% threshold in the SADPD. I find that, together with the consequential increase in the bulk and form of the modest host building, the proposal would be a disproportionate addition.
5. Policy RUR 11 only allows for exceptions to the 30% threshold in specific circumstances. However, from what I have seen the site is not within a village infill boundary, the development would alter the building's envelope and external appearance, it would provide more than facilities for basic amenities or sanitation and does not relate to a small scale domestic outbuilding. Therefore, the development would not meet any of the exceptions at Part 3 i) – iv) of Policy RUR 11.
6. I conclude, the proposal would be inappropriate development in the Green Belt having regard to the requirements of the Development Plan and the Framework.

The effect on the openness of the Green Belt

7. Paragraph 137 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development. Openness can have a spatial aspect as well as a visual aspect.
8. The increased floor area and volume of the dwelling as a result of the extension would undoubtedly have a spatial impact albeit this is to some extent limited by the single storey scale of the proposal and its location on an existing area of hardstanding. The extension would be partially visible from the section of public footpath which sits adjacent to the site entrance on Knutsford Road. It would be seen in the context of there being other buildings in close proximity to the Knutsford Road frontage on this side of the road including at Sunny Bank Farm.
9. When the visual and spatial effects are taken together, I find that the proposal would have a modest effect on the openness of the Green Belt. In that regard, the extensions would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework.

Other harm – character and appearance

10. The Annexe is situated amongst ribbon development on Knutsford Road. It sits opposite fields and roadside vegetation which form part of a prevailing rural character. The appeal building is of modest single storey scale and abuts a

grassed section of highway verge. The roadside elevation has a weathered brickwork façade with ventilation holes in diamond patterns, and a pitched slate roof. The side gable next to the site entrance gives an appreciation of the limited depth of the building and incorporates timber hayloft doors. As a result of these factors, the Annexe has a distinctive rustic quality which positively contributes to the area's rural characteristics.

11. The main projecting element of the extension would be of considerable depth, at odds with the modest form and footprint of the host building. The flat roofed elements of the extension to either side of this projection and the contemporary wrap-around window to the 'lobby' would not reflect the building's traditional barn aesthetic. The lobby extension and part of the extensive side elevation of the proposal's main projection would be discernible in views through the site entrance and would detract from the prevailing rural attributes of the host building and its surroundings.
12. I conclude, the development would have a harmful effect on the character and appearance of the area. In that regard, it would conflict with the design, character and local distinctiveness requirements of Policies SE1 (Design) and SD2 (Sustainable Development Principles) of the LPS and Policies GEN 1 (Design Principles) and RUR 11 (Extensions and alterations to buildings outside of settlement boundaries) of the SADPD. For the same reasons, the proposal would be contrary to Paragraph 130 of the Framework which includes that developments should add to the quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character.

Other harm – protected species

13. The Framework seeks amongst other things to avoid significant harm to biodiversity. The Office of the Deputy Prime Minister Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it, "... is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".
14. The appeal building is a former barn and has features which may have the potential to provide roosting opportunities for bats. The appellant has not provided any detailed evidence such as survey work to demonstrate otherwise. Without evidence to the contrary, I cannot be certain that works to carry out the proposed development would not have the potential to disturb bats and, in the event that they would, that this could be appropriately mitigated.
15. I conclude, it has not been demonstrated that the development would not result in harm to protected species. In that regard the proposal conflicts with the requirements to avoid significant harm to biodiversity in Policy SE3 (Biodiversity and Geodiversity) of the LPS and Policy ENV 2 (Ecological implementation) of the SADPD. The proposal would also be contrary to the clear intentions of the Framework and Circular 06/2005 to avoid significant harm to biodiversity.

Other considerations

16. The appellant contends that the development could be carried out under permitted development rights on the basis that it would not extend from the principal elevation. The evidence suggests that the building previously incorporated a cart opening onto Knutsford Road. However, that related to its previous use as a barn. From my own observations on the existing dwelling, the main source of outlook and the entrance door are to the elevation on which the extension is proposed.
17. In any case, I have no remit to ascertain what is lawful for an appeal made under s78 of the Act and there is nothing before me to demonstrate that the appellant's position has been lawfully established. Such a process may or may not include consideration as to whether the installation of a door to the northeast roadside elevation would as a matter of fact and degree establish what constitutes the principal elevation of the dwelling. I have therefore determined this appeal on the basis that planning permission is required and has been applied for.
18. In addition to the policies referred to under the main issues, the Council's decision also refers to Policy SD 1 (Sustainable Development in Cheshire East) of the LPS. The harm that I have identified under the main issues would be contrary to the overall sustainable objectives of the development plan and national policy and therefore would also conflict with this policy.

Conclusion

19. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. As part of the assessment, I have also found that the development would result in a modest effect on the openness of the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome.
20. I have also found that the proposal would have a harmful effect on the character and appearance of the area. Furthermore, it has not been demonstrated that the proposal would not result in harm to protected species. These other considerations add to the Green Belt harm.
21. In conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
22. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR