



# 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: 8<sup>th</sup> December 2023**

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**Appeal Ref: APP/R0660/D/23/3323658**

**Birch House, Moss Lane, Mere WA16 0TA**

- 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 Rix against the decision of Cheshire East Council.
  - The application Ref 23/0503M, dated 7 February 2023, was refused by notice dated 30 March 2023.
  - The development proposed is two-storey extension to side.
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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) 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*

3. 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. Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy (2017) (LPS) reflects the requirements of the Framework and includes the same exception.
4. What constitutes a disproportionate addition is not defined in the Framework. However, 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) confirms that when considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account. This policy also

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.

5. Furthermore, Policy RUR 11 confirms that full account will be taken of any previous extensions or development to the original building or in its curtilage. It goes on to clarify that for the purposes of this policy original building means the building and outbuildings/structures as it was originally built, or as it existed on 1 July 1948 if constructed before this date. It also clarifies that the increase in size will usually be determined by assessing the net increase in floorspace.
6. In the absence of any alternative definition of what constitutes a disproportionate addition, I find that the specific requirements of the development plan are pertinent to my assessment.
7. The appellant's calculations suggest that when a previous extension to the house is taken into consideration, the proposed extension would result in a cumulative floorspace increase of 31.6%. This marginally exceeds but conflicts with the specified 30% threshold in the development plan.
8. Furthermore, there is a large outbuilding in close proximity to the house which from what I have seen is the result of an approval for a 'detached pool house and 4 bay garage' in 2011<sup>1</sup>. The Council's assessment also takes this outbuilding into account and this is consistent with the approach detailed in Policy RUR11. I am mindful that the SADPD is a recently adopted document and this approach would have been through an examination process which factored in the requirements of the Framework.
9. Moreover, although it is detached, I observed that the outbuilding is closely related to the house and the upper floor dormer windows convey a further domestic function over and above its normal storage function. I therefore regard the outbuilding as being an extension to the original dwelling, notwithstanding its limited physical separation, and agree with the Council that it should be factored in to the floorspace calculations.
10. Once the floorspace of the outbuilding is factored in, the cumulative extensions would significantly exceed the 30% floorspace threshold Policy RUR 11. This has been confirmed by a subsequently approved planning application for the same two-storey extension to the side of the house<sup>2</sup> (recent planning permission). The evidence before me indicates that application included as-built floor plans for the outbuilding. This allowed for the Council to calculate that the cumulative percentage increase in floorspace, factoring in the outbuilding, would be 57%. This further indicates that the appeal proposal would be a disproportionate addition.
11. 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 defined 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.

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<sup>1</sup> LPA Ref 11/2058M

<sup>2</sup> LPA Ref 23/1716M

12. I conclude the development would be inappropriate 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*

13. 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.
14. In spatial terms the proposal would include a small increase in the footprint of the dwelling at ground floor level. It would also increase the bulk and volume of the host dwelling which from a visual perspective would be evident to passers-by the site in views through the site entrance. From this vantage point the extension would almost double the width of the house at first floor level. The development would also be perceptible from further south along Moss Lane in glimpses through the woodland. The visual impacts would be understood in the context of being closely aligned with the footprint of the existing dwelling albeit would be seen together with the previous extensions, most notably the aforementioned outbuilding.
15. Taken together, the spatial and visual impacts of the proposals would have a modest effect on the openness of the Green Belt. In this regard, the proposals 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 considerations**

16. From what I have seen, the recent planning permission on the site includes proposals to reduce the size of the existing outbuilding. I understand that this includes a reduction in the footprint of the outbuilding together with a reduction in its height and the removal of the dormers. I note that even then the cumulative increases to the dwelling were calculated at 36% and therefore in excess of the threshold in the development plan. Even so, as a fallback position it would still result in less built form on the site than would be the case with the appeal proposal. Therefore, the extent to which the cumulative additions would be disproportionate and the effect on openness in that instance would less. I therefore find that the fallback position carries limited weight as a material consideration.
17. There is no dispute that the proposal would be in keeping with the architectural style of the host dwelling. However, the design attributes of the proposal do not persuade me that the proposal would be acceptable having regard to the overall requirements of the development plan and the Framework relating to the assessment of proposals in the Green Belt.
18. The appellant has drawn my attention to extracts from the Council's delegated report in 2011 relating to the outbuilding which took into account different factors in an assessment of the Green Belt considerations. This included an assessment against the policies of a different development plan that was in place at that time. However, I have assessed the appeal on the basis of the proposal before me which seeks to further extend the house, having regard to the existing site circumstances and the up-to-date requirements of the development plan and the Framework.

## **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.
20. 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.
21. The other considerations put forward in favour of the proposal only carry limited weight.
22. 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.
23. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

*M Russell*

INSPECTOR