



Appeal Decision

Site visit made on 19 December 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2024

Appeal Ref: APP/R0660/D/23/3323947

Meadow Lodge, Clamhunger Lane, Mere, WA16 6QG

- 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 Harlow against the decision of Cheshire East Council.
 - The application Ref 22/3667M, dated 14 September 2022, was refused by notice dated 31 March 2023.
 - The development proposed is erection of single story side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and replaces the previous version. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. Nonetheless, paragraph numbering in the revised Framework has changed and I will refer to the latest version in my decision.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies,
 - The effect on the openness of the Green Belt, and
 - If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, 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

4. The Framework identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that 'inappropriate development' in the Green

Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to various exceptions set out in paragraph 154. Paragraph 154c) is the most relevant to this appeal and allows for "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original¹ building."
6. Policy PG3 of the Cheshire East Local Plan Strategy (the CELPS) states that planning permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances in accordance with national policy. The Policy goes on to list the various exceptions similar to those set out in the Framework, including an extension or alteration to a building provided it does not result in disproportionate additions over and above the size of the original building. I am satisfied that CELPS Policy PG3 is broadly consistent with the Framework.
7. Clamhunger Lane is residential in nature with houses of varying sizes and designs along both sides. The appeal site sits between other residential properties. I saw that a new dwelling was located to the north of the appeal site, which is not shown on the submitted plans. The site comprises a detached single storey brick dwelling set in a spacious garden and set back some distance from the road due to a long driveway. There is also a detached double garage, built at a later date, in close proximity to the dwelling. The site is located within the Green Belt and outside of a settlement boundary.
8. The proposal is for a single storey 'L' shaped extension that would wrap around the end of the building. It would extend the property in both length and width. The appellant wishes to make provision for a future live-in carer to help care for a family member who has a progressively debilitating health condition.
9. To assess whether the proposed extension is a disproportionate addition to the property there first needs to be consideration of what is the original dwelling, followed by consideration of any other previous extensions or alterations that have been made to the original dwelling, and then an assessment of whether the sum total of the existing and proposed extensions and/or alterations would be disproportionate in size to the original dwelling.
10. The Framework does not provide a definition of what is meant by 'disproportionate additions', but it does refer to size, which would include factors such as external dimensions, floorspace and volume. Policy RUR11 of the Council's Site Allocations and Development Policies Document (the SADPD) provides some further assistance. The policy states that when considering whether a proposal is disproportionate, matters including height, bulk, form, siting and design will be taken into account. It goes on to state that for proposals in the Green Belt, additions will be regarded as disproportionate if they increase the size of the original building by more than 30%, unless the proposal is one of four listed exceptions under section 3(i)–(iv) of the Policy. Account will also be taken of previous extensions or development.

¹ The term 'original building' is defined in the Glossary to the Framework as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally"

11. From the submitted history the 'original' building is the brick outbuilding that was converted to a dwelling² with a floor area of 155m². There was a subsequent addition of a canopy, a porch and an increase in the height of the building, which the Council deemed to be a 15% increase, which fell within the Policy limit. The appeal Inspector at the time did not disagree.
12. A detached double garage was the subject of a later appeal. The Inspector regarded the garage building as being part of the main dwelling due to its close relationship with it. From the evidence before me I have no reason to take a different view. The footprint of the garage was reported as being about 54m² and which was calculated to represent an increase in floor space of approximately 34.8% above the original dwelling. The upper floor space in the garage was to be for storage only.
13. Although the proposed extension would be sited at the rear of the building, it would nonetheless make the original building longer as well as wider, with the 'L' shape part of the extension. Hence the dimensions and floorspace of the building would be increased. The extension would also increase the bulk and massing of the dwelling thus increasing the volume of the original building, although there would be no further increase in height. The proposed extension would have a floor area of about 37.7m² which the Council calculates would represent an overall 74% increase in floor space when taken together with the existing garage as allowed. This would represent a significant increase in size and would also clearly exceed the 30% limit in SADPD Policy RUR11. Furthermore, the proposal has not been put forward as one of the exceptions set out in section 3(i)–(iv).
14. There is some suggestion in the Council's delegated report that the floor area of the existing dwelling has been increased with additional accommodation on an upper floor. The submitted existing and proposed floor plans do not annotate the use or function of any of the rooms. During my site visit I went inside the dwelling. There was an open-plan lounge/dining/kitchen, a utility room and cloakroom, plus 2 en-suite bedrooms and a dressing room. I also saw a flight of stairs, not shown on the floor plan plans, that led to more rooms and en-suites upstairs in the roof space. Thus the additional upper floor accommodation potentially creates a 4-bedroom dwelling and indicates to me the floor area of the building has been extended beyond that which has been accounted for and shown on the submitted plans.
15. Taking all these factors together, I find the proposed extension would amount to a disproportionate addition over and above the size of the original dwelling. Consequently, the development would not fall within the exception set out in paragraph 154c) of the Framework and therefore would constitute inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

16. I accept that the proposed extension would not be visible from Clamhunger Lane or other public vantage points due to the property's substantial set back from the road and the fact the extension would be sited at the far end of the building farthest from the road. The external materials would match those of the existing dwelling and the Council raises no objection to the design of the

² Local Planning Authority ref: 14/3396M granted 9 October 2014.

extension with regard to the dwelling and the street scene. Nonetheless, regardless of visibility development is still capable of affecting openness, because openness requires consideration of both spatial and visual aspects.

17. The proposed extension would occupy space on the ground that is currently free of built development. It would also add bulk, width and length to the dwelling and occupy vertical space, such that dwelling would have greater floor space and volume. Visually, the extension would change the shape of the dwelling from a rectangular form to an 'L' shape. It would also alter the shape of the roof and massing of the dwelling.
18. The proposed extension would therefore reduce the spatial and visual openness and would not assist in keeping land permanently open, which is a fundamental aim of the Green Belt. However, due to its location within a large, secluded garden surrounded by other much larger dwellings and buildings, the proposal would cause moderate harm to the openness of the Green Belt

Conclusion on inappropriate development in the Green Belt

19. The proposed extension, together with previous alterations/additions, would represent a disproportionate addition over and above the size of the original dwelling. As such the development would not fall within the exception set out in paragraph 154c) of the Framework and would therefore constitute inappropriate development in the Green Belt. It would also reduce the openness of the Green Belt. Accordingly, it would be contrary to Green Belt purposes of CELPS Policy PG3 and SADPD Policy RUR11, whose aims are outlined above, and would also conflict with one of the fundamental aims of the Green Belt.

Other Considerations and Green Belt Balance

20. The appeal development would represent inappropriate development in the Green Belt, which is harmful by definition. I have also found there would be moderate harm to openness and conflict with one of the Green Belt aims. Harm to the Green Belt is a serious planning objection and the Framework requires that substantial weight must be given to any harm. As a result, inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
21. On the other side of the balance are the appellant's personal circumstances. To look after the family member, the appellant currently employs a carer 3 days a week. However, as the appellant gets older they may not always be able to provide care and consequently want to make provision for a live-in carer sometime in the future. I am sympathetic to these circumstances and to the appellant's laudable desire to continue to care for their family member at home.
22. However, there is limited evidence to support the appellant's personal circumstances. There is no substantial submitted evidence of the medical diagnosis or doctor's report or other medical records. There is no commentary on the type of care currently received and what care will be needed in the future and the likely timescale for when a live-in carer would need to move in. The existing and proposed floor plans do not accurately reflect the existing

amount and configuration of living accommodation I saw on my visit. Furthermore, it has not been demonstrated that the existing house and internal accommodation (including the upper floor rooms) could not be otherwise altered/reconfigured/adapted in some way, especially with the additional living accommodation on the upper floor. For these reasons I give only moderate weight to the appellant's personal circumstances.

23. The appellant refers to neighbouring properties being large, two storey dwellings, some of which have been extended by a greater amount than the proposed extension, and the erection of two new dwellings in gardens adjacent and opposite. I have not been provided with the details or circumstances of these, nor with any calculation of the size of the 'original' buildings and the relationship of the extensions to them. Consequently, I am unable to make any meaningful comparisons with the appeal proposal before me. Moreover, new dwellings are not extensions or additions and therefore fall to be assessed under different Framework exceptions and different Council policies. In any event, I must consider the appeal proposal before me on its own merits.
24. I conclude that the 'other considerations' together do not clearly outweigh the totality of the harm to the Green Belt or outweigh the conflict with planning policies designed to protect the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal would conflict with the Green Belt aims of CELPS Policy PG3, SADPD Policy RUR11 and the Framework.

Conclusion

25. For the reasons above I conclude the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal should be dismissed.

K Stephens
INSPECTOR