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# Appeal Decision

Site visit made on 23 January 2024

**by H Senior BA (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 March 2024**

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**Appeal Ref: APP/R0660/D/23/3327285**

**The Hayloft, 77 Bexton Road, Knutsford WA16 0DY**

- 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 James Cox against the decision of Cheshire East Council.
  - The application Ref 23/1455M, dated 15 April 2023, was refused by notice dated 12 June 2023.
  - The development proposed is extension to, and recladding of, existing garage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

## Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
  - the effect 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 the proposal would be inappropriate development*

4. The appeal site lies within the designated Green Belt and is a two storey dwelling created from the conversion of an agricultural barn into residential use. The proposal is to extend and reclad the existing garage to the rear of the property.
5. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 154 and 155, sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

6. Paragraph 154c) sets out that new buildings within the Green Belt are inappropriate unless the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building.
7. The Framework does not define what a disproportionate addition would be. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement but the overall size of the building (either in terms of footprint, floorspace or volume) is clearly an important factor. An original building, the Framework explains, is a building as it existed on 1 July 1948 or, if it was constructed after that date, as it was built originally. Policy RUR11 of the Cheshire East Site Allocations and Development Policies Document (2022) (SADPD) seeks to protect the Green Belt by limiting the increase in size of the original building to no more than 30%.
8. In this case there is disagreement in the extent of the original building with the appellants including the garage in the assessment. The appellant regards the original building as that created by the conversion of the barn, including the garage. However, as the garage was not present when the building was in use as an agricultural barn, I do not consider the garage to be part of the original building.
9. Whilst there would be a limited increase in the footprint of the building, I agree with the Council that as there is an additional floor within the building, the increase in volume would be a more appropriate measure to assess the proposal against. From the evidence before me, the proposed extension to the garage would increase the volume of original building by more than 30%, in excess of Policy RUR11. This policy also allows exceptions to the threshold where the proposal is of a small scale domestic outbuilding in a residential curtilage. Whilst the proposal is to extend a domestic outbuilding, the resultant size and footprint of the garage would not result in a small scale domestic outbuilding.
10. Taking the above factors into account, the proposal would be a disproportionate addition to the dwelling and would not therefore fall within the exception set out in paragraph 154c) of the Framework. It therefore follows that it would be inappropriate development in the Green Belt. It would also be contrary to Policy RUR11 of the SADPD which has similar aims.

#### *Effect on openness*

11. One of the five purposes of a Green Belt, outlined at paragraph 143 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
12. The proposal would increase the mass, bulk and floor space of the outbuilding. Consequently, albeit to a limited degree, the proposal would, in both visual and spatial terms, harm the openness of the Green Belt.
13. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment, contrary to the Framework.

### *Character and appearance*

14. The existing garage is of a timber construction with slate roof and in keeping with the agricultural and rural character of the area. It is separate from the dwelling but in close proximity to it. The proposed extension would increase the scale and massing of the building, and whilst of a similar height to the existing garage would be a dominant feature within the rear amenity space of the dwelling.
15. The contemporary materials of Zinc cladding and aluminium windows would detract from the rural, traditional agricultural buildings in the area. I have taken into account the relative environmental benefits of the proposed construction materials, but this does not outweigh the harm I have found to the character and appearance of the area.
16. I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policies SD1, SD2 and SD3 of the Cheshire East Local Plan Strategy (2017) (CELPS), Policies GEN1 and HOU11 of the SADPD and Policies D1, D2 and D3 of the Knutsford Neighbourhood Plan, which together, amongst other matters seek to ensure that development contributes to and is in keeping with the character and appearance of its surroundings.

### *Other considerations*

17. The appellant's written statement of case suggests that the proposal is not inappropriate development in the Green Belt and as such no other considerations have explicitly been advanced which could be considered to be very special circumstances. That said, I acknowledge the need for additional family accommodation and the spacious setting of the host property.

### **Green Belt balance**

18. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
19. For the reasons set out above, the development constitutes inappropriate development in the Green Belt. Furthermore, there would be limited harm to the openness of the Green Belt. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt.
20. Taking into account all of the other considerations put forward in support of the proposal, I consider that these attract limited weight in favour of the proposal.
21. Therefore, in considering the substantial weight given to the Green Belt, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal would conflict with the Framework, Policy PG3 of the CELPS and Policy RUR11 of the SADPD which together seek to protect the Green Belt.

## **Conclusion**

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given the appeal should be dismissed.

*H Senior*

INSPECTOR