



Appeal Decision

Site visit made on 23 May 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2024

Appeal Ref: APP/R0660/W/24/3336378

The Oaks, Woodford Lane, Newton, Cheshire SK10 4LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Lee against the decision of Cheshire East Council.
 - The application Ref is 23/0696M.
 - The development proposed is the demolition of a dwelling and the construction of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission included 3 computer generated images. They do not alter that proposed but seek to illustrate the appellant's case. Therefore, I do not consider their inclusion as part of the appeal prejudicial to any other parties. I have made my decision accordingly.
3. Since the Decision Notice was issued the National Planning Policy Framework (The Framework) has been updated, as such the Council's officer report refers to the previous version. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties and so the revised version has been referenced in this decision.

Main Issues

4. 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 it has upon the openness of the Green Belt; and
 - if the development is inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development

5. The appeal site constitutes a single storey dwelling located on a large plot with a driveway to the front, and garden to rear. It is largely enclosed by fencing.

6. Paragraph 154 of the Framework states that the construction of a new building is inappropriate in the Green Belt but also sets out 7 exceptions to this. On review of the evidence and in line with the main parties, the proposal should be considered under paragraph 154 d), the replacement of a building. This exception requires that the new building be in the same use and not materially larger than the one it replaces. The proposal is for a replacement dwelling and therefore the issue turns on whether the proposed building would be materially larger than the existing building.
7. The Framework is echoed in the Cheshire East Local Plan Strategy policy PG3. Whilst Policy RUR13 of the Site Allocations and Development Policies Document deals with replacement buildings outside of the settlement boundaries including those in Green Belt. Policy RUR13, amongst other things, refers to an overall increase in building height, and extension beyond the existing building footprint as having the potential to be considered materially larger.
8. The main parties agree that the proposal would be materially larger than the existing building and there is nothing before me to conclude otherwise. This is because the proposed new dwelling would be taller and bulkier, due to the increase in volume, the addition of a second story of accommodation, and the roof form.
9. Therefore, the proposed scheme would constitute inappropriate development within the Green Belt in terms of local and national planning policy. As set out in paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

10. The appeal site is located within a row of other properties which creates a ribbon of development along one side of Woodford Lane. The properties between the appeal site and the Woodford Lane junction with Lees Lane/Wilmslow Road are detached and single storey. Whilst on the opposite side of the appeal site there is an access drive and beyond that a series of semi-detached and terraced two-storey dwellings. To the front of the site over Woodford Lane, and to the rear of the site, are large open fields with the appeal site clearly visible from Lees Lane across the fields.
11. The proposal would be located within the appeal site broadly similarly to the existing building and would align with the properties on either side. However, its larger bulk and 2 storey height would curtail views over the site from Lees Lane and the surrounding fields. This incremental change in the bulk and volume of development would have an enclosing effect on Woodford Lane and the access way which runs up one side of the appeal site. This would, therefore, constitute both a visual and spatial intrusion on the openness of the Green Belt.

Other considerations

12. The appellant has gone into some detail including the drawing of plans, to show what could be implemented on the appeal site under permitted development rights (the PD scheme). The Council has confirmed the real possibility of such works by issuing several lawful development certificates and confirmations that prior approval would not be required. Therefore, I am satisfied that the PD

scheme is clearly defined and that there is a greater than theoretical possibility that the development might take place.

13. From the information before me it is evident that the resulting building from the PD scheme would be physically larger than the proposed development. However, when viewed from the front or rear, the PD scheme's second storey would only be approximately half the width of that of the proposed development. Therefore, although slightly taller the PD scheme would not be as visually bulky as that proposed above ground floor level and so would retain more of the wider views across the site from Lees Lane and the surrounding fields.
14. As such, the harm on the openness of the Green Belt would be similar between the PD scheme and the proposed development, with the PD scheme being more harmful in relation to the spatial aspect of openness, whilst the proposed development would be more harmful in relation to visual impact. Therefore, where the PD scheme built instead, I do not find the harm would be so significantly more that it would clearly outweigh the harm the proposed development would have on the Green Belt.
15. It is acknowledged that the proposal would not harm the character and appearance of the area, living conditions of neighbouring residents, highway safety, ecology, and air quality. As these constitute a lack of harm however they cannot weigh for or against the proposal.
16. Consequently, the other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness and through the proposed developments harm to openness. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

17. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR