
Appeal Decision

Site visit made on 14 May 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/R0660/D/23/3333568

101 Sandy Lane, Macclesfield SK10 4RJ

- 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 S Mason against the decision of Cheshire East Council.
 - The application Ref is 23/0385M.
 - The development proposed is single storey extension to the rear of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issues of these appeals, I have not sought comments on the revisions.

Main Issues

3. The main issues in this appeal are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; 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 Inappropriate Development in the Green Belt

4. Subject to the exceptions listed in Paragraphs 154 and 155, the Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate. Of relevance to this appeal is paragraph 154(c), which advises that one exception 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.
5. Policy PG3 of the Cheshire East Local Plan Strategy (adopted July 2017) (LP) largely reiterates the wording of the Framework section regarding development in the Green Belt. Policy RUR11 of the Cheshire East Local Plan Site Allocations and Development Policies Document (adopted December 2022) (DPD) applies

to extensions and alterations to buildings outside of settlement boundaries and also seeks to avoid disproportionate additions over and above the size of the original building.

6. RUR11 goes on to state that when considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account, with particular attention given to increases in the overall building height. Furthermore, 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. This is usually determined by assessing the net increase in floorspace. Exceptions to this may be acceptable where the proposal is within a village infill boundary; provides additional floorspace with no significant alterations to the building's envelope or external appearance; is required for basic amenities or sanitation; or is for a small-scale domestic outbuilding in a residential curtilage. I understand that none of these exceptions apply in this case.
7. The host property has had a number of extensions and alterations approved in previous years. The most recent of these¹ granted planning permission for a two-storey side and single rear conservatory extension. I understand that the side element has been implemented but the rear conservatory has not. The proposal would extend the approved rear element of that scheme.
8. The Council advises that the floor area of the original house, calculated from an earlier planning application², was 82.1m². Including the approved extensions and alterations up to this point, the resulting total gross internal floorspace of the dwelling would be approximately 136.6m². This would equate to an increase of 66% over the original floor area of the original property, far in excess of the recommended 30% of policy RUR11 of the DPD.
9. There appears to be some disagreement between the parties as to the actual figure, with the appellant ascribing a marginal addition to the 35% overall increase accepted by through the determination of 18/0720M.
10. Even if I was to accept the lower figure of the appellant, the percentage increases up to now already exceed those allowed by policy RUR11 of the DPD, albeit those previous applications were approved under superseded development plans. I agree that the Framework does not use a strictly arithmetic focused approach, and the proposal before me is relatively small in isolation. However, for the purposes of Policy PG3 of the LP, Policy RUR11 of the DPD and the Framework it must be read in the context of the cumulative additions made to the original dwelling, not in isolation.
11. I therefore conclude that the proposal would be inappropriate development in the Green Belt.

Openness

12. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The courts³ have established that the openness of the Green Belt has a spatial aspect as well as a visual aspect.

¹ Planning application reference: 18/0720M

² Planning application reference: 68980P

³ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

13. From my observations on the site visit, I would agree that the rear garden area of the appeal property is largely enclosed from public vantage points. In this regard, visual impacts upon openness from the proposal would be very limited.
14. The proposal would, however, decrease the spatial aspect of the site's openness through further increasing the already enlarged property and the extent of built form on the site. As such the proposal would cause some harm to the spatial aspects of the Green Belt's openness. Whilst the loss of openness is limited, nevertheless I conclude that this results in harm to the Green Belt. The proposal is contrary to the aims of the Green Belt contained within paragraph 142 of the Framework as set out above.

Other Considerations

15. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to 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 resulting from the proposal, is clearly outweighed by other considerations.
16. I acknowledge that the Council did not identify harm to the living conditions of the occupiers of the neighbouring property. However, an absence of harm is neutral rather than weighing in favour of a scheme. Similarly, while the proposal may not conflict with the overall purposes of the Green Belt, this absence of harm would also be neutral. There are no other considerations before me.

Green Belt Balance and Conclusion

17. I have found that the proposal would be inappropriate development in the Green Belt. It would also lead to a slight loss of openness. As per paragraph 153 of the Framework, this carries substantial weight against the scheme. Set against these, there are no material considerations cited in support of the proposal that would carry positive weight. They therefore do not clearly outweigh the totality of the harm the scheme would cause. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
18. As such the proposal would conflict with policies PG3 of the LP and RUR11 of the DPD as well as Green Belt policy as set out in the Framework as detailed above. For the reasons given, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR