



Appeal Decision

Site visit made on 30 July 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/R0660/D/24/3341813

Marshall, Morley Green Road, Wilmslow SK9 5NU

- 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 Mark & Emma Anders against the decision of Cheshire East Council.
 - The application Ref is 23/4118M.
 - The development proposed is a ground floor extension to rear and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether 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;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether the 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

3. The appeal property is a two storey semi-detached dwelling located within a linear group of properties on the west side of Morley Green Road. The site falls within the Green Belt.
4. Policy PG3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 (July 2017) (the CELPS) sets out that the construction of new buildings is inappropriate in the Green Belt, with one exception to this being 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. This is reflective of the approach in the Framework and the exception at paragraph 154 c).
5. Neither the Framework nor the CELPS define what a disproportionate addition means. However, Policy RUR11 of the Cheshire East Local Plan, Site Allocations and Development Policies Document (December 2022) (the SADPD) states that

where additions increase the size of the original building by more than 30% in the Green Belt they will usually be considered to represent disproportionate additions.

6. This figure is a useful guideline and SADPD Policy RUR11 expands upon this and confirms that when considering whether a proposal represents disproportionate additions matters including height, bulk, form, siting and design will be taken into account.
7. The evidence before me indicates that the original dwelling has previously been extended by a very significant amount. The appeal proposal, taken in combination with the previous additions, would see a further significant alteration to the building's envelope and appearance, resulting in a very substantial increase in floorspace and volume above the size of the original dwelling, far in excess of the recommended 30%. It is therefore a disproportionate addition and thus constitutes inappropriate development in the Green Belt.

The effect on openness

8. Paragraph 142 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
9. The proposed extension would be sited in part of the appeal site where currently there is no built form. In purely spatial terms there would therefore be a loss of openness.
10. However, it would be positioned to the rear of the dwelling and between an existing outbuilding, thus would be read within the context of the existing property and built form on the site. The rear garden is also well screened from public vantage points due to the high and mature boundaries. Accordingly, it would not be prominent in visual terms.
11. Taking account of all of these factors, I find that the overall harm to the openness of the Green Belt as a result of the proposal would be limited.

Other considerations

12. I note that planning permission was previously granted for what appears to be the same extension as the appeal proposal. I have very limited information before me with regards to that approval however it seems to me that this was allowed under a policy within a development plan document which is now superseded. Extensions at nearby properties known as The Brig and Trafford House were also considered under this policy context. They are not therefore directly comparable to this appeal.
13. I also have very limited detail on the extension to Wardale however it appears that it resulted in a 50.5% increase in size. Similarly, whilst the development at Four Winds may have been approved after the adoption of the SADPD, from the extract of the officer report provided it seems that the demolition of a garage compensated for additional floor space and that overall, the increase above the original dwelling in that case was not significant. As such, these examples are also not directly comparable to the appeal proposal, which results in a substantially greater increase. Whilst other examples can often represent

material considerations, it is important that each case is determined on its own merits. I afford the above examples very limited weight in favour of the appeal proposal.

14. I acknowledge that permission has been granted for a small extension linking the appeal dwelling to its outbuilding. This appears to have been considered acceptable by the Council under the exception at 3.ii. of Policy RUR11 of the SADPD. To the contrary, as noted above, I have found that the appeal proposal would result in a significant alteration to the building's envelope and appearance along with a very substantial increase in size.
15. It is suggested that in the examples above the Council has applied flexibility and taken into account the character of the area and whether the proposals would be prominent. Indeed, there is flexibility built into Policy RUR11 and matters of prominence is a factor which may be relevant when assessing the impact on the openness of the Green Belt. In my assessment above I have taken into account matters including siting, design, floorspace and volume, however I have found that this proposal would not accord with any of the listed exceptions of Policy RUR11 and would result in harm to openness.
16. A finding of no harm to the character and appearance of the host dwelling and wider area and the living conditions of neighbouring occupiers are neutral matters which do not attract any positive weight in favour of the proposal. Similarly, whilst the proposal may not conflict with the overall purposes of the Green Belt, this absence of harm would also be neutral.

Whether very special circumstances exist

17. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and 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.
18. I have concluded that the proposal would be inappropriate development in the Green Belt and would result in harm to its openness, albeit to a limited degree. In accordance with the Framework, I afford this Green Belt harm substantial weight.
19. The other considerations advanced in support of the appeal do not therefore clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist thus it would fail to accord with Policy PG3 of the CELPS, Policy RUR11 of the SADPD and the Framework, as referred to above.

Conclusion

20. The proposal conflicts with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison
INSPECTOR