



Appeal Decision

Site visit made on 21 May 2024 by Darren Ellis MPlan MRTPI

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/R0660/W/23/3331420

22 Castle Hill, Prestbury, Cheshire East SK10 4AS

- 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 Bill Anderson against the decision of Cheshire East Council.
 - The application reference is 23/2505M.
 - The development proposed is a replacement dwelling with associated external works.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) if it would be inappropriate development, 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 it.

Reasons for the Recommendation

Inappropriate Development

4. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances. Paragraph 154 d) refers to the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces, and paragraph 154 g) addresses the partial or complete redevelopment of previously developed land.
 5. Policy PG3 of the Cheshire East Local Plan Strategy (2017) (CELPS) is consistent with the Framework in that it seeks to protect the Green Belt and lists the same exceptions for development. The appeal site lies outside of the settlement boundary and therefore is in the open countryside. Policy RUR13 of the Cheshire East Site Allocations and Development Policies Document (SADPD) (2022) aligns with paragraph 154 d) of the Framework. While the
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Framework provides no definition of the term 'materially larger', Policy RUR13 goes on to list matters which could be used to assess whether a replacement building is materially larger, including height, bulk, floorspace and footprint.

6. The proposal would see the existing bungalow replaced with a two-storey dwelling, and the increase in height to provide the first-floor would result in considerable additional bulk and massing. Furthermore, while the footprint may be similar, the Council has calculated that the floorspace of the proposed dwelling would be 21.78% larger than the existing dwelling, and the appellant has not disputed this figure. Due to the scale of the increase in size I consider the proposed dwelling would be materially larger than the existing bungalow. As such, the proposal would not meet the exception for a replacement building.
7. Although the appeal site may be outside of the settlement boundary, there is no discernible gap in development between the area of the appeal site and the settlement of Prestbury and as described by the appellant, it is surrounded by other residential properties. As such, it would be fair to define the appeal site as being in a built-up area. As a residential garden, the appeal site would not be included in the definition of previously developed land for the purposes of the Framework. Accordingly, the proposal would not fall under the exception in paragraph 154 g) of the Framework.
8. Even if the site was to be considered as previously developed land, for the reasons given below the proposal would have a greater impact on the openness of the Green Belt than the existing development. The proposal would therefore be inappropriate development in the Green Belt based on an assessment of both exceptions.
9. My attention has been drawn to 26 Castle Hill, which was previously granted planning permission for a replacement dwelling¹. However, no substantive details of the planning permission have been provided so I am unable to compare the reasons for granting planning permission at No 26 to the reasons for refusal of the scheme before me. I therefore cannot be certain that the replacement dwelling at No 26 is directly comparable to the appeal proposal.
10. Given that the proposal would not constitute an exception under the aforementioned paragraphs, or any other exception within paragraphs 154 or 155 of the Framework, the proposal would be inappropriate development. This is, by definition, harmful to the Green Belt.

Openness

11. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visual aspects, so that both the visual impact of the proposal and its volume may be relevant.²
12. The construction of a larger and taller dwellinghouse on the appeal site would undoubtedly reduce both the spatial and visual aspects of the openness of the Green Belt. However, given the built-up nature of the area and the presence of large dwellings near to the appeal site, the impact would be limited. Nevertheless, since one of the fundamental aims of Green Belt policy is to keep

¹ Planning application ref. 07/2310P

² Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

land permanently open, this would result in further harm to the Green Belt, as well as that caused by the appeal scheme's inappropriateness.

Other Considerations

13. The appellant has provided details of extensions and outbuildings that could be constructed under permitted development should the appeal be dismissed, although exact details of the size and scale of these extensions have not been included. However, even if these extensions are built as shown, the height of the dwelling would still be considerably lower than the proposed dwelling, and as such these extensions may have less of an impact on the openness of the Green Belt than the appeal proposal. Furthermore, an outbuilding of the size shown would still be able to be constructed even if the appeal was allowed. For these reasons I attach very limited weight to this fallback option.
14. Although the proposed dwelling would not be out of place with the character and appearance of surrounding properties or the countryside, this would be a lack of harm and consequently would be a neutral matter that does not weigh in favour of the proposal. This would also be the case with the development plan policies and Framework paragraphs that it is contended the proposal would comply with, including living conditions, flood risk and highway safety.
15. I understand that the proposed dwelling would be more energy efficient than the existing dwelling. However, there is no evidence to indicate that this benefit could not be achieved through a scheme that is not harmful to the Green Belt.

Conclusion and Recommendation

16. The proposed dwelling would cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations I have identified would not clearly outweigh the totality of the harm and subsequent development plan conflict. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The proposal would therefore conflict with CELPS Policy PG3 and SADPD Policy RUR13.
17. There are no material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

F Wilkinson

INSPECTOR