



Appeal Decision

Site visit made on 2 October 2024

by K Winnard Solicitor LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/R0660/D/24/3344805

Oak Tree Barn, Coppice Lane, Disley, Stockport, Cheshire SK12 2LT

- 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 and Mrs Robinson against the decision of Cheshire East Council.
 - The application Ref is 23/4216M.
 - The development is described as the retention of extensions and alterations as constructed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of the development and I note that this description has been used by the agent for the appellant in the appeal form. I have used this description of the development as it is a more accurate description of the development.
3. The development has already been constructed. The proposal is therefore retrospective. In reaching my decision I have assessed the development as shown as built on the site.
4. The Council disputes whether the appeal site relates to the residential curtilage of Oak Tree Barn. The application was submitted and determined as a householder planning application. It is not within the scope of this appeal for me to determine the lawfulness of the land. I have accordingly made my decision on its merits on the basis of the Development Plan and other material considerations.

Main Issues

5. The main issues in the appeal 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 on the character and appearance of the host dwelling and area;

- Whether any harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

6. Oak Tree Barn, the appeal property, (Oak Tree Barn) is a detached converted barn sited within the Green Belt and situated in open countryside. The extension, the subject of the appeal, comprises a single storey rear extension the construction of a glazed link, and an associated two storey extension housing a staircase. The single storey rear extension replaces a former milking parlour sited to the rear of the dwelling. Two further agricultural buildings lie to the south of Oak Tree Barn.
7. The Framework states that the construction of new buildings is inappropriate development within the Green Belt unless the development falls within specified exceptions. These include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Core Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) is broadly consistent with the Framework in this regard.
8. The Cheshire East Site Allocations and Development Policies Document (2022) (SADPD) Policy RUR11 quantifies matters further advising that proposals will usually be considered to be disproportionate additions where they increase the size of the original building by more than 30%. In addition, when assessing whether a proposal represents a disproportionate addition, Policy RUR11 advises that matters including height, bulk, form, siting and design will be taken into account.
9. Whilst the appellant disputes that the extension is a disproportionate addition, on their own figures the development increases the floor space and the volume of the original building beyond the 30% threshold. Further, notwithstanding the numerical calculations, and that part of the development is below ground level, it has resulted in a sizeable addition to the dwelling adding a significant increase in footprint to the original building. The incorporation of the glazed link and two storey extension adds additional volume and mass. I note the offer for a nearby former agricultural building to be demolished if the appeal were to be allowed. Nevertheless, this would not compensate for the erection of what I find to be a sizeable building which would increase the built form at the property.
10. The appellant also suggests that the scheme represents a replacement building and as such falls within the exception given in the Framework for replacement buildings. However, in this instance any such building must be in the same use and not be materially larger than the one it replaces. However, the building is not in the same use as the former milking parlour and is larger than what it replaced. Therefore, it would also fail to meet this exception.
11. Accordingly, I find that the extension is sizeable, the scale of which amounts to a disproportionate addition to the original building. It accordingly amounts to inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, a matter to which I attach substantial weight.

Openness

12. The essential characteristics of the Green Belt are their openness and permanence. The openness of the Green Belt has a spatial and visual aspect and is primarily characterised by a lack of buildings or development. The bulk of the extension as constructed replaces a former milking parlour, and as such the only increase both visually and spatially in the built form on the site is the two storey extension and glazed link. Any impact on openness is accordingly limited. Consequently, I conclude that the development would not preserve Green Belt openness, albeit in the context of the scale of the proposal and the development that was in situ historically on the site, this is limited.

Character and Appearance

13. The appeal site lies within an area of open countryside. The extension as constructed is to the rear of the dwelling and due to this and the existing agricultural buildings is effectively screened from most public views. It occupies broadly the same footprint as the former milking parlour and has a number of features designed to achieve subservience. These include its part construction below ground level, and a lower height and a notable lower ridge height than that of the main dwelling. Whilst the glazed link is not of a lightweight construction it is set back from and integrates well with the existing building and the new extension. However, the inclusion of the two storey element with a slightly higher eaves height, fascia panels and flat roof appears incongruous within its context and the large window openings on the rear facing elevation of the main extension lack character. Rather than reflecting the rural character of the area, it presents as a domestic residential extension with little architectural detailing or reference to its historic architectural heritage. As such the development causes an unacceptable harm to the character and appearance of the host dwelling and the area.
14. Accordingly, the development would not comply with Policies SE1 and SD2 of CELPS and Policies GEN1 and RUR11 of the SADPD. Together these policies require development to contribute positively to an area's character and reinforces or creates local distinctiveness, and not to harm the character of the local area by, amongst other things, excessive scale or visual intrusion. The Council also refer to Policy BE2 of the Disley Neighbourhood Plan in its decision notice but on the information before me, the appeal site falls outside of the neighbourhood plan area.

Other considerations

15. There have been a number of historical planning approvals in respect of the appeal site. Prior approval was granted in 2019 for the proposed change of use of the agricultural barn and two outbuildings which would have resulted in a total of three separate residential dwellings on the site. Subsequently planning permission was granted in 2020 for the conversion of the milking parlour into a single residential unit together with the creation of a residential curtilage, including garden space (2020 permission).
16. These approvals, either cumulatively or individually, would have resulted in development of materially greater impact on the openness of the Green Belt and the character and appearance of the area than the current development. Whilst the Council has found previous development of greater density to be acceptable, it is the case that there is no extant permission for a dwelling on

the site and the former milking parlour no longer exists. Although not presented as a fall-back position, given these changes in circumstances I attach moderate weight to these considerations.

17. Given the historic use of the site, the present appeal scheme does not significantly present additional implications to the openness of the Green Belt. I give some weight to this matter accordingly. There would however be some limited visual and spatial effects upon openness, so this does not attract weight in favour of the scheme.
18. The extension as constructed maintains the historic relationship of the buildings on site. However, its footprint is larger than that of the former milking parlour and its appearance is that of a domestic residential extension at odds with that of the original building. Accordingly, this is of limited benefit. I note that the fabric of the building has been upgraded and the incorporation of energy efficiency measures. However, the degree of net benefit above the energy needs of the dwelling is not clear. Based on the information before me, and given the scale of the development, this matter attracts minimal weight in favour of the scheme.
19. I have considered the appeal decisions brought to my attention by the appellant in which Inspectors have found that significant weight can be given to the existence of former buildings on site or the grant of previous permissions. Different conclusions were reached on what are matters of judgment, dependent on the bespoke site and specific context of each case and its area. Each case must be decided on its own merits and such decisions are not directly comparable to the scheme before me, and do not alter my view.

Green Belt Balance

20. The proposal would constitute inappropriate development within the Green Belt. Its impact on openness in this location would be limited. Further, the development would cause harm to the character and appearance of the host dwelling and the area. In accordance with the Framework, I afford substantial weight to the harm caused by reason of inappropriateness and other harm. The other considerations described above do not clearly outweigh the totality of the harm I have identified. Accordingly, the very special circumstances necessary to outweigh this harm do not exist. Thus overall, there would be conflict with the Development Plan, and the Framework.

Conclusion

21. Accordingly for the reasons given, I hereby dismiss the appeal.

K Winnard

INSPECTOR