



Appeal Decision

Site visit made on 15 October 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 9th December 2024

Appeal Ref: APP/R0660/W/24/3344794

**George's Lane Farm, George's Lane, Aston By Budworth, Cheshire East
CW9 6LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs P Elderton against Cheshire East Council.
 - The application Ref is 24/0178M.
 - The development proposed is the demolition of existing dwelling and construction of replacement dwelling and garage.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its grounds of appeal, that had it been in a position to determine the application, it would have refused planning permission for reasons relating to inappropriate development in the Green Belt, openness and character and appearance.
3. The appellants submitted revised plans during the planning application stage in an attempt to overcome some of the Council's concerns. These include the use of a Cheshire brick type, the retention of the wall and elevation of the original building, the reconstruction of the remainder of the garage space, and a garage roof alteration which includes a thatched roof and the removal of a gutter and downpipe. However, it appears that the Council has not considered these, and they have not been subject to a period of public consultation. Whilst I have had regard to them in my decision report, I consider that interested parties would be unduly prejudiced if I accepted these drawings.
4. On 30 July 2024, the Government published a consultation on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation", alongside a Written Ministerial Statement entitled "Building the homes we need". I have had regard to these as material considerations, albeit noting that the National Planning Policy Framework text is in draft and subject to change, which limits the weight to be afforded to it at this stage. The contents of these documents have therefore been considered but in light of the facts of the case they do not alter my conclusion.

Main Issues

5. From the evidence before me, I consider the main issues to be:
- Whether or not the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the area; and
 - If the proposed development would be inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances.

Reasons

Whether Inappropriate Development

6. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 154 of the Framework sets out that the construction of new buildings is inappropriate except for a limited number of exceptions. Of these, subsection d) of this paragraph, allowing for "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*", is the most relevant to the appeal proposal. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 (2017) (Local Plan) contains the same exception.
8. Policy RUR13 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) (the DPD) states that the replacement of existing buildings in the Green Belt will only be permitted where the replacement building is not materially larger than the existing building and would not unduly harm the rural character of the countryside. It explains that when considering whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint will be taken into account. Increases in overall building height and development extending notably beyond the existing footprint in particular are also highlighted as having the potential to be materially larger.
9. The appeal proposal is for a replacement dwelling and as such meets the first part of this criterion. However, the main parties disagree about whether the proposal would be materially larger than the building that it replaces.
10. According to the appellants' uncontested measurements the proposed development would result in only an approximate 3.5% increase in footprint. However, they also calculate the floorspace of the proposal to be approximately 35.5% larger, and the volume of the proposed dwelling to be 38% over and above that of the existing building. I have no substantive reason to question these figures.

11. Based purely on these percentage figures, the proposed development would lead to a large increase in the size of the existing building. Moreover, although the proposal may not be taller, there would be a noticeable increase in scale, bulk and massing when compared to the existing building on the site. I take the view that such an increase cannot reasonably be considered to be anything other than materially larger. Consequently, the proposal does not fall within the exception of paragraph 154 d) and would constitute inappropriate development that is, by definition, harmful to the Green Belt. It therefore conflicts with Local Plan Policy PG3 and Policy RUR13 of the DPD.

Openness

12. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.
13. I have already found that the proposal would be materially larger than the building that it would replace. It would also not be in the same position as the existing dwelling, thereby spreading further across the site, and resulting in built development in an area of the site where there is presently none.
14. I appreciate that there is a hedgerow and several deciduous mature trees along the site boundary and additional landscaping is proposed. However, this vegetation does not constitute permanent screening, particularly in the winter months when some of the trees would not be in leaf. Some views of the proposal would be obscured and filtered by the neighbouring barn, boundary treatments, mature trees and shrubbery. Nonetheless, its form, bulk and massing would still be readily apparent from a number of vantage points along the nearby George's Lane highway.
15. These factors would thereby lead to the proposal inevitably having a greater impact on the openness of the Green Belt than the existing development in both visual and spatial terms. As such, it would also not satisfy exception g) or any other exceptions listed in paragraph 154 of the Framework.

Character and Appearance

16. The Council considers the existing dwelling to be a non-designated heritage asset (NDHA). These are defined within the Planning Practice Guidance (PPG) as buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions. The PPG also sets out that a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets. It goes on to say that it is important that the decisions to identify them as NDHAs are based on sound evidence.
17. The existing dwelling is not locally listed, and other than for the reference to it appearing on Tithe maps, I have little sound evidence before me in respect of any heritage significance that it may possess. As such, I am unable to find that it constitutes a NDHA.
18. Nevertheless, although alterations and extensions have occurred over the years, George's Lane Farm is still a handsome 2 storey thatched roof Flemish bond red brick cottage that sits within a spacious plot. Indeed, the traditional

materials and form of this cottage, along with its relationship with the adjacent agricultural building, which is of similar red brick construction, reflects in the present their historic origins as a farmhouse and barn, thereby giving them a rural and agricultural character.

19. I have been referred to the presence of some agricultural and commercial buildings and uses, and dwellings of varying design and materials in the wider area. However, these are sporadically sited, and in some instances, located a considerable distance away from the appeal site. My site observations confirmed that the immediate surroundings have a strong rural quality which is characterised by a loose collection of predominantly traditional brick or rendered pitched roof buildings that are seen in the context of open agricultural fields and countryside.
20. However, the submitted plans show the proposal to be of a contemporary design, partially clad in zinc and ashlar stone, with its elevations dominated by glazed rectangular shaped openings and Juliet balconies. These factors, in combination with the proposed dwelling's siting, on the opposite end of the site, and its size, bulk and box-like profile would result in the introduction of a prominent feature that would appear conspicuous in its context. The impact of the proposed 2m high brick piers, venetian style gate and peculiar garden wall with false door and windows would compound rather than mitigate this harm.
21. As such, the replacement dwelling's form and design would fail to sufficiently reflect the identity of local buildings or reinforce local distinctiveness. The flat roof, particularly when seen from the eastern end of George's Lane would emphasize the building's bulk and would be at odds with what is typical of buildings in the immediate area. Compared with the existing dwelling, the proposed building would also have a materially greater presence and impact on the spaciousness of the site and the immediate rural surroundings. Accordingly, it would not adequately reflect local context and distinctiveness and so would appear alien and out of place. Even if I were to accept the amended plans, the revisions would not negate or overcome all of these concerns.
22. In light of my findings above, no conflict would arise with Policy SE7 of the Local Plan and DPD Policies HER 1 and HER 7 in regard to the proposal's effect on heritage assets including NDHAs. Nonetheless, the proposal would still have a harmful effect on the character and appearance of the area and conflict with Local Plan Policies SE1 and SD2, and DPD Policy GEN1. These require, amongst other things, for development proposals to make a positive contribution to an area's character and identity, creating or reinforcing local distinctiveness.

Other Considerations

23. It has been put forward that several outbuildings, extensions and additions to the roof could be constructed under permitted development rights and represent a fallback position. However, there is uncertainty in respect of what constitutes the principal elevation and no certificate of lawful development or extant planning permission to these effects or elevational plans of such schemes are before me. Moreover, I also have no substantive evidence to indicate that there is a greater than theoretical probability that all of these developments would happen should this appeal be dismissed. I am therefore

unable to be certain that these would be more harmful than the proposal. Given this uncertainty the fallback attracts limited weight.

24. Similarly, there is no substantive evidence before me in respect of the structural condition of the existing dwelling or the restrictions and costs associated with updating it. These factors therefore attract very little weight in the overall Green Belt balance.
25. As the proposal is for a single replacement dwelling and would result in no net gain in housing supply, any benefits in respect of energy efficiency would also be somewhat limited. Whilst there may not be adverse impacts on the living conditions of local residents, flood risk, trees and biodiversity, these matters did not appear to be contentious in the appeal. The absence of harm in these respects are therefore not factors that weigh in the scheme's favour.
26. Several planning applications have been referred to me. These relate to issues such as location, filtered views, relationships with NDHAs along with the Council's willingness to previously accept contemporary designs. Nonetheless, on the evidence presented I cannot be certain that they represent a direct parallel to the proposal. There is also little evidence before me to demonstrate that the recently consented conversion of the adjacent barn is unsympathetic or fails to respect the character or relationship between these 2 former agricultural buildings. As such, they do not attract any positive weight in the overall Green Belt balance.
27. The appellants' dissatisfaction with the Council's approach and communication during the process of the planning application is noted. However, this has had no bearing on my decision as I have only had regard to the planning merits of the appeal proposal that is before me. The level of support or objection are also not determining factors in the consideration of an appeal.

Green Belt Balance and Conclusion

28. I have concluded that the proposal would be inappropriate development in the terms set out by the Framework, and to harm the openness of the Green Belt. The Framework requires me to give these collective harms substantial weight. Further, whilst I do not consider George's Lane Farm to be a NDHA I have found there to be harm in respect of the character and appearance of the area. Even when taken together, the other considerations reviewed above therefore do not clearly outweigh the harm that the proposal would cause. The very special circumstances required to justify the proposed development therefore do not exist. As a result, the proposal would conflict with Policies PG3, SE1 and SD2 of the Local Plan and DPD Policies GEN1 and RUR13 as set out above, and with Section 13 of the Framework which seeks to protect Green Belt land.
29. The appeal scheme consequently conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal is therefore dismissed, and planning permission is refused.

Mark Caine

INSPECTOR