



Appeal Decision

Site visit made on 19 November 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/R0660/D/24/3349648

Glengarry, Middlewich Road, Lower Peover, Cheshire WA16 9PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Flatman against the decision of Cheshire East Council.
 - The application reference is 23/4116M.
 - The development proposed is a single storey rear extension and associated alterations.
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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.

Preliminary matter

3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

4. These are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the Framework and the development plan;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development in the Green Belt

5. The Framework, at paragraph 154, sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to
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certain conditions. Paragraph 154c) includes the extension or alteration of a building, if it does not result in a disproportionate addition over and above the size of the original building.

6. Policy PG3 of the Cheshire East Local Plan Strategy (LPS) states that within the Green Belt planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy. Policy RUR 11 of the Site Allocations and Development Policies Document (SADPD) refers specifically to extensions and alterations to buildings outside of settlement boundaries, including Green Belt, and indicates that extensions will only be permitted where the proposed development would, amongst other things, not result in disproportionate additions over and above the size of the original dwelling. Proposals will be considered to represent disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt. Exception to this threshold may be acceptable where the proposal meets one or more other criteria.
7. The appeal dwelling has been previously extended. Both the Council and the appellant agree that the existing extensions have increased the floor area of the original building by more than 100%, which significantly exceeds the Council's threshold as set out in Policy RUR 11. Whilst the proposed single storey extension, when considered in isolation, would be modest in terms of its overall scale, when taken cumulatively with the previous alterations, it would further increase the floor area and overall volume of the host dwelling. Furthermore, the development does not meet any of the criteria as set out in paragraph 3 of Policy RUR 11, which would justify an exception to the set threshold.
8. The proposal would therefore be inappropriate development, which according to paragraph 153 of the Framework is, by definition, harmful to the Green Belt. It would also be contrary to Policy PG3 of the LPS and Policy RUR 11 of the SADPD which, amongst other matters, seeks to resist inappropriate development in the Green Belt.

Openness

9. The Framework indicates that openness is an essential characteristic of the Green Belt. The proposal would introduce a further element of built form to the site albeit that it would be as an extension to an existing building. The development would inevitably increase the scale and mass of the dwelling. As a result, both in visual and spatial terms, the openness of the Green Belt would be reduced. Given the scale of the extension and the extent of the Green Belt, the harm arising from the development in this respect would be limited.
10. In coming to that view, I accept that the development would occupy a secluded position. However, this does not mean that it would not affect the openness of the Green Belt. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment, contrary to the Framework.

Other considerations

11. The appellant has drawn my attention to a certificate of lawful development¹ (LDC), which certifies that an outbuilding would be permitted development. The

¹ LPA ref: 23/1172M

appellant sets out that this outbuilding, which at the time of my site visit was not in place, could be built if planning permission is not granted for the appeal extension. It is also argued that the outbuilding would have a greater impact on the openness of the Green Belt than the proposed extension. The appellant suggests having permitted development rights removed for Class E of part 1, schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as a trade-off for the appeal extension.

12. I acknowledge the judgements² outlined by the appellant regarding alternative schemes and the prospect of their implementation. However, the appeal scheme is not directly comparable with the LDC outbuilding, as the extension would provide an additional living area which would be linked to the existing kitchen and dining area. In contrast, the outbuilding would be physically separated from the facilities of the host dwelling and would accommodate a home gym and a home office.
13. Furthermore, given the LDC, even if this appeal were to be allowed and permitted development rights were to be removed, there is no mechanism before me which would impede the appellant to implement the LDC before implementing this decision. Accordingly, irrespective of the effect that the outbuilding might have on the openness of the Green Belt, for the aforementioned reasons, I can only attach limited weight to this matter.
14. I acknowledge that the proposal would increase the appellant's living space. However, this is a private small benefit, to which I attach limited weight.

Whether very special circumstances necessary to justify the proposal exist

15. The Framework states that 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 have found that the proposal would be inappropriate development in the Green Belt, and there would also be a loss of Green Belt openness. Whilst the level of harm to openness is only limited, there is nevertheless some harm. In considering the substantial weight given to the Green Belt, the benefits outlined above do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework, Policy PG3 of the LPS and Policy RUR 11 of the SADPD.

Recommendation

17. For the reasons given above the appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate to the contrary. I therefore recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

² Gambone v Secretary of State for Communities and Local Government [2014] EWHC 952 (Admin); Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314.

Inspector's Decision

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

Chris Forrett

INSPECTOR