



Appeal Decision

Site visit made on 14 January 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/P2365/W/24/3354788

Macclesfield, Pinfold Lane, Scarisbrick, Lancashire L40 8HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Peter Walton against the decision of West Lancashire Borough Council.
 - The application Ref 2024/0594/FUL was approved on 3 October 2024 and planning permission was granted subject to conditions.
 - The development permitted is removal of condition 4 on planning permission 2015/0929/FUL relating to permitted development.
 - The condition in dispute is No 3 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, no garages, extensions, porches, garden sheds, out buildings or swimming pools shall be erected or undertaken without the express written permission of the Local Planning Authority.
 - The reason given for the condition is: The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the appeal, the Government published a revised National Planning Policy Framework, December 2024 (the Framework). The revisions do not have a material bearing on the matters at dispute between the parties in this case. Consequently, I have not found it necessary, in the interests of natural justice, to seek further written comments, and neither party would be prejudiced by my consideration of the revised Framework in my determination of the appeal. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.

Background

3. Planning permission was granted on 6 November 2015 for the extension to dwelling to form garage and workroom over (Ref: 2015/0929/FUL). This was subject to five conditions, No 4 states that – *Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses or swimming pools shall be erected or undertaken without the express written permission of the Local Planning Authority.* The reason for the condition states – *The character and location of the property*

are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. A planning application to remove this condition was submitted in July 2024 (Ref: 2024/0594/FUL). This was allowed subject to conditions including No 3 which states – *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, no garages, extensions, porches, garden sheds, out buildings or swimming pools shall be erected or undertaken without the express written permission of the Local Planning Authority.* The reason given for the condition is – *The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.*
5. The effect of the 2024 approval was similar to the original condition in 2015 in that, other than alterations to the dwelling or the erection of greenhouses, permitted development (PD) rights have been removed for extensions and porches to the dwelling and various outbuildings including garages, garden sheds and swimming pools. The garage/workroom permitted in 2015 has been erected.

Main Issue

6. The main issue is whether the condition is reasonable and necessary to make the development acceptable in relation to the site's location in the Green Belt taking into account national and local Green Belt policy.

Reasons

7. Macclesfield is a detached dwelling set in a generous plot in a rural area. There is another dwelling to the north-east, Mayfield, but otherwise the area immediately surrounding the appeal site comprises open fields. The landscape is generally flat but trees and hedging provide some screening along the boundaries of Macclesfield. The whole site is within the Green Belt.
8. The Framework explains that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that the construction of new buildings is considered inappropriate unless it satisfies one of the exceptions cited in paragraphs 154 and 155. One such exception in paragraph 154 is 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. Local Plan Policy GN1¹ indicates that development within the Green Belt will be assessed against national planning policy and any relevant Local Plan policies.
9. In addition to condition 4 on the 2015 planning approval, condition 5 is also relevant. This states that – *Within two months of commencement of the work to the new garage hereby approved all existing detached buildings on the application site (with the exception of the existing greenhouse to the north-east of the dwelling) shall be removed from the site.* The reason for this condition is – *In order*

¹ West Lancashire Local Plan 2012-2027 Development Plan Document October 2013.

to avoid conflict with the Local Planning Authority's policy of strict control of development in the Green Belt and to ensure compliance with Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

10. The Framework does not define what could be considered a disproportionate addition to a building but the Council's Supplementary Planning Document for development in the Green Belt², Policy GB4, sets a threshold of 40% as a guide, above which the volume increase of the original dwelling is considered to be disproportionate.
11. Thus, in calculating whether the garage and workroom would result in disproportionate additions to the original dwelling, existing outbuildings were to be removed. The Council state that the removal of existing outbuilding amounted to the very special circumstances necessary to overcome what would otherwise be inappropriate development, that is, what would otherwise exceed the 40% SPD threshold and be counted as a disproportionate addition. I have no details of the outbuildings that were removed but the Council refer to a large shed in the position of the proposed garage/workroom assessing that the removal of this and erection of the proposed development would not have a greater impact on the openness of the Green Belt. I have not been supplied with a copy of the Council's original report and although the appellant contends that very special circumstances are not mentioned, on the basis of the information before me, I have no evidence to contradict the Council's assessment.
12. As part of this assessment, the Council considered it necessary to ensure that those outbuildings were not replaced elsewhere on the appeal site. As indicated in the SPD, to avoid development that may have an adverse impact on the openness of the Green Belt, the Council therefore imposed the condition withdrawing PD rights. I agree with this approach as simply replacing the buildings which were to be removed would fly in the face of the assessment regarding disproportionate additions. In re-imposing the condition in 2024, albeit with some changes, the Council found no reason to conclude differently than it did in 2015. I too find no substantive reason for coming to a different conclusion. This would not however preclude further development on the appeal site but it would require a planning application and an assessment against Green Belt policy including the impact of any future development on the openness of the Green Belt.
13. Therefore, given that the original permission specifically required the outbuildings to be removed, the condition is relevant to the development permitted and was necessary to make the development acceptable.
14. Condition No 3 does not specify which parts of the 2015 General Permitted Development Order (GDPO) are withdrawn although the appellant has referred to Classes A, B, D and E of Schedule 2, Part 1. However, for me to reference the specific provisions may impose stricter controls than intended by the condition as it stands. In any event, I am satisfied that the condition specifies the types of development which would require planning permission, in particular garages, extensions, porches, garden sheds, outbuildings and swimming pools. Whilst the PPG advises that PD rights should not be removed in a blanket fashion, condition 3 is sufficiently precise to make clear what elements of any future development

² West Lancashire Borough Council – West Lancashire Local Plan Supplementary Planning Document Development in the Green Belt, October 2015 (SPD).

would require a planning application. In this regard, I also do not find the condition conflicts with the advice in the PPG.

15. The appellant is correct in that PD rights apply equally to dwellings in the Green Belt as those outside of it. However, for the reasons I have already outlined, in this case, the removal of those rights arose directly in relation to assessing the acceptability of the proposed garage and workroom. There is therefore a clear justification for restricting national permitted development rights as required by the Framework.
16. I am satisfied that the condition meets the tests set out in the Planning Practice Guidance (PPG) and the Framework, that is, it is necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
17. Consequently, I conclude that the condition is reasonable and necessary to make the development acceptable in relation to the site's location in the Green Belt taking into account national and local Green Belt policy.

Other Matters

18. I note the other appeal decisions referred to by both parties and whilst these relate to PD rights and in some cases the relevant Inspector found that the condition did not meet the tests in the PPG or the Framework. I have come to a different conclusion in this case and find that the tests are met. Based on the information submitted, the circumstances differ and consequently a direct comparison cannot be made. Whilst I have taken into consideration these other decisions, they have not altered my conclusion.

Conclusion

19. For the reasons given above the appeal should be dismissed.

J D Clark

INSPECTOR