



Appeal Decision

Site visit made on 13 January 2025

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/R0660/W/24/3344408

The Dingle, Moggie Lane, Stockport, Cheshire, SK10 4NY

- 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 J Rudd against the decision of Cheshire East Council.
 - The application Ref is 23/2307M.
 - The development proposed is demolition of existing detached bungalow and development of one replacement dwelling with detached garage and associated landscaping and access works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was issued in December 2024 which includes changes to Green Belt policy. Paragraph 153 has been revised to say that when considering any planning application, decision makers should ensure that substantial weight is given to any harm to the Green Belt, *including harm to its openness* (my emphasis).
3. In their appeal submissions, both parties have addressed the effect of the proposal on openness, and I made my own assessment when visiting the site. I therefore have the information I need to determine the appeal in accordance with the revision to Framework paragraph 153.
4. I am satisfied that there are no other changes, either to Green Belt policy or other aspects of the Framework, which have a material impact on this appeal. It has therefore not been necessary to seek further comments from the parties in relation to the revised national policy.

Main Issues

5. Framework paragraph 154d) says that the replacement of a building is not inappropriate in the Green Belt, provided it is in the same use and not materially larger than the one it replaces. This is repeated in Policy PG3 of the Cheshire East Local Plan Strategy 2017 (Local Plan), with additional detail provided in Policy RUR13 of the Site Allocations and Development Policies Document 2022 (SADPD).
6. The Council and appellant agree that the proposed replacement dwelling would be materially larger than the existing house, and so would not meet the exception set out in Framework paragraph 154d) and Local Plan Policy PG3. It is common

ground that the proposed development would be inappropriate in the Green Belt, but there are differences of opinion about the effect on openness.

7. The main issues in this appeal therefore are:

- the effect of the proposal on Green Belt openness, and
- whether very special circumstances exist that clearly outweigh the harm to the Green Belt caused by inappropriateness, and any other harm.

Reasons

Effect on openness

8. The appeal site is in a countryside location, close to the edge of Poynton. Moggie Lane passes through agricultural land which is interspersed with low density housing, set in large plots. The houses along Moggie Lane are generally set back from the road behind well vegetated gardens. Mature trees and hedges contribute to the impression of a country lane which is predominately undeveloped.
9. The appeal property is at the end of a row of four homes, beyond which the road descends into Poynton. The Dingle is set within a generous plot, with large gardens to the side and rear that extend down to a wooded brook. It is the only bungalow in the group, but is a reasonably sized property, with an integral side garage and prominent, deep roof. The bungalow is clearly visible from the street, and has a modest impact on the openness of the Green Belt, both visually and spatially.
10. The appeal proposal involves replacing the existing bungalow with a substantial, two storey house. The new house would be of a similar width and position on the plot, but would be considerably higher, and would also have a greater depth. The existing modest summer house in the rear garden would be removed, and a 1.5 storey garage/outbuilding would be erected in the side garden.
11. The front boundary hedge would be retained, and this, along with other vegetation in the garden, would provide a limited amount of screening from the road. The height of the garage would be partly offset by the lower level of the side garden. Even so, the construction of a large house and garage would add to the impression of built development here. The proposed new house would extend further into the rear garden than the existing bungalow, and the garage would be sited in an area which is currently green and open.
12. The proposed development would lead to a loss of Green Belt openness, in both visual and spatial terms, when compared with the existing situation. Given the nature of the surrounding area, where other built form is clearly visible nearby, the overall harm to openness would be moderate.
13. Construction of the garage would increase the length of built form associated with the existing row of four houses, which would extend towards an area of undeveloped land to the north of the appeal site. However, that land is largely surrounded by built development. The appeal site is close to the edge of Poynton, and there are many other buildings nearby, including new housing development on the other side of the wooded brook. Given these circumstances, the proposal would not result in harmful encroachment into the countryside.

14. The proposed development would be inappropriate development, and whilst it would not conflict with the purposes of including land within the Green Belt, there would be moderate harm to openness, in both visual and spatial terms. The development would therefore be contrary to policy to protect the Green Belt contained in the Framework and Local Plan Policy PG3. There would be further conflict with the detailed requirements for replacement buildings in the Green Belt, contained in SADPD Policy RUR13.

Other considerations

Whether a valid permitted development fallback exists

15. The appellant has secured prior approvals and a certificate of lawful proposed development for various extensions to the property, which could be constructed under permitted development (PD) rights¹. These schemes allow for the construction of an additional storey, extensions to the side and rear, a new porch and detached garage.
16. The appellant may have obtained the three PD approvals with the specific aim of justifying the proposed development, which is inappropriate in the Green Belt. But even if they did, it seems clear that the appellant wishes to extend the property, and I have no reason to doubt that they would achieve this using PD rights, if planning permission for a suitable scheme is not forthcoming.
17. The Council has queried the likelihood of the PD schemes being implemented, in part because they would provide six bedrooms, rather than the four large bedrooms now proposed. However, there could be scope within either scheme to alter the internal layout, including the number of bedrooms. This in itself is not a reason to discount the PD schemes as a realistic alternative.
18. Additionally, the overall floorspace that would be achieved through the PD schemes would be at least 10% greater than is now proposed. The appellant may choose not to implement all the approved PD elements if the result would be more floorspace than the family needed. Such a decision is likely to be based on various factors, including financial considerations, but I have no evidence to support the view that the PD alternative would not be implemented in full.
19. The appearance of the property may be important to the appellant, and the appeal building would have a more imposing and coherent design than the PD alternative. However, the scale and hipped roofed form of the main house would not be significantly different under either scheme. If the appellant was unhappy with the external appearance of the PD schemes, there would be some scope to make some changes to details such as doors and windows. I am not persuaded that design considerations provide a compelling reason to discount the PD alternatives, particularly if the appellant's main objective is to gain additional living space.
20. Having regard to all these considerations, I find that the approved PD schemes provide a valid fallback, which has a real prospect of being implemented.

Effect of fallback vs appeal scheme on Green Belt openness

21. There is no dispute that a house with a larger floorspace and footprint could be achieved under PD rights than is proposed in the appeal scheme. The PD fallback

¹ Application refs 22/2794M, 22/2780M and 22/2771M

would have a greater spread of built form, with a larger proportion of the building at single storey level. It would also have a slightly higher ridge height. In contrast, the appeal house would have a more compact form, but would have additional depth and bulk at two storey level. Taking all these considerations into account, there would be little difference between the appeal house and the PD fallback in terms of their overall impact on visual openness.

22. The appeal scheme includes a large, detached garage in the existing side garden, with living accommodation in the roof space. The fallback also provides for a sizeable garage in a similar position, but with a notably lower ridge height than the 5.4m high building now proposed. The height, volume and floorspace of the proposed garage would be greater than the combined size of the fallback garage and garden room, which would be removed. As a result, the proposed garage would have a greater visual impact than the fallback outbuilding.
23. In spatial terms, the larger footprint of the fallback scheme would have a slightly greater impact. However, both developments would be entirely within the existing curtilage, and the difference between the schemes on the overall spatial openness of the Green Belt would be very small.

Design, character and appearance

24. The existing bungalow has a modest and unassuming appearance, which would largely be retained if the PD fallback were to be implemented, despite the resultant increase in scale. The side and rear extensions would appear subservient to the main house, and would not be prominent in the streetscene. Extending on either side would provide balance. Whilst of no particular architectural merit, the appearance of the house following implementation of the fallback schemes would not be awkward or unattractive.
25. Compared with the PD fallback, the appeal house would have a more unified and imposing appearance, and the proposed garage would present a more interesting design. The design of the appeal buildings would be more striking than that of the fallback, and given the variety of building styles in the vicinity, would not be out of place in this location. That said, the gabled form of the appeal buildings, with light coloured render, would draw the eye, increasing their visual presence and exacerbating their prominence in the streetscene.
26. Whilst the appeal scheme would have some advantages in terms of design, the appearance of the proposed buildings would increase their visual impact, when compared with the PD fallback. Taking these factors into account, design, character and appearance considerations carry little weight in this appeal.

Green Belt balance and Conclusion

27. Framework paragraph 153 says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
28. In this case, there is a valid PD fallback which has a reasonable prospect of being built. However, for very special circumstances to exist, there would need to be less harm associated with appeal scheme than that which would result if the PD schemes were to be built. There would be a slightly greater visual impact associated with the proposed garage than the PD alternative, but overall, the

relative impacts of the appeal and fallback schemes are finely balanced. When matters of scale, height, spread and form of development are all taken into account, neither scheme has clear advantages over the other, in terms of their impact on Green Belt openness, or matters of design, character and appearance.

29. It has not been demonstrated that the appeal scheme has benefits which clearly outweigh the harm, even taking account of the valid PD fallback. Consequently, the very special circumstances needed to justify the proposal do not exist.
30. The proposal fails to comply with the Framework and the development plan, so the appeal is dismissed.

R Morgan

INSPECTOR