



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: 11 February 2025

Appeal Ref: APP/R0660/W/24/3348007

Sycamore Farm, Well Bank Lane, Over Peover, Cheshire WA16 8UN

- 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 & Mrs Dawson against the decision of Cheshire East Council.
 - The application Ref is 23/4473M.
 - The development proposed is demolition of existing buildings and erection of a replacement house with associated works to include a comprehensive landscape scheme.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application and appeal forms includes reference to the diversion of a footpath. However, the proposed development would not directly affect the footpath, and the scheme could be implemented without the need to divert it. Given these circumstances, planning permission could not be granted for the diversion under s257 of the 1990 Town and Country Planning Act. Both parties have now agreed that reference to diversion of the footpath can be removed, so I have omitted the relevant wording from the banner heading above.
3. A revised version of the National Planning Policy Framework (the Framework) was issued in December 2024. This includes changes to Green Belt policy, including paragraph 153, which 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). In their appeal submissions, both parties have addressed the effect of the proposal on openness. I therefore have the information I need to determine the appeal in accordance with Framework paragraph 153, and it has not been necessary to seek further comment from either party.
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. According to Framework paragraph 154d), 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. A similar approach is set out 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 proposed replacement dwelling would be materially larger than the existing house, and would not be in the same use as all of the buildings it would replace. As such, the proposal 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.
7. The main issues in this appeal therefore are:
 - the effect of the proposal on Green Belt openness,
 - whether it has been demonstrated that the proposed house would be safe from flooding and not increase the risk of flooding elsewhere, and
 - whether very special circumstances exist that clearly outweigh the harm to the Green Belt caused by inappropriateness, and any other harm.

Reasons

Green Belt openness

8. The appeal site is in a rural location, surrounded by medium sized fields with mature trees in the hedgerows. It is accessed via a long track off Well Bank Lane, which is also a public footpath.
9. The site contains a vacant and boarded up dwelling, presumably the former farmhouse. To the rear are a glasshouse and a large barn formed of blockwork and metal sheeting. Running parallel to the barn are two long timber buildings, the shorter of which is a stables. All the buildings appear to be unused and are now in a somewhat dilapidated state.
10. The site is some distance from the road and separated from the nearest buildings by fields. This limits the extent to which the site is visible from surrounding vantage points, with screening provided by boundary trees and hedges. That said, the farmhouse and adjacent buildings are close to, and clearly visible from, the footpath which runs past the site.
11. The timber buildings are of low height and partially screened by surrounding vegetation. The larger of the two is in poor condition, with part of the roof starting to collapse. The form, nature and appearance of the timber buildings means that their impact on visual openness is limited. The house and barn, which are larger and have a more permanent quality, have a greater visual impact. That said, the house is becoming increasingly overgrown with evergreen vegetation, helping it to blend into the wider landscape.
12. The existing buildings are sited fairly close together, and when viewed from the footpath and wider area, are experienced as a group of typical agricultural buildings, the form of which is expected in this rural location. Together, they have a modest impact on Green Belt openness, in both visual and spatial terms.
13. The proposed development involves demolition of all the existing buildings and their replacement with a large dwelling with detached garage. Linked to the rear of

the house would be a long, single storey building, which the appellant has confirmed would be used for leisure purposes.

14. The floorspace, footprint and eaves height of the proposed dwelling would all be considerably greater than that of the existing farmhouse, with the ridge some 2.75m higher. Although not the highest dwelling in the area according to the appellant's analysis, the appeal property would nonetheless be a substantial building, with a triple gabled frontage and a ridge height of some 8.80m.
15. The new house would be positioned on the site of the existing agricultural buildings, rather than the farmhouse, but would still be clearly visible from the footpath. As in the existing situation, the new house would be viewed against a backdrop of mature trees, which would also provide screening from some vantage points. This would help to limit its visual impact in the wider landscape, and proposed landscaping on surrounding land in the appellant's ownership would provide further screening in the longer term. Even so, the scale and height of the new house mean that it would have a markedly greater visual impact than the existing farmhouse.
16. The visual benefits of removing the large barn would be largely offset by the proposed leisure annex, which would be of a similar scale and form. The timber buildings and glasshouse have only limited visual impact, so any increase in openness associated with their loss would be minimal.
17. The appellant has stated that the scheme would result in a significant reduction in hardstanding across the site, but when I visited the site, the areas around the agricultural buildings appeared to be largely overgrown. The site is becoming increasingly naturalised, and areas of hardstanding no longer readily apparent. I therefore give little weight to the alleged benefits associated with removal of hardstanding.
18. When considered as a whole, the scheme would result in a moderate loss of visual openness when compared with the existing situation. Removal of the barn and timber buildings would result in a more compact form of development than is currently the case, so there would be a small increase in spatial openness.
19. To conclude, the proposed development would be inappropriate development, and there would be additional harm to Green Belt openness in visual terms. The development would 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.

Flood risk

20. The site is located within Flood Zone 1 of the Environment Agency's (EA) mapping, indicating a low probability of fluvial or tidal flooding. EA maps also indicate that the site is at very low risk of surface water flooding, although there was standing water in the field adjacent to the property when I visited.
21. As part of the application, the appellant submitted a Brief Flood Risk Assessment and Outline Drainage Strategy. The Local Lead Flood Authority (LLFA) objected to the scheme because a detailed surface water management plan had not been provided.

22. The proposal does not constitute major development, rather it would replace existing farm buildings, which discharge foul water to a septic tank and surface water into the ground. The Outline Drainage Strategy explains the measures that would need to be taken to provide appropriate foul and surface water drainage, which would include a new septic tank/treatment plant for foul drainage, and measures to deal with surface water run-off in land within the appellant's ownership. The appellant has confirmed that the measures would comply with the requirements for surface water management contained in Local Plan Policy SE13 and SADPD Policy ENV16.
23. Given the nature of the site; the scale and type of development proposed, and the availability of an extensive area of land in the appellant's ownership which could be used to manage surface water, I am satisfied that sufficient information has been provided at this stage to determine the application. If the scheme was otherwise acceptable, a full, detailed drainage strategy could be secured through an appropriate pre-commencement condition.
24. I am satisfied that, with appropriate drainage measures in place, the development could take place without unacceptable risk of flooding, or increasing the risk of flooding elsewhere. Subject to an appropriate condition, the proposal would meet the requirements for sustainable water management contained in Local Plan Policy SE13 and SADPD Policy ENV16.

Other considerations

25. A lawful development certificate has been issued for extensions and alterations to the existing house which could be constructed using permitted development (PD) rights (certificate ref 23/3117M). The approved PD scheme would provide a five-bedroom house with detached garage and leisure annex. The appellant has confirmed that the PD scheme provides sufficient accommodation to meet the family's needs, with a better layout than the current building. It would also provide space for vehicle storage and leisure activities, which do not currently exist.
26. It is common ground that the approved PD scheme constitutes a valid fallback position, which has a realistic prospect of being implemented. I have no reason to take a different view. Given the condition of the existing dwelling, and its desirable location in an affluent area, it seems very likely that the property would be extended significantly using PD rights, if planning permission for a suitable scheme was not forthcoming.
27. The siting of the fallback scheme is different to that of the appeal scheme, but appellant has confirmed that, subject to the imposition of appropriate conditions, the appeal scheme would not be capable of being lawfully carried out and occupied if the PD outbuilding was also constructed. I agree that, if the development were otherwise acceptable, this could be controlled by condition as described in the appellant's statement.
28. The PD fallback involves the addition of single and two storey extensions to the existing dwelling. The appellant has provided plans of the PD scheme which show that the house would be larger and bulkier than it is now, with a slightly more elongated form. However, much of the increase would be at single storey level, and the overall height of the dwelling would remain the same. The visual impact of the existing house with PD extensions would still be considerably less than the appeal house.

29. The PD fallback and appeal scheme both include a detached garage and leisure annex, of comparable scale and form. Their relative siting would differ, but the visual impact of the outbuildings would be similar in either scheme.
30. Figures provided by the appellant, which are not disputed by the Council, indicate that compared with the PD fallback, the appeal proposal would result in an overall reduction in footprint of 29%, with smaller reductions in external floorspace and volume. However, this relies on the timber buildings and barn being retained in the fallback scheme, whereas they would be demolished in the appeal proposal.
31. The appellant has provided images of 3-D modelling to show the comparative spread and mass of built form of the two schemes, from a variety of viewpoints. The images show that the appeal scheme would appear as a more compact form of development than the fallback. The images suggest that both the spatial and visual impact of the appeal scheme would be less than that of the fallback, despite the significantly greater height of the appeal dwelling.
32. However, the simplistic form of the 3-D imagery fails to fully capture the nature of the various buildings and their relative effect on openness, particularly in visual terms. As previously discussed, the timber buildings are modest structures which have little effect on Green Belt openness, but that is not reflected in the 3-D images.
33. If the timber buildings were excluded from the assessment, the 3-D images show that the schemes would much more finely balanced in terms of their visual effects. The fallback scheme would still appear as a larger grouping of buildings than the appeal scheme, but any visual advantage associated with the compact form of the appeal scheme would be more than outweighed by the substantial scale and height of the proposed dwelling.
34. Without the timber buildings, the numerical advantages of the appeal scheme over the fallback, in terms of floorspace, footprint and volume, would reduce. Furthermore, there would be no discernible differences in terms of the impact of the two schemes on the purposes of including land in the Green Belt. Given these considerations, the fallback scheme would be no more harmful than the appeal scheme.
35. The appellant has referred to an appeal at Broadheath Farm, Over Alderley¹. In that case, the Inspector gave weight to the improvement in Green Belt openness caused by the removal of agricultural buildings, and the creation of a more compact form of development. In their decision letter, the Inspector explained that whilst some of the buildings were in a poor state of repair, there were also four large barns, including portal framed buildings which appeared just as permanent as a dwelling.
36. In the case before me, I accept that removal of the existing blockwork and corrugated metal barn would increase visual openness. However, I am not persuaded that removal of the modest timber buildings justifies the introduction of the substantial and permanent buildings which are proposed.
37. The appellant has submitted a landscape scheme for the site and wider land in their ownership, which includes tree planting, as well as augmenting and

¹ Appeal ref APP/R0660/W/20/3261166

reinstating hedgerows. This would assist assimilating the appeal scheme into the landscape, and limiting the visual impact when viewed from the surrounding area. However, it would take time to make any meaningful difference.

38. The appeal submissions also provide for a substantial biodiversity net gain (BNG), which could be secured through an appropriate condition. This would meet the requirements of Framework paragraph 187d), and would considerably exceed the mandatory requirement for 10% net gain, were that to apply.
39. The proposals for BNG are a benefit of the scheme, but I note that demolition of the existing buildings would result in the loss of daytime roosts and foraging areas for bats, which are a protected species. Whilst appropriate mitigation is proposed, it would be preferable to avoid harm to bat or disturbance of their roost, in accordance with the mitigation hierarchy. I appreciate that this may not be possible in relation to the existing dwelling, but retention of the agricultural buildings, as included in the fallback scheme, would reduce disturbance to bats using those buildings.
40. Overall, I give moderate weight to the proposed landscaping and biodiversity enhancements.
41. The replacement buildings would be constructed to current building regulations, including higher standards energy and thermal efficiency than would be required for refurbishment of the existing house. However, there would be a considerable amount of new build within the fallback scheme, which would also need to be built to current standards. In addition, there are environmental benefits associated with the re-use of buildings, particularly in terms of embodied carbon, compared with demolition and replacement. I give limited weight to this matter.

Green Belt Balance and Conclusion

42. The proposal would be inappropriate development in the Green Belt, and there would also be harm to visual openness compared with the existing situation. 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.
43. 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 fallback scheme was to be built. For the reasons set out above, that has not been demonstrated.
44. I give moderate weight to proposed landscape and biodiversity enhancements, but these factors are not sufficient to outweigh the substantial weight that the Framework requires me to give to the Green Belt harm.
45. I am satisfied that the need for a detailed surface water drainage strategy could be secured through a condition. This lack of harm is neutral in the planning balance.
46. Taken together, the other considerations do not clearly outweigh the harm to the Green Belt. As such, the very special circumstances necessary to justify the scheme do not exist.

47. The proposal fails to comply with the Framework and the development plan, so the appeal is dismissed.

R Morgan

INSPECTOR