



Appeal Decision

Site visit made on 3 March 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/R0660/D/24/3349997

The Old School House, Hall Lane, Mobberley, Cheshire East WA16 7AH

- 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 Matthew Gavin against the decision of Cheshire East Council.
 - The application Ref is 23/4076M.
 - The development was originally described as “The proposed works will consist of a rear glazed extension with a glazed link connecting the main house to garage, a partial side extension to match the existing façade treatment and 1st floor extension. The scheme will also have new”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the incomplete description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the originally proposed glazed extension and glazed link have been omitted from the scheme. The amended development comprises a two-storey side extension, new side gates and masonry wall. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the host dwelling.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the listed exceptions applies. One such exception

being 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. This is also reflected in Policy PG3 of the Cheshire East Local Plan Strategy 2010 – 2030 (2017) (CELPS) and Policy RUR11 of the Cheshire East Local Plan: Site Allocations and Development Policies Document (2022) (SADPD).

5. Policy RUR11 states that when considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account. In addition, proposals will usually be considered to represent disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt. The policy goes on to state exceptions to these size thresholds *may be acceptable* (my emphasis) where the proposal ii. provides additional floorspace with no significant alterations to the building's envelope or external appearance (such as basement extensions).
6. The main parties disagree the extent to which the proposal would increase the size of the original building by, and whether the porch and rear lounge section are part of the original building. The appellant also provides evidence which indicates that there were additional projections which have since been removed. Nonetheless, the appellant accepts that the conservatory and garage form later additions and the proposal would, when taken in combination with previous additions, result in approximately a 50% increase in built form.
7. The extension would not significantly alter the building's envelope, and the following section considers the external appearance. Furthermore, the proposal would not significantly increase the footprint of the building, and the dwelling would remain smaller than neighbouring surrounding developments. Nevertheless, even if I agreed with the appellant's interpretation of the original building, the proposed extension, along with previous additions, would substantially increase the size of the building, particularly in terms of bulk, volume and floorspace. The proposed development, when taken in combination with previous additions, would result in disproportionate additions over and above the size of the original building.
8. Consequently, for the reasons given above, the proposal would not fall under any of the exceptions listed in the Framework, Policy PG3 of the CELPS or Policy RUR11 of the SADPD. The development would therefore be inappropriate development in the Green Belt having regard to chapter 13 of the Framework, Policy PG3 of the CELPS and Policy RUR11 of the SADPD.

Openness

9. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The proposal would have a spatial and visual impact upon the Green Belt. This is because the extension would add to the cumulative bulk, scale and massing of the dwelling. Furthermore, the extension would be visible from Hall Lane.
11. Consequently, for these reasons, the development would not preserve the openness of the Green Belt, albeit to a very limited degree having regard to its size and location. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

Character and appearance

12. The host building is an attractive dwelling which originally functioned as an infant's school. The conservation officer and Parish Council have not objected to the proposal.
13. The Cheshire East Borough Design Guide (2017) is not referred to in the reason for refusal, but the guidance primarily focuses on new residential developments rather than house extensions. The guide states that a mix of traditional materials and modern detailing creates architectural forms without pastiche.
14. In the surrounding area, there are examples of modern fenestration, extensive glazing and flat roofed designs which demonstrate well-designed contemporary extensions can successfully integrate with more traditional materials and buildings. The highlighted modern flat-roofs in the locality relate to ground floor additions rather than first-floor extensions.
15. The existing window openings to the first-floor are limited. In contrast, the proposal would introduce large openings which would poorly relate to the alignment, scale and proportions of the existing windows. The flat roof would also not be in keeping with the existing roof form. Furthermore, the use of black timber cladding would draw the eye and increase the prominence of the unsympathetic extension. The proposed first-floor, flat roof and proposed fenestration would therefore appear at odds with the character and appearance of the host dwelling. Thus, the proposal would detract from the character and appearance of the host dwelling and would be a jarring addition which would be visible from Hall Lane.
16. Consequently, for these reasons, the proposed development would cause harm to the character and appearance of the host dwelling. The proposal would therefore conflict with Policies SD2 and SE1 of the CELPS and Policies GEN1 and HOU11 of the SADPD. These seek, amongst other things, to ensure extensions are appropriately designed.
17. The development would also conflict with chapter 12 of the Framework which promotes good design and states developments should be visually attractive as a result of good architecture.

Other considerations

18. The proposal includes the provision of solar panels which would reduce the dwelling's carbon footprint. In addition, the appellant details the economic, social and environmental benefits of the proposal. I give very limited weight to the benefits given the scale of the development.
19. The appellant sets out how the proposal would comply with the Framework's objectives, different sections of the Framework and local planning policy. Such absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme.
20. The Framework supports the use of previously developed land, and in relation to this a legal judgement has been drawn to my attention¹. Given the scale of the development, I give very limited weight to this consideration.

¹ Dartford BC v SSCLG [2017] EWCA Civ 141

Other Matters

21. As the proposal relates to a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding my findings above, the proposed development would have a neutral effect upon, and therefore preserve, the character and appearance of the Mobberley Conservation Area and would not cause harm to the significance of the designated heritage asset. This is due to the siting and scale of the development as well as the mix of designs and materials in the local area.
22. The appellant would be amenable to the condition suggested by the heritage team as well as the suggested obscure glazing condition. Such conditions would not outweigh the harm I have found.
23. These other matters are neutral factors which do not serve to weigh either for or against the proposal.

Conclusion

24. I have found that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. In addition, the development would cause harm to the character and appearance of the host dwelling. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt, including harm to its openness, and 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.
25. I give very limited weight to the benefits of the proposal and the use of previously developed land. The other considerations are given neutral weight. When drawing this together, the other considerations advanced in support of the appeal do not clearly outweigh the totality of the harm that I have found. Consequently, the very special circumstances necessary to justify the development do not exist. I therefore conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
26. For the reasons given above, the appeal does not succeed.

L Wilson

INSPECTOR