



Appeal Decision

Site visit made on 11 March 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/R0660/W/24/3348818

Acres Croft, Forty Acre Lane, Twemlow Green, Cheshire CW4 8DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Ms C Fryer against the decision of Cheshire East Council.
 - The application Ref is 24/1685C.
 - The development proposed is 4nr garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal has been amended in the banner heading above to omit the words *retrospective permission* and *substantially completed*, in the interests of clarity. I have considered the appeal based on the proposed plans, rather than anything constructed.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with a further minor revision on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. There is dispute between the main parties as to whether the land the proposal would be located on can be lawfully used for residential purposes. In the context of an appeal under section 78 of the Act, it is not within my remit to examine the lawful use of land. It is open to the appellant to apply to have such matters determined under section 191 or 192 of the Act. I therefore make no assessments as to what may or may not be the lawful use/uses of the land.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the countryside.

Reasons

6. The appeal site is located within the open countryside, as defined by Policy PG6 of the Cheshire East Local Plan Strategy (CELPS). The proposal involves a substantial, detached 4 bay garage that sits perpendicular to Forty Acre Lane. Its gable ends and steeply pitched roof design would be particularly prominent and highly visible above the established hedgerow, that runs along the southern

boundary to Forty Acres Lane. Whilst physically detached from the main house, the proposal would be clearly seen in conjunction with it and elongate the built form along the site's frontage to Forty Acres Lane.

7. Policy PG6 of the CELPS states that within the open countryside only development that is essential for specific purposes or appropriate to the rural area will be permitted. The appellant states that the proposed garages would be used for commercial purposes, but there is no information before me to confirm they would be essential for any of the purposes specified by Policy PG6, or otherwise appropriate to the rural area. Policy PG6 also sets out various exceptions where other development will be allowed in the countryside, which includes extensions to existing dwellings where the extension is not disproportionate to the original dwelling.
8. Policy RUR11 of the Cheshire East Site Allocations and Development Policies Document (SADPD) refers to extensions and alterations to existing buildings in the open countryside, but it clarifies that for the purposes of this policy such development is taken to include the construction of ancillary outbuildings or structures in their curtilages. It identifies that a proposal will usually be considered to represent disproportionate additions when they increase the size of the original building by more than 50% in the open countryside.
9. The council has claimed that the proposed development represents an increase of 65.56% in the floorspace of the original dwelling and this figure has not been contested. In the absence of any contrary evidence before me, I find that the proposal would comprise a disproportionate addition in the context of Policy RUR11 of the SADPD. Furthermore, on account of its size, location, and intended use it would not fall within any of the additional exceptions specified at point 3.i to iv of Policy RUR11.
10. Acres Croft is a large detached 2-storey house with an agricultural-style building to its rear and to the opposite side of the driveway is the proposed garage building. A stable block is located to the southeast corner of the site and the surrounding grounds consist of flat, open, maintained grassland with occasional pieces of domestic paraphernalia. At the end of the driveway, is a fenced-off area that contains a green coloured metal clad structure. Surrounding the site are fields to the north, east, south and southwest, giving it an open, rural context.
11. Due to the significant increase in the size of the original dwelling and the proposal's prominence, scale, bulk and visual intrusion, it would erode the open nature of the site and its rural surroundings. Consequently, this would unduly harm the character and appearance of the countryside.
12. Reference has been made to the site's planning history, including a certificate of proposed lawful development for a garage and leisure building, as well as an original double garage on the site. It is also claimed that similar developments have been granted elsewhere by the Council under comparable circumstances. I have little information relating to the particular circumstances of these developments, and as such, a comparison is of limited relevance in this instance, and I have considered the appeal before me on its individual merits.
13. The proposed development would use external materials to match the house and would be of an architectural style in keeping with the locality. It would have no

adverse impact on neighbour amenity. However, compliance with these elements of the development plan has a neutral impact on the planning balance.

14. For the above reasons, the proposed development would be significantly harmful to the character and appearance of the countryside. This is contrary to Policies PG6 of the CELPS and RUR11 of the SADPD, which require that, amongst other things, extensions to existing buildings (including the construction of ancillary outbuildings or structures within their curtilages) do not result in disproportionate additions over and above the size of the original building and do not unduly harm the rural character of the countryside.

Conclusion

15. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR