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## Appeal Decision

Site visit made on 8 April 2025

**by J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

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**Appeal Ref: APP/R0660/D/24/3354557**

**Woodland, Cocksheadhey Road, Bollington, Macclesfield SK10 5QZ**

- 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 Martin Gibson against the decision of Cheshire East Council.
  - The application Ref is 24/2272M.
  - The development proposed is: Proposed excavation of front garden and the construction of a single garage with stone retaining walls.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The address of the property as stated on the application form and appeal form is Woodland, in contrast to the decision notice which refers to Woodlands. From my own observations, I am satisfied that this is the correct property name.
3. After the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and no party's interests would be prejudiced by my taking this approach.
4. The evidence of the main parties refers to the Cheshire East Borough Design Guide Supplementary Planning Document (SPD), which does not appear to have been submitted to the appeal. I have therefore viewed the on-line version of this document on the Council's website, and I am satisfied that no party would be prejudiced by my viewing of this publicly available document.

### Main Issues

5. The appeal site is within the Green Belt. The main issues are:
  - whether the proposed development would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies;
  - the effect of the proposal upon the character and appearance of the area; and
  - whether the 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*

6. The Framework sets out that development in the Green Belt is inappropriate unless one of certain exceptions applies. Such exceptions include that at paragraph 154 c), which concerns 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. The definition of original building within the Framework is: a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Framework does not define what might be disproportionate nor does it make any reference to ancillary outbuildings within the curtilage of an original building. The exception at paragraph 154c) is the same as that within Policy PG3 of the Cheshire East Local Plan Strategy 2017 (CELPS), which among other things seeks to prevent inappropriate development in the Green Belt unless very special circumstances are demonstrated. This policy is in conformity with the Framework.
7. Policy RUR11 of the Cheshire East Local Plan: Site Allocations and Development Policies Document 2022 (SADPD) concerns extensions and additions to buildings outside of settlement areas, and in particular within the open countryside and the Green Belt. Criterion 3 sets out that proposals will usually be considered to represent disproportionate additions where they increase the size of the original building by more than 30% in the case of the Green Belt. Criterion 4 states that: “In assessing proposals, full account will be taken of any previous extensions or development to the original building or in its curtilage. This original building means the building and outbuildings/structures as it was originally built, or as it existed on 01 July 1948 if constructed before this date.” The policy also sets out that exceptions to the threshold may be acceptable where the proposal is for a small-scale domestic outbuilding in a residential curtilage. While this policy is in general conformity with the Framework, it also refers to matters affecting character and appearance, which I address in the second main issue.
8. In this case, the history of the appeal site and what might comprise an original building and its curtilage is a matter of dispute. The appeal site (as edged red on the submitted plans) has a steep gradient rising from the highway and includes a two-storey dwelling, a bungalow, and a shared driveway leading to a communal turning area.
9. The evidence indicates that the two-storey dwelling resulted from a replacement dwelling scheme<sup>1</sup> granted in 2002. The bungalow resulted from a later scheme<sup>2</sup> granted in 2024 to convert an irregularly shaped garage building that previously served the replacement dwelling. Further developments have resulted in two car ports, one adjacent to each dwelling and there is a detached garage at a lower level within the frontage, considered to be an original building associated with the former dwelling.
10. The proposal would result in the erection of a detached single garage within the lower level of the frontage to serve the two-storey dwelling, with access created by the removal and alteration of a section of an existing tall stone boundary wall. The garage would have a footprint of about 4.4m x 6.3m and be about 2.3m high with a

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<sup>1</sup> Ref: 02/0992P

<sup>2</sup> Ref: 23/4357M

flat roof and a further front facing parapet wall of about 1.1m height, and thus it would be a small-scale domestic outbuilding within a residential curtilage.

11. The Council assessed the two-storey dwelling and bungalow as original buildings, such that the proposal would result in a cumulative increase of almost 44%, when taking account of existing additions and the proposed garage. However, the evidence before me includes a proposed curtilage drawing (Ref: DRG No TR.5) which is an approved drawing as listed within the decision notice for the planning permission for the bungalow. It is therefore clear that the replacement dwelling and bungalow each benefit from a defined curtilage approved by the Council, with a common access and turning area. While the proposal seeks an addition to a building which replaced a previous building, in this instance the two-storey dwelling is now an 'original building' with its own curtilage. Consequently, the proposal would result in a cumulative increase in floorspace of about 27%, as suggested by the appellant. This would not be a disproportionate addition.
12. Although the Council considers that the proposal would result in further additions across the appeal site, such that the site would be overdeveloped as a whole, the fact of the matter is that the dwelling benefits from its own curtilage. In any event, the effect upon openness would not be significant, and the proposal would not undermine the purposes of the Green Belt, given its location along a residential street.
13. For the reasons above, I therefore conclude that the development would not be inappropriate development within the Green Belt. It therefore accords with CELPS Policy PG3 and SADPD Policy RUR11, whose objectives I have referenced above, and the requirements of the Framework. Consequently, it is not necessary for me to consider the third main issue, as to whether very special circumstances exist. Although the first reason for refusal on Green Belt grounds refers to CELPS Policy MP1, this concerns the presumption in favour of sustainable development, and I shall address this matter in the planning balance.

### *Character and appearance*

14. The appeal site (as edged red) partly overlaps the boundary of the Bollington Conservation Area (CA), confined to a narrow strip of land along the south-westerly boundary of the appeal site at the rear of the bungalow and its adjacent car port. The existing dwelling, bungalow and garage within the appeal site and its boundary walling are constructed of natural stone in a traditional style. The evidence before me indicates that the boundary walling to the frontage is not an original boundary treatment to the site. The existing dwelling and siting of the proposed garage is therefore outside the boundary of the CA, as is the front facing boundary wall (the wall) and the existing detached garage serving the bungalow.
15. There is no substantive evidence before me regarding the significance of the CA. Taking account of the plan of the CA, together with my own observations of the immediate area and beyond, it seems to me that its significance likely stems from its development as a settlement within a valleyed, undulating landscape and along watercourses. There is likely some architectural and historic interest arising from the predominant use of natural stone in the construction of buildings, boundary walling and retaining walls. The Council's Conservation Officer raises no objection to the proposal in terms of any adverse impact upon the character or appearance of the CA or its setting. I find no reason to consider otherwise. Nonetheless, the

use of natural stone at the appeal site makes a positive contribution to the character and appearance of the wider area.

16. The carriageway of Cocksheadhey Road is not of a consistent width, nor does it include a consistent footway along each side. The lower section of the street (south of No 20 on the westerly side) is generally wider than the upper section and allows some on-street parking. This section largely comprises terraced forms, including a traditional stone-built terraced row at the back of the footway; and more contemporary forms with driveways that enable tandem parking. There are also some red brick semi-detached forms up to and including No 21 on the easterly side, where parking is located within driveways and/or side garaging.
17. The appeal site is within the upper section of the street where properties are detached and include single and two-storey forms. Leaving aside the appeal site in this upper section, boundary treatments include tall hedging and low stone walling, and properties with unbounded frontages. Parking is accommodated within frontages, driveways and/or within side or integral garaging. Openings along the lower section of the street are at shorter intervals than those in the upper section, but nevertheless there is a regular rhythm in each section. Openings in the upper section are of varying widths, often with curved edges and vegetation alongside. Drawing all of the above factors together, the upper section therefore feels more open.
18. It seems to me that the immediate character of the street at the appeal site is less open than the prevailing character of the upper section. This is due to the narrowing of the street at this point and the tall boundary wall, which gives a strong sense of enclosure. This is accentuated by a projecting stone wall from the northern boundary of the appeal site and another from the driveway of a property opposite to the edge of the carriageway, such that this forms a walled entrance effect, albeit of a low height. However, the existing opening to the driveway of the appeal site is curved and/or chamfered, reflecting the curved nature of openings within the upper section of the street, and the hedging softens the enclosing effect of the wall.
19. The proposed single garage would be set back by about 5.5m from the carriageway and would be partly subterranean due to the topography of the site. It would have a flat roof and be about 2.3m high, which would be taller than the retained parts of the wall. It would also have a further front facing parapet wall of about 1.1m height. The proposed access would be formed by the removal of a section of the existing boundary wall and hedging, with new stone walling constructed to form the side walls of the access. The opening would be about 5m distant from that serving the neighbouring dwelling. This would disrupt the otherwise well-spaced character of the openings within the upper section of the street and diminish the softening vegetation behind the boundary wall.
20. The proposed garage would be sited forward of the principal elevation of the existing dwelling. Save for the existing garage (given to be an original building) at the appeal site, there is no other garaging forward of a principal elevation within the street. The proposed garage would therefore be discordant to the prevailing pattern of garaging within the street, which is to the side or integral. The siting of the proposed garage would be in stark contrast to the existing garage which is fully sited behind the wall and accessed via the shared driveway. Moreover, such a siting would not accord with SADPD Policy HOU11 and the guidance within the

SPD, which seek to ensure that garaging is behind the principal elevation and subordinate to existing dwellings. While a photograph demonstrates that a structure once existed within the vicinity of the proposed garage, the fact of the matter is that this structure no longer exists.

21. The externally facing materials of the proposed garage would be natural stone to match the existing stonework of the wall. Such materials would also complement the built form within the appeal site. However, due to its scale, height, design and siting, the proposed garage would be a dominant building within prominent view in the immediate street scene. While angles of direct view would be limited and any retained hedging and further planting could screen the proposal to some degree, the upper part of the garage would appear within prominent view and would obscure views of the principal elevation of its host dwelling.
22. Drawing all the above together, the proposal would be incongruous to the pattern of development within the appeal site and the wider area, harmful to the street scene and would not be subordinate to its host.
23. For the reasons above, I therefore conclude that the proposal would unacceptably harm the character or appearance of the area. It conflicts with CELPS Policies SE1, SD1, SD2 and SADPD Policies GEN1 and HOU11. Taken together and among other things, these policies seek to ensure high quality design, and that development contributes positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of various factors and in terms of the relationship to the street scene and the wider neighbourhood.

#### **Other Matters**

24. The appellant draws my attention to an absence of any objections from neighbours. However, of itself, this does not render a scheme acceptable.

#### **Planning Balance and Conclusion**

25. Although I have found that the proposal would not be inappropriate development within the Green Belt, I have also found that it would unacceptably harm the character and appearance of the area. It would therefore conflict with the social objective of sustainable development in the Framework which (among other things) seeks to foster well-designed, beautiful and safe places; and it would conflict with CELPS Policy MP1.
26. For the above reasons, I 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. Therefore, the appeal is dismissed.

*J Moore*

INSPECTOR