



Appeal Decision

Site visit made on 8 April 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/A0665/D/24/3351674

Oakfield, Hapsford Lane, Dunham on the Hill, Chester WA6 0JR

- 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 P Gresty against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/01614/FUL.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.

Main Issues

3. The main issues are:
 - whether the proposed development 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 proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and
 - 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. The appeal dwelling is a detached bungalow located within the Green Belt. The bungalow has a dual pitched roof design, is set back from the highway and screened by a mature hedge. The dwelling is constructed as an L-shape and the appeal scheme would result in a single storey extension adjoining the existing side elevation.

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and therefore the essential characteristics of Green Belts are their openness and their permanence. It further establishes that the construction of new buildings is inappropriate unless it is an exception as outlined in paragraph 154.
6. The exception outlined in Paragraph 154(c) relates to additions. It establishes that as long as the extension or alteration of a building does not result in a disproportionate addition over and above the size of the original building, it would be deemed as not inappropriate. In the explanation text of Policy DM21 of the Cheshire West and Chester Council Local Plan Part Two (the LP) it states that subordinate and small-scale extensions should not increase the size of the original dwelling by more than 30%.
7. The proposed single storey side extension would result in approximately 71.4m² of additional living space. The appeal scheme alone would result in an increase in the floor space of approximately 88%. Given the large increase, the appeal scheme would be inappropriate development in the Green Belt. It would therefore conflict with Policies STRAT9 and DM21 of the LP insofar as they seek to ensure development in the Green Belt is not inappropriate.

Openness

8. Planning Practice Guidance (PPG) sets out factors that can be taken into account when considering the openness of the Green Belt. It outlines that the openness of the Green Belt includes but is not limited to both spatial and visual aspects, duration and remediability and degree of activity¹.
9. The proposed single storey side extension would infill the existing 'L' shape of the appeal dwelling and given that I have identified above that it would result in an increase of approximately 88%, it would have more of an impact on openness of the Green Belt in spatial terms than the existing circumstances.
10. The appeal site is set back from the road and is screened by mature hedgerow and vegetation along the boundary, this results in a generally secluded character. Consequently, the appeal scheme would not result in a significant effect on the visual aspect of openness of the Green Belt.
11. Nevertheless, it remains that the appeal scheme would result in substantial harm to the spatial aspect of the openness of the Green Belt.

Character and Appearance

12. The Council has referred in its reason for refusal to the effect of the proposed development on the character of the countryside. However, in its Officer Report it states that the proposed development would not have a harmful effect on the visual amenity of the appeal site, surrounding properties or wider area.
13. Nevertheless, given the nearby built form adjacent to the appeal site, the screening provided by the hedgerow and vegetation as well as the single storey character of the proposed development, I do not consider the appeal scheme to result in significant harm to the character of the countryside.

¹ Planning Practice Guidance Paragraph: 013 Reference ID: 64-013-20250225

14. Therefore, the appeal scheme would comply with Policy DM21 of the LP insofar as it seeks to ensure extensions and alterations to existing dwellings assimilate with the character and appearance of the wider setting.

Other Considerations and Very Special Circumstances

15. The appeal dwelling benefits from a lawful development certificate for two extensions which would result in approximately 48.5m² of additional space. It also benefits from an extant permission for a single storey extension to the rear which was secured through the prior approval process² which would provide an additional 71.5m². Therefore, the appellant highlights that they could implement extensions totalling an approximate 120m². Whereas the extension subject of this appeal would add 71.4m².
16. The consideration of a fallback position, including what can be erected under permitted development, is a well-established principle. Given that the appellant has sought prior approval for additions to the dwelling, there is a greater than theoretical possibility that, if the appeal is dismissed, the appellants might pursue the fallback scheme. Consequently, it is a material consideration in my determination of the appeal.
17. Given the above, the appeal scheme would result in less built form than the aforementioned extant permissions. As such, the appeal scheme would be less harmful than the fallback scheme. The possibility of the implementation of the fallback scheme, rather than the appeal scheme, would amount to the very special circumstances necessary to outweigh the harm to the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt.
18. However, I cannot be confident that elements of the fallback scheme would not be built prior to the development of the appeal scheme. I note the appellant's comments that the extension to the North would be unlikely to be implemented due to the adjacent farmer's field and hedge. Nevertheless, there remains the possibility that elements of the fallback scheme could be undertaken in addition to the appeal scheme before me.
19. Paragraph Q, Part 3 of the Cheshire West and Chester Council House Extensions and Domestic Outbuilding Supplementary Planning Document 2021 (the SPD) states that where a fallback position is relied upon consideration will be given to removing permitted development rights. The removal of permitted development rights would result in the inability for the aforementioned fallback scheme to be implemented. However, were I to condition the removal of permitted development rights this would only apply upon the commencement of the development of the appeal scheme. Consequently, elements of the fallback scheme could theoretically already be implemented before the condition would come into force.
20. There is no signed legal agreement or mechanism before me to prevent the appellant from constructing parts of the fallback scheme before implementing the appeal proposal. This would result in a greater cumulative harm to Green Belt openness than the proposal alone.
21. A planning condition cannot be imposed to achieve the same result because the condition would only come into force upon the commencement of the new

² Planning Application Ref: 24/00541/HHE

permission. Therefore, it would not be able to prevent the prior implementation of the fallback scheme. As a result, due to this potential outcome I must therefore attach limited weight to the fallback position.

22. Given all of the above, there is no suitable mechanism for my consideration and no means available within the scope of the present appeal to prevent elements of the fallback scheme being implemented in the event of the appeal being successful. Consequently, harm to the openness of the Green Belt from inappropriate development has not been overcome.

Green Belt Balance and Conclusion

23. Paragraph 153 of the Framework advises that substantial weight is given to any harm to the Green Belt, including harm to its openness. It also indicates that inappropriate development is by definition harmful and should not be approved except in 'very special circumstances'. These will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
24. The appeal scheme would be inappropriate development in the Green Belt and harm the openness of the Green Belt.
25. Weighed against that are the other considerations set out above. However, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Due to the absence of a suitable mechanism to prevent elements of the fallback scheme being implemented prior to the commencement of the appeal scheme, the very special circumstances necessary to justify the appeal scheme do not exist.
26. 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. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR