



Appeal Decision

Site visit made on 8 May 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 June 2025

Appeal Ref: APP/R0660/W/24/3357288

Prospect House, Knutsford Road, Alderley Edge, Cheshire East SK9 7SW

- 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 M Easton against the decision of Cheshire East Council.
 - The application Ref is 24/2314M.
 - The development proposed is retrospective application for garden building and garden extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is described as retrospective but the garden building on the submitted plans differs from the building I saw on site. My assessment is based on the plans before me whilst taking into consideration the development that has already taken place.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.

Main Issues

4. The main issues are: -
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies and its effect on openness; and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Green Belt

5. Prospect House was formerly a hotel but is now a single dwelling. It sits in a large area of open land, part of which has been identified as the domestic curtilage. This is based on the area of land included in the planning application to convert the hotel. It includes a patio area, an area of garden and structures including a detached garage and a car port.

6. The appeal building is located within an area adjacent to the domestic curtilage. There is also another smaller timber building beyond the appeal building that is not shown on the submitted plans. This does not form part of this appeal. The wider area, outside the appeal site, differs in appearance only in so far as the grass is less cultivated and what appears to be a small orchard has been planted to the north. Otherwise, all of the land within the appellant's ownership is open. The whole of the area is designated Green Belt.
7. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that development is considered inappropriate unless it satisfies one of the exceptions cited in paragraphs 154 or 155. Paragraph 154 (a) to (g) lists the types of development that can be considered exceptions, (h) allows other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. Sub-section (v) allows material changes in the use of land. Local Plan Strategy¹ Policy PG 3 sets out the Council's Green Belt policy which largely reflects the Framework but does not include the revisions in the 2024 version.
8. The proposal would involve a material change in the use of an area of land that was not included in the domestic curtilage when permission was originally granted to convert the hotel and no subsequent permissions have established it as being lawfully domestic. A building has been erected on that land and therefore the physical presence of the building impacts on the spatial aspect of the openness of the Green Belt. The building is screened by vegetation and it is seen within the context of the group of buildings associated with Prospect House. However, it is a large and substantial building, set in an otherwise generally flat landscape and therefore also has a visual impact on the openness of the Green Belt.
9. The purposes of Green Belt are set out in paragraph 143 of the Framework. These are, to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
10. I appreciate that the domestic curtilage may have been arbitrarily defined when the property was converted to a dwelling but nonetheless, the curtilage is a generous one befitting the size of Prospect House. The proposal is not just for the change of use of land to residential curtilage but is also for the garden building. Whilst the proposal would not comprise the sprawl of a large built-up area, it would represent a sprawl of buildings extending outside the curtilage and the existing car port and garage into open land. It introduces a further building into this countryside setting.
11. The appellant has referred to paragraph 154 c) of the Framework as an exception to inappropriate development. This relates to the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The proposal does not relate to an extension or alteration to a building and so this exception is not relevant.
12. The revised Framework was published after the decision on the planning application was made by the Council. However, the appellant has submitted

¹ Cheshire East Council – Cheshire East Local Plan Local Plan Strategy 2010 – 2030 July 2017.

comments relevant to the revised Framework. In particular, changes in relation to Green Belt include the introduction of Grey Belt. However, paragraph 155 of the Framework states that the development of homes, commercial and other development should not be regarded as inappropriate where all of the criteria set out apply. This includes a demonstrable unmet need for the type of development proposed. I do not accept that a need for the garden building has been demonstrated. Whilst the building may fulfil a family requirement, Prospect House is a large property and has a generous garden. I am not convinced that any need for a home office could not be met elsewhere in the property or in its domestic grounds.

13. Policy RUR 12 of the Site Allocations and Development Policies Document (SADPD)² indicates that material changes of use of land involving proposals to extend residential gardens or curtilages outside defined settlement boundaries, will only be permitted where the proposal would not cause unacceptable harm to the amenity, character or appearance of the surrounding area or open countryside. Policy RUR 12 also points out that in the Green Belt, Local Plan Strategy Policy PG 3 and the relevant paragraphs in the Framework remain material considerations. The proposal would have a harmful effect on the openness of the Green Belt both spatially and visually. It would therefore conflict with both Policy PG 3 and Policy RUR 12.
14. Consequently, the extended residential curtilage and the erection of the garden building would be inappropriate development. As stated by the Framework, inappropriate development is, by definition, harmful to the Green Belt. Such harm carries substantial weight.

Other Considerations

15. I have already noted that the area is screened by mature vegetation and the building is located close to the others within the domestic curtilage. However, the land overall within the appellant's ownership comprises a large open area and another building adds to the built form and its subsequent urbanisation. The quality of the workmanship is noted although the building on site does not replicate that on the plans.
16. The proposed extension of the curtilage is modest when taken in the context of the totality of the land within the appellant's ownership. However, the existing garden is generous in size and no credible justification has been given as to why the extended garden is needed. As I have referred to above, another building has already been erected beyond the appeal site and whilst no explanation is given as to this building's purpose or why it is located here and so I cannot comment on the appellant's intentions, it adds yet another building into this open Green Belt location.
17. Furthermore, the appellant indicates that a summer house could be built as permitted development in the existing garden. If this is the case then I see no reason to build outside the curtilage. I accept that this may be larger than the appeal building but I do not find it an acceptable fall-back position as it would not be unusual for permitted development rights to be utilised in this manner and such a building would not represent an encroachment beyond the established

² Cheshire East Council – Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD) Adopted December 2022.

residential curtilage. Even if this were considered a fall-back, it would be no worse and indeed potentially preferable than the proposal before me.

Planning Balance

18. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances. The matters I have considered above do not individually or collectively outweigh the substantial weight caused by inappropriate development.
19. I therefore conclude that the proposal would be inappropriate development in the Green Belt and the very special circumstances required to clearly outweigh the harm caused by inappropriateness do not exist. The scheme would conflict with the Framework, Local Plan Strategy Policy PG 3 and SADPD Policy RUR 12.

Other Matters

20. The appellant has referred to other planning decisions and submitted some information on each of them. In the case of the Willott Nurseries site³, the dwelling was constructed to house an essential worker for a nursery business. No residential curtilage was defined and the application proposed a defined residential curtilage. This differs from the appeal site which already has a good sized residential curtilage. In the case of Harvest Barn, the most notable difference between that site and the appeal site is that the proposal at Harvest Barn was for the change of use of land to residential curtilage but did not include a building and the Inspector removed permitted development rights for incidental buildings⁴. In the case cited at New Church House⁵, again no building was proposed and the Council considered removing permitted development rights would ensure that any impact on the openness of the Green Belt would be limited. On the basis of the information given, these examples are not directly comparable with the appeal proposal.
21. I note the examples of case law referred to and have borne these in mind in my assessment⁶.

Conclusion

22. 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. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR

³ Planning Application Ref: 22/1829M.

⁴ Appeal Ref: APP/H1840/W/19/3235302.

⁵ Planning Application Ref: 21/2998M.

⁶ Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020] & Euro Garages Ltd v The Secretary of State for Communities and Local Government and Cheshire West and Chester Council [2018].