



Appeal Decision

Site visit made on 10 April 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/R0660/D/24/3358013

South Oak Cottage, Pinfold Lane, Marthall WA16 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 & Mrs Andrew against the decision of Cheshire East Council.
- The application reference is 24/2573M.
- The development proposed is the demolition of a single-storey rear extension and the construction of a single-storey rear extension with associated landscaping.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of a single-storey rear extension and the construction of a single-storey rear extension with associated landscaping at South Oak Cottage, Pinfold Lane, Marthall WA16 7SW in accordance with the terms of the application, reference 24/2573M, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings:
 - Alt_(04)001 Rev A (Site Plan/Roof Plan)
 - Alt_(04)002 Rev A (GF Plan)
 - Alt_(04)003 (GF Plan)
 - Alt_(04)005 Rev A (FF Plan)
 - Alt_(04)006 Rev A (SF Plan)
 - Alt_(04)010 (Front and Rear Elevations)
 - Alt_(04)011 (Side Elevation)
 - Alt_(04)012 (Side Elevation)
 - Alt_(04)013 (Proposed Section)
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos. Alt_(04)001 Rev A, Alt_(04)002 Rev A, Alt_(04)005 Rev A, Alt_(04)010, Alt_(04)011, and Alt_(04)012.

Preliminary and Procedural Matters

2. The proposed development was described on the planning application form as the “demolition of a single-storey rear extension and the construction of single-storey rear extension and outbuilding with associated landscaping”. Although it was stated on the appeal form that the description of the proposal had not changed, the scheme had been amended to omit a separate outbuilding while the planning application was being determined. I have therefore used a revised wording in the

banner heading and my formal decision above to reflect the fact that the proposal no longer includes that outbuilding.

3. On 12 December 2024 the Government issued a revised National Planning Policy Framework (“the Framework”). Although the December 2023 version of the Framework was extant when the planning application was determined, both the Council’s officer report and the appellants’ appeal statement were prepared in the light of the publication for consultation in July 2024 of the proposed changes. The provisions most relevant to this appeal were not altered significantly between the consultation draft and the publication of the revised Framework, and I consider that there is therefore no requirement for me to seek further comments on the matter; I am satisfied that no party’s interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.

Background and Main Issue

4. South Oak Cottage is a semi-detached two-storey dwelling, on a large plot in a rural area and within the Green Belt. The proposed development is the demolition of an existing single-storey extension at the rear of the property, and the erection of a new larger extension in its place and across the entire rear of the building.
5. There was no dispute between the main parties that the size of the proposed extension, considered cumulatively with other additions which have been made to South Oak Cottage, mean that the proposed development would in the terms of the Framework and development plan be “inappropriate development” in the Green Belt. There was also no disagreement that the development would cause a loss of openness, though the parties did not agree about the extent of any harm which might be caused; I address this as part of my reasons.
6. The main issue is therefore whether the harm to the Green Belt 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 development.

Reasons

Inappropriate development, openness of the Green Belt

7. The Government attaches great importance to Green Belts. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate; Paragraph 154 c) allows for “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”.
8. Policy PG3 of the 2017 Cheshire East Local Plan Strategy (“the CELPS”) says that within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy. It also provides for an exception for extensions and alterations, using the same wording as Paragraph 154 c) of the Framework. Policy RUR11 of the 2022 Cheshire East Site Allocations and Development Policies Document (“the

SADPD”) states 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 Green Belt”.

9. South Oak Cottage has already been extended, and the proposed development would further enlarge the building. Cumulatively, the appeal scheme would result in the floorspace of the building being enlarged from 110m² originally to around 271m², a very considerable increase of just over 146%. As I have already indicated, it is agreed by the main parties that the appeal proposal would, in the terms set out in the Framework and the development plan, represent a disproportionate addition over and above the size of the original building, and so would be inappropriate development in the Green Belt. Based on all the evidence before me, I see no reason to take a different view.
10. A fundamental aim of Green Belt policy, set out in Paragraph 142 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site. The proposed development would introduce new built form where currently there is none. I have not been provided with volumetric calculations, but the floorspace of the building would be increased from around 232m² at present; there would be a corresponding loss of spatial openness.
11. There would also be a loss of visual openness but, while South Oak Cottage is itself in a reasonably prominent location within the fork of a road junction, the development would be at the rear of the building, with the rest of the housing wrapping round it in (roughly) an L-shape. Although the extension would be seen by people passing by along Pinfold Lane, in the vast majority of views this would be against the backdrop of the appeal property and Oak Cottage, its attached “twin” to the north. The proposed extension would be unlikely to stand out visually as a particularly prominent or otherwise intrusive addition to the building.
12. The size of the proposed extension means that the development would not fall within the exception set out in Paragraph 154 c) of the Framework; it would be inappropriate development and, by definition, harmful to the Green Belt. There would also be a loss of spatial and visual openness; given the small size of the proposed extension, and its siting in a part of the site where it would primarily be seen against existing buildings, the harm to the openness of the Green Belt would be very limited. Nevertheless, the Framework is clear that substantial weight should be given to any harm to the Green Belt, including to its openness.

Other considerations

13. Prior approval has been granted for a larger rear extension¹, and a lawful development certificate issued for the construction of a rear extension, new outbuilding and hardstanding². This is a fallback position for the appellants.
14. These developments would allow the addition of an enlarged rear kitchen within the larger rear extension, and an office and games room in a detached extension. Together they would add around 7.8m² more floorspace than the appeal scheme,

¹ LPA Ref: 24/1550M

² LPA Ref: 24/2572M

representing a further increase of around 12 percentage points on the original floorspace. Not only would the fallback position allow for a larger amount of development on the site, as the games room and office would be a detached extension – though only some 1m or so from the main dwelling at its closest – it would lead to a greater loss of spatial and visual openness, and so would cause greater harm to the Green Belt.

15. The Council considers that the attached kitchen extension would provide the appellants with a larger internal living space and would represent a sensible and convenient internal layout, and that there is little doubt that element of the fallback position would be implemented. In respect of the detached games room and office, however, it suggested that as it “would be constructed within close proximity to existing external walls providing little circulation space for occasional maintenance in the future”, and “would sit close to the existing sitting room patio doors and block the existing view out to the rear”, it did not consider that there would be a realistic chance of it being constructed. The Council also commented that, as a separate detached outbuilding, it would not be directly comparable to a rear extension.
16. To deal with the last of those points first, it is not a controversial proposition that in some circumstances an ancillary domestic outbuilding which is physically separated from the main dwelling can be regarded as part of, or an extension to, the main dwelling, although again whether it should be or not is a matter of fact and degree in each case. The proposed games room and office would be physically near, and functionally closely related to, the rest of the house; to all intents and purposes it would act as an extension of the main dwelling, and it is therefore sensible to assess it as such here.
17. The issue of circulation space for maintenance does not, to my mind, cast significant doubt on the prospect of that element of the fallback scheme being implemented. The 1m separation between the extension and the main building would be more than adequate for occasional maintenance to be carried out.
18. While the detached extension would lie between the existing sitting room and the rear garden, so would the proposed appeal scheme extension. The two schemes would provide similar amounts of space to perform similar roles, and the appellants have evidently weighed up the loss of the view from that room and concluded that it is a price worth paying. The appeal scheme is clearly the appellants’ preference but, given property prices in the locality, so there would in any event be a considerable financial incentive for them to implement the less-preferred fallback scheme in the event of my dismissing this appeal.
19. The appellants also drew my attention to the grant of planning permission for a rear extension at the neighbouring Oak Cottage³, the construction of which resulted in that property having been enlarged by more than 30% (though I have not been provided with details of precisely how much more) compared to the original dwelling in that case. That scheme does not appear exactly alike the appeal scheme; for example, I note that in the case of Oak Cottage an existing conservatory was to be replaced, while part of the proposed extension here would infill currently unbuilt space.
20. Nevertheless, the appellants’ fallback scheme here would lead to a “squaring off” of South Oak Cottage in line with Oak Cottage, and the impact of the two

³ LPA Ref: 14/3622M

developments in the locality would be similar. Notwithstanding some differences of detail (for example, South Oak Cottage has two fairly substantial dormers on the rear roof slope which are absent on Oak Cottage), the broad form of the two dwellings would balance one another out. On the other hand, implementing the fallback position at South Oak Cottage would lead to it taking on a rather more sprawling form which would not only increase the harm to the Green Belt, but would potentially jar visually with its neighbour and the wider surroundings.

21. Given these considerations, I consider that there is a very real prospect of the fallback position being implemented, and it would be likely to be more harmful to the openness of the Green Belt than the proposed development. This is a matter which carries considerable weight in favour of the appeal scheme.

Green Belt Balance

22. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. It goes on to state 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. The proposal would be inappropriate development in the Green Belt, and there would be a loss of openness. These matters carry substantial weight.
23. Beyond Green Belt matters, no other harm was identified by the Council. Nothing I have read or seen leads me to disagree; a lack of harm in other respects is a neutral factor in the overall balance.
24. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. Therefore, the proposal would comply with the Green Belt aims of the Framework, and with Policy PG3 CELPS and Policy RUR11 SADPD. Consequently, I conclude that it would be acceptable.

Conditions

25. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2). To protect the character and appearance of the area a condition in respect of materials (3) is necessary, though I have worded this with reference to those drawings within which materials are specified, rather than simply to the existing dwelling as suggested by the Council. The Council did not suggest any further conditions, nor do I consider that any others are necessary.

Conclusion

26. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal should be allowed.

M Cryan

Inspector