



Appeal Decisions

Site visit made on 25 June 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal A Ref: APP/R0660/W/25/3359001

Wrigley Barn, Wrigley Lane, Over Alderley SK10 4SA

- 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 Newton against the decision of Cheshire East Council.
 - The application Ref is 24/1651M.
 - The development proposed is demolition of an agricultural building and replacement with a new self-build dwelling (Class C3) and for associated operational development.
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Appeal B Ref: APP/R0660/W/25/3365479

Wrigley Barn, Wrigley Lane, Over Alderley SK10 4SA

- 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 Newton against the decision of Cheshire East Council.
 - The application Ref is 24/4322/FUL.
 - The development proposed is a new dwelling in lieu of an existing agricultural building with approved of change of use to a dwellinghouse (Class C3), and for associated operation development.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on the appeal site, both of which relate to the demolition of the same agricultural building and its replacement with a dwelling. They differ in the detailed design and proportions of the proposed dwellings but were refused planning permission for the same reason. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The appellants suggest the appeal site has an alternative name of Fittontown Limes. However, I have used the address provided on the application forms and the Council's decision notices.
5. The Over Alderley Neighbourhood Development Plan 2024 – 2030 (OANP) was made in October 2024 (including Design Codes at Appendix 4), and a revised version of the National Planning Policy Framework (the Framework) was published in December 2024, after Appeal A was determined. The main parties have referenced these documents within their appeal submissions. As such I am satisfied that no party would be prejudiced by my also making reference to these documents in this decision and any reference to the Framework is to the most recent version.

Background and Main Issues

6. There is an extant planning permission for the conversion of the existing agricultural building on the appeal site to a dwelling¹ and I have been provided with the decision notice, Officer Report and approved plans relating to this permission. There is a real prospect that this could be implemented and as such it is a material consideration in my assessment. It will therefore be referred to within my assessment below as the Fallback Proposal.
7. The main issues in both appeals are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal 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

8. Policy PG3 of the Cheshire East Local Plan Strategy 2010 – 2030, adopted 2017 (CELPs) sets out that the construction of new buildings in the Green Belt is to be regarded as inappropriate development unless it is for a number of exceptions. The list of exceptions does not include development on grey belt land. Similarly, Policy RUR13 of the Cheshire East Local Plan Site Allocations and Development Policies Document, adopted 2022 (SADPD), which is concerned with replacement buildings in the Green Belt, makes no reference to grey belt, nor that the use of the replacement building should be the same as the existing building. This is because these policies predate the December 2024 Framework. Due weight should be given to development plan policies according to their degree of consistency with the Framework. Accordingly, I have given greater weight to the Framework in determining whether the appeal proposal is inappropriate development in this regard.
9. Development is inappropriate under the Framework unless one of the exceptions under Paragraph 154 applies or where the criteria under Paragraph 155 apply, including whether the development is grey belt land.
10. One exception at Paragraph 154 (d) of the Framework includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This exception is also set out in Policy PG3.3.iv of the CELPS. Both main parties agree that the proposed replacement building would not be in the same use as the existing agricultural building and therefore that the proposal would not fall within the relevant exception to inappropriate development in the Green Belt at Paragraph 154 (d) of the Framework or any exception within Policy PG3 of the CELPS.

¹ LPA Ref: 23/1731M

11. There is also agreement between the parties that, as required by Paragraph 155 of the Framework, not all the criteria listed within that paragraph would apply to the proposed development. Consequently, the proposals for both Appeal A and Appeal B would be inappropriate development in the Green Belt.

Openness

12. As set out in paragraph 142 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. Several factors are capable of being relevant when it comes to assessing openness to the particular facts of a specific case and are a matter of planning judgement. Planning Practice Guidance² confirms that openness is capable of having both spatial and visual aspects.

Appeal A

13. The proposed dwelling would be of two storey brick and tiled roof construction. Although the overall footprint and volume of the proposed building would be less than the existing building, even when taking the appellants' measurements, it would be significantly taller. While the change to the existing built form on the site would not necessarily in itself be harmful to the spatial concept of openness, due to the upward increase in built form and that the immediately surrounding area is devoid of buildings, the proposed dwelling would be clearly visible from Wrigley Lane when approaching from the north.
14. Whilst the proposed dwelling would be screened by woodland and hedges from some directions, I saw at my site visit, which was during summer when leaves were on surrounding trees and hedges, that, due to its position within the field, the existing building was visible from Wrigley Lane. It was also clearly noticeable from the access lane to the site, which is also a Public Right of Way (PROW). Due to its height, and appreciable number of first floor windows, the proposed dwelling would be more apparent, particularly during the months when leaves would not be on trees and during hours of darkness when lighting emanating from the building would be eye-catching. Consequently, the increased height of the proposed building would result in a moderate loss of visual openness.
15. The existing building abuts agricultural grazing land on its northern and eastern elevations. I agree with the appellants that the use of, albeit small, parts of this land as a garden (with the almost inevitable intrusion of paving, boundary treatment and paraphernalia such as garden furniture, washing lines and the like) would lead to an unavoidable domestication of this part of the site and thus some limited spatial harm to openness.
16. By comparison to the building to be replaced, I find that the greater height of the proposed dwelling would be more prominent from several viewpoints. Although the overall volumetric size of the building would be less, the proposed dwelling and garden would cause an overall moderate harmful loss of openness to the Green Belt.

² Paragraph: 001 Reference ID: 64-001-20190722

Appeal B

17. The proposed scheme in Appeal B has sought to address the reason for refusal in relation to Appeal A in terms of the scale and design of the proposed dwelling. It would be of comparable length to the existing building but marginally less wide. The eaves and ridge height of the building would be slightly more than the existing agricultural building in order to provide accommodation in the roof space, but it would not be a full two storey building.
18. There are no other buildings close to the existing building, with the exception of two small containers. In the absence of nearby built form, even given the relatively limited increase in height of the proposed dwelling over and above that of the existing building and that it would be marginally smaller in terms of footprint and volume, the proposed dwelling would appear more prominent when viewed from immediately surrounding public vantage points. This would be particularly evident in views from the PROW when approaching the site from the east where the wrap-around eaves/roof glazing on the east elevation would draw the eye and emphasise the height of the building. The increased height of the dwelling would be less discernible in longer views within the landscape, but the wrap-around eaves/roof window would highlight this increase, especially during hours of darkness when lighting from the glazing at height would be evident.
19. Overall, while the spatial impact of the proposed dwelling would not be dissimilar to the existing building, the use of a small strip of land beyond the footprint of the existing building as domestic garden would, as I have referred to above, lead to some spatial harm to openness. As a result of this, and the small increase in height of the building, I find there would be limited harm to the spatial and visual aspects of openness in the context of the site and surrounding Green Belt.

Summary on openness

20. I find there would be a moderate harmful effect on the openness of the Green Belt in Appeal A and a limited harmful effect in relation to Appeal B. Nonetheless, paragraph 153 of the Framework indicates that substantial weight should be given to any harm to the Green Belt, including harm to its openness.
21. For both appeals, I also find that the introduction of domestic garden land beyond the north and west elevations of the existing building would, in a small way, represent an encroachment into the countryside. This would be contrary to one of the purposes of the Green Belt.

Character and appearance

22. Policies SD2, SE1 and SE4 of the CELP seek, amongst other things, that development proposals make a positive contribution to their surroundings, deliver high quality design and reinforce local character and identity. This is reiterated in Policy OA6 of the OANP.
23. The appeal site is located within undulating countryside and is not subject to any formal landscape designation. However, it lies within the local landscape designation of the 'Alderley Edge and West Macclesfield Wooded Estates'. Evidence suggests this designation is characterised by a sparsely settled, strongly agricultural landscape with scattered buildings of strong vernacular styles, and an intact rural landscape with few detracting elements, which contributes to a sense

of enclosure and tranquillity. The OANP describes the local landscape character as comprising gently undulating topography of pasture, woodlands and hedgerows, scattered farms and cottages.

24. The appeal site forms part of a wider plot of sloping agricultural grazing land which also includes areas of hardstanding, two storage containers, the frame of a polytunnel, a static caravan and a pond. The appeal site itself includes a block and timber three-sided agricultural barn that, at the time of my site visit, was used for agricultural storage, as well as an area of hardstanding fronting the building, a small parcel of land between the building and a boundary hedge, and two further small strips of land adjacent to the building that currently form part of the wider agricultural field.
25. Due to the topography of the area, the existing building sits at a higher land level on the site, close to the access track, than associated fields. The buildings' rear elevation directly abuts the field which descends towards the valley bottom and the modest form of the building and its relationship with the surrounding field positively contribute to the character of its countryside location. While the existing building is of no particular architectural merit, its simple functional construction and appearance is a common feature in this agrarian landscape and is thus not unexpected or visually harmful.

Appeal A

26. The proposed building would be of two storey solid construction and as a dwelling, it would have a high degree of permanence and introduce a building with noticeably higher eaves on the front elevation and an overall higher ridge height. Whilst I note the dwelling is designed to reflect the features of a Cheshire barn and would be less wide than the existing building, it would replace a much lower structure and would introduce elevational treatment that the Council argue would undermine its original agricultural character. While I note such a feature may have been used elsewhere in the area, I agree that the proposed wrap-around eaves/roof glazing would not reflect traditional barn fenestration, nor would the addition of a front porch.
27. While the building would be seen against a row of trees to the south, due to its height, bulk and design, the proposed dwelling would be more conspicuous than the existing building and would result in an overly dominant building within the otherwise open surrounding landscape. Although the choice of materials may be those recommended in the OANP Design Code and be of a high quality, and the proposed dwelling would be of slim profile, I find this would nonetheless fail to overcome the proposal's obtrusive height and design.
28. The proposed domestic garden would be predominantly located upon existing hardstanding and the footprint of the existing building. Whilst a small strip of land along the northern and eastern boundaries would extend into the current agricultural field to form a path around the building for use as a domestic garden, it would be very limited in depth. While spatially this land would no longer be open land, given the low height of the proposed fence, paving and potential domestic paraphernalia, it would not be readily visible from outside the site due to the proximity of the building and the hedge alongside the PROW.
29. For the above reasons, the proposed two-storey dwelling would harm the character and appearance of the area and would conflict with the aims of Policies

SD2, SE1, and SE4 of the CELPS and Policies GEN1 and RUR13 of the SADPD. Collectively these policies seek that development, amongst other things, contributes positively to an area's character and identity, creating or reinforcing local distinctiveness including by not unduly harming the rural character of the countryside by virtue of prominence, scale, bulk or visual intrusion.

Appeal B

30. The proposed dwelling would be constructed of brick with inset bays to the front elevation which would reflect the four-bay steel portal construction of the existing building. While lower than the Appeal A proposal, the proposed building would still be slightly taller than the existing building, but the eaves height only marginally so. Nonetheless, due to the use of wrap-around eaves/roof glazing on the east elevation, the proposed building would be slightly more prominent in views towards the building than the existing low profile building, but the absence of first floor windows on the west elevation would diminish its prominence in views towards this direction from Wrigley Lane and beyond.
31. However, as in the case of the Appeal A scheme, the proposed wrap-around eaves/roof glazing would not reflect traditional barn fenestration and several windows include 10-pane glazing which appears overly fussy and at odds with the simple fenestration prevalent in many traditional farm buildings. Together, the number and different forms of fenestration and their composition on the building, particularly on the east elevation, result in a discordant rhythm to the building and diminish its aesthetic value. However, apart from the design of the eaves/roof fenestration arrangement, specific details of glazing treatment to other windows in the elevations of the building could be dealt with by a suitably worded condition in the event the appeal is allowed.
32. The proposed domestic garden for the dwelling would be the same as Appeal A and due to its location on existing hardstanding and limited incursion into open land, this aspect of the proposal would not be visually harmful.
33. While the proposed development would accord with some elements of the OANP Design Code, for the reasons given above, the effects on the experience of the site from the adjacent PROW and in views from the immediate site surrounds, the proposal would result in, albeit limited, harm to the character and appearance of the area. Consequently, it would conflict with Policies SD2, SE1 and SE4 of the CELPS and also Policies GEN1 and RUR13 of the SADPD which together, seek the objectives I have set out above.

Other considerations

34. 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. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
35. In relation to both appeals, reference is made by the appellants to the Fallback Proposal. I am satisfied that there is a reasonable likelihood that the Fallback Proposal would be implemented and that it is relevant and capable of being a material consideration. However, for significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out,

but it would also need to be more harmful than what would be allowed by the scheme for which permission is sought.

36. In relation to both appeals, I disagree with the appellants' contention that due to the smaller volume and footprint in either Appeal A or Appeal B compared with the Fallback Proposal there would be a resultant increase in Green Belt openness. In my view, a smaller footprint does not necessarily equate to increased spaciousness given the increased height of the proposed dwellings in each appeal and that both schemes would include the same overall residential use of land as the Fallback Proposal. I accept that a greater area of the site in use as a garden could be devoted to soft landscaping and soften the appearance of the proposed dwellings. However, given its lower profile, simple fenestration and proximity to open land to the east, the Fallback Proposal would have a closer and better visual association with the surrounding countryside than either of the appeal proposals, which would both appear more prominent and urbanised.
37. The harm by reason of encroachment in relation to the purposes of the Green Belt for both Appeal A and Appeal B would be the same as the Fallback Proposal. Nonetheless, the Fallback Proposal would not be inappropriate development within the Green Belt.
38. I note the appellants assert that should the Fallback Proposal be implemented, the land would acquire previously developed land status and any subsequent redevelopment proposal that would not cause substantial harm to the Green Belt could be acceptable. Be that as it may, such a scenario would be likely to incur considerable cost and time, and there is no substantive evidence or certainty that it would be likely to constitute a realistic proposition at the current time.
39. For all the reasons above, it follows that the Fallback Proposal is a less harmful alternative compared to either Appeal A or Appeal B and therefore it carries little weight as a consideration in either scheme's favour.
40. Energy efficiency technologies would be incorporated in the case of both appeal proposals, such as ground source heat pumps, solar panels and thermal insulation. Such measures would contribute to climate change adaptation, but there is no reason why at least some of these measures could not be incorporated in the Fallback Proposal. No robust evidence has been presented to demonstrate how the construction of a new dwelling would be environmentally less resource-intensive than the conversion of an existing building. Nevertheless, I give moderate positive weight to this factor.
41. Both appeal proposals would provide needed residential accommodation, would be in a location with a close association to the area for the appellants and may free-up their current home for others to occupy. Both appeal proposals would also provide economic and social benefits through the construction of the development and the additional contributions of the occupiers to support the local economy. However, the Fallback Proposal demonstrates there is an alternative route to meeting these aims. I therefore attribute little positive weight to these factors.
42. Both appeal schemes are each said to be self-build housing, for which there is support within the Framework, even if the Council have exceeded the number of self-build permissions granted in relation to the number of registrations. I have no reason to doubt the appellants' intention to occupy the proposed dwelling. However, permission runs with the land and there is no mechanism before me

which would ensure that the property would be occupied by the appellants. If permission was granted, the Council would have no assurance that the proposed dwelling would not be sold prior to occupation by the appellants. If the proposed dwelling was sold, it would not meet the definition of self-build or custom housebuilding as set out within the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). Without an appropriate mechanism to ensure that the proposed dwelling would be occupied by the appellants, I ascribe limited weight to the benefit of providing a self-build dwelling.

43. I have noted third party support for the proposals as well as the appellants' comments highlighting an absence of identified harm to future or neighbouring residents' living conditions, highways matters, trees and ecology, contaminated land, flood risk and drainage considerations. Even if I were to agree that there would be no unacceptable effects in relation to these matters, this is a neutral factor rather than one that carries positive weight in favour of the development.

Other Matters

44. The Council have referred to a nearby Grade II Listed Building, Fittontown Farmhouse. From what I saw on site and the information before me, this is a detached brick and sandstone farmhouse, the significance of which is derived from its age, simple architectural form and use of traditional materials. Although located along the same access track, the site is physically and visually separate from this designated heritage asset and its setting due to the substantial gap created by the intervening fields and hedgerows. Accordingly, the proposal would have no effect on the setting of the listed building and there would be no conflict with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I am satisfied that the proposal complies with the heritage protection policies of the Framework.
45. Reference has been made by the appellants to a number of previous planning applications approved by the Council, and copies of court judgements have been provided³. The appellants are of the view that these show how openness in the Green Belt should be interpreted and that other similar developments have been permitted in the area. My understanding of the developments that were permitted in those instances is limited to what has been provided in the appellants' Design and Access Statements⁴. The Lowndes Farm proposal was approved prior to the adoption of the CELPS and the SADPD. The Overlands proposal was for the replacement of a stable building rather than an agricultural building and the Kermincham Hall proposal was approved prior to the adoption of the SADPD and the OANP.
46. It is clear that in each case the decision-maker was required to exercise their planning judgement on the specifics that were before them, which will have included the local and national planning policy background at the time, the individual proposal and the context within which the site sits. While consistency in decision-making is important, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable

³ *John Turner v SoSCLG & East Dorset Council* [2016] EWCA Civ 466; *R (Samuel Smith Old Brewery) v Yorkshire CC* [2020] UKSC 3; *Euro Garages Limited v SoSCLG and Cheshire West and Chester Council* [2018] EWHC 1753 (Admin), *R (Isabel Haden) v Shropshire C* [2020] EWHC 33 and *Mansell v Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314

⁴ 4093 Wrigley Barn Design and Access Statement, Heyes and Partners Revision C, April 2024

development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

47. Paragraph 84 of the Framework states that the development of isolated homes in the countryside should be avoided unless a number of specific circumstances apply. This paragraph has not changed between the 2023 version of the Framework and the current version. Even though the Council allege conflict with this aspect of both appeal proposals in their appeal submissions, it is not referred to in either reason for refusal in the respective decision notices for either appeal. The Fallback Proposal would, in any event, also result in residential accommodation on the same site.
48. I note the appellants seek to retire and that few agricultural operations are currently carried out at the site. Nevertheless, this does not mean that others could not use the site and surrounding land for more intensive appropriate purposes and does not justify the harm I have identified.
49. I also note the appellants' frustration with the Council in respect of the handling of the planning application relating to Appeal A. However, this has had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Planning Balance

50. Both appeal proposals would be inappropriate development in the Green Belt. I also find there would be a moderate harmful effect on the openness of the Green Belt in relation to Appeal A and a limited harmful effect on openness in relation to Appeal B. This harm, together with the inappropriateness I have found in each case carries substantial weight against both proposals. The harm by reason of encroachment in relation to the purposes of the Green Belt for both appeals would be the same as the Fallback Proposal. Nonetheless, the Fallback Proposal would not be inappropriate development within the Green Belt.
51. I have also found there would be moderate and limited harm to the character and appearance of the area in the case of Appeal A and Appeal B respectively.
52. The other considerations put forward in both cases to which I have cumulatively afforded moderate weight do not clearly outweigh the harm to the Green Belt and the other harm that I have identified in either Appeal A or Appeal B. Consequently, the very special circumstances necessary to justify the development do not exist in either case. Thus, both appeals would conflict with Policy PG3 of the CELPS.
53. The Council cannot demonstrate a five year housing land supply. Paragraph 11 (d) of the Framework, in conjunction with footnote 7, states that planning permission should therefore be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. In both appeals, I find the totality of the Green Belt harm provides the strong reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development as set out in paragraph 11 (d) of the Framework does not apply.

Conclusion

54. For the foregoing reasons and having regard to all other matters raised, both appeals conflict with the development plan. There is also conflict with the objectives of the Framework where they seek to protect the Green Belt and achieve well-designed places. The conflict is not outweighed by other considerations such that I am compelled to make a decision other than in accordance therewith.
55. Therefore, I conclude that both Appeal A and Appeal B should be dismissed.

A Veevers

INSPECTOR