



Appeal Decision

Site visit made on 22 July 2025

by **A Veevers BA(Hons) Dip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

Appeal Ref: APP/R0660/W/25/3361020

8 Vicarage Lane, Poynton, Cheshire East SK12 1BG

- 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 Harrison against the decision of Cheshire East Council.
 - The application Ref is 24/1858M.
 - The development proposed is part single-storey, part two-storey rear extension, single-storey side extension and dormer.
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Decision

1. The appeal is allowed, and planning permission is granted for the part single-storey, part two-storey rear extension, single-storey side extension and dormer at 8 Vicarage Lane, Poynton, Cheshire East SK12 1BG in accordance with the terms of the application, Ref 24/1858M, 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 drawing no: XXXX-ADS-XX-XX-DR-S-001 Rev P10 (drawing title: proposed plans – elevations)
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2024, after the appeal was made under the Householder Appeals Service. In reviewing the appeals procedure and because the appellants' grounds of appeal refer to the revised Framework, in the interests of fairness, I determined that the appeal procedure should be one of written representations under Part 2 of the Regulations¹ to allow the Council and interested parties an opportunity to consider the appellants' evidence. Further submissions were accordingly made to the appeal within the amended appeal timetable. I am therefore satisfied that no prejudice would occur by this change in procedure.
3. At the time of my site visit I saw a development as described above had been carried out. While the description above does not refer specifically to a porch, and I note one is shown on the submitted plans, the description refers to single storey

¹ The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (as amended)

extensions, and the Council have assessed the proposal on the basis that the porch forms part of the proposal as shall I.

4. Amended plans submitted with the appeal differ from those submitted in the original planning application but more closely match what has been constructed at the site. It is clear that the Council noted the differences between the application plans and the as-built development in the delegated Officer Report but determined the proposal on the basis of the application plans. It is also apparent from representations received during consideration of the application, that interested parties were aware of the as-built development. Having regard to the *Holborn Studios* judgement² which follows on from *Wheatcroft*³ in terms of procedural fairness, the plans aim to respond to what has been constructed on the site. The changes do not have a significant effect on the nature of the development. In changing the appeal procedure, the documents, including the amended plans, were made available on the Council's website during the appeal consultation period and interested parties were able to view and make representations on them. The Council have commented on the information as part of their appeal submissions. Consequently, I am satisfied that no prejudice would occur by my taking them into account.
5. However, the Council point to further discrepancies between the appeal plans and the development that has been constructed. For the avoidance of doubt, as I cannot be certain that what has been constructed entirely matches the plans before me, I have assessed the development as shown on the submitted appeal plan (Ref: XXXX-ADS-XX-XX-DR-S-001 Rev P10) as a proposed development and referred to it as such throughout this decision. Any discrepancy between the plans and what is built is for the main parties to resolve as necessary.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and if so,
 - 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

7. The Framework sets out that the government attaches great importance to Green Belts; the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land open; and the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings within the Green Belt is inappropriate under the Framework unless one of the exceptions under paragraph 154 applies or where the criteria under paragraph 155 apply. The appellant draws my attention to paragraphs 154 (c) and (g) and also to paragraph 155, including whether the development is on grey belt land.

² *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

³ *Wheatcroft (Bernard) Ltd v Secretary of State for the Environment* [1982] JPL 37

8. Paragraph 154 (c) of the Framework states that the extension or alteration of a building is not inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Criterion 3(iii) of Policy PG3 of the Cheshire East Local Plan Strategy 2010 – 2030, adopted 2017, (CELPS) and criterion 1(i) of Policy RUR11 of the Cheshire East Local Plan Site Allocations and Development Policies Document, adopted 2022 (SADPD) are consistent with the Framework in this regard.
9. The Framework does not define what constitutes a disproportionate addition but criterion 3 of Policy RUR11 advises that proposals would usually be considered as disproportionate additions in the Green Belt where they increase the size of the original building by more than 30%. Criterion 4 of the policy states that the increase in size will usually be determined by assessing the net increase in floorspace.
10. The proposal includes a mono-pitch single-storey side extension, a porch, a part single/part two storey rear extension, and side and rear dormers to the semi-detached appeal dwelling. There is disagreement between the parties as to whether or not the proposal would amount to disproportionate additions.
11. Using the appellant's figures, it is claimed the proposed additions would be 'de minimis' as they would be only 4.7% over the 30% threshold. However, the Council contend the increased floorspace would amount to approximately 63.6% of the original dwelling's floorspace. The difference between the figures essentially lies in whether or not outbuildings that may have previously existed formed part of the original dwelling.
12. The appellant's calculations take into account potential single storey structures that are indicated as shaded areas adjoining the main dwelling on an extract of a 1973 map. However, the Council have provided an extract from an earlier 1954 map which does not show these shaded areas, nor any other similar indication of outbuildings within the row of semi-detached dwellings from this time. While the Council accept that a small outbuilding shown on the 1973 map and in photographic imagery from 2000 could have been part of the original dwelling, evidence is not conclusive. From the information before me, I cannot be certain the shaded areas on the 1973 map were part of the original dwelling. Consequently, the proposal would breach the 30% threshold set out in Policy RUR11.
13. However, even if I accepted the Council's figures, an assessment of disproportionate can encompass more than simply a numerical exercise, which would be an over prescriptive approach to matters of proportionality. Thus, a conclusion on this matter cannot be arrived at purely on a mathematical calculation as a single factor, as the test is primarily an objective one based on size, as referenced by the Framework. Indeed, criterion 2 of Policy RUR 11 advises that in considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account, with particular attention given to increases in height. Although none of the other exceptions to the size threshold set out at criterion 3 of the policy would apply in this case, the policy text is not written in a way that would mean that the 30% figure should be viewed as an absolute maximum percentage increase.

14. Whilst a numerical analysis is a useful starting point, there is objective value in considering the overall visual effects, configuration and context of the proposal alongside a mathematical calculation.
15. The proposal would add both floor area and volume to the appeal dwelling. However, from the evidence before me and my observations on site, the porch and side extension would be modest in size and would be notably subservient to the original dwelling. A gap would be retained at first floor level between the appeal dwelling and 6 Vicarage Lane which would maintain space and allow views of the wooded gardens and countryside beyond. Although the proposed dormers would add bulk at roof level and be clearly visible from various vantage points, they would be no higher than the main ridge and the original hipped roof form of the dwelling would be apparent. Much of the massing of the proposal would be to the rear when viewing from the road, which enables the original two storey form of the dwelling to still be legible.
16. At the rear, the proposed part single and part two storey extension would not encroach towards the open garden beyond the line established by the conservatory at the adjoining 10 Vicarage Lane. Furthermore, the first floor would be lower than the main ridge and would not extend the full width of the dwelling, thus it would not appear out of proportion with or completely encompass the original dwelling.
17. In this case, when viewed as a whole, the proposal would be relatively compact and would not distort the appearance of the dwelling such that the extensions would dominate the building or overwhelm its original form or bulk. Indeed, the Council had no objection to the proposal in design terms, stating that overall, it would be sympathetic to the scale and character of the host dwelling.
18. When seen in the specific context of other properties within the street, many of which have been extended, the proposal would not significantly extend the visual or spatial impression of built development along the north side of Vicarage Lane which, unlike the south side of the road, falls within the Green Belt.
19. Therefore, whilst I acknowledge that the cumulative floorspace of the proposed extensions would exceed the threshold set out in Policy RUR11, as a matter of judgement and based on the specific site circumstances, context and works proposed for this appeal, I consider the proposal would not result in a disproportionate addition over and above the size of the original building. Even if a previous alleged car port at the appeal property did not exist, it would not change my view that the proposed development would not be disproportionate.
20. Consequently, in my judgement and for the reasons above, I conclude the proposal would meet the terms of the exception at paragraph 154 (c) of the Framework, and it would therefore not be inappropriate development in the Green Belt. In accordance with established caselaw⁴, it would therefore not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it. In view of this, the appeal proposal would also accord with Policy PG3 of the CELPS and Policy RUR11 of the SADPD along with guidance in the Framework, all of which seek to protect the Green Belt from inappropriate development.

⁴ *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1)* [2016] EWCA Civ 404

21. While I have been provided with comments relating to the Framework's recent changes, including references to grey belt, as I have found that the proposal would not be inappropriate development in the Green Belt having regard to the exception at paragraph 154 (c), it is not necessary for me to consider the exceptions provided by paragraph 154 (g) or paragraph 155 or any other exceptions. Given my conclusion on the first main issue, there is no requirement to assess if there are other considerations, including fallback, that amount to very special circumstances so as to justify the development.

Other Matters

22. The appellant has submitted a signed and executed planning obligation in the form of a unilateral undertaking (UU). It includes provisions relating to the removal of permitted development rights at the appeal site, which would, at the point in time planning permission was granted, were the appeal allowed, also include the recently granted Certificate of Lawful Proposed Use or Development for a detached outbuilding⁵.
23. However, I agree with the Council that even if in this case the appellant took up the opportunity to implement the permitted development rights for domestic extensions, there are restrictions in place under the terms of the Town and Country Planning (General Permitted Development)(England)(Order) 2015 (as amended) (GPDO) regarding their scope and the size and site coverage of any outbuildings. Given the scale of the proposed extensions, there would be very limited remaining permitted development options available. The Council also point to Criterion 3 (iv) of Policy RUR11 of the SADPD which could in any event, allow for a small-scale domestic outbuilding within the garden.
24. As such, and having regard to advice contained in Planning Practice Guidance (PPG)⁶, I find that the UU is not necessary or reasonable in the interests of preventing inappropriate development and protecting the openness of the Green Belt. In this case, it would therefore not meet the tests set out in Regulation 122 of the Community Infrastructure Levy (Amendment) Regulations 2015.
25. Other extensions to properties along Vicarage Lane were granted permission under the provisions of a previous development plan and may not comply with current development plan policy. However, these considerations would not alter my assessment of the proposal against the development plan and Framework currently in force.
26. I acknowledge other concerns of local residents. However, there are no convincing reasons to disagree with the Council's conclusions that the design of the proposed development would be in keeping with the mixed character of the surrounding area, particularly having regard to other single and first floor side extensions to properties on the north side of Vicarage Lane; or that adverse harm would be caused to neighbour's living conditions in relation to privacy or light.
27. Matters related to Building Regulations, land ownership (including potential encroachment onto the pavement and neighbouring properties) and access for the cleaning of windows and gutters would be separate to and would not ultimately influence the assessment of the planning merits of the proposal in relation to the

⁵ LPA REF: 25/1604/CLPUD

⁶ Paragraph: 017 Reference ID: 21a-017-20190723 Revision date: 23 07 2019

Green Belt. Interested parties have also raised concerns that the works have been undertaken without planning permission. However, Planning Practice Guidance⁷ advises that a local planning authority can invite a retrospective application as the appropriate way forward to regularise the situation. Interested parties have had the opportunity to comment on the development.

Conditions

28. I have considered the suggested conditions from the Council and had regard to Paragraph 57 of the Framework and the PPG in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the approved plans as this provides certainty. A condition requiring matching materials is imposed in the interests of the character and appearance of the dwelling and the wider area.
29. Permitted development rights within the Green Belt have not been restricted under the terms of the GDPO and neighbouring properties may retain such rights. I am also mindful that paragraph 55 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. For the reasons I have previously set out above in relation to the UU, I consider the Council's suggested condition to restrict permitted development rights in this case, would be unnecessary.

Conclusion

30. For the reasons given above, having considered the development plan and all other relevant material considerations, I conclude that the appeal should be allowed.

A Veevers

INSPECTOR

⁷ Paragraph: 012 Reference ID: 17b-012-20140306 Revision date: 06 03 2014