



Appeal Decision

Site visit made on 22 July 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/A0665/W/25/3364429

Forest Cottage, Ashton Road, Norley, Northwich WA6 6NY

- 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 Callum Buckle against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/02476/FUL.
 - The development proposed is a replacement dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr & Mrs Reed against Mr Callum Buckle. This application is the subject of a separate Decision.

Preliminary Matter

3. Amended drawings have been provided with the appeal. These propose amendments to the design of the proposed dwelling, consisting of the addition of brick detailing, a small circular window on the front elevation and a chimney. Given the minor nature of the differences between the plans and that they would serve to improve the appearance of the proposed dwelling, I am satisfied that my acceptance of them would not cause procedural unfairness to anyone who has an interest in the appeal.

Main Issues

4. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) The effect of the proposal on the openness of the Green Belt;
 - (iii) Whether the proposal would impact upon a non-designated heritage asset (NDHA);
 - (iv) The effect of the proposal on the character and appearance of the area; and
 - (v) Whether 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 development.

Reasons

Whether inappropriate development

5. Policy STRAT 9 of the Local Plan Strategic Policies (LPSP) refers back to the Framework for the assessment of development proposals in the Green Belt. Policy DM 21 of the Local Plan Land Allocations and Detailed Policies (LPLADP) applies the same test as set out in the Framework in terms of replacement dwellings in the Green Belt, that being the exception set out in paragraph 154d) that allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The accompanying text to Policy DM 21 sets out a general guide that materially larger is no more than 10 per cent larger than the existing dwelling, measured in floorspace terms.
6. The proposed dwelling is a replacement for the existing dwelling. The proposed garage is a separate, standalone building and not a replacement for any existing building. The appellant has not advanced a case as to why the garage would not be inappropriate development in the Green Belt. I have therefore focussed my assessment of this main issue on the proposed dwelling. The main parties do not agree on the floorspace increase that would arise but based on the Council's 'worst-case' scenario there would be a 10.7% increase if the porch on its front elevation is not considered as floorspace. If the porch is included, the Council places the floorspace increase at 13.8%.
7. The proposed porch is a storm porch without enclosure other than two low walls to either side and its two support posts. It would provide shelter to the front door and also enhance the visual appearance of the proposed dwelling. It would not however provide floorspace and therefore it can be excluded from the floorspace calculation. That being the case, what is left is a very marginal excess over what is set out in the text that accompanies Policy DM 21. The policy is clear that the 10% threshold is general guidance and, whilst it is clearly necessary to draw the line somewhere, a breach of 0.7% does not tip the balance between the dwelling being materially larger and not being so.
8. For these reasons, the proposed replacement dwelling would meet with the exception set out in paragraph 154d) of the Framework and would not be inappropriate development in the Green Belt. There would also be no conflict with the aims of the relevant development plan policies either, those being Policy STRAT 9 of the LPSP and Policy DM 21 of the LPLADP. However, the proposed garage would not fall into any of the exceptions listed in the Framework. Consequently, it would be inappropriate development in the Green Belt.

Openness

9. Caselaw has established that where a development is found not to be inappropriate development in the Green Belt, it is not necessary to then go on and consider its impact upon openness and the Green Belt purposes. Therefore, the impact of the proposed dwelling in those respects does not require further consideration.
10. The proposed garage would place a built form where there is currently no building. In that sense it would have an impact on openness in both a visual and spatial sense. Because of the relatively small scale of the proposed garage this impact

would be limited, but it would still cause harm to openness, contrary to the specific guidance in the Framework.

NDHA

11. The appeal property does not appear to have been identified as a NDHA prior to the submission of the previous planning application. However, the Council now consider it and the attached dwelling at Brookhurst, taken as one, to be a NDHA. This is due to the pair's contribution to local distinctiveness and historic character. Heritage Statements (HSs) were provided with the planning application and appeal submissions. They conclude that Forest Cottage has been extensively altered and that its significance is primarily historical rather than architectural. The appellant's position is that the NDHA threshold is not met.
12. The Framework defines significance as the value of a heritage asset to this and future generations because of its heritage interest and that the interest may be archaeological, architectural, artistic or historic. The Planning Practice Guidance (PPG) sets out that a '*substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets*' and that '*only a minority have enough heritage significance to merit identification as non-designated heritage assets*'.
13. In the face of what are comprehensive HSs, I am not persuaded that the Council has made a convincing argument that Forest Cottage should be considered to be a NDHA. With reference to the PPG guidance, just being locally distinct and having historic character could be applied to a great number of buildings. No formal assessment has been set out nor any criteria suggested to guide an assessment. Furthermore, the Council concede that any significance that Brookhurst might have in NDHA terms would likely be retained even if Forest Cottage was demolished. In conclusion, I find Policy DM 48 of the LPLADP not to be applicable to the appeal proposal.

Character and appearance

14. The Inspector in the previous appeal¹ concluded that the loss of Forest Cottage would cause significant harm to the character and appearance of the area. This is a consideration distinct from that which arises in the third main issue in this appeal. I too was able to see the positive contribution that the building makes to the street scene and to the transition from the settlement to the adjacent forest. I find no reason to take a different view on the degree of harm that would be caused in respect of its loss.
15. The proposed replacement dwelling is, considered on a standalone basis, of a good design and appearance. However, in meeting modern building standards it would inevitably appear as a modern addition to the street scene, as opposed to a historic building, in particular in terms of its massing. I acknowledge the presence of modern dwellings further along Ashton Road, that there is no building line as such, that there are cars parked to the frontages of dwellings, that the appeal site does not fall within a Conservation Area and that Forest Cottage is not identified as a building of being of any significance in terms of its contribution to the character of the village in the Norley Neighbourhood Plan 2016.

¹ APP/A0665/W/24/3352284

16. Nonetheless, the presence of the appeal proposal would disrupt the pleasant transition that currently exists on both sides of Ashton Road from the edge of the settlement into the forest, which is created primarily by the presence of the older dwellings. Therefore, it would not compensate for the significant harm to the character and appearance of the area resulting from the loss of Forest Cottage.
17. In terms of the impact on the visual relationship with Brookhurst, that property already has one side gable which sits prominently in the street scene. The impact that this has would be unaffected by the appeal proposal. A new gable would be formed to the other side, but Brookhurst is set back from the highway, and it is not unusual in this locality, or indeed in many places, to be able to see the side elevations of dwellings from the road. No harm would be caused in this respect, either. There are other detached properties in the street scene and therefore Brookhurst becoming detached would not appear out of keeping.
18. The proposed garage would be set forward of the front elevations of both the proposed dwelling and the dwelling at Brookhurst. This would be an uncharacteristic feature in the street scene as prominent outbuildings are not typically found to the fronts of dwellings. Whilst it is likely the garage would be screened to some degree by vegetation, it would nonetheless add further to the visual harm that would be caused by the proposed development.
19. For these reasons, the proposed development would fail to accord with Policy ENV 6 of the LPSP and Policies DM 3 and DM 19 of the LPLADP where, taken together, they seek to protect character and appearance.

Other Considerations

20. My attention has been drawn to lawful development certificates that have been granted, relating to extensions to Forest Cottage and to outbuildings at the property, including a detached garage. In light of my findings on the first main issue and the replacement dwelling, that extensions could be made to Forest Cottage is not an argument that is needed to support the appellant's case with regard to the Green Belt. In terms of the comparable impact on the character and appearance of the area, even with the fallback extensions the general character of Forest Cottage would be retained, especially its front elevation which makes the most contribution to the street scene. The alternative proposals would therefore not have the same or a worse impact than the appeal proposal and I do not weigh this fallback consideration in its favour.
21. It is clear that a detached garage of the same scale could be erected, albeit not in the same position as proposed under this appeal. Whilst this could reasonably be used to make a case in terms of the matter relating to the Green Belt and the impact upon openness, it would not overcome the harm to character and appearance I have found, as the alternative garage is set further away from the road and would have a lesser visual impact as a result. It appears that it would not be possible to site a garage in the position shown on the appeal drawings under permitted development rights, as it would be forward of the principal elevation of Forest Cottage. The alternative garage would not therefore have the same or a worse impact compared to the appeal garage and again this does not weigh in favour of the proposal.
22. The appellant refers to a further fallback in that they could submit a notification seeking prior approval for the demolition of Forest Cottage. Although the scope of

the Council's consideration would be limited, in the absence of that formal process being followed I cannot have absolute certainty that they could demolish the building via that route. However, if it were to be demonstrated that there would be no impediments to the demolition of Forest Cottage via that route, the concern as to the significant harm attached to this in main issue four could be argued to have fallen away. This consideration would not in any event overcome the other areas of harm identified.

Planning Balance & Conclusion

23. I have found the proposed dwelling not to be inappropriate development in the Green Belt, but the proposed garage to be inappropriate and to result in limited harm to its openness. The case that Forest Cottage should be considered to be a NDHA has not been made. However, I have found that there would be significant harm to the character and appearance of the area from the loss of Forest Cottage and that this would be compounded by its replacement with a modern dwelling and by the positioning of its garage. This means that the proposal would fail to accord with the development plan, taken as a whole.
24. The fallback positions relating to extensions to the existing dwelling and a detached garage would not result in development that would cause the same or a worse impact when compared to the appeal proposal. They do not therefore outweigh the harm to the character and appearance of the area that would result from both the proposed dwelling and garage or, with respect to the garage, clearly outweigh the substantial harm as a result of inappropriate development in the Green Belt so as to represent very special circumstances.
25. For these reasons, the appeal should be dismissed.

Graham Wraight

INSPECTOR