



Appeal Decision

Site visit made on 31 July 2025

by **K Winnard LL.B Hons Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 26 August 2025

Appeal Ref: APP/C4235/D/25/3366724

Seven Oaks, Jacksons Lane, Hazel Grove, Stockport SK7 5JP

- 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 John Carlin against the decision of Stockport Metropolitan Borough Council.
 - The application Ref is DC/094840.
 - The development proposed is the erection of an outbuilding in the garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Within the appeal documentation the appellant asserted that the site now formed grey belt land. Given that the Council had not assessed the application on this basis, it was given the opportunity to comment on whether the site could be considered grey belt land and if so, what implications, if any, there were for the appeal.

Main Issues

3. The main issues in the appeal 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. The effect on the character and appearance of the host dwelling and area; and
 - iv. Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site, Seven Oaks, lies within the Green Belt. It is a large, detached property in substantial grounds within a residential area, sited on the southern side of Jacksons Lane. The southern edge of Jacksons Lane marks the boundary of

Green Belt land in this location. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 154 of the Framework sets out construction of new buildings within the Green Belt should be regarded as inappropriate other than in a few exceptions. The appellant does not dispute the assessment made by the Council that the proposal would not fall within any of the exceptions provided for within paragraph 154.
6. The appellant indicates that the appeal site no longer functionally serves Green Belt purposes following the recent approval of residential development on the land immediately surrounding Seven Oaks (the Russell Homes development) and asserts that the site is now 'grey belt'. The Framework defines 'grey belt' as land within the Green Belt comprising previously developed land and/or any other land, that in either case, does not strongly contribute to any of purposes (a) (b) or (d) of Green Belt land as set out in paragraph 143, and excludes land where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
7. The proposed development would be contained within the existing boundaries of the dwelling, and as such would not result in the unrestricted sprawl of large built-up areas, the merging of towns, nor affect the setting and special character of historic towns. In the context of the dwelling and the nature of the surrounding development, it would not fundamentally undermine the purposes of the remaining Green Belt. I have no reason to doubt that the proposal would be in a sustainable location.
8. However, paragraph 155(b) of the Framework refers to the use of grey belt land satisfying a demonstrable unmet need for the type of development proposed. No evidence has been submitted to indicate that this is applicable in this appeal. Consequently, this paragraph renders the development inappropriate.
9. Accordingly, having regard to the exceptions provided for in the Framework, the proposal would therefore comprise inappropriate development which is by definition harmful to the Green Belt. It would therefore be contrary to Saved Policies GBA1.2 and GBA1.5 of the Stockport Unitary Development Plan Review (UDP), where there is a presumption against the construction of new buildings within the Green Belt unless it falls within specified exceptions and the Framework.

Openness

10. The Framework states that the fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has a spatial and visual aspect and is primarily characterised by a lack of buildings or development. The proposal would result in a sizeable building and would occupy part of the garden that is largely free of buildings. It would therefore have an effect on the spatial openness of the appeal site. Whilst it is well screened by high walls and existing mature boundary vegetation, the width of the outbuilding would stretch across a significant part of the site and given its height, the upper parts of the front elevation would still be visible in some views from the highway, particularly when considering seasonal variations in screening. There would therefore be a small harmful loss of openness within the Green Belt.

11. Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of openness. Consequently, I conclude that the development would not preserve Green Belt openness, albeit in the context of the scale of the proposal, this is limited.

Character and Appearance

12. Seven Oaks is a substantial residential dwelling set in a spacious curtilage. Notwithstanding this, the proposed outbuilding is of such a size it would infill most of the gap between the dwelling and its boundary with the neighbouring dwelling. Whilst the ridge and eaves of the outbuilding would be lower than the host dwelling, due to its significant footprint, length and height the proposal would appear overly large for an outbuilding. As such it would not appear as a subordinate building in relation to the host dwelling, contrary to Policy SIE-1 of the Stockport Core Strategy (Core Strategy), Saved Policy CDH1.8 of the UDP and the Council's House Extensions and Alterations Supplementary Planning Document (SPD), which requires detached buildings to be of an appropriate scale and appear clearly subordinate to the main house.
13. Policy LCR1.1 of the UDP in relation to Landscape Character Areas (LCA) requires development to be accommodated without any adverse effect on the landscape quality of the particular character area. Few details are before me as to the particular qualities of the LCA in this location and in any event the dwelling plot is already associated with the surrounding urban development to its north and from which it is primarily viewed. Insofar as the potential change of character of this area as a result of the Russell Homes development is concerned, I give this little weight given that on the information before me, this development has not yet commenced. Given the overall context of the appeal site, and the surrounding built development the proposal would therefore have a neutral effect on the wider landscape qualities of the LCA in this location.
14. It is therefore concluded on this issue that the proposed outbuilding would have a harmful effect on the character and appearance of the host dwelling, and the area. As a consequence, it would conflict with Core Strategy Policy SEI-1 and Saved Policy CDH1.8 of the UDP. Together these policies require development to be designed having high regard to the natural and built environment in which it is sited and to compliment the existing dwelling in terms of design and scale. It would also conflict with guidance contained in the SPD, details of which are given above.

Other Considerations

15. The appellant draws my attention to a fallback position. A Certificate of Lawful Development (LDC) has been granted for two single storey outbuildings and permeable driveways at the appeal property, which represents a realistic fallback position for the appellant. The two single storey outbuildings would be sited either side of the dwelling and cumulatively be of a larger footprint and volume than the outbuilding proposed under the appeal scheme. It is asserted by the appellant that consequently there would be less impact upon the openness of the Green Belt. Based purely on the increase in built floor area at the appeal site, the LDC proposals would result in a greater increase in footprint. However, both of these outbuildings would be single storey and would represent subordinate buildings to the dwelling. I have concluded that it is the height and extent of the proposed outbuilding that would make it insubordinate and harmful on character and

appearance. Moreover, the appeal scheme would be more apparent and have a greater impact on openness than the effect of the two outbuildings which notwithstanding their siting either side of the dwelling would be of a lower profile. Accordingly, I give limited weight to the fallback position.

16. It is contended on behalf of the appellant that the recent granting by the Council of a residential development (Russell Homes development) on the Green Belt land immediately surrounding Seven Oaks should be borne in mind when assessing the effect of the proposal on openness and the purposes of including land within the Green Belt. However, the appeal site is within the Green Belt and there is nothing in the Framework which suggests different weight should be given to harm within different parts of it. I recognise that in comparison to the Russell Homes development, the proposed development is not large scale and that the impact on the five purposes of the Green Belt would be minimal. However, it remains the case that the proposal is inappropriate and that there would be some harm, all be it to a limited degree on openness. Further, the Russell Homes development has not yet commenced. The Framework is clear that the development is harmful to the Green Belt and that such harm should be given substantial weight.
17. Further, it is suggested that the recent decision by the Council to grant planning permission in relation to this development is inconsistent with its decision on the appeal scheme particularly in relation to its view on the Landscape Character Area and the character and appearance on the area. However, on the information before me, it appears that the Council concluded that the proposal for the Russell Homes development was inappropriate development within the Green Belt, but that due to a number of factors very special circumstances existed to warrant the granting of permission. On the face of it, this suggests that there is no inconsistency in the Council's approach, nor does it alter my view on this matter.

Green Belt Balance and Conclusion

18. The appeal proposal would be inappropriate development in the Green Belt, and further harm to the openness of the Green Belt and the character and appearance of the area would also arise. The Framework indicates that substantial weight should be given to the harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm arising from the proposal, is clearly outweighed by other considerations.
19. The other considerations would not, in their totality, clearly outweigh the harm to the Green Belt and the other harm that I have identified. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal would therefore conflict with the Green Belt protection aims of the Framework and Development Plan. There are no other material considerations which indicate that the decision should be made other than in accordance with the Development Plan.
20. For the above reasons, the appeal is dismissed.

K Winnard

INSPECTOR