



Appeal Decision

Site visit made on 19 August 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 September 2025

Appeal Ref: APP/A0665/D/25/3368454

Oakwood, Dunstan Lane, Neston CH64 8TQ

- 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 Evans against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/02326/FUL.
 - The development proposed is loft conversion via partial raising of existing ridge height, formation of new dormer window, minor external alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - the effect of the proposal on the openness of the Green Belt; and
 - the effect of the proposal on the character and appearance of the area; and
 - whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. 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.
4. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate, with specific exceptions. These include 154 c) 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. The glossary to the Framework describes the original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan, Part One: Strategic Policies (Local Plan Part One) refers to restrictions applying to development within the Green Belt to be in line with the Framework. Whilst not quoted within the reason for refusal, the parties also refer to Policy DM21 of the Cheshire West and Chester Local Plan, (Part Two) Land Allocations and Detailed Policies (Local Plan Part Two). This reiterates that the resulting development should not result in disproportionate additions over and above the size of the original building.
6. The Framework does not provide a definition of 'disproportionate additions' and therefore this assessment is a matter of planning judgment. As general guidance, the supporting text of Policy Strat 9 of the Local Plan Part 2, and the Supplementary Planning Document: House Extensions and Domestic Outbuildings state that subordinate and small scale extensions/outbuildings should not increase the size of the original building by more than 30%.
7. The appeal proposal would see the upward extension of a small proportion of a substantial dwelling. The proposal would not increase the building's footprint, but it would modestly increase the overall volume of the existing building.
8. The original dwelling was significantly extended in 1989 under planning permission PH/3/11/571. Taking account of this sizeable extension, the Council state that the proposal amounts to a cumulative increase of 290% from the size of the original building. This figure is not disputed by the appellant, and neither is it in dispute that the proposal would exceed the 30% threshold, stated within the Local Plan Part 2 guidance, when comparing with the size of the original building.
9. The proposal is a minor addition to this previously approved scheme. However, both the Framework and the Local Plan Part 2 guidance, clearly expresses the comparison to be with the original rather than the existing extended dwelling. On this basis, even a very modest extension can represent a disproportionate addition, such as in this case, where the original building has been previously extended. This is regardless of whether the previous extension was constructed prior to the adoption of the Local Plan Part 2, and regardless of whether the previous extension was considered acceptable in principle, through the granting of planning permission.
10. I therefore find the proposal to be a disproportionate addition over and above the size of the original building. It amounts to inappropriate development in the Green Belt, which is by definition harmful, such that it conflicts with the requirements of the Framework, and Policy STRAT 9 of the Local Plan Part One, and Policy DM21 of the Local Plan Part Two.

Openness

11. The updated Planning Practice Guidance states that when assessing the impact of a proposal on the openness of the Green Belt, spatial and visual factors may be relevant, amongst other things.
12. The proposal would have a spatial and visual effect on openness resulting from the upward extension, into a space that was previously undeveloped. However the effect on the openness of the Green Belt would be limited due to the size of the extension relative to the existing building.

13. Although spatially and visually the harm to openness would be limited, the Framework is clear in paragraph 153 that substantial weight is given to any harm to the Green Belt, including harm to its openness.

Character and appearance

14. The existing dwelling is positioned within a large plot and appears visually isolated from other dwellings as it is adjacent to open fields and separated from the closest dwelling by tall trees. It comprises four wings around a central courtyard. Each wing has a variety of roof forms and gabled elements and an elongated form, due to their length and proportions.
15. The proposed extension would match the ridge height of the existing dwelling. It would also have the appearance of further elongating the front elevation due to the proposed continuation of the roof line. However, the extension is also modest in size, relative to the overall proportions of the host dwelling and the plot it sits within. Whilst the first floor of the side elevation would be flush with the ground floor element, the entire proposed side elevation would be set back behind the position of the larger central element on the west elevation and would appear subservient. Furthermore its design continues the existing architectural style of varied elevational detailing. Overall, the proposal is harmonious with and subordinate to the existing dwelling.
16. For the above reasons I conclude that the proposal would not have a harmful effect on the character and appearance of the area. Accordingly, and in this regard, I find no conflict with relevant provisions of Policy ENV6 of the Local Plan Part One, and Policies DM3 and DM21 of the Local Plan Part Two. Amongst other things these policies require new development to respect scale, character and appearance of an existing building and the local area, amongst other things.

Other considerations

17. The appellant asserts that the dwelling can be extended under permitted development rights, in the form of an alternative roof alteration on the side elevation. A plan has been submitted in support of this; however this is represented in diagrammatic form as a comparison to the proposed scheme, and with little detail. Moreover, no evidence has been provided to demonstrate that the appellant would build such a scheme if the appeal proposal were to be dismissed. For these reasons, I cannot be sure that such a scheme would be more than a theoretical prospect. I therefore give little weight to this alternative.
18. My attention has been drawn to a replacement dwelling, at Acre Wood¹. I note that in recommending approval, permitted development rights for the original dwelling were taken into account, however I have no further detail of the information that was presented to the Council in order for them to reach their conclusion, nor did the proposal relate to an addition to an existing building. Furthermore, this was only one of several relevant factors that were taken into account. Others included roof height, merit of the original dwelling and its state of repair. For these reasons, the example is not directly comparable to the appeal proposal, which limits the weight I attribute to it.

¹Application reference 15/03140/FUL

Green Belt Balance and Conclusion

19. The Framework sets out the general presumption against inappropriate development within the Green Belt. It explains that such development 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.
20. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposal would result in limited harm to the openness of the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt including harm to its openness.
21. The other considerations including the lack of harm to the character and appearance of the area are of limited weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and as such very special circumstances do not exist.
22. The proposal is contrary to the development plan as a whole, and contrary to the Framework. As such, and for the reasons given, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR