The Planning Inspectorate

Appeal Decision

Site visit made on 23 May 2017

by Mrs A L Fairclough MA BSc(Hons) LLB(Hons) PGDipLP (Barrister) IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 December 2017

Appeal Ref: APP/B3438/D/17/3172708
Shrubbery Cottage, Cheadle Road, Cheddleton ST13 7BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mark Leese against the decision of Staffordshire Moorlands District Council.
- The application Ref: SMD/2017/0007, dated 3 January 2017, was refused by notice dated 21 February 2017.
- The development proposed is described as "erection of carport".

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are a) whether the proposal constitutes inappropriate development in the Green Belt, b) its effect on the openness of the Green Belt and on the character and appearance of the area, and c) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development proposed.

Reasons

Whether the development would be inappropriate development

3. Shrubbery Cottage is located within the Green Belt. It is a stone built cottage, which has been extended by linking the dwelling to adjoining stone outbuildings. The proposal before me relates to the erection of a double bay car port. It would be constructed with oak timber posts and would have a plain tiled roof to match the existing roof materials on the appeal dwelling. It would be attached to the gable of the original dwelling.

4. Policy SS6c of the *Core Strategy Development Plan Document* of the *Staffordshire Moorlands Local Development Framework: A Local Plan for the Future of Staffordshire Moorlands* (CSDPD)(dated 2014) states that strict control will continue to be exercised over inappropriate development in the Green Belt allowing only for exceptions as defined by Government policy.

5. *The National Planning Policy Framework* (the Framework) states at paragraph 89 that the extension or alteration of a building is not inappropriate provided

that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define 'disproportionate'. Therefore it is a matter of judgement having regard to the original building and the proposed extension.

6. The carport would be some 88 cubic metres, which the appellant states would equate to around 17.2% of the volume of the original buildings. The appellant states that the volume of the host dwelling is 646.64 cubed metres. These figures are based on the existing buildings on the site, including the lean-to and outbuildings which were converted into domestic use under planning permission Ref: SMD/2015/0611. On this basis the appellant considers the extension would not be disproportionate to the host dwelling.

7. The Council states that the assessment of the proposal should be based on the 'original building' as defined by the Framework as that built in 1948 or in the case of a building built after that date, the building as originally built. The parties both refer to abandonment of use as a residential property and that in 2008 the reuse of the building to form a holiday cottage brought the building back into use. This appeal relates to the 2-storey cottage and its single storey attachment built prior to 1948. The appellant refers to planning permission (Ref: SMD/2015/0611), which includes the reuse of buildings which are of permanent and substantial construction. Paragraph 90 of the Framework indicates that reuse of these buildings are not inappropriate in the Green Belt. Thus the reuse of the buildings is not inappropriate.

8. From the evidence before me it is apparent that the 2-storey element and an attached single storey lean-to element formed a domestic unit that pre-dated 1948. The evidence before me indicates that the adjacent outbuildings and a concrete block shed were separate to the dwelling and had their own structural integrity and use albeit they abutted each other. Therefore, I am not convinced that these outbuilding/shed elements were part of the 'original building' as defined by the Framework but separate to it.

9. However, the fact that they are now linked to the dwelling by a new rebuilt link such that the original dwelling and the reused buildings have become one unit is irrelevant as the building existed in 1948. This does not mean that these elements should necessarily be included in the calculations.

10. Therefore, given the size of the dwelling as existed in 1948 and the size of the proposal before me, I consider that the proposal would amount to a disproportionate addition. Even if the converted elements which were added to the dwelling as part of the 2015 permission were included, the calculations the proposal would together with these additions amount to a significantly disproportionate extension in the Green Belt.

11. I note that the Council has analysed the proposal in terms of footprint, describing the development as a rangy stretched linear form such that the additions to the dwelling which were part of the 2015 conversion amounted to some 55% increase in footprint and that the addition of the car part would increase this to around 94%. Either way whether using volume or footprint as a method of assessment for the proposed car port, the increase in mass and form would be disproportionate in size of the original building when taken together with the other additions which have already been converted, rebuilt and linked to it. On that basis, the proposed development would be inappropriate development in the Green Belt.

Any other Green Belt harm

12. I acknowledge that the proposed development would be an open sided car port but it would be set into an enclosed area of retaining gabion masonry walls on two sides, as the appeal dwelling is positioned at a lower level than the adjacent land to the east. It would also be attached to the gable wall of the appeal dwelling. Thus it would fill a gap at the end of this linear development. Thus I consider that the proposed development would have a small effect on the openness of the Green Belt, i.e. land not covered by structures, which vertically project and have a mass and form. The proposed development would elongate an already linear development which is within the large gap between No 340 Cheadle Road and 366 Cheadle Road. Overall, it would reduce the openness of the Green Belt, a concept that is not dependant on public visibility but which is an essential characteristic of such designated land[1]. This would conflict with the Framework (and CSDPD Policy SS6c).

13. The Framework states at paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the Framework, substantial weight must be given to any harm to the Green belt. 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.

Character and appearance

14. The host dwelling is a vernacular building typical of the local rural area. In my view it has been sensitively renovated and extended into the adjacent outbuildings using matching materials in a traditional manner. The proposed development would extend the already linear development. Although it would continue the use of traditional materials and would create a low key functional structure, its open-sided nature and its mass and relative proportion would create an unusual feature not typical of dwellings in the locality. In my view, the proposed car port would be detrimental to the character and appearance of the locality. Thus it would conflict with CSDPD Policies DC1, DC2 and DC3.

Conclusions

15. The proposal would amount to inappropriate development and it would encroach on the openness of the Green Belt. The Framework makes it clear that any harm to the openness of the Green Belt should be given substantial weight as the essential characteristics of Green Belts are their openness and their permanence. For the appeal to succeed, the combined weight of other considerations must clearly outweigh the totality of the harm arising. I have concluded that the proposed development would not harm the character and appearance of the locality. I also note the appellant's assertion that there is no existing storage facility and the proposal would assist. However, these points do not clearly outweigh the harm by reason of inappropriateness and reduction in openness. As such the very special circumstances, as required by paragraph 88 of the Framework, necessary to justify inappropriate development in the Green Belt do not exist in this case.

[1] Paragraph 78 of the Framework indicates that the fundamental aim of Green Belt policy is to prevent sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence

16. For the reasons given above, the appeal is dismissed.

Mrs A Fairclough

INSPECTOR