

Appeal Decision

Hearing held on 5 September 2023

Site visit made on 5 September 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/R0660/C/21/3286380

Land south of Dragons Lane, Moston, Sandbach CW11 3QB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Douglas Doherty against an enforcement notice issued by Cheshire East Council.
 - The notice, reference 18/00357E, was issued on 5 October 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised material change of use of land from an agricultural use to a use as a residential caravan site together with the formation of an area of hardstanding, erection of a timber building and gates and fence, parking/storage of vehicles and other paraphernalia.
 - The requirements of the notice are:
 - a) cease the use of the land as a residential caravan site
 - b) remove all caravans from the land
 - c) remove from the land all vehicles and any other paraphernalia un-associated with the agricultural use of the land
 - d) remove all fences and gates shown in the approximate position edged in blue and marked A-F on the attached plan marked 'Plan B' from the land
 - e) remove the timber building in the approximate position hatched green on the attached 'Plan B' from the land
 - f) remove the hardstanding from the land
 - g) remove all resulting debris arising from compliance with steps c), d), e) and f) from the land
 - h) restore the land from which hardcore has been removed by covering with topsoil and seeking with grass seed.
 - The periods for compliance with the requirements are: a) 6 months; b) 7 months; c) 7 months; d) 8 months; e) 8 months; f) 9 months; g) 10 months; and h) 10 months after the notice takes effect
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The enforcement notice is corrected and varied by:
 - deletion of the plan labelled 'Plan B' with land edged red.
 - deleting the words 'edged red' from paragraph 2 and substitute them for 'edged blue'.
 - deleting the words 'A-F' from paragraph 5d) and substitute them for 'A-B-C-D-E-F'.
 - deleting paragraph 5h) and substituting it for 'restore the land to its previous condition'.

- deleting the words from paragraphs 6a) to h) and replacing them with '6a) 12 months after the notice takes effect, b) 12 months after the notice takes effect, c) 12 months after the notice takes effect, d) 13 months after the notice takes effect, e) 13 months after the notice takes effect, f) 13 months after the notice takes effect, g) 13 months after the notice takes effect, and h) 13 months after the notice takes effect'.
 - by the substitution of the plan annexed to this decision for the plan with the blue edge attached to the enforcement notice.
2. Subject to these corrections and variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Enforcement Notice

3. I have a duty to ensure that the enforcement notice is in order. Under s176(1) of the Act, as amended, it is open to me to correct any defect, error or misdescription in the enforcement notice or to vary its terms provided I am satisfied that the correction or variation will not cause any injustice.
4. The main parties agreed that requirement h) should be deleted as it creates uncertainty about what anyone seeking to comply with that requirement needs to do. This is because it would be difficult for anyone to know exactly what they need to do to achieve the right levels to comply with the requirement. Instead, the main parties agreed that this requirement should be varied so that the land is restored to its previous condition.
5. Two plans are attached to the notice and are both labelled as 'Plan B'. The first outlines land in red and is referenced in the allegation. The second is edged blue, contains letters and a box hatched in green. This plan is referred to in the requirements of the notice. The areas of land that the plan with the red edge covers extends northwards beyond the area edged blue towards Dragon Lane. Consequently, the land edged red includes land that forms part of Lazarus Farm, and the access that serves a further plot, which have both been granted planning permission for use as a residential caravan site. The effect of the drafting error means that requirements a), b), c) f), g) and h) would all apply to this and, and therefore the notice would go too far. Hence, both parties agreed that the allegation should instead refer to the plan edged blue only which is attached to this decision.
6. Requirement d) relates to the position of fences marked A-F on the plan edged blue. However, because of the planning permission granted for the adjoining plot at Meadow View, the main parties agreed that point 'F' should be moved southwards to reflect the extent of fencing that the appeal site shares with the plot on Meadow View, and which benefits from planning permission. The corrected plan is attached to this decision.
7. I am content that these corrections will not cause any injustice; a matter that was agreed by the main parties at the Hearing.

Preliminary Matter

8. On 14 December 2022, the Council adopted the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD). The SADPD was adopted after the enforcement notice was issued and the appeal against it

lodged. The SADPD replaced the saved policies in the Congleton Borough Local Plan First Review adopted in January 2005. Given the change in circumstances, I sought both parties' comments on the relevant policies in the SADPD at the Hearing, and I have determined the appeal in accordance with the development plan for Cheshire East which includes the SADPD and the Cheshire East Local Plan Strategy 2010-2030 (CELPS).

Reasons

The appeal on ground (a)

Main Issues

9. The main issues are: (a) whether the proposal is in a suitable location in the countryside and occupants would have reasonable access to facilities and services, having regard to the development plan, the National Planning Policy Framework (the Framework), the Planning Policy for Traveller Sites (PPTS); (b) the effect of the proposal on the high-pressure gas lines; (c) the effect of the proposal on the character and appearance of the area; (d) the need for, and provision of, sites for gypsies and travellers in the area; and (e) any other material considerations in support.

Location

10. The appeal site is to the south of Dragons Lane on the fringes of Moston Green, a dispersed settlement. The appeal site lies within a large, triangular-shaped field amounting to 4.5 hectares of land. This field is bounded by Dragons Lane to the north, Plant Lane to the west and a public footpath to the south-east. The field contains several lawful caravan sites: Thimswarra Farm occupying the north-western corner of the field (comprising two pitches accommodating four caravans); Meadow View fronting Dragons Lane to the east of Thimswarra Farm (four pitches/eight caravans); a single pitch site to the east of Meadow View (Lazarus Farm); and two single-pitch sites on land to the south of Meadow View.
11. CELPS Policy PG 6 allows for the approval of development in the open countryside for certain categories of development including, "*other uses appropriate to a rural area*". This policy carries the caveat that the acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan and that, in this regard, particular attention should be paid to design and landscape character so that the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.
12. The second limb of CELPS Policy SC 7 sets out the factors relevant to the consideration of proposals for new Gypsy sites. These include the proximity of the site to local services and facilities. Elworth offers the nearest shops, community services and facilities roughly 2.3 km away. Sandbach railway station is around 1.6 km from the appeal site. However, despite their relative proximity to the appeal site, the roads between it and Elworth are, for the most part, unlit and do not have a pedestrian footway. Hence, occupiers of the site are either not be able to safely access these services and facilities by foot or choose not to do so based on distance, safety, and convenience, and instead rely on a private vehicle. In my view, the latter is the likely mode of transport for both reasons.
13. That said, the Framework in paragraph 105 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, as Policy C of the PPTS references sites in rural or semi-

rural settings, there is no principal issue with such locations being used for a Gypsy site. Therefore, whilst the occupiers of the site are reliant on the use of the private vehicle, the distances that they travel are reasonably short and journeys could be grouped, making best use of the available facilities and services on offer. Although the site may be located further away from the distances found in the table set out in the justification for CELPS Policy SD 2, these distances are not policy requirements and they do not lead me to consider that there is an issue with the site's location in relation to local services and facilities.

14. As such, I conclude on this issue that the proposal is in a suitable location in the countryside and the occupants would have reasonable access to facilities and services. There is no conflict with CELPS Policies SC 7, SD 1, SD 2 and CO 1 in this regard as they seek to guide development to accessible locations. I shall come to CELPS Policy PG 6 in due course.

High pressure gas lines

15. The appeal site lies near to two high pressure natural gas pipelines (Feeder 21 Elworth to Mickle Trafford and Warburton to Audley). Both are major accident hazard pipelines. The pressure and design of the pipelines, along with the nature of natural gas, means that if either pipeline fails, it could lead to a catastrophic release of gas. If ignited, HSE confirm that it would burn as a large fire ball and a subsequent jet fire. The former would likely cover 300 metres from the point of failure, the latter 100 to 150 metres from the point of failure. The risk of failure is low, and thus the risk to people is low but not negligible.
16. To manage the risk, the HSE has inner, middle and outer zones around the pipeline. Save for a small corner in the north-west part of the site, the appeal site lies within the inner zone. Where most of the site lies in the inner zone, the whole site is treated as being within the inner zone by the HSE. I have no reason to disagree with this approach, given it is the occupiers' safety at hand.
17. Within the inner zone, the HSE does not advise against one or two dwelling units. The term 'dwelling units' is applied by the HSE to any residential accommodation. The limitation placed on the inner zone is to manage the risk of potential pipeline failure to the population and to avoid a significant population close to a major hazard pipeline.
18. On its own, the proposal is not contrary to that advice. However, the appeal site neighbours other residential caravan sites. Those at Lazarus Farm¹ and a site to the south-east of the appeal site² benefit from planning permission, and already lie within the inner zone. This means that the proposal should not be looked at in isolation and when those other two sites are accounted for, the proposal increases the number of residential units within the inner zone near to one another, and near to the pipelines. While one extra unit may seem like a marginal increase above an arbitrary threshold, if this approach was repeated time and again, the number of people living near to a major accident hazard pipeline would incrementally grow, and so would the safety risk, even though the risk of failure may be low, and so would the potential consequences if a failure were to happen. I am mindful that the pipelines cover a significant geographic distance, but my findings relate to a relatively small area where the number of units are.

¹ Appeal Decision: APP/R0660/W/19/3240007

² Appeal Decision: APP/R0660/W/19/3232925

19. The appellant says that the residential accommodation could be moved and located in the middle zone, and therefore outside of the inner zone. Document 2 is a layout plan of the site that shows a mobile home near to the access in the north-west corner of the site. However, that is not the layout on the appeal site that I saw. In any event, notwithstanding my principal finding about the proposal in line with HSE's advice, I am not satisfied that a planning condition to secure the siting of the mobile home within the middle zone would satisfy the six tests. This is due to the lack of certainty about how the middle and inner zones relate to the site and the mobile home, and the likely effect the mobile home would have on access in and out of the site given that it would probably need to be hard up to the north-east corner of the site to be outside of the inner zone. As a result, I do not consider the appellant's suggestion overcomes the potential harm that I have identified.
20. Given their proximity and number, I conclude in respect of this issue, that the proposal's location gives rise to an unacceptable safety risk to the occupiers in conflict with SADPD Policy INF 7.

Character and appearance

21. Owing to the site's set back position from Dragons Lane and the vegetation along the road, there are glimpsed views of the site's access, boundary treatment, the caravan and outbuilding. Further glimpsed views are available from the footpath to the southeast, but from nearby roads the appeal site is well screened by existing mature vegetation, though there are instances whereby the tops of neighbouring caravans, entrance gates and site boundaries are visible. In the context of the neighbouring Gypsy sites with planning permission, some limited harm has been caused by the urbanisation of an undeveloped parcel of land in the countryside, and the accumulation of development on the wider parcel of land which the appeal site contributes to.
22. For these reasons, I conclude, in respect of this issue, that limited harm is caused to the character and appearance of the area which is in conflict with CELPS Policies PG 6 and SC 7.

Need for Gypsy and Traveller sites

23. The appellant states that there is a potential unmet need of between 57 and 77 pitches in the Borough. He explains that this unmet need is considerable and should carry substantial weight in favour of allowing the appeal.
24. In 2018 the Council published its updated Traveller and Travelling Showpeople Accommodation Assessment 2018 (GTAA). The appellant raises concern about whether this is a robust assessment of need, and about the surveys undertaken. However, the GTAA formed part of the evidence before the Examining Inspector for the SADPD. This document was referred to as the GTTSAA. I do not have a copy of the Examining Inspector's report for the SADPD, but the recent appeal decisions at Middle Lane, Congleton³ contained extracts from that report which are also pertinent to this case given the same arguments put by the appellant.
25. The Examining Inspector stated: "*I am satisfied that the 2018 GTTSAA provides a sufficiently robust and up to date assessment of need in Cheshire East for the period 2017-2030*". They also addressed the appellant's point about the accuracy of the GTAA's assessment of need and provision and the

³ Document 1

surveys that underpin it. The Examining Inspector set out that *"because it was not possible to determine the travelling status of all of the households surveyed when conducting the GTTSAA, a need for 2 pitches is identified for households where it was unknown whether they met the Annex 1 definition. The report also quantifies the following additional needs: 3 pitches for those who do not meet the Annex 1 definition, but need culturally appropriate accommodation"*.

26. The SADPD is now adopted and Policy HOU 5 identifies a need in the Borough (2017 to 2030) for 32 additional permanent pitches for Gypsies and Travellers and a transit site of between 5 and 10 pitches for Gypsies and Travellers. These pitches are to be delivered on six allocated sites listed within the policy, and from sites in the *'open countryside, outside the Green Belt'* which accord with criterion 3(i) of CELPS Policy PG 6 and SADPD Policy PG 10 and have a genuine need for culturally appropriate accommodation in Cheshire East.
27. The examination and adoption of the SADPD was before the Court of Appeal judgment of *Smith v SSLUHC & Ors* (2022) EWCA. This judgment sets out that the definition of Gypsies and Travellers in annex 1 of the PPTS is discriminatory as it makes it harder for elderly and disabled ethnic Gypsies and Travellers to obtain planning permission. Further, it does not include persons of nomadic habitat of life who on grounds of their own, or family's dependants' educational or health needs or old age have ceased to travel permanently.
28. The GTAA did, however, consider that there was a need beyond that limited to the definition in annex 1 of the PPTS. Therefore, SADPD Policy HOU 5(3) permits Gypsy and Traveller pitches in the open countryside, outside of the Green Belt over and above the allocated sites where the intended occupiers who have a genuine need for culturally appropriate accommodation, and their accommodation needs cannot be met by occupying an existing pitch or a new pitch on an allocated site. On this basis, I consider that there is a strategy in the SADPD to meet the required need arising from Gypsies and Travellers who do not meet the definition in the PPTS, and the unknown need if the appellant is correct about the level of potential unmet need, across the plan period.

Supply of Gypsy and Traveller sites

29. The Council say that it can now, following the adoption of the SADPD, demonstrate a deliverable five-year supply of Gypsy and Traveller sites. The appellant considers that this is not the case as only 14 of the 45 pitches identified are deliverable within five years.
30. The issue of supply was recently explored in the Middle Lane appeal decisions. An extract from the Examining Inspector's report on the SADPD was set out. This reads *'assuming the SADPD is adopted during 2022/23, a further 14 pitches on deliverable sites would be required to ensure a supply sufficient to meet 5 years' worth of the annualised target, which would be 15 pitches. The Council considers a further 14 pitches of the supply remain deliverable. 8 of these have planning permission, so should be considered deliverable. The other 6 pitches are on two allocated sites, which did not have planning permission at the time the evidence was submitted (Sites G&T 1 and G&T). However, they are both extensions to existing sites, which are being promoted by the site owners. As such, I consider there is sufficiently clear evidence that the pitches will be completed within the first 5 years following adoption'*.
31. The Inspector in the Middle Lane decisions then went on to say that he considered that the Council could demonstrate a five-year supply of Gypsy and

Traveller sites based on the objective evidence before him and following the adoption of the SADPD. It was also established in those decisions that a further two pitches previously not included in that supply were to be added following a grant of planning permission. Since then, there have not been any changes to the Council's supply that would indicate that I take a different stance to the Middle Lane Inspector. However, I note that he adopted a worst-case scenario given the appellant's view that a five-supply could not be demonstrated. As the appellant considers that the need established in the GTAA should be the starting point for assessing whether or not there is a five-year supply, and not the need identified in the SADPD, I shall determine the appeal as if the Council is not able to demonstrate a five-year supply.

Other considerations

Personal circumstances and best interests of the children

32. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Given the site occupiers are Gypsies, they have a protected characteristic for the purposes of the PSED. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. Article 3(1) of the United Nations Convention on the Rights of the Child also states that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. In reaching my decision, I have kept these interests at the forefront of my mind. However, these are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
33. There is no dispute between the parties that the appellant leads a nomadic lifestyle and travels for an economic purpose. I have no reason to reach a different conclusion on this matter.
34. The appellant and his wife have three children. The eldest child is home schooled. The younger two attend a nearby primary school except when the family are travelling in the summer. The elder of the two children attending primary school may or may not continue onto secondary school, but the youngest child is more likely as they started school earlier and are at level comparable to their peers. There are no health or educational needs associated with any of the family.
35. Having a settled base would allow the family unit to all reside on the same site and provide a stable environment for all the children to continue with their education from, but especially for the younger two who attend primary school. Retaining a settled base at the site would also enable the family to access a GP for example.

Alternatives

36. Neither party could point to any suitable available alternative Gypsy and Traveller sites that could accommodate the appellant and his family in Cheshire East. There are waiting lists for any pitches that do become available on a public site from time to time. Other pitches are generally small, private sites occupied by families or by family members.
37. The Council confirmed that no planning application has been submitted in relation to the pitches at Coppenhall Moss (Site G&T 2), and it is not likely to be available for another two years.

38. However, windfall pitches beyond those provided for on allocated sites, excluding sites in the Green Belt, can be permitted on sites in the open countryside through SADPD Policy HOU5(3). I understand from the Middle Lane appeal decisions that large parts of the Borough includes land designated as countryside outside of Green Belt. The principle of whether it would be possible to find an alternative site in the countryside but without a constraint such as the gas pipelines was discussed at the Hearing. Further, points were made about whether it would be possible to secure the necessary planning permission within the compliance period on the notice. The principle of doing so was not disputed by the appellant.
39. Having to potentially move away from the appeal site to another site within the Borough would be a change. It could also cause some inconvenience to the family, especially the children, if they were to move further away from the primary school as it may take longer to travel to and from there. Also, there is likely to be some effect on their current stable environment that allows them to attend school. That said, there are large parts of the Borough designated as countryside outside of Green Belt, and it may be possible to find and secure planning permission for an alternative site in the nearby area in compliance with SADPD Policy HOU5(3).
40. I have no reason to doubt the Council has recovered from backlogs that it experienced in determining planning applications, but the appellant points to the length of time the Council have taken to determine planning applications for Gypsies and Travellers, with one to two years cited. Whatever the reasons, these applications have not been determined within the compliance period stated on the notice. Hence, the appellant says that the compliance period of 7 to 10 months would not be long enough to find a site, obtain planning permission and undertake necessary infrastructure works.
41. Although there may be a lack of alternatives identified, the decision-making process in response to a planning application would not, in my view, be a significant time obstacle to occupying an alternative and policy compliant site outside of the Green Belt. However, for reasons referred to above, and those which I explore as part of the ground (g) appeal below, I consider that it would be reasonable and necessary to provide more time for the requirements of the notice to be complied with. For factors that I outline below, a period of 12 months would provide the appellant a reasonable period of time to find an alternative and policy compliant site, whilst striking a proportionate and reasonable balance with the best interests of the children so that they have a settled educational environment until at least the end of the current academic year or the around the end of the first part of the next.

Other general considerations

42. Of the remaining factors to be taken into account when considering Gypsy and Traveller and Travelling Showperson sites under CELPS Policy SC 7 that I have not already addressed, I concur with the appellant that no adverse impacts arise from the proposal. That does not, however, change the limited harm I have found in respect of the character and appearance of the surrounding area, and although there is a need for a site, this must be considered in conjunction with SADPD Policy HOU5(3).
43. I recognise that the site is not subject to any designation save for its countryside location near to a gas pipeline. The site is also not located in area considered to be at high risk of flooding. Even so, these are all neutral matters.

Planning Balance and Conclusion on ground (a)

44. I have found that the proposal is in a suitable location in the countryside and the occupants would have reasonable access to facilities and services. However, there is an unacceptable safety risk from the site's location within the inner zone of the high pressure gas pipelines. Limited harm is also caused to the character and appearance of the area. As a result, the proposal conflicts with CELPS Policy SC 7 and SADPD Policy INF 7. Consequently, there is also conflict with CELPS Policy PG 6. Although I have found limited harm to the character and appearance of the area, I afford very substantial weight to the unacceptable safety risk due to the site's location near to two high pressure gas pipelines. As set out above, this harm cannot be addressed by a suitably worded planning condition.
45. There is a genuine need for a pitch for the family and there are no alternatives currently available for them. However, the principle of finding and securing planning permission for a policy compliant windfall site within 12 months, even if viewed as optimistic, was not disputed by the appellant, and the compliance periods on the notice could be varied to this effect.
46. The personal circumstances of the family and the best interests of the children do weigh in favour of the proposal, as would the lack of a five-year supply of deliverable Gypsy and Traveller sites based on my approach based on a worst-case scenario. As the PPTS makes clear in paragraph 27 this should be a significant material consideration. However, that applies in the context of a temporary planning permission which I shall come onto. It remains, however, a factor of considerable weight in respect of a permanent planning permission, but it does not indicate that I should take a decision other than in accordance with the development plan, even when I take account of the other considerations raised in this case. Therefore, I shall not grant permanent planning permission for the proposal.
47. A two-to-three-year temporary planning permission is suggested by the appellant. In either case, the harms identified would remain, albeit they would be time limited. However, that does not diminish the potential safety consequences were either or both gas pipelines to fail. Although the risk is low according to the HSE, the potential consequences for the occupants are grave if they ever come to pass. The very substantial weight I afford this harm remains and outweighs the significant consideration that the lack of a five-year supply of deliverable sites would carry if one existed. I will not therefore grant temporary planning permission. But, for the reasons explained, there is a likelihood of an alternative policy compliant site being secured within a shorter time period. By extending the compliance period for the reasons outlined in the appeal on ground (g), the appellant and his family would be afforded time to do so without needing to impose a temporary planning permission.
48. For the reasons set out, the appeal on ground (a) fails and planning permission is refused. In doing so and upholding the notice with corrections and variations, I acknowledge that it would result in the loss of a home for the appellant and his family. This would cause an infringement of rights under Article 8 of the HRA. But the harm that I have identified in this case is of such weight that upholding the corrected and varied notice and refusing planning permission is a proportionate, legitimate and necessary response that would not violate those persons' rights under Article 8. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

The appeal on ground (g)

49. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed.
50. The notice stipulates six months to cease the use of the land, seven months to remove all the caravans, vehicles and any other paraphernalia, eight months to remove all other development, save for the hardstanding which is to be removed within nine months before all resulting debris and the restoration of the land before the end of ten months.
51. The appellant considers it would be better if longer time periods were given, and the longer they are the better, with a suggestion of 18 months. However, they are mindful that this length of time is akin to a temporary planning permission, and, as a result, suggest that the period for compliance with requirements a), b) and c) should be 12 months, with the period for compliance with the remaining requirements being 15 months. This would enable, albeit without certainty, the appellant to look for an alternative and policy compliant site. For this and other reasons that I have set out, longer compliance periods are reasonable, necessary and proportionate in this case. This centres particularly on the stability that the appeal site affords the children and their education, but also the social and health considerations of the family. While I recognise that these could be secured at another site, there would be inconvenience and an unsettled period, nonetheless.
52. A two staged approach as suggested by the appellant would simplify when the notice's requirements would need to be complied with yet maintain a logical sequencing of works to be undertaken. Varying the compliance periods would achieve this, and also take into account the need for an alternative site to be found, the personal circumstances of the family including the children. In the round, I concur with the Council's view outlined at the Hearing that the compliance period for requirements a) to c) should be 12 months. I also find that varying the compliance period for the remaining requirements would be justified but only to 13 months to strike a fair and proportionate balance between the need to remedy the breach of planning control and the public interest and the interference with the Article 8 rights of the family.
53. On this basis, I conclude that the appeal on ground (g) succeeds. I shall therefore vary the notice by deleting all the words in paragraph 6a) to h) and replacing them with 12 months for paragraph 6a) to c) and 13 months for 6d) to h). This would not cause injustice to either of the main parties.

Overall Conclusion

54. For the reasons set out above, I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the deemed application.

Andrew McGlone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Douglas Doherty

Phillip Brown, Phillip Brown Associates Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Zafer Faqir, Senior Planning Officer (Enforcement)

Claire Coombs, Principal Planning Officer (Strategic Planning Team)

Stuart Reston, Principal Specialist Inspector, HSE

Owen Stevens, Specialist Inspector HSE

INTERESTED PARTIES:

David Nixon, Moston Parish Council

DOCUMENTS SUBMITTED AT THE HEARING:

1 – Appeal Decisions: APP/R0660/C/22/3309004 and APP/R0660/W/22/3308801,
Land off Middle Lane, Congleton

2 – Site Layout Plan



Plan

This is the plan referred to in my decision dated: 6 October 2023

by Andrew McGlone BSc MCD MRTPI

Appeal Ref: APP/R0660/C/21/3286380

Land south of Dragons Lane, Moston, Sandbach CW11 3QB

Scale: DO NOT SCALE



4/10/2021

Land South of Dragons Lane, Moston, Sandbach

Plan B



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