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## Appeal Decisions

Site visit made on 10 December 2024

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> April 2025

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### **Appeal A Ref: APP/R0660/W/24/3345937**

#### **Bradford House Cottage, Bradford Lane, Nether Alderley SK10 4TR**

- 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 Mrs Annabelle Russell against the decision of Cheshire East Council.
  - The application reference is 23/0955M.
  - The development proposed is the demolition of an existing dwelling and a shippon building, and the erection of a new dwelling as well as the creation of a walled garden.
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### **Appeal B Ref: APP/R0660/W/24/3346030**

#### **Bradford House Cottage, Bradford Lane, Nether Alderley SK10 4TR**

- 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 Mrs Annabelle Russell against the decision of Cheshire East Council.
  - The application reference is 23/4734M.
  - The development proposed is the demolition of an existing dwelling, stables and feed store and the erection of a new dwelling.
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### **Decision – Appeal A**

1. The appeal is allowed and planning permission is granted for the demolition of an existing dwelling and a shippon building, and the erection of a new dwelling as well as the creation of a walled garden at Bradford House Cottage, Bradford Lane, Nether Alderley SK10 4TR in accordance with the terms of the application, reference 23/0955M, subject to the conditions in the attached Schedule 1.

### **Decision – Appeal B**

2. The appeal is allowed and planning permission is granted for the demolition of an existing dwelling, stables and feed store and the erection of a new dwelling at Bradford House Cottage, Bradford Lane, Nether Alderley SK10 4TR in accordance with the terms of the application, reference 23/4734M, subject to the conditions in the attached Schedule 2.

### **Preliminary Matters**

3. I have been appointed to determine two appeals on the same site, the details of which are set out in the banner heading above. The two proposed developments are broadly similar, although not identical, and the main issues I have identified below reflect the fact that the Council gave an additional reason for refusal in respect of the Appeal A scheme. While I have considered each proposal on its own merits, in order to avoid duplication I have dealt with the two schemes together except where otherwise indicated.
4. The Appeal A scheme was originally described on the planning application form as “demolition of existing dwelling and additional extensions and their replacement

with a single detached dwelling”. An amended description was subsequently used on the Council’s decision notice and the appeal form; as it provides a more comprehensive description of the proposals, I have used it (with minor alterations for clarity) in the banner heading and formal decision above.

5. On 12 December 2024 the Government published a revised National Planning Policy Framework (“the Framework”), replacing the December 2023 version. I have had regard to comments submitted following the publication of the proposed changes for consultation in July 2024. The provisions most relevant to this appeal were not altered significantly between the consultation draft and the publication of the revised Framework, and I consider that there is therefore no requirement for me to seek further submissions comments on the matter; I am satisfied that no party’s interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.

## **Main Issues**

6. The main issues are:

- Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
- For Appeal A only, the effect of the proposal on the character and appearance of the area; and
- In both appeals, if the development is inappropriate, 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.

## **Reasons**

7. The appeal site is an area of land on the north side of Bradford Lane, a long private road with intermittent farmsteads and dwellings. Within the appeal site are several buildings; of greatest relevance to these appeals are the three-storey traditional farmhouse dwelling Bradford House Farm and the attached two-storey Bradford House Cottage, and a separate “shippon” stable and feedstore building.
8. The proposed development in Appeal A is the demolition of the existing Bradford House Cottage and its replacement with a new dwelling, and the demolition of the shippon building and the creation of a walled garden in the same position. The development in Appeal B would be similar in terms of demolition and the proposed new dwelling, though there would be some differences of detail, and that scheme does not include a walled garden.

### *Whether inappropriate development in the Green Belt*

9. National planning policy in respect of the Green Belt is set out in Chapter 13 of the Framework. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, while Paragraph 154 indicates that, other than for listed exceptions, development in the Green Belt is inappropriate. Paragraph 154 g) allows for the “limited infilling or the partial or complete redevelopment of previously developed

land [...] whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt”.

10. Policy PG3 of the 2017 Cheshire East Local Plan Strategy (“the CELPS”) sets out the Council’s policy for development in the Green Belt. Paragraph 3 of that policy states that the construction of new buildings is inappropriate in the Green Belt and again there is a list of exceptions, including in respect of previously developed land; it provides for “limited infilling [...] which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”. The wording of that exception reflects the Framework as it stood in 2017<sup>1</sup>; the changes made to the Framework in December 2024 mean that the policy is now more restrictive than, and therefore not consistent with, national Green Belt planning policy. Any conflict with Policy PG3 would be afforded limited weight in the overall planning balance, and my assessment of this main issue therefore relies on the Framework.
11. The definition of previously developed land in the Framework excludes land that is or was last occupied by agricultural or forestry buildings. At the time it was determining the Appeal A planning application, the Council considered that the shippon building was in agricultural use, and the previously developed land exception therefore could not apply. By the time it was determining the application in Appeal B, additional information setting out the history of the shippon building, including the cessation of agricultural use in the 1960s and it being used for stabling horses from then through to the present day, had been provided. The Council accepted that the buildings and the site are previously developed land in the terms set out in the Framework. Based on the evidence before me I see no reason to take a different view; the status of the land must sensibly be the same in both appeals, of course. Whether the appeal schemes fall within the scope of Paragraph 154 g) of the Framework therefore depends on an assessment of their effect on the openness of the Green Belt.
12. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site. Considering the two dwellings and shippon building described in paragraph 7 above, the Appeal A scheme would result in there being around 9.1% less floorspace, on a built footprint around 4.5% smaller than at present; the Appeal B scheme would see around 10.1% less floorspace on a 12.6% smaller footprint<sup>2</sup>. In very simple terms, both schemes would reduce the amount of built form on the site, and there would be an increase in spatial openness.
13. The shippon to be demolished is near to, and partially visually enclosed by, other outbuildings which would be retained. The replacement dwelling, on the other hand, would extend buildings into an area of open lawn, in a relatively elevated position within the site, close to the boundary with open fields to the north-west. The cluster of buildings would be less compact than at present, so there would be some loss of visual openness; this would be more apparent in the Appeal A scheme, in which the shippon would be replaced by an enclosed walled garden, than in Appeal B where the space would be given over to open landscaping.

<sup>1</sup> Paragraph 89 of the 2012 Framework

<sup>2</sup> These figures are from the Council’s officer reports, in both cases comparing the proposed dwelling with the existing dwelling plus shippon building. The reduction would be less in percentage terms if the appeal site as a whole is considered, as these calculations do not take into account other buildings which are not affected by the appeal schemes. This consideration does not significantly alter my assessment of the schemes’ impacts.

14. The loss of visual openness would be limited, but it means that both appeal schemes would have a greater impact on the openness of the Green Belt than the existing development. However, since the December 2024 amendments to the Framework, that is no longer the relevant test in national policy. Both schemes would fall well short of causing substantial harm to the openness of the Green Belt; I therefore find that they would come within the exception set out in Paragraph 154 g) of the Framework and so would not be inappropriate development in the Green Belt.
15. The Council also assessed both schemes against the exception set out in Paragraph 154 c) of the Framework, which provides for the “replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”. However, as it is only necessary that one of the exceptions applies for a development to be “not inappropriate”, I have not considered this point further here. As both proposed developments would have a greater impact on the openness of the Green Belt than the existing development on the site, they would not comply with Policy PG3 of the CELPS. However, as I have explained in paragraph 10 above, this conflict carries limited weight.

*Character and appearance (Appeal A only)*

16. The existing Bradford House Farm building would be retained. It is not a statutorily listed building and, although it is of some age, the Council does not consider it to be a non-designated heritage asset. Bradford House Cottage, which would be replaced, is an unremarkable 1980s building. Other than in respect of Green Belt matters, which I have already addressed, the Council did not have any “in principle” objections to the proposed development.
17. The proposed new dwelling would have two storeys, and would be arranged in an approximate “L” shape behind Bradford House Farm. Its form of connected linear blocks with pitched gable roofs would broadly follow what is described by the appellant as the local “Cheshire Barn” typology. There would also be “extensions” projecting from the main blocks, but these too would be of simple form to match the new building as a whole. Chimney stacks at several of the gable ends would reflect those of Bradford House Farm, though their size and prominence would not compete with, or detract from, those of the older dwelling.
18. The new dwelling would be linked to Bradford House Farm by a single-storey, open-fronted “garden room” section; this would provide both a physical connection and a visual distinction between the old and new elements on the site. The new dwelling would not be as tall as the retained farmhouse, and would be set at a slightly lower level on the sloping land. Again, this would prevent it from competing visually with the older building.
19. While some of the window openings on the new dwelling would be larger than might be expected on an “original” local barn, they would not be so large as to be intrusive or incoherent; instead they would accentuate, in a reasonably subtle manner, the fact that it would be a modern building which reflects, rather than slavishly pastiches, established local building forms. The proposed “glass house”, on the front elevation, would also reflect this approach; while clearly modern in form and materials, it would be set well back from Bradford House Farm so as not to be a visual distraction alongside the older building. At the same time, the removal of an unsympathetic conservatory on the farmhouse would enhance the appearance

of that existing building. Materials, including red brick walls and reclaimed York stone roof tiles would reflect those in use in the surrounding area.

20. I conclude that the design and details of the proposed development would be acceptable, and would not cause material harm to the character or appearance of the area. There would therefore be no conflict with Policies SD1, SD2 and SE1 of the CELPS, or with Policies GEN1 and HOU11 of the 2022 Site Allocations and Development Plan Document. Together, and among other things, those policies seek to ensure that development makes a positive contribution to its surroundings, and that the quality, distinctiveness and character of places is protected and enhanced.

#### *Other considerations*

21. As I have found that the proposed development would not be inappropriate development in the Green Belt in the terms set out in Paragraph 154 of the Framework, it is not necessary for me to assess its effects on the openness of the Green Belt, or whether there are very special circumstances which might otherwise justify the proposal.

#### **Conditions**

22. I have considered the conditions suggested by the Council, which were the same for both appeals, having regard to the tests in the Framework and the advice in the Planning Practice Guidance ("the PPG"), as well as the appellant's comments. Where necessary I have made changes to the wording or ordering of conditions in the interests of clarity and effectiveness. My comments apply to both appeals, other than in respect of condition 9 as I explain below.
23. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that each development should be carried out in accordance with the relevant approved plans and documents (2).
24. It is necessary to ensure that the principles of sustainable drainage are incorporated into the approved development and maintained thereafter, and to ensure that the development can be adequately drained (3). The appellant has agreed to this taking effect as a pre-commencement condition; I am satisfied that this is a necessary measure to ensure that there is no unacceptable flood risk on- or off-site resulting from the development.
25. Conditions relating to the submission, approval and implementation of landscaping details (4 and 5) are necessary to ensure appropriate landscaping of the site; I have simplified and reordered some of the provisions sought by the Council without altering the overall effect of the conditions. Those conditions also protect the character and appearance of the area; a condition relating to materials (6) is necessary for the same reason.
26. Conditions relating to soil importation (7) and unexpected contamination (8) are necessary to ensure that development is carried out in a safe way which does not create undue risk for site users or neighbours. A condition requiring the installation and retention of biodiversity measures (9) is necessary to comply with the provisions of the Framework and Policy SE3 of the CELPS. However, I have only seen the biodiversity enhancements plan for the Appeal A scheme. The Appeal B scheme is similar, so the placement of biodiversity measures may therefore

ultimately also be similar. Nevertheless, the version of this condition for Appeal B also requires the submission and approval of biodiversity measures specific to that development.

### **Conclusion**

27. Neither appeal scheme would be inappropriate development in the Green Belt; I have also found that the Appeal A scheme would not cause unacceptable harm to the character or appearance of the area.
28. No other harm has been identified which would justify refusing planning permission. I shall therefore allow both appeals, and grant planning permission in both cases.

*M Cryan*

Inspector

### **Schedule 1 – Schedule of Conditions for Appeal A**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
  - Location plan (drawing 292 – al(02)001)
  - Existing site & roof plan (drawing 292 – al(02)002 Rev A)
  - Existing plans & elevations (drawing 292 – al(02)003)
  - Existing shippon plans & eles (drawing 292 – al(02)004)
  - Proposed site & roof plan (drawing 292 – al(05)002)
  - Proposed plans (drawing 292 – al(05)003 Rev A)
  - Sections (drawing 292 – al(05)004 Rev A)
  - Proposed elevations (drawing 292 – al(05)005)
  - Bat Scoping Survey Report and Ecological Assessment (Leigh Ecology Ltd, 5 October 2022)
  - Design and Access Statement (March 2023)
  - Biodiversity enhancements plan (Leigh Ecology Ltd; undated annotated version of elevations plan (drawing 292 – al(05)005) submitted as part of original planning application).
- 3) No development shall take place until a detailed surface water drainage strategy and design for the site has been submitted to and approved in writing by the local planning authority.

The submitted details shall include:

- i) Surface water run-off rates
- ii) Storm water design periods and intensity & any temporary storage facilities included, to ensure adequate drainage is implemented on site. Any tests or investigations taken out during this stage must be in accordance with BRE365 and CIRIA guidance
- iii) Detailed boundary drainage design
- iv) A management and maintenance plan

The development shall be carried out in accordance with the approved details. The drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 4) No construction of the approved dwelling above slab level shall take place until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

The landscape scheme shall provide for all planting, seeding or turfing to be carried out in the first planting and seeding seasons following the occupation of the approved dwelling or the completion of the development, whichever is the sooner.

All trees, shrubs and hedge plants to be supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock, and

for all pre-planting site preparation, planting and post-planting maintenance works to be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

All proposed new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.

- 5) The landscaping works approved under Condition 4 shall be carried out in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The external surfaces of the development hereby permitted shall be constructed in the materials specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use in line with the May 2024 version of the Council's *Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination* guidance note or any successor document, unless otherwise agreed in writing by the Local Planning Authority.

Prior to occupation of the approved dwelling, appropriate and adequate evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the Local Planning Authority.

- 8) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by The Local Planning Authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 9) The development hereby permitted shall not be occupied until biodiversity features have been installed in accordance with details shown in the approved Biodiversity Enhancement Plan. The biodiversity features shall thereafter be maintained and retained in accordance with the approved details.

## **Schedule 2 – Schedule of Conditions for Appeal B**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
  - Location plan (drawing 292 – al(02)001)
  - Existing site & roof plan (drawing 292 – al(02)002 Rev B)
  - Existing plans & elevations (drawing 292 – al(02)003)
  - Existing stables plans & eles (drawing 292 – al(02)004)
  - Proposed site & roof plan (drawing 292 – al(05)002 Rev A)
  - Proposed plans (drawing 292 – al(05)003 Rev B)
  - Sections (drawing 292 – al(05)004 Rev B)
  - Proposed elevations (drawing 292 – al(05)005 Rev A)
  - Bat Scoping Survey Report and Ecological Assessment (Leigh Ecology Ltd, 5 October 2022)
  - Design and Access Statement (February 2024)

- 3) No development shall take place until a detailed surface water drainage strategy and design for the site has been submitted to and approved in writing by the local planning authority.

The submitted details shall include:

- i) Surface water run-off rates
- ii) Storm water design periods and intensity & any temporary storage facilities included, to ensure adequate drainage is implemented on site. Any tests or investigations taken out during this stage must be in accordance with BRE365 and CIRIA guidance
- iii) Detailed boundary drainage design
- iv) A management and maintenance plan

The development shall be carried out in accordance with the approved details. The drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 4) No construction of the approved dwelling above slab level shall take place until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

The landscape scheme shall provide for all planting, seeding or turfing to be carried out in the first planting and seeding seasons following the occupation of the approved dwelling or the completion of the development, whichever is the sooner.

All trees, shrubs and hedge plants to be supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock, and for all pre-planting site preparation, planting and post-planting maintenance works to be carried out in accordance with the requirements of British

Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

All proposed new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.

- 5) The landscaping works approved under Condition 4 shall be carried out in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The external surfaces of the development hereby permitted shall be constructed in the materials specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use in line with the May 2024 version of the Council's *Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination* guidance note or any successor document, unless otherwise agreed in writing by the Local Planning Authority.

Prior to occupation of the approved dwelling, appropriate and adequate evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the Local Planning Authority.

- 8) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by The Local Planning Authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 9) The dwelling hereby permitted shall not be occupied until details of biodiversity features have been submitted to and approved in writing by the Local Planning Authority, and those features have been installed in accordance with the approved details. The biodiversity features shall thereafter be maintained and retained in accordance with the approved details.