
Appeal Decision

Site visit made on 17 June 2025

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 June 2025

Appeal Ref: APP/R0660/W/25/3360162

11 Branden Drive, Knutsford, Cheshire, Knutsford WA16 8EJ

- 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 K Wietholz [Keyn Management Logistics Ltd] against the decision of Cheshire East Council.
 - The application Ref is 24/3671M.
 - The development proposed is demolition of existing hall and erection of 6no. apartments with associated landscaping and external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional plans have been supplied with the appeal to address the Council's concerns regarding the amount of car parking and the internal floor area of the proposed dwellings. It is important that the appeal is essentially the same scheme considered by the Council and interested parties at the application stage. The appeal process should not be used to evolve a scheme¹.
3. The appellant suggests that the revised site layout detailing increased car parking provision was submitted to the Council during the application process and it should be considered as part of the planning submission. However, it is absent from the list of plans the Council confirm it made its decision on². Even if I could consider the increase in car parking as potentially beneficial, these changes would need to be subject to re-consultation to prevent procedural unfairness to interested parties who have expressed concerns regarding car parking and highway safety. As that consultation cannot take place as part of the appeal process, I am unable to accept the revised site plan and accompanying vehicle tracking plan.
4. For the avoidance of doubt, I have determined the appeal based on the original site plan drawing. However, I have accepted the amended drawing with regard to the proposed floorplans as it does not alter the external size, position or form of the apartment building³.

Main Issues

5. The main issues in relation to this appeal are;
 - Whether the proposed development would result in the unacceptable loss of a community facility;

¹ With reference to the Procedural Guide: Planning Appeals – England (2025).

² As set out on the Council's decision notice.

³ Drawing number 2437 PL102B.

- The effect of this proposal upon the character and appearance of the area;
- The living conditions of existing occupiers with regard to outlook, and the living conditions of future occupiers with regard to internal space and aircraft noise;
- Highway safety with regard to car parking provision.

Reasons

Loss of a Community Facility

6. The existing building is said to have formerly been used as a Women's Institute hut and most recently occupied as a yoga centre. Whether or not the existing building is owned as a private freehold property and it is not listed as an asset of community value, it is clear from the planning history that it has an established community use. This was the position considered by the previous Inspector in relation to a proposal for housing development at the appeal site in 2011⁴. The loss of the community facility was not a main issue in relation to that appeal. However, the Inspector was clear that there were no policies within the Macclesfield Borough Local Plan (LP) that sought to protect community uses.
7. Since that time, there has been a change to the development plan with the adoption of the Cheshire East Local Plan; Local Plan Strategy (CELPS) 2017, Site Allocations and Development Policies Document (SADPD) 2022 and Knutsford Neighbourhood Plan (KNP) 2019. This marks a change in the local plan policies that are applicable to the redevelopment of this site.
8. Any change of use or demolition of the building that would remove the ability for the existing community use to function now initiates the application of Policy SC1 of the CELPS and Policy REC5 of the SADPD. These policies seek to retain, enhance and maintain community facilities that make a positive contribution to the social or cultural life of a community, regardless of ownership. Specifically, Policy SC1 states that existing leisure and recreation facilities will be protected and enhanced, unless a needs assessment has clearly proven it to be surplus to local community requirements or unless alternative provision, of equivalent or better quality, is to be made.
9. At the site visit I observed a sign on the door of the existing building which indicated that although the yoga centre has had to close, classes would continue at other venues. It is unclear therefore from the evidence before me, whether the building has been deliberately withheld from community occupation or whether its current vacancy has arisen from a lack of demand, in part due to alternative provision elsewhere. Clearly, a yoga centre is just one type of community use that the building could be put to and although requiring modernisation internally, the building is generally in good order.
10. I also observed a 'for sale' sign outside the building during my visit. However, this is not referred to in the written evidence and thus, the extent to which the building has or is being marketed at an appropriate value for alternative community use is unknown.
11. In the absence of a needs assessment, it seems to me that the appellant's submission has failed to demonstrate whether the community building is surplus to local need. Neither does the proposal make provision for alternative community

⁴ Appeal decision APP/R0660/A/11/2152673 for the demolition of vacant building and replacement with 5 2 storey houses with parking.

use provision on-site or elsewhere. The proposal would thus fail to comply with Policies SC1 of the CELPS and REC5 of the SADPD as set out above. Conflict is also found with paragraph 135 of the National Planning Policy Framework (the Framework) which seeks to prevent development that would undermine the quality of life or community cohesion and resilience.

Character and Appearance

12. The appeal site comprises a detached hall orientated with a front facing gable positioned close to Branden Drive and a car parking area to the rear. Surrounding development is predominantly residential with modestly scaled cottages immediately to the east and more recent suburban dwellings to the south-west. The cottages are mirror images of each other such that they present a strong rhythm to the street scene. Although the more recent housing development is of a different architectural style, the repeated house types contribute to a regular pattern of form within the street scene. Tucked into the descending land level at the rear is an existing apartment block known as Legh House.
13. The site lies outside but close to the boundary of the Cross Town Conservation Area (CTCA) on the opposite side of Branden Drive. As a building of a specific architectural form, age and materials it contributes positively to the varied townscape of the area and has a positive effect on views out of the CTCA.
14. The existing building would be replaced with an apartment block that would project forward of the strong building line created by the adjacent cottages. Whilst this is true of the existing building, it is of single storey with a very low eaves line to the east. This helps the building to nestle into the decreasing slope of the land, such that its scale and mass is not dominant or incongruous. The small extension to the western elevation of the existing building, is deeply recessed and located at the back of the building such that it forms a small discrete feature.
15. In contrast, the proposed development would be 2-storeys. Even though the overall building height would step down to form an appropriate change between the cottages and the more recent housing development to the west, this would not mitigate the increased bulk and scale of the proposed building arising from its width and increased eaves height.
16. Although comprising 2 gable projections of matching proportions, the front elevation of the apartment block would have an asymmetrical appearance owing to the varied eastern elevation, as well as the proposed fenestration treatment. This would be disruptive to the largely rhythmical and repetitive features of the existing dwellings found within the street scene.
17. Even if I could accept that narrower gables are consistent with local vernacular buildings, it is the way that they have been joined which would prevent them from assimilating the development into the established context. Staggering the western elevation and utilising chimneys and contrasting brick work as well as an interlinking flat roof, appear to have been necessary to accommodate and address the significant scale of development proposed, rather than as a result of good design. The number of projections, features and differing roof types used would result in a building of an excessively complicated appearance such that it would not have an overall cohesive design. The western elevation would be a largely stark blank wall that would be particularly dominant in views uphill from the corner

of Branden Drive as well as being highly noticeable from the Barncroft opposite⁵. In such views, the proposal would result in a strident and inharmonious form of development that would be harmful to views out from the CA. There are no other buildings within the vicinity of the appeal site that have comparable extents of publicly visible blank walls, including St Cross Church.

18. At 68 dwellings per hectare⁶ the proposed development would be significantly above the minimum density requirements set out within Policy HOU14 of the SADPD. This policy is clear that factors including the nature and scale of the proposal, as well as the character of the site and the surrounding area, are important in determining an appropriate density. Even if I could accept that a higher density would not be uncharacteristic of the surroundings, it is the precise way in which the amount of development has been packaged within a single building of a large footprint, scale and mass that is the concern here. Given the design and scale concerns outlined above, it has not been demonstrated that such a high density would be appropriate in this location.
19. I find that the proposed development would have a significant adverse effect on the character and appearance of the area. It would therefore conflict with Policies GEN1, HOU14 of the SADPD, SD2 and SE1 of CELPS and H2 of the KNP. Together these policies seek amongst other things, to achieve high quality, beautiful buildings, that reflect the local character whilst achieving an appropriate density of development. Further conflict is found with paragraph 135 of the Framework which seeks to ensure that developments will be visually attractive as a result of good architecture and are sympathetic to local character.

Living Conditions of Existing Occupiers

20. The existing building extends beyond the front and rear elevations of No 9 Branden Drive to the east. Its impact on the outlook from the habitable windows belonging to the adjacent dwelling is however, mitigated by its single storey form including low eaves height, which is for the most part, consistent with or lower than the dividing boundary wall. These features and the lower land level of the appeal site, help to reduce the scale of the existing building in relation to No 9.
21. In contrast, the appeal proposal would result in a considerably longer side elevation that would extend substantially beyond the rear elevation of No 9 with an increased eaves and ridge height. Due to a single storey rear extension, No 9 already has a severely limited area of private outdoor space. The historic boundary wall and soft landscaping immediately adjacent and within the appeal site, already makes this area feel enclosed and confined. The unkempt height of the landscaping also restricts views from the existing rear windows. Whether or not the proposed apartment block would meet the 45 degree 'test,' the presence of a long solid, 2-storey wall and its resultant scale and mass would exacerbate the hemmed in feeling further, and remove the present oblique view the occupants have of open space beyond the community building. This would not be wholly mitigated by the proposed stepped arrangement of the eastern elevation of the apartment block or the limited height of the boundary wall.
22. The appeal site occupies a higher land level than the adjacent dwellings of No 15 and 17 Branden Drive to the west. The site plan indicates that the proposed apartment block would be closer to these neighbouring properties with a

⁵ An area of public open space through which there is a public footpath.

⁶ As cited by the appellant in their statement of case.

significantly taller eaves height, as well as a higher ridge height to the front gable. Although stepped, the proposed western elevation would nonetheless present a monolithic blank wall that combined with its scale and position would appear to loom over the rear garden space. Its significant length would have a dominating and enclosing effect on the outlook afforded to the windows serving habitable rooms within the rear elevation of No 15 and its rear garden.

23. Most of the bulk of the proposed apartment building would lie to the north-east of No 17 such that it would be visible in more peripheral views from the rear windows of the dwelling and rear garden. Whilst there would be built development directly to the rear of No 17, this part of the apartment block would be set back further into the appeal site and of a reduced scale with a lower eaves height and the roof sloping away from the boundary. Even with a change in land level I am satisfied that this would not result in undue dominance of the outlook afforded to the rear facing habitable rooms of No 17. There are also 2 mature trees within the rear garden that would offer some softening and filtering of views when in leaf.
24. The supporting text to Policy HOU13 advises that the standards for space between buildings set out in Table 8.2 are intended to provide an adequate degree of light⁷. Compliance with the minimum standards would not suggest that the proposed development would be acceptable with regard to outlook, which is a different consideration and a matter of judgement. I find that the proposed development would be harmful to the living conditions of existing occupiers of No 9 and 15 Branden Drive with regard to outlook.

Living Conditions of Future Occupiers

Aircraft Noise

25. The appeal site lies within a noise contour area for Manchester Airport, as shown on the adopted policies map which is publicly available. At the site visit I observed frequent aircraft movements and their associated noise generating effect.
26. Paragraph 198 of the Framework says that planning decisions should ensure that new development is appropriate for its location and should avoid noise giving rise to significant adverse impacts on health and the quality of life. To assist with assessing noise impacts, the Noise Policy Statement for England uses the concepts of 'observed effect levels'. The Significant Observed Adverse Effect Level (SOAEL) is identified as the level above which significant adverse effects on health and quality of life occur.
27. Policy ENV13 of the Site Allocations and Development Plan Document 2022 (SADPD) is specifically concerned with aircraft noise. The Council advises that the appeal site lies in an area where the noise level is below the SOAEL but above the Lowest Observed Adverse Effect Level (LOAEL) OF 54 Db LAeq 16 hour day. Policy ENV13 of the SADPD specifies criteria for a proposal to demonstrate that its impacts on the health and quality of life of future occupants has been minimised. This includes that a noise impact assessment (NIA) should accompany proposals for sites affected by aircraft noise.
28. I see no reason to read the word 'should' within criterion 1(iv) of Policy ENV13 as meaning that the provision of a NIA is optional. It is unclear how compliance with criterion 1(ii-a-b, iii and iv) of this policy could be demonstrated otherwise. The appellant has failed to provide a NIA or any other evidence, to demonstrate the

⁷ Paragraph 8.62 of the SADPD.

extent to which background noise may affect the future occupiers of the proposed dwellings. Any required mitigation is also unknown.

29. Whilst it is suggested that the results of a NIA are unlikely to have impacted the design of the scheme, that has not been conclusively proven. Passive ventilation is not necessarily a substitute for the future occupiers being able to open their windows to deal with cooking odours or for fresh air. For these reasons, I am not satisfied that it would be reasonable or enforceable to secure the provision of an NIA via a condition attached to any grant of planning permission. It has not been demonstrated that the proposal would not be harmful to the living conditions of future occupiers with regard to aircraft noise.

Internal Space Standards

30. Policy HOU8 of the SADPD sets out, amongst other things, that the Council will seek to provide dwellings that are appropriately sized to create well designed homes in accordance with the Technical Housing Standards - Nationally Described Space Standard (NDSS). The NDSS sets out minimum requirements for the Gross Internal (floor) Area (GIA) of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
31. The Council appears to accept that the proposal relates to the provision of apartments which can be considered to be single storey dwellings, notwithstanding the fact that the 3 first floor properties would each be accessed via a private staircase from ground level⁸. Both parties have provided different figures regarding the scheme's compliance with the required GIA of 61 sqm for a 2-bed 3-person dwelling, as well as the floor area standards for the primary double bedroom. Whilst the amended floor plans have been annotated to include the floor areas of the bedrooms, the overall GIA's are not shown. Importantly, neither party has provided a detailed explanation of how the relevant GIA's have been calculated for each unit and why they are disputed. The Council's figures indicate a shortfall against the minimum GIA standards for at least 3 of the proposed units.
32. I am satisfied that the NDSS provides minimum requirements. Any deviation below the minimum sizes specified, whether a matter of a few centimetres or not, would clearly not meet the minimum standard. A precautionary approach would not be unreasonable as any undersized living space would be to the detriment of the quality and useability of the accommodation by future occupants.
33. Although note 4 of the NDSS suggests furnished layouts are not required to demonstrate compliance with the standard, this does not obviate the need to make provision for internal storage, usually built-in. Even if I could accept the appellant's GIA figures, the NDSS is clear that minimum floor areas for storage are an integral part of the space standard and they cannot be used in isolation from other parts of the design standard, or *removed from it* [my emphasis]⁹.
34. The Council advises that the proposal fails to meet the minimum standards for the provision of internal storage for all 6 dwellings. No storage provision would be made for units 2 and 6. The appellant has not provided their own figures to dispute this but suggests built-in wardrobes could be provided at a later design stage. The NDSS is clear that such storage provision should not reduce the effective width of a bedroom below the minimum widths specified in paragraph 10(e). In the absence

⁸ As set out within the last paragraph on page 2 of the Council's statement of case.

⁹ As contained at paragraph 7 of the NDSS.

of any information to demonstrate otherwise, it is not clear that the required storage provision could be made in all 6 units without compromising the minimum width requirements of the relevant bedrooms.

35. In the absence of compelling evidence, I cannot be satisfied that the proposal would wholly comply with the NDSS and that it would provide suitable living conditions for the future occupants with regard to internal space.

Conclusion – Living Conditions

36. I have found that the proposal would not be unduly harmful to the living conditions of No 17 Branden Drive with regard to outlook. However, an adverse effect on the outlook afforded to the windows serving habitable rooms and the rear gardens of No 9 and 15 would arise from the scale of the proposed building. In the absence of a NIA and compliance with the NDSS the scheme would also be harmful to the living conditions of the future occupiers of the proposed development.
37. For these reasons, the proposal would conflict with Policies HOU8, HOU12 and ENV13 of the SADPD and SD2 of the LPS. Together these policies seek to protect the amenities of occupiers in the vicinity of new development and adequately mitigate and minimise adverse impacts on health and quality of life. Conflict is also found with paragraph 135(f) of the Framework which seeks to create places that promote health and well-being with a high standard of amenity for existing and future users.
38. I have not concluded against Policy HE2 of the KNP as it relates to heritage assets and is not therefore relevant to this main issue.

Highway Safety

39. The proposal provides 10 on-plot car parking spaces to the rear of the proposed apartment block. This is below the minimum standard of 2 spaces per 2 bedroomed dwelling within a principal town and key service centre¹⁰. Whilst variance from the standards could be considered by the Council, no supporting evidence by way of a TRICS survey or other data has been presented. The Highway Authority also raised concerns that car parking space 4 was inaccessible due to its proximity to the external boundary and a landscaped border.
40. During my visit I observed that on-street parking to the east of the access was at capacity. I acknowledge that this was a snapshot in time but interested parties have also referred to on-street parking along the initial stretch of Branden Drive from the B5085 which suggests it is a regular occurrence. Such parking serves to narrow the road to a single lane where the visibility of oncoming cars is impeded at the brow of the hill. If 2 cars were to meet, 1 may be required to reverse for back towards the B5085 where the junction with Richmond Hill also lies in proximity. The topography, road alignment and presence of junctions and driveways add complexity to the roadside conditions around the appeal site.
41. Given the insufficient number of on-plot car parking spaces and the lack of visitor provision I am not satisfied that the proposal would not displace parked vehicles onto the highway, thereby affecting the free-flow of traffic. Policy T4 of the KNP is clear that off-site parking on the roads adjacent to any development including visitor parking, should be avoided where possible.

¹⁰ As set out in Appendix C of the LPS.

42. I find that the proposal would have an unacceptable impact on highway safety, with particular regard to car parking. As such, it would conflict with Policy T4 of the KNP and Appendix C of the LPS which requires the provision of suitable car parking for new developments.

Other Matters

43. The Council's reasons for refusal within its decision notice and its written evidence did not suggest any concerns with regard to the effect of the proposal on the amount of daylight and/or sunlight afforded to the existing neighbouring dwellings. Given my findings in respect of the main issues I am not required to consider this further as it would not be determinative.
44. The appellant is aggrieved that the Council would not agree an extension of time to allow time for the provision of a NIA. This is largely a matter for the parties. However, it seems to me that even if this matter had been addressed the proposal is likely to have been refused on other grounds given the number of reasons for refusal on the Council's decision notice.
45. The lack of objections by the Lead Local Flood Authority and ecology team are neutral matters weighing neither for, nor against the proposal.

Planning Balance and Conclusion

46. The Council accepts that it cannot demonstrate an up to date 5-year housing land supply. In these circumstances footnote 8 of the Framework establishes that the policies most important for determining the application are deemed out-of-date.
47. The site is located near to services and facilities within Knutsford. The proposal would contribute to the Framework's aim of significantly boosting the supply of housing and making an efficient use of previously developed land. There would be economic benefits during construction, as well as from the ongoing patronage of services and facilities in the area by the occupiers of the dwellings, who would also contribute to the social fabric of the area. Biodiversity would further be increased through native planting. These benefits attract modest weight.
48. However, such benefits would be achieved at the expense of the loss of an existing community use which it has not been demonstrated is surplus to requirements. Further harm would be exerted on the character of the area and the living conditions of existing occupiers through the failure to achieve good quality development that would assimilate into its context, as well as harm to highway safety. Nor has it been evidenced that the proposal would provide appropriate living conditions for the future occupiers of the development with regard to noise and space. These harms appear to be a retrograde step from the previous development dismissed at appeal. In any event, the scheme before me conflicts with the development plan and paragraphs 116 and 135 of the Framework.
49. It is unequivocal that the cumulative adverse impacts arising from the proposal would not be significantly and demonstrably outweighed by the modest benefits. Consequently, the presumption in favour of sustainable development does not apply. The policies of the Framework and other material considerations do not indicate that planning permission should be granted. Accordingly, the appeal is dismissed.

M Clowes – INSPECTOR