



## Appeal Decision

Site visit made on 10 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

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**Appeal Ref: APP/R0660/W/24/3357733**

**Woodhouse Stables, Carter Lane, Chelford SK11 9BD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr and Mrs Chris Foxton against Cheshire East Council.
  - The application reference is 24/1850M.
  - The development proposed is the demolition of the existing equestrian centre and construction of a new residential dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing equestrian centre and construction of a new residential dwelling at Woodhouse Stables, Chelford SK11 9BD in accordance with the terms of the application, reference 24/1850M, subject to the conditions in the attached schedule.

### Background and Main Issue

2. The proposed development was described on the planning application form as “a new residential dwelling” as I have set out above, and it was stated that the development would provide one new unit of market – rather than self-build or custom build – housing. At the same time, it was also indicated that the general Biodiversity Gain Condition (“the BGC”) would not apply as the appeal scheme would be a self-build development; the information before me therefore pulls in different directions on this matter. There is no planning obligation before me to secure self-build status; the Council suggested that, in the event of my allowing this appeal, it might be secured by a condition, though in my experience it is a matter normally dealt with by way of a section 106 agreement or a Unilateral Undertaking, given the difficulty of enforcing such a condition. I have therefore determined the appeal on the basis of it being unrestricted market housing; I address the BCG implications in the “other matters” section below.
3. The Council had not determined the planning application prior to the appeal being lodged. However, during the appeal it stated that it would have refused planning permission because of “the heritage and design implications of the scheme”.
4. The main issue in this appeal is therefore the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to whether it would preserve or enhance the setting of the nearby Grade II Listed Building.

## Reasons

5. Woodhouse Stables is a large former agricultural building, located in the countryside outside the rural village of Chelford. It is a simple double-height, steel portal-framed building on a rectangular footprint, which is currently lawfully used as an equestrian centre and stables on the ground floor (though I understand that use has ceased). There is a self-contained flat on the first floor. The proposed development is the demolition of the existing building, and the erection of a new dwelling and a detached garage; the scheme also includes various landscaping elements.
6. The new dwelling would be more or less the same size as the existing building, albeit on a footprint shifted slightly north and east; the low pitched roof and double-height would replicate the simple agricultural form of the existing building. The western and southern elevations would have a small number of window and door openings, so that they would retain the look of a converted agricultural building. The northern and eastern elevations would be more complex, with various openings and extensions including an angled covered porch at the main entrance to the dwelling protruding from approximately the centre of the east side ground floor, and a large balcony area at the north-east corner of the first floor. Considered in isolation, those two sides would be less obviously “agricultural” in their appearance. In medium and longer views especially, however, the openings and extensions would be seen against the backdrop of the whole building; the simple agricultural shed form would still be evident.
7. Proposed materials include stone, timber and metal cladding, all of which are common in agricultural buildings in the locality. A condition requiring the approval of precise details – which could include the use of appropriate muted colours – would ensure that the building would not stand out as garish, jarring or otherwise inappropriate. The proposed dwelling would undoubtedly be of a contemporary design and unlike any other (so far as I am aware) in the immediate locality. However, the scale, form and detailing would be far from “suburban” in their influences, and the architectural style would reflect the established agricultural (and more recently equestrian) use of the site.
8. The nearest other buildings to the appeal site are the small group of dwellings a short distance away to the south which include, at their centre, the Grade II Listed Fir Tree Farmhouse<sup>1</sup>. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building and its setting, and any features of architectural or historic interest which it possesses. The official list entry describes Fir Tree Farmhouse as a late-17<sup>th</sup> or early-18<sup>th</sup> century farmhouse, with three storeys and of red brick with a slate roof. A cluster of buildings around the north side of the farmhouse, once a dairy and barns, evidently form what was once a complete farmstead, though those buildings have since been converted to dwellings which, I understand, are functionally quite separate from the farmhouse.
9. The Council considers that the associated buildings should be treated as curtilage structures to Fir Tree Farmhouse, and therefore part of the listed building. The appellant, on the other hand, has drawn my attention to a decision of the Council which stated in respect of The Old Dairy (the nearest building of the Fir Tree

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<sup>1</sup> List Entry Number: 1115150

Farmhouse group to the appeal site) that “there appears to be a clear view that it does not fall within the curtilage” of the listed building<sup>2</sup>. I was also referred to an appeal decision in which the Inspector treated The Firs (the second nearest of the group to this appeal site) as being quite separate from the listed farmhouse<sup>3</sup>.

10. The southern elevation of the proposed dwelling would be around 80m from Fir Tree Farmhouse, with The Old Dairy and The Firs being somewhere around half that distance away. There would therefore be a reasonable degree of physical separation. Furthermore, the appeal site and the group to its south are separated by a public footpath with tree planting along both its northern and southern edges. There is therefore also a considerable degree of visual separation; some views of the appeal property and the listed building group would be possible from the path, but not at the same time. I saw during my visit that, from the appeal site, only glimpses of the buildings to the south were possible, so there is also limited intervisibility between the two sites.
11. From Carter Lane, close to the appeal site entrance, the listed building group is screened by dense hedgerows. The proposed dwelling would site quite distinctly to the north and, as I have outlined in paragraph 6 above, in that medium-range view its agricultural form would be its dominant characteristic rather than the more domestic openings and details on the eastern elevation. The southern and western elevations would have fewer openings, again as I have already described; in views of those sides of the building, including from the public footpath as it passes around the southern and western boundaries of the appeal site, the bulk, form, massing and detailing of the would not be especially far removed from those of the existing formerly agricultural building on currently on the site.
12. Taking all of this together, I consider that the proposed dwelling welling would not compete with, or undermine, Fir Tree Farmhouse. The listed building, and the associated properties on its northern side, would still be read as a farmstead within an agricultural setting. The setting of the listed building would therefore be preserved; given the physical and visual separation involved, I reach this finding regardless of whether the associated buildings are treated as “curtilage listed” or not. The strong agricultural influences of the proposed dwelling would, notwithstanding its striking and contemporary design and the more strident detailing on two of its elevations, mean that it would not be an alien or otherwise incongruous feature in its rural setting.
13. I conclude that the development would not cause unacceptable harm to the character or appearance of the surrounding area, and the setting of the nearby Grade II Listed Fir Tree Farmhouse would be preserved. There would therefore be no conflict with Policies SD1, SD2, SE1, SE4 and SE7 of the 2017 Cheshire East Local Plan Strategy (“the CELPS”), Policies GEN 1, ENV 3, HER 1 and HER 4; of the 2022 Cheshire East Site Allocations and Development Policies Document (“the SA DPD”), or Policies HP3 and NE2 of the 2019 Chelford Neighbourhood Plan (“the CNP”). Together, and among other things, those policies seek to ensure that development contributes positively to an area’s character and identity, including in respect of the height, scale, form and grouping of buildings; that landscape character is conserved; that the significance of heritage assets and their settings is

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<sup>2</sup> LPA Ref: 20/0703M

<sup>3</sup> PINS Ref: APP/R0660/D/17/3170510

conserved and enhanced; and that development does not introduce suburban forms where this would adversely affect the rural character of the Parish.

14. I also find no conflict with the provisions of the National Planning Policy Framework (“the Framework”) which seek to protect the historic environment. As I do not find that the proposal would cause harm to or loss of the designated heritage assets or their settings, it is not necessary to apply the public benefit test set out in Paragraph 215 of the Framework.

### **Other Matters**

15. The appeal site is within the Green Belt. Although the proposed dwelling would have a larger floorspace than the existing building it would replace, it would have a smaller volume and be on a smaller footprint. It is common ground between the Council and the appellant that, as the proposal would constitute the redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt, it would fall within the exception set out in paragraph 154 g) of the Framework and Policy PG3 of the CELPS. Based on all the evidence before me I see no reason to take a different view, so there is no need for me to consider whether or not the development is justified by very special circumstances in respect of its Green Belt location.
16. The Council also considered that the proposed development would be acceptable in respect of amenity, living conditions, contamination, flood risk, highways, rights of way, nature conservation and trees, albeit that it suggested conditions relating to several of these issues. Again, I see no reason to take a different view on these matters; I deal with the suggested conditions below.
17. As I have set out above, I have determined the appeal on the basis that the scheme is for unrestricted market housing; it would not therefore qualify for the self-build BGC exemption. However, the proposed development would largely affect areas of hardstanding, so it appears to be common ground between the main parties that the scheme would also be exempt from the BGC on a *de minimis* basis. Furthermore, the Council welcomed proposed biodiversity enhancements across the appeal site (including those parts within the wider “blue line” boundary) noting that they would be likely to provide “substantial benefits for wildlife”. Based on all the evidence before me I conclude that the extent of habitat affected by the scheme would be less than 5m (linear) and 25m<sup>2</sup> (area), and it would therefore be exempt from BGC on a *de minimis* basis. I have addressed the proposed biodiversity enhancements in the conditions section below.
18. Both main parties referred extensively to previous planning applications on the site; some of those were allowed, others were refused or withdrawn. While I note the fairly extensive recent planning history of the site, I have reached my conclusion in this appeal based on the planning merits of the particular proposal before me.

### **Conditions**

19. I have considered the conditions suggested by the Council in the light of Paragraphs 56 and 57 of the Framework and the advice in the Planning Practice Guidance, as well as comments made in response by the appellants. Where necessary I have altered the ordering and proposed wording in the interests of clarity and effectiveness. As well as the standard time limit condition (1) I have

specified the approved plan to provide certainty (2). A condition requiring the approval of external materials (3) is necessary to protect the character and appearance of the area.

20. I have amalgamated three of the conditions suggested by the Council<sup>4</sup> into a single condition relating to landscaping, including the restoration of the parts of the wider site formerly used for equestrian activity (4); I have done this to avoid duplication. In broad terms, I do not consider that this condition (including the requirement to address matters within the wider blue line boundary) would be at all onerous or otherwise unreasonable, as was suggested by the appellants. The appeal scheme included some information about an “extensive landscaping scheme and biodiversity enhancement strategy [...] around the site” (including in parts of the site outside the red line boundary but within the blue line) which it was suggested would provide significant benefits, but some additional details which were not provided on the submitted plans are required. This condition is necessary to protect the character and appearance of the area, including the wider landscape character; it is also necessary to ensure that the development is carried out as applied for and as it has been assessed during this appeal. At the same time, I do not consider that some of the timescales suggested by the Council, in particular that the restoration of the wider site should be completed within three months of the occupation of the approved dwelling, are reasonable or necessary to make the scheme acceptable in planning terms. I have therefore allowed for some flexibility in precise implementation timescales, which can be addressed by the parties when the time comes to discharge the condition.
21. A condition relating to the agreement of a Landscape and Biodiversity Enhancement and Management Plan is necessary (5) is necessary to protect and enhance biodiversity, and to ensure that the development is carried out as applied for and as it has been assessed during this appeal. I have slightly reduced the number of sub-provisions, in order to make it slightly less complex than originally suggested.
22. Conditions 6 and 7 are necessary respectively to protect trees on the site, and any birds nesting in trees. A condition relating to drainage (8) is necessary to ensure that the site and dwelling are acceptable in this respect; as a drainage strategy was submitted as part of the planning application the condition refers to that, rather than requiring the submission of a further drainage strategy as suggested by the Council.
23. Conditions relating to soil importation (9) and unexpected contamination (10) 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 relating to finished floor levels (11) is necessary in the interests of accuracy and certainty; I have omitted the reference to wider ground levels as it would duplicate the same requirement of the landscaping condition 4.
24. I have not imposed the suggested condition relating to self-build development, for the reasons which I have set out in paragraph 2 above. In view of my findings in respect of the BGC set out in paragraph 17, I am satisfied that such a condition would not be necessary to make the development acceptable in planning terms.

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<sup>4</sup> The fourth, fifth and thirteenth conditions in the Council’s un-numbered list.

## **Conclusion**

25. For the reasons given above I conclude that the appeal should be allowed and planning permission granted, subject to the conditions in the attached schedule.

*M Cryan*

Inspector

## Schedule of Conditions

- 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:
  - 1586-L02 – Location Plan
  - 1585 400 Rev A – Proposed Site Plan
  - 1585 401 – Proposed Floor Plans
  - 1585 402 – Proposed Floor Plans
  - 1585 403 – Proposed Floor Plans
  - 1585 404 – Proposed Elevations
  - 1585 405 – Proposed Garage Plan and Elevations
  - 1585 406 – Proposed Extended Site Plan
  - 1585 407 – Proposed Landscape Plan
- 3) No facing or other external materials shall be used until details of those materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These shall include details of:
  - a) Topography, including existing and proposed finished ground levels and contours.
  - b) Proposed surfaces, including natural and artificial materials, construction of any new surfaces and relationship with adjoining topographic features including ground levels.
  - c) Hard landscaping, including any walls, gates, steps and other external structures, subterranean structures and lighting.
  - d) Planting plans, written specifications (including cultivation, soil quality, methodologies for plant establishment, 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.
    - i. All trees, shrubs and hedge plants to be supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting, site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
    - ii. All new tree plantings shall be in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.

- e) The proposed restoration of the land edged red and blue on approved drawing 1585 406 (Proposed Extended Site Plan), including the removal of the redundant manège and lunging pen associated with the redundant equestrian use of that land.

The landscaping and restoration works shall be carried out in accordance with the approved details before any part of the development is first occupied, or as otherwise in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

All trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or seriously diseased, within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species as those originally required to be planted.

- 5) A Landscape and Biodiversity Enhancement and Management Plan (an "EMP") shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. This shall be prepared in accordance with the Biodiversity Enhancement Opportunities report (Rachel Hacking Ecology, 2024) submitted as part of the proposal, and shall set out:
  - a) Aims and objectives of the EMP
  - b) The description and location of biodiversity features to be retained, created, enhanced, and managed;
  - c) Locations of bat boxes, bird boxes and brash/log piles;
  - d) Details of biodiversity management methods and practices; and
  - e) Timescales for implementation

The EMP will be implemented in accordance with the approved details.

- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 7) No tree, scrub or hedgerow clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
- 8) No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the submitted Drainage Strategy Report (PG Consulting, Report No PGC881-RP-C-001

Issue 5 Dated 26 July 2024). The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 9) 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.).

- 10) 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.
- 11) No development shall take place until full details of the finished levels of the ground floors of the proposed buildings, in relation to ordnance datum and existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.