



Appeal Decisions

Site visit made on 26 June 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 August 2025

Appeal A Ref: APP/R0660/C/24/3352391

Land at The Old Surgery, Church Lane, Mobberley WA16 7QX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
- The appeal is made by Mr Thomas Benjamin Eckersley against an enforcement notice issued by Cheshire East Council.
- The notice was issued on 3 September 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a self-contained dwellinghouse within the rear garden of the land.
- The requirements of the notice are: (a) Demolish the dwellinghouse; (b) Grub out all foundations to the dwellinghouse and remove all services to the dwellinghouse; and (c) Remove all resulting debris from the land arising from compliance with requirements (a), (b) and (c).
- The period for compliance with the requirements is 9 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) of the Act. 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.

Summary of Decision: Appeal A is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/R0660/W/24/3350005

The Old Surgery, Church Lane, Mobberley WA16 7QX

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
- The appeal is made by Mr Ben Eckersley against the decision of Cheshire East Council.
- The application Ref is 23/0462M.
- The development proposed is: Replacement dwelling.

Summary of Decision: Appeal B is dismissed.

Appeal C Ref: APP/R0660/W/24/3350006

The Old Surgery, Church Lane, Mobberley WA16 7QX

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs B Eckersley against the decision of Cheshire East Council.
- The application Ref is 22/4771M.
- The development proposed is: Full planning permission for an ancillary outbuilding (retrospective).

Summary of Decision: Appeal C is allowed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. The National Planning Policy Framework (“the Framework”) was revised during the appeals, most pertinently in respect of Green Belt (GB), and the parties were therefore afforded an opportunity to submit supplementary statements.
2. The emerging Mobberley Neighbourhood Plan was the subject of a public consultation exercise in May 2024. However, the plan has not progressed far enough since then to be a material consideration in the appeals.

3. As made, the planning application the subject of Appeal C seeks permission to retain 2 forms of development. These are the erection of a building 'in ancillary use to the main dwellinghouse' (described as Item 1) and its 'continued temporary occupation' by the applicant and his family (described as Item 2). The appellant has since requested to remove Item 2 from the application.
4. The appeal process should not be used to evolve a scheme, so most appeals made under section 78 of the Act are considered based on the scheme and the plans that were before the local planning authority when it made its decision. Having considered the views of the parties and being mindful that the deletion could amount to a substantial difference or fundamental change to the application, I shall determine the application subject of Appeal C as made.

Appeal A – the appeal on ground (b)

5. The appellant contends that the alleged self-contained dwellinghouse is in fact an ancillary outbuilding and I shall describe it as "the new building" for the purposes of this assessment. He and his family began living in the new building in August 2022, the month that construction ended, but he contends that is a temporary arrangement, pending construction of the dwelling the subject of Appeal B to replace The Old Surgery ("the original dwellinghouse").
6. No one has occupied the original dwellinghouse since August 2022 and the new building was occupied residentially when the notice was issued. Those facts indicate that the new building has been used in the manner of a dwellinghouse. However, neither is there any evidence to contradict the appellant's claimed intention that, in time, the new building would be used for purposes incidental to the enjoyment of the original dwellinghouse, or a replacement, as a dwellinghouse.
7. It is necessary to also consider the unit of occupation and whether the new building amounts to a physically separate and distinct part of that unit, occupied for different and unrelated purposes. In other words, whether the residential use of the new building is, as alleged, a self-contained dwellinghouse.
8. The new building contains all the facilities required for day-to-day private domestic existence and was occupied with no reliance on any facilities within the original dwellinghouse when the notice was issued. Viewed solely in terms of the facilities within the new building, those facts confirm self-containment and may be indicative of a dwellinghouse. However, a different picture emerges when the land associated with the use of the new building is also considered.
9. There is a new fence across the land, between the new building and the original dwellinghouse, but there is no evidence of separate and exclusive use of the areas either side of it. That is particularly clear in terms of the vehicular and pedestrian access from Church Lane and the vehicle parking and turning areas, which were previously exclusive to the original dwellinghouse. They remain available to the original dwellinghouse and do not extend beyond the fence line. Without them, the new building would be landlocked and incapable of residential use.
10. The unit of occupation is therefore the land edged red on Plan A attached to the notice and it did not change with the erection of the new building or by reason of its subsequent use. The new building and the original dwellinghouse are physically and functionally connected and the land has remained in occupation by one household. The new building is therefore not a separate and distinct part of the

unit and was not occupied for different and unrelated purposes when the notice was issued. A self-contained dwellinghouse has therefore not been erected as a matter of fact.

11. Accordingly, and having considered the parties' views, I find that the breach of planning control and the development applied for in the appeal on ground (a) and Appeal C is more appropriately described as the erection of a self-contained residential annexe to The Old Surgery. As it has been the appellant's case from the outset that the new building is ancillary accommodation or an annexe, I do not foresee any injustice arising if the notice were corrected in that way.
12. The appeal on ground (b) therefore succeeds and the notice will be corrected.

Appeal A – the appeal on ground (a) and Appeal C

13. The main issues in these appeals are:

- Whether the erection of the new building is inappropriate development within the Green Belt (GB).
- Whether the new building makes a positive contribution to its surroundings in terms of character, appearance and form, particularly in terms of local identity, quality of place and privacy.
- Whether there is safe access to and from the site for all highway users.
- If the erection of the new building constitutes inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and so amounts to the very special circumstances required to justify it ("the GB balance").

Reasons

Inappropriate development

14. Development in the GB is inappropriate, and harmful by definition, unless one of the 8 exceptions set out in paragraph 154 of the Framework applies. Annexes may benefit from exception c), the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. However, in this case, the appellants contend that the new building should benefit from exceptions e) and g), which I shall consider first.
15. Exception e) is limited infilling in villages. The Framework does not define what constitutes a village or 'limited infilling' within one. However, policy PG2 of the Cheshire East Local Plan Strategy ("the LPS") identifies Mobberley as a Local Service Centre and it is agreed that the site lies outside of its settlement boundary. The appellant contends that it still forms part of the village, but no reasoning is given for that view.
16. Mobberley has a loose and somewhat dispersed settlement pattern, but a clear distinction can be drawn between the main body of the village, laid out along the B5085, and the outlying enclaves, of which there is a series along Church Lane. The enclave including the site is the third such group leading out of the main body and is separated from the other enclaves by fields. The site is therefore, in spatial planning terms, in the open countryside and not within the village.

17. Even if the village were held to extend beyond its settlement boundaries, it would still be necessary to consider the natural and ordinary meaning of infill. That is development occurring within a gap between buildings, usually fronting a road. There is no such gap in this instance, the new building lies between the original dwellinghouse and open fields to the rear. Exception e) therefore does not apply.
18. Exception g) is for “limited infilling or the partial or complete redevelopment of previously developed land” which would not cause substantial harm to the openness of the GB. As the site is outside of any built-up area, the garden of the original dwellinghouse may be considered previously developed land.
19. The natural and ordinary meaning of infill must also apply to exception g) and, as already noted, the new building does not fill a gap between existing buildings. Even if that were incorrect, and its erection could reasonably be described as infilling, it would need to be ‘limited.’ In this instance, the L-shaped form of the new building covers most of the depth and width of the back garden. When its footprint is compared with the original dwellinghouse and its curtilage, it is apparent that any infilling its erection might constitute is significant, not limited, within the context of the relevant previously developed land. Exception g) therefore does not apply.
20. Turning to exception c), it is first necessary to determine whether the erection of the new building is the extension or alteration of the original dwellinghouse. If so, it will also be necessary to determine whether it results in disproportionate additions over and above the size of the original building, i.e. the original dwellinghouse.
21. The new building is sited close to the rear boundary of the back garden and while it is set away from the original dwellinghouse by some 13m, there are 2 outbuildings closer to the original dwellinghouse. This results in a close group spanning more than half of the depth of the plot. The new building may therefore reasonably be considered an extension to the original dwellinghouse. Therefore, it should be assessed in the context of development plan policies relating to the GB and to extensions and alterations to buildings outside of settlement boundaries.
22. The plans and figures provided in the application now subject of Appeal C indicate a substantial increase in floor space, not far short of doubling. In volumetric terms, the new building appears to be broadly equal to the original dwellinghouse. The increase might be considered less if the 2 outbuildings were part of the original dwellinghouse, not additions, but no evidence to that effect has been provided.
23. While I have noted the appellant’s reference to the proposed demolition of 2 outbuildings as part of the application in Appeal C, that is not apparent from the description of development. There does, however, seem to have been partial demolition of one outbuilding but even with that, the overall effect of the erection of the new building is a substantial increase in the quantum of development on the land. Under policy RUR 11 of the Cheshire East Local Plan Site Allocations and Development Policies Document (“the SADPD”) an increase of more than 30% over the size of the original building is deemed disproportionate.
24. The policy does not explain how ‘size’ is to be measured but the submitted data indicates that the increase significantly exceeds 30%, whether it is measured in terms of footprint, gross internal area, or volume. None of the policy’s 4 possible exceptions to the size threshold listed in the policy applies in this case.

25. In qualitative terms, the new building is a single-storey structure with a shallow pitched roof, and it is therefore not disproportionate in terms of overall building height. However, its bulk and siting at the foot of the back garden make it appear disproportionate overall.
26. The appellant concedes that the new building “is arguably too large in relation to the existing dwelling to fall under the exception for extensions.” In view of the considerations set out above, I find that to be a matter of fact, not arguable. The new building is a disproportionate extension to the original dwellinghouse when considered alone or in combination with the other buildings. It therefore does not benefit from exception c) or any other exception within paragraph 154 and is inappropriate development. It is thus harmful to the GB by definition, assessed against the development plan and the Framework, and contrary to the fundamental aim of GB policy to prevent urban sprawl by keeping land permanently open.

Contribution to the surroundings

27. The new building is of simple, modern design and while I agree that it contrasts with the design of the original dwellinghouse, I do not find that to amount to a failure to respect its character. It is common for outbuildings to be of contemporary design and in this instance the separation between the 2 and the intervening outbuildings serve to reduce the impact of the contrast in design.
28. However, the new building is a prominent addition, extending built form to the foot of the back garden. While it may not be uncommon for a summerhouse or shed to be erected in such a position, they are generally small scale and subservient. The combination of the new building’s size and its siting is unduly harmful to the rural character of the countryside by virtue of prominence and visual intrusion.
29. While the Council raised concern about privacy in respect of the original dwellinghouse and its proposed replacement, that was in the context of the alleged self-contained dwellinghouse, not an annexe.

Access

30. Similarly, the Council’s concern on this issue was expressed in terms of an alleged self-contained dwellinghouse without separate access to the highway. There is no reason why an annexe should need its own access to the highway and the access would continue to be used by one household only.

The GB balance

31. The new building is a disproportionate addition to the original building and harmful to the GB. It is therefore contrary to policy PG 3 of the LPS, policy RUR 11 of the SADPD and Part 13 of the Framework. The new building also unduly harms the rural character of the countryside and is therefore contrary to policy RUR 11 of the SADPD in that regard. I attach significant weight against granting permission to these factors.
32. The erection of the new building as an annexe is acceptable in terms of its access arrangements and effect on living conditions. However, those factors are neutral in the balance and do not add weight to the case for granting permission.

33. For these reasons, there is conflict with the development plan as a whole. However, permission may be granted despite that conflict, and the harm by reason of inappropriateness, if they are clearly outweighed by other considerations.
34. While the erection of the new building is development requiring an express grant of planning permission, Lawful Development Certificates (LDC) have twice been issued for the erection of outbuildings of comparable scale in similar positions. This is by reason of Article 3 and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("Class E").
35. The appellants believe the LDCs confirm fallback positions that constitute material considerations in ground (a) and Appeal C. To be an important material consideration, a fallback position does not have to be probable or even have a high chance of occurring; it need only be more than a merely theoretical prospect.
36. The fact that the appellants twice applied for and secured LDCs for similar buildings indicates a firm intention to make a significant addition to the accommodation associated with the original dwellinghouse. Therefore, if Appeals A and C were to fail, it would be possible for them to erect either building after complying with the requirements of the notice. The differences between those buildings and the new building that result in the latter not being permitted by Class E are relatively minor and do not have an appreciable impact in terms of the effect on the GB or on the rural character of the countryside.
37. Furthermore, the appellants have set out their family's personal circumstances in a Statutory Declaration. Without repeating the details here, the family clearly benefits from the use of the new building in terms of its layout and facilities and its position, affording views of the adjacent field and paddock. This increases the likelihood that they would, in due course, erect and use one of the buildings certified as lawful if they had to comply with the notice.
38. For these reasons I consider the fallback positions to be an important material consideration that carries substantial weight and constitute very special circumstances for allowing Appeals A and C. I find it is sufficient to clearly outweigh the harm to the GB by reason of inappropriateness and the harm to the rural character of the countryside.

Conditions

39. Condition 1 is necessary to ensure that only external materials appropriate to the site and the rural setting are used in completing the development.
40. Conditions 2 and 3 are necessary to ensure that the building is suitable for its intended use in terms of drainage and noise insulation.
41. Condition 4 is necessary to ensure that any external lighting erected in association with the building is designed to avoid unacceptable harm to the rural character of the countryside or to ecology and in the interests of the safe ongoing operations of Manchester Airport.
42. Condition 5 is necessary to limit the use of the new building to use in association with the original dwellinghouse.
43. For Appeal C, condition 6 is necessary to confirm the approved plans.

44. The Council suggested conditions concerning cessation of temporary use of the new building as a dwellinghouse, minor development and development within the curtilage of a dwellinghouse, biodiversity, and landscaping. These were all based on the alleged erection of a self-contained dwellinghouse but are not needed in view of the correction I shall make to the notice and my consideration of Appeal C on the same basis. It also suggested conditions to secure car and cycle parking and bin storage that would only be necessary if the new building were being approved as an additional dwellinghouse.

Appeals A and C - Conclusions

45. For the reasons set out, I conclude that Appeal A should succeed on ground (a). I shall grant planning permission for the development described in the notice as corrected, so there is no need to consider the appeals on grounds (f) and (g).
46. For the same reasons, I conclude that Appeal C should succeed. I shall grant planning permission for the erection of a self-contained residential annexe to The Old Surgery.

Appeal B

47. The main issues in this appeal are:

- Whether the replacement dwelling is inappropriate development within the GB.
- Whether it would avoid unduly harming the rural character of the countryside, by virtue of prominence, scale, bulk or visual intrusion.
- If the replacement dwelling constitutes inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and so amounts to the very special circumstances required to justify it ("the GB balance").

Reasons

Inappropriate development

48. Returning to the 8 exceptions in paragraph 154 of the Framework, exception d) is specific to the replacement of buildings. It requires that the new building is in the same use and not materially larger than the one it replaces. There is no difference in terms of use.
49. The original dwellinghouse is a bungalow with a square footprint and limited accommodation within its pyramidlike roof space. The proposed dwelling would replace it and the 2 nearest outbuildings. The larger, irregular footprint of the proposed dwelling would be wider and deeper, allowing more first floor accommodation. Parts of the front and rear elevations would appear as fully expressed 2-storey accommodation, with glazing from ground to eaves.
50. The 3 buildings to be demolished have a combined footprint equal to the proposed dwelling. However, and primarily due to the more extensive accommodation within the roof space, the replacement dwelling would appear significantly larger above ground floor level. In quantitative terms, the gross internal area would increase by 59 m², a 23% uplift, and the building volume would increase by 268 m³, a near 30% uplift.

51. Because the footprint of the existing buildings would be matched, the growth would have little appreciable effect on the openness of the GB in spatial terms. However, the growth in floor space and volume, expressed in a wider and deeper dwelling with greater bulk above ground floor level, would result in a building materially larger than what it would replace. That is particularly so when the limited perception of the 2 outbuildings is considered. In particular, the width of the building, its larger roof area and the inclusion of a fully expressed 2-storey section result in a building that would appear materially larger, especially in public views from the road. The harmful effect of this on the openness of the GB in visual terms would be substantial.
52. In reaching this view I have taken account of the fact that the new building would appear smaller than the semi-detached houses to the north. However, that has no bearing on whether it would be materially larger than the buildings it would replace, as I have found, meaning that exception d) does not apply.
53. Exception g) of paragraph 154, relating to relevant infilling or redevelopment of previously developed land, was revised during the appeal. The test is whether the development would cause substantial harm to the openness of the GB, and it is no longer necessary to make a comparison with the existing development's effect on openness. The appellant did not address exception g) as drafted when the appeal was made but now considers it to lend support to the proposal.
54. I see nothing in the present construction of paragraph 154 to suggest that exception g) was revised with the intention of applying to forms of development that its previous iteration had not. Nor have I been given any reason to believe the revision was made with the intention that it would provide a 'second bite' for a replacement building that has failed the bespoke test set for it by exception d).
55. Nevertheless, if exception g) is applied for the purposes of this assessment, I have already found that the replacement dwelling would cause substantial harm to the openness of the GB, certainly in visual terms. Exception g) therefore does not apply and the proposal is inappropriate development within the GB.

The rural character of the countryside

56. For the reasons already set out, the scale and bulk of the replacement dwelling, particularly its increased presence above ground floor level, would result in a prominent and visually intrusive development. That would be particularly apparent in public views from the road and would be unduly harmful to the rural character of the countryside.

The GB balance

57. The replacement dwelling would be materially larger than what it would replace and have a substantial harmful effect on the openness of the GB, if only in visual terms. That is contrary to the fundamental aim of GB policy to keep land permanently open. It is therefore contrary to policy PG 3 of the LPS, policy RUR 13 of the SADPD and Part 13 of the Framework. It would also unduly harm the rural character of the countryside and is therefore contrary to policy RUR 13 of the SADPD in that regard. I attach substantial weight against granting permission to these factors.

58. While there is conflict with the development plan for these reasons, permission may be granted despite that conflict, and the harm by reason of inappropriateness, if they are clearly outweighed by other considerations.
59. The appellant refers to 3 LDCs that have been granted. The first, 18/5217M, relates to a single storey side extension. The second, 19/0486M relates to a single storey rear extension. The third, 19/0495M, relates to 2 side dormers. Copies of the decision notices have not been produced and the drawings provided also show other development. However, it is apparent from the planning history set out by the Council that the first and second LDCs were only granted in part. The Council's history does not mention the third LDC but the appellant's statement that the dormers were certified lawful is not disputed.
60. The erection of the single storey side and rear extensions and the formation of the 2 side dormers is a more than theoretical prospect if this Appeal should fail, so the LDCs are fallback positions that constitute material considerations.
61. While the side and rear extensions would, collectively be a significant increase in the footprint and overall mass of the building, they would, by reason of their single-storey form, have a pronounced lesser effect than the replacement dwelling on the openness of the GB in visual terms. The 2 side dormers would increase the perceived mass of the building above ground floor level and there would be some effect, in visual terms, on the openness of the GB as a result. However, the enlarged dwelling would still be significantly smaller than the appeal scheme in terms of bulk and substantial harm would not arise.
62. Accordingly, the fallback positions represented by the LDCs do not, individually or collectively, clearly outweigh the replacement dwelling's substantial harm to the GB by reason of inappropriateness and the harm to the rural character of the countryside.

Appeal B – Conclusion

63. For the reasons given, the replacement dwelling is inappropriate development that would cause substantial harm to the GB and the rural character of the countryside. It is therefore contrary to policy PG 3 of the LPS and policy RUR 13 of the SADPD and Part 13 of the Framework.
64. Given the importance of policies PG 3 and RUR 13, the proposal is contrary to the development plan as a whole and there are no material considerations to indicate that Appeal B should not be determined in accordance with the development plan and dismissed.

Appeal A – Formal Decision

65. It is directed that the notice is corrected in section 3 by:
 - The deletion of the words “a self-contained dwellinghouse” and the substitution of the words “a self-contained residential annexe to The Old Surgery.”
 - The deletion of the words “hereafter referred to as the dwellinghouse” and the substitution of the words “hereafter referred to as the annexe.”
66. It is further directed that the notice is varied in section 5 by:

- The deletion of the words “the dwellinghouse” and the substitution of the words “the annexe” in a).
 - The deletion of both occurrences of the words “the dwellinghouse” and the substitution, for each, of the words “the annexe” in b).
67. Subject to the corrections and variations, Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the erection of a self-contained residential annexe to The Old Surgery within the rear garden of the land at The Old Surgery, Church Lane, Mobberley WA16 7QX as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

Appeal B – Formal Decision

68. Appeal B is dismissed.

Appeal C – Formal Decision

69. Appeal C is allowed and planning permission is granted for an ancillary outbuilding (retrospective) at The Old Surgery, Church Lane, Mobberley WA16 7QX in accordance with the terms of the application, Ref 22/4771M, dated 30 November 2022, subject to the conditions in the attached schedule.

Mark Harbottle

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/R0660/C/24/3352391	Mr Thomas Benjamin Eckersley
Appeal B	APP/R0660/W/24/3350005	Mr Ben Eckersley
Appeal C	APP/R0660/W/24/3350006	Mr and Mrs B Eckersley

Appeal A – Schedule of Conditions

- 1) Unless within 2 months of the date of this decision a full external facing materials schedule, to include colour, texture and materials specifications for external walls, roof and windows, is submitted in writing to the local planning authority for approval, and unless the approved schedule is implemented within 6 months of the local planning authority's approval, the use of the building shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 4 months of the date of this decision, the use of the building shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved external facing materials schedule specified in this condition, the facing materials shall thereafter be retained as shown on the schedule.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The use of the building hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) Within 2 months of the date of this decision a detailed drainage scheme for the building, based on the national hierarchy for drainage and including separate foul and surface water drainage systems shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved drainage scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Unless within 3 months of the date of this decision a scheme for the noise mitigation of the building for the protection of residential occupants with regard to noise levels from the ongoing operations of Manchester Airport concerning policy ENV13 of the Cheshire East Local Plan Strategy 2017 is submitted in writing to the local planning authority for approval, and unless the approved scheme is

implemented within 3 months of the local planning authority's approval, the use of the building shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the building shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved noise mitigation scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) Unless within 3 months of the date of this decision a scheme for any external lighting in association with the development hereby approved, including a plan showing the location, heights of installation, light spill, lux levels and specifications of any such lighting and showing how all exterior lighting will be capped at the horizontal with no upward light spill is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the use of the building shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the building shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved external lighting scheme specified in this condition, no other scheme of lighting shall be in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) The building hereby permitted shall only be used in association with The Old Surgery and with no more than one household occupying the land.

Appeal C – Schedule of Conditions

- 1) Unless within 2 months of the date of this decision a full external facing materials schedule, to include colour, texture and materials specifications for external walls, roof and windows, is submitted in writing to the local planning authority for approval, and unless the approved schedule is implemented within 6 months of the local planning authority's approval, the use of the building shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 4 months of the date of this decision, the use of the building shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved external facing materials schedule specified in this condition, the facing materials shall thereafter be retained as shown on the schedule.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The use of the building hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) Within 2 months of the date of this decision a detailed drainage scheme for the building, based on the national hierarchy for drainage and including separate foul and surface water drainage systems shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved drainage scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Unless within 3 months of the date of this decision a scheme for the noise mitigation of the building for the protection of residential occupants with regard to noise levels from the ongoing operations of Manchester Airport concerning policy ENV13 of the Cheshire East Local Plan Strategy 2017 is submitted in writing to the local planning authority for approval, and unless the approved scheme is

implemented within 3 months of the local planning authority's approval, the use of the building shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the building shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved noise mitigation scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) Unless within 3 months of the date of this decision a scheme for any external lighting in association with the development hereby approved, including a plan showing the location, heights of installation, light spill, lux levels and specifications of any such lighting and showing how all exterior lighting will be capped at the horizontal with no upward light spill is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the use of the building shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the building shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved external lighting scheme specified in this condition, no other scheme of lighting shall be in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) The building hereby permitted shall only be used in association with The Old Surgery and with no more than one household occupying the land.
- 6) The development hereby permitted shall be carried out in full accordance with the approved plans listed as follows except where varied by other conditions of this permission:

Existing Plans and Elevations drawing 10 revision F as received by the Local Planning Authority on 2 December 2022.