



Appeal Decision

Site visit made on 21 July 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Appeal Ref: APP/R0660/W/25/3362734

Barn 2, Shellow Farm Barns, Shellow Lane, Gawsworth CW12 2NX

- 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 Messrs Needham & Hall (Rough Hey Ltd) against the decision of Cheshire East Council.
 - The application Ref is 24/1220M.
 - The development proposed is described as ‘the redevelopment of previously developed land to provide two new dwellings in lieu of an existing commercial building and associated works’.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of previously developed land to provide two new dwellings in lieu of an existing commercial building and associated works at Barn 2, Shellow Farm Barns, Shellow Lane, Gawsworth CW12 2NX in accordance with the terms of application ref 24/1220M and subject to the conditions outlined in the schedule at the end of this decision.

Preliminary Matters, Background and Reasons

2. The description of development above has been taken from the application form. However, I have removed the words related to the type of application and the address, in the interest of conciseness.
3. The Council's decision notice outlines one reason for refusal, which relates to the inappropriateness of the development in the Green Belt. However, in light of the updated National Planning Policy Framework December 2024 (the Framework), the Council has withdrawn its reason for refusal at the appeal stage.
4. The Council accepts that Policy PG 3 of the Cheshire East Local Plan 2017 is not fully consistent with the Framework, particularly with paragraph 154 (g), which refers to limiting infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. Accordingly, the Council considers that the proposal would not be inappropriate development in the Green Belt.
5. Given the evidence before me, and my site visit observations, I have no reason to disagree with the Council's findings. Accordingly, the proposal would not be inappropriate development in the Green Belt and thus accords with the aims of the Framework.

Conditions

6. The Council has proposed a number of conditions should the appeal be allowed. I have considered these and imposed them where they meet the tests set out in Paragraph 57 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
7. In the interest of proper planning and to provide certainty, I have imposed the standard time limit condition and specified that the development should be carried out in accordance with the approved plans in the interests of certainty. In order to protect the character and appearance of the area, a condition to secure details of materials is necessary.
8. Conditions are also necessary to safeguard and enhance biodiversity, to protect trees, and to ensure adequate drainage of the site. In order to ensure appropriate landscaping of the site, conditions securing an adequate landscaping scheme are also necessary.
9. In order to protect the living conditions of the future occupiers and neighbouring residents, conditions that secure land contamination investigations are necessary. To ensure that any change in ground level is acceptable, a condition to secure details of the ground levels, including the level of the proposed floor slabs, is necessary.
10. Having had regard to paragraph 57 of the Framework, which states, amongst other things, that conditions required to be discharged before development commences should be avoided, unless there is a clear justification, I have amended the Council's ground levels and floor slabs condition to remove the pre-commencement element, as it is not necessary.
11. The conditions related to drainage require the submission of details prior to the commencement of development on site. I consider that because of the nature of the works involved the pre-commencement element is necessary, and I note the appellant's agreement to these conditions.

Conclusion

12. For the reasons set out above, the appeal should be allowed.

Andreea Spataru

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: location plan (4098B), site plan as existing (4098B_01_01A), block plan as existing (4098B_01_02A), plans as existing (4098B_01_03), elevations as existing (4098B_01_04), site plan as proposed (4098B_01_11E), block plan as proposed (4098B_01_12E), unit 1 plans and elevations as proposed (4098B_01_13C), unit 2 plans and elevations as proposed (4098B_01_14C).

- 3) The materials to be used shall be in accordance with those specified in the application form unless different materials are first agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery), a detailed service and foul and surface water drainage layout shall be submitted to and approved in writing by the local planning authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the long-term retention of trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
- 5) No development shall take place until a detailed drainage strategy/design, associated management/maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The drainage design must also include:
 - a) Surface water run-off rates;
 - b) Storm water design periods and intensity and 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;
 - c) Detailed boundary drainage;
 - d) Management and Maintenance plan.

The development shall only be implemented in accordance with the approved details.

- 6) Prior to the installation of the floor slabs, full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 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 current version of 'Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination' (in the absence of any other agreement for the development). Prior to the occupation of the development hereby permitted, evidence and verification information (such as quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by the local planning authority.
- 8) No development (other than demolition and site clearance works) shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local

planning authority. If any contamination is found, no development shall take place until:

- i. a report specifying the measures to be taken, including the timetable, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.
- 9) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 10) Prior to the first occupation of any consented dwelling, features for nesting birds and roosting bats shall be installed in accordance with the details shown on the approved elevation drawings. The approved features to be thereafter retained.
- 11) No removal of any vegetation or the demolition, extension or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the local planning authority before any further works within the exclusion zone take place.
- 12) The development shall be carried out in accordance with the Arboricultural Impact Assessment with Arboricultural Method Statement by Godwins Tree Surveys (Project no AIA.13846.01 dated 16th July 2024) and Tree Protection Plan Drawing no TPP.13846 Rev 01 dated 16.07.24).
- 13) No development 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 landscaping 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.
- 14) The approved landscaping plan shall be completed in accordance with the following:
 - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the local planning authority.

- b) All trees, shrubs and hedge plants 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).
- c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.
- d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become 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 to those originally required to be planted.

End of schedule