
Appeal Decision

Site visit made on 16 September 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Appeal Ref: APP/R0660/D/25/3366235

1 Bramley Close, Wilmslow, Cheshire East SK9 6EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs McCormick against the decision of Cheshire East Council.
 - The application Ref is 25/0005/PRIOR-6.
 - The development is proposed single storey extension to rear of original dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants submitted an application to determine if prior approval is required for a proposed Larger Homes Extension under the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended – Schedule 2, Part 1, Class A to Cheshire East Council.
3. Class A.1. (g) allows a single storey extension to extend beyond the rear wall of the original dwelling house by no more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse. The proposed extension would extend the house by 3.5 metres.
4. However, the above refers to the original dwellinghouse and A.1.(ja) states that any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j). Therefore, it is necessary to take into account any previous extensions carried out to the original dwelling.

Main Issue

5. The main issue is whether the proposed single storey rear extension would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Reasons

6. The appeal site comprises a semi-detached house and its front and rear gardens on the corner of Bramley Close and Cumber Lane. The house has previously been

extended pursuant to a planning approval in 2017¹. This was for a single storey front extension, two-storey side extension and a garage conversion.

7. The decision notice sets out that the proposed single storey rear extension would fail to meet the criteria for permitted development under Class A, in particular, A.1 (e), (g), (h), (i), (j), (ja) and (k). The Council has submitted extensive evidence to explain this but the appellant has not produced any substantive evidence to contradict it. I find no reason to disagree with the Council's findings.
8. The appellants case is based on the Council not determining the application within the prescribed time. Under the prior approval procedure, the Local Planning authority are required to issue its decision within 42 days of the submission of a valid application. However, whether or not the Council issued its decision on time is immaterial as the appellant cannot exercise permitted development rights that do not exist.
9. Consequently, the proposal would not be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Conclusion

10. For the reasons given above the appeal should be dismissed.

J D Clark

INSPECTOR

¹ Planning Application Ref: 17/3303M.