



Appeal Decision

Site visit made on 6 October 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/R0660/W/25/3369908

Bulls Head Inn, 115 London Road North, Poynton, Cheshire East SK12 1AG

- 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 Jasper Edwards, JSE Property Group against Cheshire East Council.
 - The application Ref is 24/3606M.
 - The development proposed is a change of use of an existing public house to create two new homes and the erection of two new homes within the existing curtilage
-

Decision

1. The appeal is dismissed, and planning permission for a change of use of an existing public house to create two new homes and the erection of two new homes within the existing curtilage, is refused.

Applications for costs

2. An application for costs has been made by Lambert Smith Hampton on behalf of Mr J Edwards (the appellant), against Cheshire East Council. This application is the subject of a separate decision.

Preliminary Matters

3. This appeal relates to an application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission, had it made a decision on the proposal. I have had regard to the parties submissions in establishing the main issues, which I set out below.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area including with regard to heritage assets;
 - whether the proposal would result in the unnecessary loss of a public house with reference to local and national planning policies; and
 - whether the development would make adequate provision for Biodiversity Net Gain (BNG).

Reasons

Character and appearance and heritage asset

5. The site lies on one of the town's principal routes that converge on the town centre, and in a predominantly residential area. The appeal site, and the terrace row it sits within are the first prominent roadside buildings on the approach into Poynton. The spaciousness around the site car park, its road junction position, and the undeveloped and tree-lined boundary opposite, draw attention to the building's presence and its traditional form, such that it is a focal point building. Chimneys are an intrinsic feature of the terrace and other traditional buildings in the street scene.
6. The appeal building has a symmetrical public house frontage with the top of an ornate porch aligning with a central string course, decorative windows, centrally aligned signage and a harmonious colour treatment. It has the appearance of a façade, rather than an entirely different building to the adjoining terrace. This is due to its protrusion, framing with pilasters and brick piers, sitting in front of a building that has discernible continuity with the terrace, by way of the roof form, chimney stacks, window alignment, and general proportions. The simplicity, narrow proportions and materials of the rear extension, contribute to the traditional character of the building.
7. The building is not included within the Cheshire East Local Development Framework, Local List of Historic Buildings, Supplementary Planning Document. However, this does not mean that it is not worthy to be considered as a non-designated heritage asset, nor does it directly reflect its heritage value. The supporting information accompanying Policy HER7 of the Cheshire East Local Plan, Site Allocations and Development Policies Document (SADPD) and the Planning Practice Guidance (PPG) both state that such assets can be identified as part of the decision-making process on planning applications¹. Furthermore, the National Planning Policy Framework (the Framework), defines a heritage asset as, amongst other things, a building having a degree of significance meriting consideration in planning decisions because of its heritage interest.
8. Taking these factors together with my observations during my site visit I find that the appeal building is a non-designated heritage asset for the purposes of local and national policy. Its significance is derived in part from its past and current use as a drinking establishment, the traditional form and detailing of the frontage, and the building's cohesion with the terrace row.
9. The appellant's Heritage Assessment indicates that the present building is a 20th century rebuild of what was originally a beer house and cottage, and that when the present frontage was created it removed 'all traces of what existed before'. Historic photographs and historic maps evidence the former uses at the site. However, there is little before me to demonstrate that a rebuild took place. Indeed, the Assessment later goes on to refer to the building's present appearance as the 'result of 20th century remodelling', potentially 1930's.
10. Even so, the building is representative of an age gone-by, and I consider that its appearance as a façade affixed to an older building, is a part of the building's inherent interest, clearly showing its evolution as a drinking establishment. There is also limited evidence before me to demonstrate why its age, and lack of resemblance to the former beer house, equate to the heritage value of the building being low.

¹ Planning Practice Guidance: Paragraph: 040 Reference ID: 18a-040-20190723

11. The proposal would see the loss of the central porch and doorway, and its replacement with two entrances positioned under a storm porch, cutting across the string course without harmonising with it. The entrances and new first floor window would also be positioned off-centre. The alterations would erode the symmetry and significantly diminish the formality and traditional public house appearance of the building frontage. They would also be entirely at odds with the arrangement of simple, single entrances within the terrace.
12. The proposed new dwellings by virtue of being to the side of the public house, would become the new focal point on the approach from the north. The proposed form and massing would be broadly sympathetic with the adjacent buildings. However, the roof would have a stark, bald and discordant appearance without chimneys, contrasting harmfully with the traditional architecture and roof form of the existing focal point building.
13. Many elements of the existing façade would remain, the chimneys are a small part of the proposed new dwellings, and I acknowledge that design amendments have been made. However, Paragraph 131 of the Framework is clear that good design is a fundamental and key aspect of sustainable development. In this case and having regard to Paragraph 216 of the Framework and Policy HER7 of the SADPD, it is the overall weakening of the intrinsic elements of the building and the site's contribution to the street scene, that would have a significantly adverse impact, both on the non-designated heritage asset, and on the character and appearance of the area.
14. The appellant contends that the building's historic use will always be on record and that the building's external visual interest would be retained. The Framework makes clear that buildings of local historic value are an irreplaceable resource. The development would be such that the legibility of the historic use of the building would be lost, and it has not been explained how confining the building's use to history records would compensate for this.
15. As such, I conclude that the development would be harmful to the character and appearance of the area including a non-designated heritage asset. Therefore, the proposal would be contrary to Policies SD1, SD2, SE1, SE2, SE7 of the Cheshire East Local Plan Strategy, 2010-2030 (Local Plan), Policies GEN1, HER1, HER7 of the SADPD, and Policies EGB 3, EGB 21, HOU6, HOU8, HOU 11 of the Poynton-With-Worth Neighbourhood Plan 2016-2030 referendum version (Neighbourhood Plan). Amongst other things, these policies seek well designed development that contributes to local character and historic environment and that also protects and enhances heritage assets.
16. The Council also cite Policies EGB 16, EGB 20 and HOU 15 of the Neighbourhood Plan, these policies refer to listed buildings, a description of a list of heritage assets, and back land and tandem development. The appeal site does not relate directly to these scenarios; hence I find no conflict with these policies.

Loss of Public House

17. Policy REC5 of the SADPD, amongst other things, seeks to retain community facilities that make a positive contribution to the social or cultural life of a community, unless alternative provision is made. The supporting text refers to the importance of public houses and other facilities to the communities that they serve, and sustainability of settlements.

18. The policy broadly aligns with paragraphs 96 and 98 of the Framework. They seek to promote healthy, inclusive and safe places that promote social interaction, providing the social, recreational and cultural facilities and services the community needs. Paragraph 98 (c) stipulates that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
19. The appellant contends that there is a lack of demand for the building's use as a public house. The co-licensee letter states that opening hours have been reduced to key trading times and part-time staffing positions have been cut. Any community societies that previously used the premises are now located elsewhere. Monies now earned are being used to keep the premises open, and there has also been interventions using personal finances. In addition, familial ties to the area have meant that the public house has not already been disposed of.
20. A range of factors have been cited for the loss of trade, including its marked decline since Covid-19 lockdowns (which also prevented the completion of a refurbishment project), increase in competition particularly concentrated around Park Lane within Poynton, and the completion of a Poynton by-pass road.
21. Letters from the Cheshire Pub Company, and Greenham Commercial Ltd also set out the more general difficult market conditions for traditional public houses like that at the appeal site. These are brought about by cultural and economic shifts and building size limitations curtailing capacity to offer food and dining. They both reference the specific location, away from the town centre which limits footfall, plus increased competition, including from supermarket prices. They also assert that the business is unviable.
22. I note the difficulties and pressures faced by the co-licensees and understand the wider issues that are set out in the aforementioned letters from authors with industry knowledge. I also note that Policy REC5 of the Local Plan and the Framework, do not specify the type of evidence needed to support the loss of such a community facility.
23. The Council sought a marketing and viability exercise, undertaken over a two-year period. The Sutton Gamekeeper appeal decisions² have been cited by the Council in support of their stance. However I can see no reference in either decision to a specific requirement for a two year period of marketing, and I note the different application of policies relating to rural businesses.
24. Nevertheless, the evidence before me is limited in scope to broad statements, and trends relating to 'wet pubs.' The appeal is not supported with robust evidence. There is for example, no financial information specific to the existing business to support the viability argument. Even if I were to take the existing business's situation at face-value, there is no evidence of an exploration of different business models or marketing of the premises. The evidence is limited to an assertion that a sum exceeding £750,000 would be needed to purchase and return the site to a modern business footing, which it is stated would not produce a viable business model, but this is not supported with more detailed evidence. As such it has not been robustly demonstrated that an alternative business could not be of value to the community and would not be viable.

² APP/R0660/W/21/3274475; APP/R0660/W/23/3314797

25. The public house is not registered as an Asset of Community Value, and there are only a small number of objections from interested parties, including the Town Council. Whilst this appears to diminish the value the community places on the facility, I am mindful that this is in relation to the business as it exists now. It is not clear if an alternative business would not be of more value.
26. There are a number of bars and restaurants concentrated within the town centre, , and I am told that social trends mean that people tend to drink and eat in concentrated areas. I have no reason to doubt that this competition has contributed significantly to decreased trade. The appellant notes that Poynton town centre is less than a 10 minute walk from the appeal site, and that this is representative of a 'walkable neighbourhood'³. I observed during my site visit that the route from the site to the town centre has street-lighting with wide pavement along its entirety. On this basis, there is little to persuade me that the site is so remote from other premises that its specific location renders it unviable.
27. Moreover, whilst there are other facilities within walking distance to serve the day-to-day needs of the community, this does not take into account the cultural value of the public house by way of its historic and visual contribution to the area, that I have previously described.
28. The Council has not produced any commercial viability information of its own, however it is for the appellant to adequately demonstrate that the loss of the public house would be justified.
29. Drawing the above strands together, and in the absence of evidence to the contrary, I conclude that the proposal would result in the unnecessary loss of a public house, contrary to Policies SC1, SC3, SD1, SD2 of the Local Plan Strategy, and Policy REC5 of the SADPD. Amongst other things, these policies seek to protect community facilities, provide access to facilities reflecting community needs including indoor leisure facilities. They also support health, safety, social and cultural well-being of residents and social inclusion.
30. Policy MP1 of the Local Plan Strategy reflects the Framework requirement for a balanced approach to sustainable development; an approach I will return to later in my decision. Policy EG1 of the Local Plan Strategy refers to new employment development and as this is not directly relevant, I find no conflict with this policy.

Biodiversity Net Gain

31. The mandatory BNG regime requires development to provide a minimum of 10% BNG, unless it meets an exception set out in the Act⁴. It is common ground that the development would be required to provide the statutory BNG. Therefore, if the appeal were to succeed, it would be subject to the statutory pre-commencement biodiversity gain condition (the condition). In this scenario, the BNG Planning Practice Guidance (PPG) states that it would be generally inappropriate to refuse planning permission on the grounds that the biodiversity gain objective would not be met. The PPG advises that more broadly, consideration may be required as to whether the condition is capable of being discharged.
32. The Council has not cited a concern in respect of the BNG baseline data contained in the Biodiversity Calculations Report (Appletons 2024). There are discrepancies

³ Appellant's Statement of Case para 2.8 and 2.9 'Manual for Streets' dated 2007.

⁴ Schedule 7A of the Town and Country Planning Act 1990 (as amended)

between the Site Plan and Landscape and Habitat Enhancement plan in respect of trees⁵, and additional clarity is required in respect of biodiversity measures being wholly within shared areas. Nevertheless, whilst not explicitly annotated, the Site Plan clearly indicates the position of the private gardens relative to each plot, and the Landscape and Habitat Enhancement plan demonstrates that the biodiversity measures would be in shared areas, including trees. Whilst this may need to be clarified at post-decision stage, I consider that the condition is capable of being discharged, and the development is capable of meeting the mandatory BNG requirements.

Other Matters

33. The development would re-use a building and its associated land, providing four new homes within a settlement. It would also amount to 'windfall' development contributing to the borough's necessary housing delivery requirements. The appellant also states that the housing would be wheelchair accessible and energy efficient. Economic benefits would also arise from construction and occupiers day-to-day living requirements.
34. There would be no impact on designated heritage assets, protected trees, any pipelines or public rights of way, and it is not within a flood risk zone. The development would be Building Regulations compliant. These are neutral factors that do not outweigh the harms that I have found.
35. There is no evidence before me in respect of risks associated with Poynton Pool reservoir dam being breached or overtopped, or that a loss of the car park would directly lead to parking pressures within the town centre. This limits the weight I attribute to these matters. The development would be subject to a planning condition requiring drainage details should the appeal succeed, and I note that the Lead Local Flood Authority had no objection, subject to such a condition.
36. No 113 London Road adjoins the public house and is mid-terraced. There is an existing tall wall dividing the two. The alterations to the rear of the proposed Plot 1, would result in a modest additional two-storey projection beyond the rear building line of No 113, and a single-storey extension. Given the siting of the extension to the north of No 113, the modest projection, and the existing tall boundary feature compared with the single storey proposal, the proposal would not result in a detrimental loss of daylight or sunlight that would otherwise harm the living conditions of this neighbouring occupier.
37. The loss of car parking and access arrangements for adjoining residents is noted, as is the question over ownership of a shed. However these would be a private matter between the relevant parties to resolve.
38. Policy SC1 and SC3 of the Local Plan Strategy are both relevant to the appeal. Policy SC1 does not limit itself to sports, and there is no evidence presented that a public house should not be considered to be an indoor leisure facility. Policy SC3 refers to the improvement of health, well-being and provision of facilities to meet community needs.
39. The appellant states that the Council suspended its pre-app service, and reference is also made to excessive delays in planning, although it is not explained what this

⁵ Site Plan: Drawing No 24-J4610 Rev B & Landscape and Habitat Enhancement: Drawing No 2511_02 Rev D

is in relation to. However, these are not matters that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Planning Balance and Conclusion

40. It is common ground that the Council are unable to demonstrate the necessary five-year supply of deliverable housing sites (5YHLS) in accordance with the Framework. The current deliverable housing land supply amounts to 3.8 years, which represents a moderate shortfall. An inability to demonstrate a 5YHLS warrants the application of paragraph 11 d) of the Framework, which relates to the presumption in favour of sustainable development.
41. In this case it would mean planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies. These seek to direct development to sustainable locations, make effective use of land, secure well-designed places and provide affordable homes, either individually or in combination. Notwithstanding the appellant's comments, the policies with which I have identified conflict, are broadly consistent with policies for valuing community facilities, social well-being, protecting heritage assets and good design set out within the Framework.
42. Weighing in its favour, the development would provide for much needed housing in a sustainable location, contributing to the delivery of a minimum of 36,000 new homes required between 2010-2030. It would also be a 'windfall' development, comprising the re-use of a building on a previously developed site. The housing objectives are also emphasised in the Neighbourhood Plan. Indeed paragraph 73 of the Framework requires great weight to be given to the benefits of using suitable sites within existing settlements for homes, and paragraph 61 emphasises the Government's objective of boosting the supply of homes, as originally set out in the Written Ministerial Statement dated 12th December 2024. Additionally, the development would generate economic benefits as part of the construction process, and future spend by occupiers. These factors together, attract significant weight in my assessment; however the overall benefit would be modest, due to the small number of dwellings proposed.
43. Against these modest benefits is the significant harm caused by the loss of a community facility, and the effect on the character and appearance of the area, including the non-designated heritage asset. Paragraph 135 of the Framework is clear that development should add to the overall quality of an area and should be sympathetic to local character and history including the surrounding built environment. Paragraph 129 of the Framework supports efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive places. In this case I give the identified harm substantial weight, taking account of key policies. As a result, the presumption in favour of sustainable development does not apply.
44. Weighed against the benefits of a modest development of the scale proposed, I find the adverse effects of the proposal to significantly and demonstrably outweigh these, when assessed against the policies in the Framework taken as a whole.

45. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

E Heron

INSPECTOR