



Appeal Decision

Site visit made on 9 September 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/R0660/W/25/3367124

Lower Barn, Cocksheadhey Road, Bollington, Cheshire SK10 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Davies & Mrs K Green against the decision of Cheshire East Council.
 - The application Ref is 24/3017M.
 - The application sought planning permission for conversion of redundant farm buildings to three dwellings without complying with conditions attached to planning permission Ref 75620P, dated 1 December 1993.
 - The conditions in dispute are Nos 7 & 8 which state that:
 - 7. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that Order), no development (as defined by section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of the Town and Country planning Act 1990) as may otherwise be permitted by virtue of Class(es) A;B;C;D;E of Part 1 Schedule 2 of the Order shall be carried out.
 - 8. Notwithstanding the provisions of Schedule 2 to the Town and Country Planning General Permitted Development Order 1988 (or any order revoking or re-enacting that Order), no extension, garage, car port, shed or other structure shall be erected or added to the dwelling(s) identified as Cocksheadhey Farm.
 - The reasons given for the conditions are:
 - 7. Having regard to the site's inclusion within the North Cheshire Green Belt.
 - 8. Having regard to the character of the site and the area of the site and the area within which it is situated.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of redundant farm buildings to three dwellings at Lower Barn, Cocksheadhey Road, Bollington, Cheshire SK10 5QZ in accordance with the application 24/3017M., without compliance with condition numbers 7 and 8 previously imposed on planning permission Ref 75620P, dated 1 December 1993 and subject to the following conditions:
 - 1) 2 car parking spaces shall be provided for each unit and thereafter retained.
 - 2) The garage indicated on the approved plan shall be retained for the parking of motor vehicles. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.
 - 3) The garage doors shall be vertical timber boards, side hung with stone lintels and thereafter retained.

Preliminary Matters

2. Planning permission was granted in 1993 for the conversion of redundant stone-built agricultural buildings to three dwellings, which have since been converted, and are now in separate ownerships. The permission included conditions 7 and 8 which removed various permitted development rights of the converted dwellings.
3. There is limited information before me appertaining to the original decision including the justification for imposing the conditions. I have therefore made my decision on the basis of the evidence before me.
4. I note that there is an alternative site plan included in the appellants' statement of case. Both main parties agree that this site plan has been superseded and I have made my decision based on the agreed plan

Main Issue

5. The main issue is whether conditions 7 and 8 are reasonable and necessary to protect the Green Belt and the character and appearance of the area.

Reasons

6. The National Planning Policy Framework (the Framework) states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The exercise of permitted development rights can in some circumstances permit sizeable development, nevertheless permitted development rights have not been withdrawn (in total or in part) in the Green Belt in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Moreover, the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. In addition, the Planning Practice Guidance (PPG) advises that conditions restricting the future use of permitted development rights may not pass the tests of reasonableness or necessity.
7. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence.
8. The converted buildings lie within an open rural area, on the edge of, but outside, the settlement of Bollington, with open fields beyond. There is a public footpath leading to Nab Head adjacent to the appeal site. Following their conversion the buildings retain much of their original character as agricultural buildings including the stone walls and stone slate roof.
9. In this case, there is no substantive evidence before me to demonstrate that the conditions are necessary to protect the openness of the Green Belt or the character and appearance of the area at this specific site. In any event, permitted development has limits and conditions to ensure that any alterations or extensions are appropriate to the building including the use of matching materials in order to protect the character and appearance of both the building being extended and the local area.
10. In light of the above, I find no clear justification for the removal of these permitted development rights in this case. The disputed conditions are not demonstrably

necessary to protect the Green Belt and the character and appearance of the area. Consequently, in this case the restriction of the appellants' permitted development rights is not reasonable. Conditions 7 and 8 do not therefore satisfy the tests for planning conditions set out in the Framework and the PPG.

Other Matters

11. I note the interested party comments which are opposed to additional dwellings being constructed in the vicinity of the appeal site. As the appeal relates to removal of conditions, this scenario is not before me.
12. As I have found that the conditions are not reasonable or necessary to protect the Green Belt and the character and appearance of the area, it would not be appropriate to limit the new permission to the barns occupied by the appellant and therefore it would also relate to the other buildings converted as part of the original approval.

Conditions

13. The PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. I have imposed those that I consider remain relevant and have amended some of the wording of the conditions to accord with the guidance on conditions set out within the Framework and PPG.
14. In this case, the development has been completed and therefore the standard commencement and plans conditions are no longer necessary. In addition, conditions relating to materials, boundary treatments and landscaping are no longer necessary as they have been completed. The condition relating to Tree Preservation Orders is covered by other legislation.
15. The conditions relating to car parking spaces and retaining the use of the garage for the parking of motor vehicles are necessary in the interests of highway safety.
16. The retention of the garage doors with vertical timber boards, side hung with stone lintels is necessary to protect the character and appearance of the area.

Conclusion

17. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed conditions and restating those undisputed conditions that are still subsisting and capable of taking effect.

H Senior

INSPECTOR