



Appeal Decision

Site visit made on 30 October 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/R0660/W/25/3368313

Meadow Cottage, Davenport Lane, Mobberley, Cheshire WA16 7NB

- 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 BCL Homes (NW) Limited against the decision of Cheshire East Council.
 - The application Ref is 24/4472/VOC.
 - The application sought planning permission for Demolition of Existing Buildings and Erection of 2No New Detached Dwellings without complying with a condition attached to planning permission Ref 21/6219M dated 15th September 2023.
 - The condition in dispute is No.2 which states that: The development hereby approved shall be carried out in total accordance with the following approved plans: 03 Rev J (Proposed site Plan) 01 Rev D (Proposed Plot 1) 02 Rev I (Proposed Plot 2) received by the Local Planning Authority on the 8th September 2023. Plan; LP (Location Plan) received by the Local Planning Authority on the 10th December 2021. all unless otherwise altered by other conditions of this permission.
 - The reason given for the condition is: For the avoidance of doubt and to specify the plans to which the permission relates.
-

Decision

1. The appeal is allowed and planning permission is granted for Demolition of Existing Buildings and Erection of 2No New Detached Dwellings at Meadow Cottage, Davenport Lane, Mobberley, Cheshire WA16 7NB in accordance with the application Ref 24/4472/VOC, without compliance with condition number 2 previously imposed on planning permission Ref 21/6219M dated 15th September 2023 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The original permission related to the construction of 2no. dwellings. The appellant sought approval to replace the plans relevant to plot 2 to include the provision of 2 dormer windows within the front facing roof slope. That application was refused hence the appeal now before me. The appeal site sits within the Green Belt.
3. Policy PG 3 of the Cheshire East Local Plan Strategy (2017) (CELPS) deals with The Green Belt. It notes that the construction of new buildings is inappropriate in Green Belt. Exceptions to this include amongst other things limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
4. The Framework (National Planning Policy Framework 2024) states that development in the Green Belt is inappropriate unless exceptions apply. One such

exception is limited 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.

5. There are therefore inconsistencies between the CELPS and the Framework with regard to this exception. Greater weight should be afforded to the more up to date Framework with regard to this particular matter.

Main Issues

6. The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and the effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

7. At the time of my site visit, the two properties which were the subject of the original approval were in place, with works ongoing to fully fit out plot 2. Details as to exactly what occupied the site prior to the construction of the dwellings are limited within the evidence.
8. Nonetheless, I must afford weight to the Councils original conclusion that the original proposal would not have a greater impact on the openness of the Green Belt than what formally occupied the site. I have also considered the Councils analysis of the former buildings and original scheme relating to footprint, floorspace, volume and hardstanding.
9. Given the modest size of the dormers and their associated limited volume, the scheme would not cause substantial harm to the openness of the Green Belt. The development would not therefore be inappropriate development within the Green Belt. That is a position which is shared by the main parties.

Character and appearance

10. The evidence indicates that the relationship of scale between the two new dwellings on the site was arrived at to recreate the relationship that was in place between the buildings formerly on the site. Only limited details relating to those buildings are before me.
11. The dormer windows proposed to the front elevation would be modestly sized and would be set well down from the ridgeline, well in from the sides of the roof slope and up from, but close to the eaves.
12. The area is rural in character and I noted on my site visit that there are other dormer windows on other properties within the area. Many do extend above or through the eaves of their respective host buildings and they do vary in design from those proposed within this scheme. Nonetheless, they are present and, in many cases, appear to be a well established and traditional feature on properties within the area.

13. By reason of their size and positioning, the dormer windows would not undermine the visual relationship of the smaller plot 2 forming a secondary building on the site. The large central window at first floor window and ground floor windows of domestic form already afford plot 2 a partly domestic feel and within that context the addition of dormer windows would not substantially alter the character of the property.
14. The inclusion of two dormer windows to the front elevation would therefore cause no harm to and would complement the character and appearance of the area. There would therefore be no conflict with policies SE1 or SD2 of the CELPS nor Policy GEN1 of the Cheshire East Site Allocations and Development Policies Document (2022).
15. Amongst other things these policies require development to contribute positively to an areas character and identity including in terms of external design features and relationship to neighbouring properties.

Conditions

16. Planning Practice Guidance advises that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on the earlier permission.
17. Whilst references have been made to discharges of conditions, as I do not have full evidence before me confirming the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
18. The time limit condition has been amended to reflect the date of the original permission and the amended plan is included under condition 2. Reference has been made to the addendum to the planning noise assessment within condition 4.

Conclusion

19. For the reasons given above the appeal should be allowed.

T Burnham

INSPECTOR

Schedule of conditions

1. The development hereby approved shall have commenced by 14th September 2026.

2. The development hereby approved shall be carried out in accordance with the following approved plans:

03 Rev J (Proposed site Plan)

01 Rev D (Proposed Plot 1)

02 Rev K (Proposed Plot 2)

LP (Location Plan)

3. No development involving the use of any facing or roofing materials shall take place until details of the materials to be used in the construction of external surfaces of the buildings hereby permitted and any proposed external hardstanding have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless any variation is agreed with the Local Planning Authority.

4. The hereby approved development shall proceed in accordance with the mitigation measures detailed within the Noise Assessment (ref: P4720/R1b/PJK), dated 30 June 2023, and Addendum, dated 22 January 2025 produced by Acoustic & Engineering Consultants Limited. The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

5. Prior to first occupation of the development hereby approved, an Electric Vehicle Infrastructure plan shall be submitted to and agreed in writing by the Local Planning Authority. The Infrastructure plan shall aim to meet the following specification:

- A single Mode 3 compliant Electric Vehicle Charging Point per property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.

- Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.

- Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted.

The infrastructure shall be implemented and maintained throughout the use of the development.

6. a) 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 prior to importation to site.

(b) Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the LPA.

7. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

8. No development or other operations shall take place except in complete accordance with the tree protection and special construction measures identified in the Arboricultural Impact Assessment (LTM0281.AIA.02), Arboricultural Method Statement (LTM0281.MS.02) and Tree Protection Plan (LTM0281.TPP.02) dated 8th June 2023, with measures to be implemented under Arboricultural supervision in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

9. Prior to occupation of any of the hereby approved development, a scheme for the landscaping of the site shall be 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.

10. The approved landscaping plan shall be completed in accordance with the following: -

a) All hard and soft landscaping works (including boundary treatment) 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 BS5837:2012 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.

11. No development (other than demolition and site clearance works) shall commence until details of comparable existing and proposed ground spot levels and the proposed finished floor levels of the site have been submitted to and approved in writing by the Local Planning Authority. Details which receive the written approval of the Local Planning Authority shall be implemented in full, unless alternative details are otherwise approved in writing by the Local Planning Authority.

12. Prior to the occupation of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the hereby approved development. The boundary treatment shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.

13. The proposed development to proceed in accordance with the recommendations made by section 4.3 of the submitted Bat Report (Kingdom Ecology, 05/09/2022) unless varied by a European Protected Species licence subsequently issued by Natural England. Agreed features for roosting bats shall be permanently installed in accordance with the approved details.

14. Prior to the use of any building materials in the new development the applicant to submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats (any external lighting should avoid direct light spill upon bat roost features), gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles, and native species planting. The proposals shall be permanently installed in accordance with approved details.

15. No removal of any vegetation or the demolition 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 taking place

16. Prior to commencement (other than demolition and site clearance works), a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

The approved schemes shall also be in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

17. Prior to commencement of development, a Construction Environmental Management Plan (CEMP), shall be submitted and approved in writing by the Local Planning Authority. The CEMP shall include:

- a) Measures to control dust and smoke
- b) Measures to prevent species of bird that are hazardous to aircraft being attracted to the site during construction.

The development shall proceed in accordance with the approved details.

18. Prior to its installation, any exterior lighting shall be submitted and be approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and retained as such thereafter.

19. Prior to their installation, any solar photovoltaic panels, tiles or free standing solar arrays shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted), no extensions, alterations or buildings normally permitted by Classes A, AA, B or E of Part 1 Schedule 2 shall be constructed unless a further planning permission in respect of such development has first been granted on application to the Local Planning Authority.