



Appeal Decision

Site visit made on 7 October 2025

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Appeal Ref: APP/R0660/W/25/3370232

Adders Moss, Macclesfield Road, Over Alderley, Macclesfield SK10 4UD

- 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 Kyle Hares against Cheshire East Council.
- The application Ref is 25/1671/FUL.
- The development proposed is redevelopment of Adders Moss to provide a single dwelling, with associated ancillary accommodation and associated development.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to the Council's failure to determine the planning application within the prescribed time period. In its evidence to the appeal, the Council states that if it had been in a position to determine it, planning permission would have been refused on grounds relating to harm to the Green Belt, the character and appearance of the area, and protected species.

Main Issues

3. Therefore, the main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the area;
 - iv) Whether the proposal would harm protected species; and
 - v) Whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not inappropriate development

4. Adders Moss is a large rural dwelling set in an extensive mature plot that extends along Prestbury Road. It forms part of a small rural hamlet comprising a loose cluster of widely separated properties. It is in the countryside and the Green Belt roughly 6.6km north west of Macclesfield.

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and it should not be approved except in very special circumstances.
6. Policy PG3 of the Cheshire East Local Plan Strategy Adopted July 2017 (CELPS) sets out exceptions to inappropriate development including: the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces; and limited infilling or the partial or complete redevelopment of previously developed sites which would not have greater impact on openness of the Green Belt and the purposes of including land within it.
7. The CELPS exception relating to replacement buildings is similar to the exception in Framework paragraph 154d). However, policy PG3 is not consistent with the Framework paragraph 154g) the redevelopment of previously developed land (PDL) which would not cause substantial harm to the openness of the Green Belt. The Framework also introduces a further relevant exception in paragraph 155 relating to the development of grey belt land in the Green Belt.
8. The proposed replacement dwelling would be around 30% larger in terms of gross external area (GEA) than the existing substantially large dwelling. Taking into account outbuildings, the increase in GEA would be around 25%. The proposed dwelling would be considerably taller than the existing. The consolidation of built form would result in a markedly more bulky dwelling with a much larger footprint and volume than existing. There is no dispute that the proposed dwelling would be materially larger than the buildings it would replace. Therefore, it would not meet the exception in Framework paragraph 154d) and CELPS policy PG3. It would also conflict with the relevant requirements of Policy RUR 13 of the Cheshire East Local Plan Site Allocations and Development Policies Document Adopted December 2022 (the SADPD).
9. Paragraph 155 of the Framework states the development of homes on grey belt land in the Green Belt should not be regarded as inappropriate subject to meeting several criteria, including in relation to a demonstrable unmet need for the type of development proposed. In the case of housing, this relates to a lack of a 5 year supply of deliverable housing sites (5YHLS). However, while the Council is unable to demonstrate a 5YHLS, the proposal would be a replacement dwelling and not new residential development. It would not contribute towards the unmet need for housing or the government's aims in relation to significantly boosting the supply of housing. Notwithstanding the appellant's preference, there is little evidence of a demonstrable unmet need for replacement dwellings. Therefore, the proposal would not meet the unmet need criteria for the purposes of paragraph 155.
10. However, the appeal site is PDL for the purposes of the Framework. Therefore, subject to the proposal not causing substantial harm to the openness of the Green Belt, it would be not inappropriate development. The Framework does not define 'substantial' in this regard but elsewhere uses it to infer a high degree of weight in planning terms. In ordinary usage, 'substantial' simply implies that something has substance including in terms of being large in amount, value or importance.
11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Consequently, the essential characteristics of Green Belts are their openness and their permanence. The Planning Practice Guidance explains that assessing impacts on openness requires a judgement based on the circumstances of the case taking into account factors including spatial and visual

aspects, the duration of the development, and the degree of activity likely to be generated such as traffic.

12. The existing dwelling and its outbuildings sit close to the north west boundary. These are accessed from Macclesfield Road via a driveway along this boundary which also serves as a Public Right of Way (the footpath). There is hardstanding around the dwelling and the outbuildings, including patio areas and vehicle parking, and a tennis court to the north east of the dwelling.
13. The proposed dwelling would be substantially large and materially larger than the buildings it would replace. The plans illustrate a marked increase in the extent of hardstanding including a roughly 70m driveway and large courtyards to serve the entrance elevation and garages. There would be tall brick walls to the courtyards, a detached estate office building and a belvedere in the grounds. By virtue of the greater footprint, scale and height of built development and the extent of hardstanding, there would be a marked spatial loss of openness of the Green Belt.
14. The dwelling would be a large Georgian style country house with grand order pedimented columns to the north and south elevations. The principal elevations in particular would be extensively glazed, including numerous larger windows and doors at ground floor level. In contrast to the somewhat unremarkable existing dwelling, the proposal would be a conspicuous and imposing building.
15. The re-sited dwelling would be further from the boundary and hence the footpath and it would be at a slightly lower ground level than the existing. New tall hedgerows and brick walls would separate and screen the north elevation from the footpath, although hedges would take several years to reach maturity. Even so, the grandeur and formality of the north elevation and arrival courtyard would dominate views through the pedestrian gate and glimpsed views through the hedge. The tall boundary treatments would enclose the footpath, resulting in a visual loss of openness. From further along the footpath to the north east, the long east elevation of the main house and garage wing would be conspicuous by virtue of its bulk and design and the striking garden elevation portico with its first floor balcony.
16. The mature garden planting and wider woodland result in a somewhat enclosed landscape setting. However, views would be afforded of the south elevation of the dwelling and the landscaped grounds from the new Prestbury Road gateway. As noted by e*SCAPE, this gateway would announce arrival and draw the eye to a framed view of the main façade, thereby enabling the detailing to be fully seen from the public highway. The south garden elevation with its grandiose portico, wings, brick walls and estate office building, terrace with balustrades and brick retaining walls, together with formal gardens, long winding driveway, and belvedere would be prominent and conspicuous.
17. The driveway along the north west boundary would be retained as a secondary access for maintenance vehicles and deliveries. The new access from Prestbury Road and significant length of new driveway would result in conspicuous vehicular movements through the grounds, including overnight due to car headlights. The dual access points and spread of vehicular activity would contribute to visual impacts. There would be significant light spill from the dwelling and belvedere, rendering the proposal prominent during the evenings and at night. While the focus for residential activity would be the private outdoor areas closest the dwelling, this

would be more apparent than the existing due to the re-siting of the dwelling and the new access from Prestbury Road.

18. The proposal would be considerably larger than the existing built form which, together with extensive hardstanding, would result in a significant spatial loss of openness. There would be a significant visual impact as a result of the size and design of the building, boundary treatments, hardstanding, driveway and gateway, spread of residential activity and vehicular movements, and light spill. Collectively, this would constitute a significant loss of visual openness. The combined magnitudes of the spatial and visual impacts would equate to a substantial loss of openness of the Green Belt.
19. Therefore, the proposal would not be the redevelopment of PDL which would not cause substantial harm to the openness of the Green Belt. As it would not meet any of the exceptions in the Framework, it would be inappropriate development in the Green Belt. Accordingly, it would conflict with CELPS policy PG3, Policy RUR13 of the SADPD and the policies in the Framework that protect the Green Belt.

Character and appearance

20. The appeal property is in an area of gently rolling countryside with farmland interspersed with woodlands, the latter imparting a sense of enclosure. The dwelling is part of a small and loosely aggregated rural settlement in an area characterised by scattered farmsteads and dispersed small hamlets. Vernacular buildings predominate, but properties vary in terms of sizes, ages and styles including large estates with country houses and landscaped parklands, large rural dwellings in generous plots, and smaller workers type dwellings.
21. The Council acknowledges that the detailed design of the dwelling would be high quality, and it raises no concerns in relation to the general layout of the landscaping. Nevertheless, it considers that the size and appearance of the dwelling would be out of scale in the context of the relatively modest plot.
22. The proposed dwelling would be set in landscaped grounds that extend to around 2.6ha. It would be a substantial building, but only a small country house. In this regard, there is little evidence before me in relation to plot sizes characteristic of similarly sized country houses or to demonstrate that the plot would be disproportionately small for a house of this type. The boundaries of the appeal site are in any case blurred by the contiguous woodlands to the north east and south west, and the dwelling would not be viewed in juxtaposition with neighbouring dwellings. As such, the dwelling would be seen both in the context of its more intimate immediate surroundings and as part of the wider undeveloped landscape.
23. The proposal would undoubtedly be enhanced by the borrowed landscape setting, over which the appellant has no control. However, there is little evidence that neighbouring woodlands would be felled or land developed, particularly taking into account the restrictive nature of local and national policies that protect the Green Belt and the countryside.
24. I note the Council's concerns that the design of the proposal would not be of exceptional quality for the purposes of Framework paragraph 84e), including in relation to helping raise the standards of design more generally and significantly enhancing its immediate setting. However, paragraph 84 relates to the development of isolated homes in the countryside, whereas the proposal would be

a replacement dwelling and it would not be strictly isolated taking into account the nearby hamlet and dwellings.

25. Notwithstanding my findings in relation to openness, I therefore conclude that the proposal would not appear out of scale in the surrounding landscape context and it would not harm the character and appearance of the area in this regard. As such, it would not conflict with the aims of CELPS policies SD1, SD2, SE1 and SE4 or SADPD policies GEN1 and RUR13 including in relation to high quality design, landscape character and landscaping.

Protected species

26. Bat surveys carried out in 2021 indicated the presence of a significant Soprano Pipistrelle bat maternity roost (up to 80 bats), together with day roosts for small numbers of Common Pipistrelle and Brandt's bats. No bats were observed to emerge from the building during repeat surveys in 2025, but this was attributed to significant internal water damage to roosting features and also natural variability in maternity roost occupation between years. Nevertheless, on the basis that the proposal would result in the destruction of bat roosts, works would need to be carried out under a European Protected Species Bat Mitigation licence.
27. The submitted ecology reports¹ set out mitigation proposals that would form the basis of a licence application. These include works to the existing building to be undertaken over winter, outside of the bat maternity season; bat boxes to be installed on mature trees prior to commencement, as well as permanent replacement roosting provision in the new dwelling; and sensitive working measures under supervision of a licensed bat ecologist.
28. I have considered whether the proposal would comply with the relevant licensing tests and whether or not Natural England would be likely to grant a licence. For housing development, a grant of planning permission is generally considered to demonstrate that the licensing test relating to imperative reasons of overriding public interest has been met. In relation to reasonable alternatives, in the context of a scheme to demolish the existing dwelling, the impact on bat roosts could not be reasonably avoided. Finally, the proposed mitigation strategy would be adequate to maintain the favourable conservation status of the bats. Consequently, if the proposal was otherwise acceptable, then I see no reason why Natural England would not grant a European Protected Species Licence for the works.
29. Therefore, I conclude that, subject to licensing, the proposal would not harm protected species (bats). It would not conflict with the aims of CELPS policy SE3 and SADPD policy ENV2.

Other Considerations

30. The plans illustrate new and enhanced garden planting. Based on the evidence, the mandatory 10% biodiversity net gain could be secured and delivered as part of the scheme. This weighs in favour of the scheme to a limited degree.
31. If the appeal should fail, the existing dwelling would continue in residential use and future occupiers could exercise their permitted development (PD) rights. In this

¹ Rachel Hacking Ecology (14 June 2022). 22/0692M – Ecological Addendum (Bats & Great Crested Newts); Absolute Ecology Wildlife Surveys (June 2025). Activity Survey for Bats.

regard, there is an unimplemented 2017 certificate of lawful use² for vehicular access, area of hardstanding and a detached garage. The garage would be sited to the south of the tennis court. From there, a long driveway would sweep north towards the northern boundary and then run close to the eastern boundary to a new highway access from Prestbury Road.

32. The PD development would result in a spatial loss of openness. The driveway and access would be less obtrusive than as proposed, but there would be visual impacts from the movement of vehicles. The PD garage and hardstanding would be poorly physically and visually related to the existing built form. However, taking into account the location of the highway access, there is little evidence it would be unduly visually obtrusive. Irrespective, the appellant is not suggesting this PD scheme would be implemented if the appeal should fail and as such it is not a valid fallback position. Nevertheless, as PD development would impact the spatial and visual openness of the Green Belt, this carries limited positive weight.
33. The Sustainability Statement sets out the proposed approach to resource use and energy efficiency, including mechanical ventilation with heat recovery, ground source heat pumps, LED lights and A rated appliances, rainwater harvesting for outdoor use, responsibly sourced materials and site waste managed. These would contribute towards climate change mitigation and adaption. However, the heated swimming pool would be a significant source of energy consumption and the overall estimated annual site energy demand would be extremely high. Even if renewable energy was sourced from the National Grid, which could not be guaranteed, the sustainability credentials carry little weight in favour of the scheme.
34. The proportions, symmetry and design of the dwelling would be Georgian in style although, as noted by e*SCAPE, the dominant Georgian vernacular architecture tends towards simple and unfussy classic farmhouses with examples of high Georgian architecture rare. Nevertheless, while not a typically understated English small country house, the ambitious formal proposal would be high quality design.
35. At an early stage of project development, the proposals were reviewed by the Traditional Architecture Group (TAG) review panel. The panel concluded that, subject to improvements, it had the potential to be an elegant and unique 'jewel' of a small country house. The proposals were revised to address concerns including in relation to the gateway, garage access from the secondary courtyard, and alteration to the north portico. However, it is less clear that other concerns were addressed including but not limited to the relationship of the wings to the central block; the treatment of the eaves, roof and chimney stacks; the extent of garden elevation fenestration; and the arches and first floor balcony, which diminish the elegance of the south giant order portico.
36. The Framework is clear that good design is a key aspect of sustainable development, and proposals are expected to add to the overall quality of the area. Over and above this, paragraph 139 affords significant weight to outstanding or innovative design which promotes high levels of sustainability or helps raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. For reasons set out above, the proposal appears to fall short of being truly outstanding. In any case, it would not promote a high level of sustainability and while its classical architecture could be viewed by

² Ref 16/5811M

passers-by, there is little compelling evidence it would help raise design standards more generally. As it does not benefit from the support of Framework paragraph 139, the design weighs in favour of the proposal to only a moderate degree.

37. My attention has been drawn to replacement dwellings including Edge House Farm, Finlow Hill and Dickens Hill, which are Georgian in style and include features such as porticos and wings. However, each scheme must be considered on its individual merits. As none of these is directly comparable to the proposal and they are in different surrounding contexts, they carry little weight in favour of the appeal.
38. The proposed replacement dwelling would not contribute to the supply of housing. The short term economic benefits during construction would be greater than would be achieved by a more ordinary dwelling but even so they carry little weight.
39. The Council is unable to demonstrate a 5YHLS and as of April 2025 the supply stood at 3.8 years. Accordingly, paragraph 11d) of the Framework sets out that permission should be granted unless clauses 11d)i or 11d)ii are met. Paragraph 11d)i refers to the application of policies in the Framework that protect areas or assets of particular importance, including those relating to land designated as Green Belt, providing a strong reason for refusing the development proposed. As I have found the proposal would be inappropriate development in the Green Belt, the presumption in favour of sustainable development does not apply.

Green Belt balance

40. I have found that the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. There would be an associated harmful loss of openness. The Framework is clear that substantial weight should be given to any harm to the Green Belt.
41. My findings in relation to the character and appearance of the area and protected species are neutral matters. Several matters collectively carry limited positive weight, including sustainability measures, economic benefits, PD rights and biodiversity net gain. The design of the proposal weighs in favour of the proposal to a moderate degree.
42. Therefore, on balance, the substantial weight attached to the Green Belt harm is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Conclusion

43. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations to outweigh the conflict.
44. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR