



Appeal Decision

Site visit made on 13 November 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/R0660/W/25/3366708

Green Meadow Farm, Castle Hill, Mottram St Andrew, Cheshire East SK10 4AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Talbot against the decision of Cheshire East Council.
 - The application Ref is 24/3327M.
 - The development proposed is demolition of equestrian buildings and the construction of one dwelling with associated landscaping works (resubmission of 24/0573M).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has sought planning permission for a self-build dwelling and, accordingly, has claimed an exemption from Biodiversity Net Gain (BNG) requirements. During the assessment of the appeal, it was noted that the Council proposed a condition to secure the development as a self-build dwelling in light of this exemption. However, the rationale behind this proposed condition was limited, and there was insufficient explanation as to whether it would satisfy the tests set out in Paragraph 57 of the National Planning Policy Framework.
3. In response, both parties were invited to comment on the appropriateness of such a mechanism for securing the proposal as a self-build dwelling, and its implications in relation to Biodiversity Net Gain. I also asked whether, in view of the exemption claim, it was necessary for biodiversity to be considered as a main issue in the determination of this appeal.
4. The responses received did not directly address whether biodiversity should be treated as a main issue. Nevertheless, the matter raises a concern of such fundamental significance that it cannot be reasonably disregarded. In the interest of natural justice, both parties were given the opportunity to comment. I have therefore reflected this issue within the main issue section of my decision and have come to a view on this matter.

Main Issues

5. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any development plan policies, including any relevant effects on the openness of the Green Belt; and,
 - whether the requirements of Biodiversity Net Gain are relevant to the proposed development and, if so, whether such requirements are met.

Reasons

Whether it is inappropriate development in the Green Belt

6. The appeal site is in the Green Belt. Paragraph 154 of the Framework notes that the construction of new buildings in the Green Belt should be regarded as inappropriate. Several exceptions are listed in Paragraph 154. The appellant suggests that the appeal proposal would meet the exception in Paragraph 154 (g) of the Framework. This exception is concerned with limited infilling or the partial redevelopment of previously developed land.
7. Policy PG 3 of the Cheshire East Local Plan Strategy 2017 (LP) seeks to protect the Cheshire East Green Belt. In that respect, its aims are broadly consistent with the Framework. Nevertheless, point vi outlines similarly to the Framework that limited infilling or the partial or complete redevelopment of previously developed sites would be an exception to the construction of new buildings in the Green Belt.
8. However, when assessing the impact on openness, it states that it must not have a greater impact. But, the Framework notes that the harm to openness must not cause substantial harm. I therefore find that Policy PG 3 is out of step with the Framework. As this exception is claimed by the appellant and is a consideration that the Council had regard to in its decision, it is an exception which shall attract scrutiny within this decision. I have therefore afforded substantial weight to the Framework with regard to this main issue.

Paragraph 154 (g) of the Framework

9. This exception requires that development in the Green Belt should be regarded as inappropriate unless it is a proposal for limited infilling or the partial or complete redevelopment of previously developed land (PDL), which would not cause substantial harm to the openness of the Green Belt. The parties agree that the site should be regarded as PDL and on the evidence before me, I have no reason to take a different view.
10. Openness is a fundamental attribute of the Green Belt, encompassing both spatial and visual aspects. During my site visit, I observed that the appeal site contains several buildings situated near its rear boundary. These structures vary in size and form and are proposed to be demolished as part of the development. Buildings 1 and 2 are medium-sized, single-storey structures positioned in front of Building 3. Building 3 is a two-storey structure and represents the largest building on the site, both in terms of height and footprint. Located behind Building 3 are Buildings 4 and 5, which are smaller, single-storey buildings.
11. Both parties have presented assessments regarding the difference in footprint between the existing buildings and the proposed development. Although there is some disagreement over the precise calculations, it is broadly acknowledged that the proposed scheme would result in a reduced built footprint relative to the current structures on the site. Additionally, the development would lead to a decrease in the extent of hardstanding across the appeal site. On a purely numerical assessment, the proposal represents a clear reduction in built form within the site.
12. The impact of the proposed development on the openness of the Green Belt should not be assessed solely on the basis of numerical calculations. From a

visual perspective, the scheme would consolidate the built form into a single, contained structure, thereby removing a dispersed collection of buildings currently positioned across various parts of the appeal site. Furthermore, the proposed development would be lower in height than Building 3 which is the tallest existing structure within the appeal site. This is due to the proposed reduction in ground levels to accommodate the new dwelling. Taken together, these factors lead me to the conclusion that the proposal would not result in a visual diminution of the openness of the Green Belt.

13. The Council contends that the proposed change of use to a residential dwelling would result in increased activity on the site, thereby affecting the openness of the Green Belt. Post-development, the site is expected to accommodate additional domestic elements such as parking, refuse storage, and general household paraphernalia, representing a more intensive use than the current arrangement. However, this is an area of land where there is a notable backdrop of existing residential properties.
14. The presence of refuse bins associated with a single dwelling would have a negligible impact on the openness of the Green Belt. Given the site's location amongst existing residential properties, the introduction of a domestic garden would not materially affect openness, as it would be visually contained within a residential context. The proposed development would also utilise a shared access with the adjacent property, 'Long Meadow'. Consequently, the presence and movement of vehicles in this area would have a limited effect on openness. In light of the established domestic character of the immediate surroundings, I conclude that the domestic paraphernalia associated with the proposal would not diminish the openness of the Green Belt to a degree that would be considered harmful.
15. Therefore, in following Paragraph 154 (g) of the Framework, I conclude that the proposed development would not be inappropriate development in the Green Belt. It would constitute as previously developed land and would not cause a substantial harm to the openness of the Green Belt.

Biodiversity Net Gain

16. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for Biodiversity Net Gain (BNG), and it applies to all planning applications for non-major development submitted on or after 2 April 2024. Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met. The proposal is advanced on the basis that as a self-build dwelling it is exempt from the BGC.
17. A draft planning condition has been suggested by the Council to secure the proposal as a self-build dwelling. The appellant has indicated that they raise no objection to this suggested condition. However, I am not persuaded that such a condition is robust enough to secure the plot as a self-build dwelling, so as to fall within the definition of a self-build home as set out in the Self-build and Custom Housebuilding Act 2015 (as amended). In addition, I have concerns over the practicalities of enforcing the suggested condition. Thus, it would not meet the tests set out at paragraph 57 of the Framework.

18. The Framework notes that planning obligations run with the land. They are legally binding and enforceable and are used to secure developer obligations, in this case, that the proposed development would indeed be a self-build property. No form of obligation, legal agreement or Unilateral Undertaking have been submitted with the appeal. Therefore, no mechanism is before me to secure the development as a self-build dwelling. It follows that without any evidence to suggest that any other exemptions are applicable, the proposal is subject to a requirement for 10% BNG. As such, there is insufficient evidence that the appeal proposal, through the BGC, would secure appropriate BNG. For the above reasons, I conclude that the proposal would fail to meet the statutory provisions of Schedule 7A of the Act requiring development to deliver a BNG of 10%.
19. In response to the questions posed to both parties during my assessment of the appeal, the appellant did provide an appeal decision for my attention. This particular decision was made after 2 April 2024, is located within Cheshire East and is an example of where a Planning Inspector has utilised a planning condition which is similar to the suggested condition made by the Council. As such, this decision is of particular importance and relevance to this decision.
20. Consistency in decision makers is of paramount importance. It must be noted that the submission of this decision is limited to the decision itself and no other supporting information. I therefore cannot be certain as to what evidence was before that Inspector and how they came to that particular decision to allow that appeal with a similar condition attached.
21. Notwithstanding such, having regard to the guidance for self-build and custom housebuilding, such matters do not persuade me that a condition would be appropriate to restrict the proposed dwelling to self-build in this instance. In view of the above, the proposal would not comply with the requirements of Schedule 7A of the Town and Country Planning Act 1990.

Planning Balance and Conclusion

22. The evidence before me indicates that the Council cannot demonstrate a 5-year housing land supply. The appellant suggests that its current supply position is 3.8 years. In this situation, paragraph 11 of the Framework indicates that development plan policies which are most relevant for determining the application should be deemed as out of date. As I have not found harm to the Green Belt, the requirements of paragraph 11(d)(ii) of the Framework therefore apply. Paragraph 11(d)(ii) requires the consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
23. The Framework refers to significantly boosting the supply of housing. Although one additional unit would make a small contribution, given the current under supply in Cheshire East, it would nevertheless be a welcomed increase to the supply of housing. Every home matters, and in such circumstances, the need for housing is a factor of considerable weight in my decision. The proposal would also provide economic benefits during the construction period. The future occupiers would also provide economic benefits to the nearby area once the development would be complete through their use of nearby shops and services. These matters attract limited yet additional weight.

24. In combination, these benefits attract positive weight in my determination. However, due to the small-scale nature of the proposed development the benefits of the scheme would be moderate overall. In contrast, the proposed development would fail to comply with the statutory provisions for BNG and this is a matter of principal importance to which I attach significant negative weight.
25. Consequently, this significant failure of the appeal proposal which attracts negative weight would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.
26. For the above reasons, I conclude that the proposed development would not comply with the requirements of Schedule 7A of the Town and Country Planning Act 1990. For this reason, the appeal should be dismissed.

J Smith

INSPECTOR