



Appeal Decision

Site visit made on 26 November 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th January 2026

Appeal Ref: APP/R0660/W/25/3371197

Land adjacent to Evendine Cottage, Newton Hall Lane, Mobberley WA16 7LL

- 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 & Mrs John Nigel & Susan Lesley Wright against the decision of Cheshire East Council.
 - The application Ref is 25/1002/VOC.
 - The application sought planning permission for the variation of condition 2 on application 22/4208M without complying with a condition attached to planning permission Ref 22/4208M, dated 29 June 2023.
 - The condition in dispute is No 2 which states that: *The development hereby approved shall be carried out in total accordance with the approved plans numbered proposed ground and first floor plans 22-095 (FPL)100 rev C, proposed elevations 22-095 (FPL)200 rev C, proposed site section elevations 22-095 (FPL)300 revB, proposed site section elevations 22-095 (FPL)301 revB, proposed site/block plan 22-95 (FPL)400 rev E, and site/block plan 22-95 (FPL)410 rev E received by the Local Planning Authority on 27/06/23 and location plan 17-040 (EXT)450 rev A received by the Local Planning Authority on 28/06/23 except where varied 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/consent relates.*
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Decision

1. The appeal is allowed and planning permission is granted for the variation of condition 2 on application 22/4208M at Land adjacent to Evendine Cottage, Newton Hall Lane, Mobberley WA16 7LL in accordance with the application Ref 25/1002/VOC without compliance with condition No 2 previously imposed on planning permission Ref 22/4208M, dated 29 June 2023, and subject to the conditions outlined in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr & Mrs John Nigel & Susan Lesley Wright against the decision of Cheshire East Council. This application is subject of a separate decision.

Background and Main Issue

3. Planning permission was granted in July 2022¹ (original permission) for the demolition of 3 existing buildings and erection of one dwelling, subject to several conditions, including condition No 2, which outlines the approved plans. A variation

¹ LPA ref: 19/4367M

of condition 2 of the original permission² was subsequently approved (revised scheme) in June 2023, which varied the approved plans.

4. The appeal proposal seeks to vary condition No 2 of the revised scheme to allow for an orangery to the rear of the approved dwelling and to increase the size of the rear balcony.
5. The main issue is whether varying the condition would lead to the proposed scheme being inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policy.

Reasons

6. Paragraph 154 of the Framework lists the types of development that are not considered inappropriate in the Green Belt. These include, for the purposes of the appeal scheme, g) limited infilling or the partial or complete redevelopment of previously developed land (PDL) (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.
7. Policy PG 3 of the Cheshire East Local Plan Strategy 2010-2030 adopted 2017 (LP) states that within the Green Belt planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy. The exceptions listed under this policy include vi. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuous use (excluding temporary buildings), which would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The wording of point vi. of this policy is not entirely consistent with paragraph 154 g) of the Framework as it imposes more stringent test for the redevelopment of PDL. The requirements of Policy PG 3 are therefore inconsistent with the Framework in this regard. As such, I have afforded limited weight to this policy in this respect.
8. There is no dispute between the main parties that the site meets the definition of PDL. Based on the evidence before me, I see no reason to reach a different judgement on this matter. It therefore falls to consider whether the development would cause substantial harm to the openness of the Green Belt.
9. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
10. The Council has provided figures for footprint, volume, hardstanding, and floor space, comparing the original buildings on the site before the original permission with the proposed development, as well as the approved revised scheme with the current proposal. The appellants dispute these figures, asserting that those prepared by the architects and set out in the supporting planning statement are accurate. However, the discrepancies between the submitted figures are not significant and, in any case, assessing the proposal in the context of paragraph

² LPA ref: 22/4208M

154 g) is ultimately a matter of planning judgment. While these figures offer a useful starting point, it is equally important to consider the visual and spatial effect, including any increase in overall scale, bulk, mass, and built form resulting from the proposed changes.

11. The proposed orangery would extend the dwelling further to the rear. The orangery would be single-storey, projecting across part of the approved rear elevation, with the proposed rear balcony positioned above a section of the orangery. This addition would increase the depth of the dwelling and introduce additional mass and bulk, particularly at the ground-floor level. While the proposal would enlarge the floorspace, footprint, and volume, its overall form would remain relatively compact as the extension is confined to the rear. Nevertheless, the development would result in a reduction of openness in both visual and spatial terms.
12. Given the appeal site's relationship with neighbouring properties, the existing boundary treatments and trees, which provide screening, and the dwelling's position within the plot, views of the extended building would be limited. Combined with the modest scale and nature of the sought changes, the loss of openness would be localised. Therefore, although the scheme would harm the openness of the Green Belt, this harm would not be substantial. It therefore follows that the proposal meets the paragraph 154 g) exception.
13. The Council's reason for refusal also refers to paragraph 154 c) exception of the Framework, and references Policy RUR 11 of the Cheshire East Local Plan Site Allocations and Development Policies Document 2022, which relates to extensions and alterations to buildings outside of settlement boundaries. LP Policy MP 1 was also referenced in the Council's reason for refusal. This policy concerns the presumption in favour of sustainable development, with no specific reference to Green Belt developments. Given my findings above regarding compliance with paragraph 154 g), it is not necessary for me to consider the proposal against the other Framework or local plan exceptions, or for very special circumstances to be present.
14. Accordingly, I conclude that varying the condition No 2 of the revised scheme to allow for an orangery and an enlarged rear balcony would not lead to the proposal being inappropriate development in the Green Belt. Based on the above assessment, there would also be no conflict with LP Policy PG 3.

Conditions

15. The guidance in 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. In this regard, the Council has suggested several conditions. The suggested conditions largely replicate previous conditions attached to the revised scheme, but the drainage condition has been amended to reflect subsequent discharge of condition approval.
16. A plans condition is necessary in order to provide certainty, a materials condition is necessary to protect the character and appearance of the area, a drainage condition is necessary in the interests of drainage and flood risk, and land contamination conditions are necessary to ensure development is suitable for its end use and to avoid undue risks to site users or occupiers of neighbouring properties during the course of the development.

17. As the development has already commenced, conditions Nos 1 and 11, as outlined on the decision notice for the revised scheme, which relate to the commencement of development, are not necessary.
18. Condition No 4, as outlined on the decision notice for the revised scheme, seeks to remove permitted development rights in the Green Belt. This is not among the conditions suggested by the Council for the appeal scheme. Paragraph 55 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In the absence of such justification, I do not consider it necessary to restate this condition.
19. Condition No 6, as outlined on the decision notice for the revised scheme, seeks to safeguard protected species, and has not been suggested by the Council for this appeal scheme. I have no information before me regarding the status of this condition. However, as protected species are safeguarded under other legislation, and having had regard to paragraph 57 of the Framework, which states that planning conditions should be kept to a minimum and only imposed where they are necessary, I do not consider it necessary to restate this condition.
20. The Planning Officer's report indicates that conditions Nos 5, 7 and 12, as outlined on the decision notice for the revised scheme, have been discharged. These, therefore, do not need to be restated.

Conclusion

21. For the reasons given above the appeal should be allowed, and a new planning permission is granted, with a revised plans condition.

Andreea Spataru

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved plans: 25-011(EXT)450 (Location Plan), 25-011(FSD)400 (Proposed Site Plan), 25-2011(FSD)300 (Proposed Site Section Elevations 1 of 2), 25-011(FSD)301 (Proposed Site Section Elevations 2 of 2), 25-011(FSD)410 (Proposed Block Plan), 25-011(FSD) 200 (Proposed Elevations), and 25-011(FSD)100 (Proposed Floor Plans).
- 2) The materials to be used shall be in strict accordance with those specified in the application. Development shall be carried out in accordance with the approved details.
- 3) The drainage design shall proceed in accordance with drainage strategy project 'New Dwelling at Evendine Cottage, Mobberley, WA16 7LL', drawing no. DR-100 Rev P4, dated 19.05.25.
- 4) No part of the development hereby approved shall be occupied or in use prior to submission and approval in writing by the local planning authority of a Verification

Report. This shall be prepared in accordance with the local planning authority approved Remediation Strategy that covers that part of the development to be occupied or used.

- 5) (a) Any soil or soil forming materials to be brought to site for use in soft landscaping shall be tested for contamination and suitability for use prior to importation to site.
(b) Prior to occupation, evidence and verification information (such as laboratory certificates) shall be submitted to, and approved in writing by, the local planning authority.
- 6) 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 confirmation of this shall be reported to the local planning authority within a maximum 5 days from the find. Prior to any further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme agreed in writing by the local planning authority.

End of schedule