



Appeal Decision

Site visit made on 13 January 2026

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/R0660/D/25/3375817

Deva, Chester Road, Mere, Knutsford, Cheshire East WA16 6LF

- 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 Miss Powell against the decision of Cheshire East Council.
 - The application Ref is 25/1152/HOUS.
 - The development is proposed erection of rear, side and vertical extensions as permitted development approvals, with alterations to fall back position design and massing.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of rear, side and vertical extensions as permitted development approvals, with alterations to fall back position design and massing at Deva, Chester Road, Knutsford, Cheshire East WA16 6LF in accordance with the terms of the application, Ref 25/1152/HOUS, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: -
 - 1:2500 Location Plan;
 - Drawing Nos: PL405 Revision C; and
 - PL406 Revision C.
 - 3) No development above ground level shall take place until details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) Any exterior lighting erected shall be capped in the horizontal with no upward light spill and retained in that condition thereafter.

Preliminary Matters

2. A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025 but given that this is at the consultation stage I do not consider it necessary to invite comments from the parties at this time. Any reference to the Framework is based on the current version, dated December 2024.

Main Issues

3. The main issues are: -

- whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies; and
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal site comprises a detached bungalow and its gardens. Access is from a service road serving a number of houses off the main Chester Road (A556). It is part of a linear residential development made up of various styles and designs of properties, some of which are single storey and some two-storey. The adjacent property to the north, Thornbank is a bungalow whilst the property to the south, Willow Green is a two-storey property. It is apparent from the appearance of the various properties in this stretch of road that various additions and alterations have taken place over the years. This has resulted in a mix of properties with little by way of similar characteristics. The site is within the Green Belt.
5. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that development is considered inappropriate unless it satisfies one of the exceptions cited in paragraphs 154 and 155. Paragraph 154 c) of the Framework allows the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Whilst some of the wording in Local Plan¹ Policy PG 3 differs from the Framework, the thrust of it remains largely consistent.
6. Although the appellant disputes conflict with SADPD² Policy RUR 11 as a whole, there is no dispute between the parties that the proposal would exceed the threshold of a 30% increase in the size of the dwelling as set out in the policy. This advises that matters such as height, bulk, form, siting and design along with a threshold of a 30% increase in the size of the original building will be considered when assessing disproportionate additions. Given that the proposal would add an additional floor, enlarge the ground floor and therefore substantially increase the size of the property, the proposal would amount to a disproportionate addition over and above the size of the original building. This would constitute inappropriate development in the Green Belt, contrary to the Framework and Local Plan Policy PG 3 and SADPD Policy RUR 11. This carries substantial weight.

Other Considerations

7. The appeal site is subject to various approvals which would allow the bungalow to be extended. In December 2024 Prior Approval was granted for an additional storey which would raise the height of the roof to a maximum height of 9.04 metres (Ref: 24/4555/PRIOR-1A). Also in December 2024, Prior Approval was granted for

¹ Cheshire East Council – Cheshire East Local Plan Local Plan Strategy 2010 – 2030 July 2017.

² Cheshire East Council – Cheshire East Local Plan Site Allocations and Development Policies Document Adopted December 2022 (SADPD).

a single storey extension to the rear of the dwelling (Ref: 24/4329/PRIOR-1A). In February 2025 a Certificate of Lawfulness was granted to reconfigure the driveway, convert the garage and erect a side extension (Ref: 24/4346/CLPUD).

8. Although a Certificate of Lawfulness has not been submitted for the extensions referred to above combined, the cumulative result of the above approvals is indicated on submitted plans (Ref PL403 and PL404). I am satisfied that these show a fair representation of the extensions that could lawfully be carried out. The resulting property would be a two-storey house with a large flat roofed single storey extension to the rear and an attached garage to the side. Internally, the house would provide generous space for a family including two bedrooms on the ground floor and four on the first floor.
9. The matter before me is the weight afforded to these approvals as a 'fall-back' position. The appellant has cited Case Law which set out tests where 'fall-back' can be considered a material consideration³. Briefly, these are whether there is a lawful ability to undertake the development and whether there is a likelihood or real prospect of it occurring. If so, a comparison between the proposed development and the fall-back option must be made.
10. Firstly, the approvals cited above establish that those developments can lawfully be carried out. The first test is therefore satisfied. Secondly, the appellant has progressed the applications referred to above in order to seek formal determinations from the Council. Whilst this is not absolute it does indicate an intent to enlarge the property in whatever way may be legally possible.
11. The Council disagree that all of the developments proposed under the above Prior Approvals and Certificate of Lawfulness would be likely to be carried out. It argues that the fall-back scheme would not provide the same level and type of living accommodation as the appeal scheme and therefore the weight afforded to it as a genuine comparison is limited. I do not consider that this is a strong argument for the following reasons. The appellant or any future occupier would use room space to accommodate their own needs and whilst titles have been given to rooms, a bedroom may or may not be used as a bedroom but for some other purpose that may suit a particular family's requirements. Also, because some bedrooms may be on the ground floor, it cannot be assumed that ground floor bedrooms may not meet a particular family's requirements.
12. Bearing in mind that Drawing No PL404 is not an approved plan, it is indicative of what could be constructed and would provide a variety of options as to how the rooms space would be utilised. I consider that there is every possibility that the fall back proposal would be built. The second test is therefore met.
13. In considering a comparison between the two schemes, that is, the proposal before me and the totality of the fall-back options, the main consideration is whether the proposal would have a greater impact on the openness of the Green Belt than the fall-back option.
14. In both cases the existing single storey bungalow could become a two-storey house. The fall-back scheme would include a large single storey flat roofed extension. This would appear as an unsympathetic addition to the dwelling that

³ Regina (Mansell) v Tonbridge and Malling Borough Council [2017] EWHC Civ 1314 & Zurich Assurance Limited [2012] EWHC 3708 (Admin).

would be disproportionate in appearance due to its excessive scale and flat roofed design. It would significantly increase the footprint of the building and although it would be single storey, it would have a negative impact on the appearance of the resulting dwelling.

15. The appeal proposal would result in a larger first floor but both parties agree that mathematically the increase would be less than for that of the fall-back scheme. Although the first floor would be larger, the proposed scheme would produce a more cohesive design. Transferring part of this floorspace to the upper floor would create a better designed house that visually would appear less obtrusive and therefore have less of an impact on openness. The amount of additional first floor space would be modest in the overall scale, form and design of the house.
16. I have also considered the impact of the proposal in its context in the street scene and am satisfied that the openness of the Green Belt would not be unduly harmed. I therefore find that the proposed scheme would be less harmful.

Planning Balance

17. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
18. I have found that the proposal would be inappropriate development. Harm caused by inappropriateness carries substantial weight. The fall-back scheme could legally be implemented and there is a realistic likelihood of it being built. Whilst it is difficult to qualify openness, both schemes would affect openness but for the reasons stated, the proposed scheme would have less spatial and visual impact. Therefore, the other considerations, in particular the fall-back position, clearly outweighs the harm identified. Looking at the case as a whole, very special circumstances exist which justify the development.
19. Local Plan Policy MP 1 indicates a presumption in favour of sustainable development stating that the Council will take a positive approach to development that accords with the Framework and approving planning applications that accord with policies in the development plan. The proposal would enlarge an existing dwelling and in its context, make better use of the site. There would be economic benefits during the construction phase and both economic and social benefits thereafter arising from the contributions future residents would make to the local economy and community. Furthermore, as I have accepted that very special circumstances exist, the proposal would not conflict with the Framework or with Local Plan Policy PG 3.

Conditions

20. In addition to the standard time limit condition, the Council has suggested a condition requiring the development to be carried out in accordance with the approved plans. This is necessary for the avoidance of doubt and in the interests of proper planning. Also, it is suggested that the materials match the existing building. However, the application form indicates that whilst the bricks to the external walls would match the existing building, the clay rose red roof tiles would be replaced with black slate. In order to ensure a satisfactory appearance and

avoid any uncertainty about the external appearance of the dwelling, I therefore consider it necessary to ensure that the external facing materials should be submitted to and approved in writing by the local planning authority.

21. The Council also suggests a condition which requires the local planning authority to approve details regarding external lighting. Also, in line with the suggestion by the consultation response from MAG (MAG Group Aerodrome Safeguarding Team Manager), all external lighting shall be capped at the horizontal, notwithstanding any provisions under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order (GDPO)). The reason given is in the interests of flight safety and to prevent distraction and confusion to pilots using Manchester Airport. The condition does not specify which part of the GDPO is relevant and so is imprecise in this regard. However, I intend to impose a condition to ensure that external lighting is capped at the horizontal as requested and so amend the suggested wording accordingly.
22. I note that the Parish Council has suggested a condition about the hours of construction and a requirement that work and visitor vehicles are parked within the development at all times to avoid vehicle congestion on Chester Road and for the surrounding residents. This is not included in the list of conditions submitted with the questionnaire and whilst there would be some disturbance during the construction phase, it is not reasonable to restrict the hours of construction for this type and scale of development. Also, notwithstanding that some inconvenience may arise during the construction phase, there is no reason to suppose that vehicles parked on the service road would unduly harm the surrounding residents or create a congestion leading to a highway safety hazard. Therefore, I do not intend to impose such a condition. I have considered the suggested conditions and appropriate wording in the light of the Framework and the Planning Practice Guidance.

Conclusion

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

J D Clark

INSPECTOR