



Appeal Decision

Site visit made on 18 November 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2026

Appeal Ref: APP/R0660/W/25/3372777

2 Green Tree Farm, Chelford Road, Somerford CW12 4QD

- 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 Luke Wakefield against the decision of Cheshire East Council.
 - The application Ref is 24/5194/FUL.
 - The development proposed is erection of a single, two-storey residential house with a detached garage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for full costs has been submitted by Mr Luke Wakefield against Cheshire East Council. This is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the proposal would include suitable arrangements for surface water drainage;
 - the effect of the proposal upon the character and appearance of the area, and;
 - the effect of the proposal upon the living conditions of occupiers of existing properties with particular reference to loss of light.

Reasons

Surface water drainage

4. There is no dispute that the appeal site is situated within Flood Zone 1. It is therefore at a low risk of flooding. Furthermore, as a small-scale development there is no requirement for a site-specific flood risk assessment to be provided, nor is there any reason, in principle, that the site would be unsuitable for residential development on the basis of flooding.
5. The appeal site forms part of a sloping area of land which flattens to the south. A small pond is located to the south-east, and a larger area of water, described in the evidence as a fishing pond and identified as Godwins Pool is located further to the south. I understand that the large modern housing development that wraps around the appeal site to the north and west, drains surface water into Godwins

Pool via a sustainable urban drainage system ('SUDS'), with Godwins Pool draining into a watercourse identified as Loach Brook, as required.

6. It is stated that the surface water from the proposal would be managed by means of soakaway crates, with any excess draining to the small pond. The Council has accepted this drainage strategy in principle, and I have no reason to disagree. However, its success, and therefore acceptability, is dependent on there being sufficient permeability to allow for adequate infiltration, and that if not, that the existing small pond would have adequate capacity to accept additional flows.
7. Although it appears that drainage reports have been produced for planning applications prior to and subsequent to the decision to which this appeal relates, no detailed evidence beyond the provided design and access statement and exchanges of correspondence between the appellant and the Council and Lead Local Flood Authority ('LLFA') is before me in relation to this specific proposal.
8. It is stated that geology of the appeal site, like much of the surrounding area, is sandy and therefore suitable for a soakaway system. However, this has not been substantiated in the form of infiltration tests, such that it would demonstrate that such a system would operate satisfactorily in this location. It is also stated that other dwellings in the area have soakaway systems installed, however ground conditions can vary, even in a relatively small area, and the presence of other such systems elsewhere does not demonstrate that such a system would work at the appeal site.
9. Furthermore, even if I were to agree that it would not be necessary to demonstrate infiltration at this stage, given the lack of information in relation to the volume and management of exceedance at the small pond, it has not been shown that should any soakaway not perform acceptably, that it would not lead to flooding elsewhere through this pond overtopping.
10. It is suggested that this information could be secured by means of planning condition. I am mindful of the scale of the proposal, and the importance of proportional information requirements. However, it has not been demonstrated to any substantive degree that surface water drainage could be suitably managed by either a soakaway system, drainage into the existing pond, or a combination of both methods.
11. This is a significant degree of uncertainty and raises the possibility that alterations to any proposed layout could be required if the proposed drainage scheme were to ultimately prove to be unsuitable. Accordingly, it would not be appropriate to secure such fundamental details by means of a planning condition in this instance. In reaching this conclusion I have had regard to *Mansell*¹ and am satisfied that it is accordance with it; I will consider the planning balance elsewhere in my decision.
12. My attention has been drawn to a number of examples where the Council has attached such conditions in relation to developments elsewhere. However, I am unaware as to the level of detail in relation to surface water and drainage and flood risk which may have been provided in relation to those examples prior to determination. Nor can I be certain that the circumstances of the cases cited would be wholly comparable to the circumstances which are before me. In reaching this

¹ Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314

conclusion, I have had regard to the findings within *North Wiltshire*² in relation to consistency.

13. Overall, it has not been shown that the proposal would include suitable arrangements for surface water drainage. It would conflict with Cheshire East Local Plan ('CELP') Policy SE13 and Cheshire East Local Plan Site Allocations and Development Policies Document ('SADPD') Policy ENV16. Together, and among factors, these policies state that it should be demonstrated how surface water runoff can be appropriately managed, and that all developments should seek improvements to the current surface water network and be designed to manage surface water.

Character and appearance

14. The appeal site is located at the end of a shared drive which currently serves two dwellings. Houses on Chelford Road, to the west, are of a variety of scales and design, although there is a general consistency in materials and roof form. Wrapping around the grassed area of which the appeal site forms part, is a modern housing development with a range of house types which also have a general consistency in terms of traditional materials and pitched roofs. Houses to the north are located at a higher level and would present rear elevations to the appeal site. Houses to the west would face towards the appeal site, but at some distance, beyond the SUDS attenuation pond which forms part of that development.
15. The proposed dwelling would be of a contemporary design comprising a two-storey flat roof structure with a cantilevered upper storey oversailing the lower. The palette of materials would include painted brick, aluminium frame and timber cladding. It would undoubtedly contrast with the prevalent approach to design which is evident in the immediate area. The cantilever element would result in a slightly unbalanced and top-heavy appearance to the proposal, but this would not be excessive, and overall, the dwelling would appear as a broadly positive addition to the character of the area.
16. Moreover, the appeal site benefits from a location which means that the proposed dwelling would not be widely prominent. It would be visible, particularly, from within the development to west and north, but its location means that it would appear as separate to other development around it, rather than part of it. This context also means that the proposed design approach, including the cantilevered design and material palette would not be harmful.
17. I therefore conclude that the proposal would not be harmful to the character and appearance of the area. It would accord with CELP Policies SE1 and SD2, SADPD Policy GEN1 and Somerford Neighbourhood Plan Policy D1. Together, and among other factors, these policies state that developments should contribute positively to quality of place and local identity and be of a high standard of design.

Living conditions

18. The proposed dwelling would be set back from its neighbour to the north-west. The neighbouring property incorporates rear windows at first and second storey level.

² North Wiltshire District Council v Secretary of State for the Environment [1993] 1 PLR 54

19. I have not been directed to any policy requirement in relation to a 45-degree line, and while a useful tool to inform the assessment of effects of proposed developments upon existing buildings, the absence of such information does not prevent the consideration of such effects, which should include consideration of a variety of site-specific factors.
20. The proposal would be visible from rear windows at the neighbouring property. The appellant's evidence includes an indication that at least part of the proposed dwelling would be located within a 45-degree arc when measured from rear windows at the neighbouring property. However, the degree of intrusion would be limited. Moreover, given the orientation of the properties, where the rear elevations face in a broadly north-eastern direction and will receive limited sunlight in any case, any loss of light would not be significant.
21. I therefore find that the proposal would not unacceptably harm the living conditions of occupiers of an existing property with particular regard to light. It would accord with CELP Policy SE1 and SADPD Policy HOU12. Together, and among other factors, these policies states that developments should not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties.

Other Matters

22. The appellant has raised numerous concerns in relation to the conduct of the Council. However, such matters fall outside of the remit of this appeal, and I have considered the proposal on its planning merits alone.
23. A third-party representation indicating that no objections are raised in relation to the proposal has been received, with comments being made in relation to the design of the proposal. I have found that the proposal would not be harmful in this respect and am required to consider all other matters in reaching my decision. Accordingly, the apparent support offered by the representation in this regard is not a determinative factor.
24. In addition to the judgements that I have referenced elsewhere in my decision, I have also been directed to *Sevenoaks DC v Secretary of State for the Environment* [1997] EWHC Admin 1012, however there is nothing within this judgement to support the stated relevance of the case in terms of intelligible justification for refusals. Accordingly, while I have had regard to the judgement, it has no specific bearing on the matters of the case which is before me.

Planning Balance and Conclusion

25. The Council's Housing Monitoring Update dated April 2025 identifies that it cannot currently demonstrate a five-year supply of deliverable housing sites, with the position set at 3.8 years, amounting to a shortfall of around 3,000 dwellings across the period. I am therefore taken to Framework paragraph 11(d).
26. Although I have found that the proposal would be acceptable with regard to its effects upon the character and appearance of the area and the living conditions of occupiers of existing properties, it has not been shown that surface water can be appropriately managed. It would be contrary to the development plan as a whole, and I ascribe this harm significant weight.
27. The proposal would amount to an additional dwelling and as a small site, could be brought forward quickly. This would represent a positive, albeit modest, contribution

towards boosting housing supply, to which I afford moderate weight. The proposal would also have economic benefits both during construction and thereafter upon occupation in terms of supporting local facilities and services. However, these would be modest benefits given the limited scale of the proposal.

28. It is stated that the proposal would amount to a self-build dwelling and I am mindful that the Framework recognises that a good mix of housing sites will include self-build proposals. However, no completed planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) has been provided to legally secure the new dwelling as a self-build house. The Council has suggested a condition could be used to secure the dwelling as self-build, however such a condition is unlikely to pass the test of enforceability, and it would therefore be inappropriate to seek to secure the proposal as a self-build dwelling in this manner. Therefore, with no mechanism in place to ensure that the new property would be a self-build dwelling, I attach only limited weight to the self-build benefits.
29. It is stated that the proposal would include renewable energy and sustainable design measures, as well as additional hedging and other biodiversity features. These are further benefits of the proposal to which I attach modest weight.
30. With this in mind, I conclude that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places, such as Framework paragraph 135, which requires development to function well over its lifetime. Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.
31. For the reasons given above, having regard to the development plan as a whole, and all other material considerations, including the Framework, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR