



Appeal Decision

Site visit made on 27 January 2026

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal Ref: APP/R0660/W/25/3376181

Unit A Rear of 61 London Road South, Poynton, Cheshire East SK12 1LA

- 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 Buda Dangol, Shontaine against the decision of Cheshire East Council.
 - The application Ref is 25/0035/FUL.
 - The development proposed is described as the “change of use of the detached larger outbuilding from associated use with restaurant use of the main buildings of 61 London Road South to an independent 'residential dwelling' with allocated parking spaces”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with regard to internal floorspace, privacy, noise disturbance, odour, outdoor amenity space and bin storage; and
 - The effect of the proposed development on highway safety, with regard to adequate parking provision and means of access.

Reasons

Living Conditions

3. The appeal site consists solely of a detached outbuilding currently used for ancillary functions linked to the adjacent restaurants, with no associated external land. It is situated within the shared rear yard of 61 and 61A London Road South, alongside the staff parking, refuse storage and fire escape routes from the frontage buildings. The appeal site would be accessed via the existing gated vehicular entrance between 57 and 61 London Road South. The surrounding area is mixed in character with predominantly commercial premises fronting onto London Road South and residential properties adjoining the appeal site to the north and the east.
4. The proposal seeks the conversion of the existing outbuilding into a two-bedroom dwelling with an open-plan lounge/kitchen and shower room. The submitted information contains inconsistencies regarding the internal floorspace, which is stated as being either 45 sq.m or 55 sq.m. Based on the bedroom sizes, I find that the two-bedroom dwelling could accommodate 3 occupants. The Nationally Described Space Standards, which have been adopted within Policy HOU 8 of the

Cheshire East Site Allocations and Development Policies Document (December 2022) (SADPD), require a minimum of 61 sq.m for a two-bedroom 3-person dwelling. The proposal would therefore fail to meet the required standard, and would provide insufficient internal floor space to support normal day-to-day living, resulting in poor quality living conditions for future occupiers.

5. Given the outbuilding's position within the shared rear yard, an area subject to frequent staff movements, the proposed habitable room windows would be unable to achieve an acceptable level of privacy for future occupiers. Furthermore, the appeal site does not include any dedicated outdoor amenity space or refuse storage for future occupiers. Although the appellant suggests that the shared rear yard, with a narrow area of planting proposed alongside the rear boundary, could serve this purpose, these areas fall outside of the appeal site, are of poor quality and are frequently used by staff for the servicing of the adjacent restaurants.
6. Given the location of the proposed dwelling, and the proximity to the adjacent restaurants, future occupiers would be exposed to noise, vehicle movements, servicing activity and kitchen odours, exacerbated by the later operating hours. These impacts would result in significant harm to the living conditions of future occupiers.
7. For the above reasons, I conclude that the proposal would result in poor quality development which fails to provide acceptable living conditions for future occupiers with regard to internal floorspace, privacy, noise disturbance, odour, outdoor amenity space and bin storage. Consequently, it would conflict with Policy SE 1 of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) and Policies HOU 8, HOU 10, HOU 12 and HOU 13 of the SADPD which, amongst other things, collectively seek to secure development which does not cause unacceptable harm to amenity and provides appropriate levels of internal floorspace, privacy and outdoor private amenity space.

Highway Safety

8. The proposed dwelling would be accessed via the existing gated vehicular access from London Road South which leads to the staff parking and servicing area within the rear yard. I acknowledge the Local Highway Authority did not object to the proposal, with regard to the impact of increased traffic associated with the development. However, the Council has raised concerns about parking provision and potential conflict with existing businesses, including how the gates would be controlled outside the restaurants' operating hours.
9. The appellant controls the whole of 61 and 61A London Road South. However, based on the evidence before me, I am not convinced that conditions to secure the indicated 2 parking spaces for the proposed development, to keep the access clear at all times or to prevent all vehicles associated with the adjacent restaurants from using the shared rear yard would be reasonable or enforceable, given the open access arrangement, constrained frontage and the servicing requirements of the restaurants. I therefore find they would fail to meet the tests for conditions set out within the National Planning Policy Framework and advice within the Planning Practice Guidance.
10. Consequently, I am not assured that unfettered access and adequate parking provision could be secured for future occupiers for the lifetime of the development. Accordingly, I conclude that the proposal would result in an increased risk to

highway safety, through the lack of adequate parking provision and means of access. It would therefore conflict with Policies HOU 10 and HOU 12 of the SADPD, which, amongst other things, together seek to secure satisfactory means of access and parking.

Other Matters

11. The appellant contends that the proposal would broaden tenure options and support a more balanced community. The proposal would make a positive contribution to housing supply and add to the mix of housing available in the locality. However, the scale of development proposed means the contribution of one additional dwelling, through a more efficient use of land, the re-use of an existing building in an urban area and the associated benefits, would be limited.
12. My attention has been drawn to the absence of any external changes to the existing building, the compatibility of the use with the surrounding area, the lack of identified harm to neighbouring occupiers, that there is no record of crime and disorder affecting the site and the potential suitability of the accommodation for those with limited mobility. However, these considerations do not outweigh the significant harm I have identified above.
13. The appellant contends that alterations and controls, such as restricting vehicle use and defining areas on the shared yard area through additional landscaping or planted tubs, could address the Council's concerns with regards to the living conditions of future occupiers. However, no such scheme is before me, and I am therefore unable to determine whether these measures would overcome the harm I have identified above.
14. I note the appellant's assertion that the proposal would result in the general improvement to the condition and appearance of the shared rear yard area. This area lies outside of the appeal site boundary and there is no scheme before me to demonstrate how such improvements would be achieved. This does not therefore lead me to a different conclusion.
15. The appellant suggests that restrictions on delivery and collection times could be imposed on the restaurants through other legislation to limit disturbance. However, such controls fall outside the scope of this appeal and could not be secured as part of the proposal.
16. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

K Mee

INSPECTOR