



Appeal Decision

Site visit made on 18 November 2025

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th March 2026

Appeal Ref: APP/C4235/W/25/3366984

Land To Rear Of 12 Heathcote Avenue, Heaton Norris, Stockport SK4 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Frank Williams of FQW Designs against Stockport Metropolitan Borough Council.
 - The application ref is DC/092251.
 - The development proposed is construction of one detached dwelling (self build).
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Decision

1. The appeal is allowed and planning permission is granted for construction of one detached dwelling (self build) at Land To Rear Of 12 Heathcote Avenue, Stockport SK4 2QF in accordance with the terms of the application, Ref DC/092251, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Frank Williams of FQW Designs against Stockport Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of the development provided on the planning application form has been amended by the Council. The appellant has confirmed that they do not object to this change of description and I have therefore used it within this decision.
4. A Unilateral Undertaking (UU) in respect of an open space contribution has been submitted by the appellants. The Council has confirmed that addresses concerns that were raised regarding the UU. I have had regard to the UU accordingly.

Background and Main Issues

5. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. In its Statement of Case, the Council has set out its concerns on the appeal proposal.
6. Having regard to the Council's Statement of Case, the main issues are whether sufficient information has been provided in respect of:
 - Excavation, retention of materials, and ground levels; with due regard to the living conditions of nearby residents; and
 - Drainage, with due regard to flood risk.

Reasons

Excavations, retention of materials, ground levels and living conditions

7. The appeal proposal is relatively unusual as it consists of a subterranean dwelling located on a piece of open land surrounded by dwellings of a typical suburban character.
8. Due to the subterranean design, the proposal will involve the excavation of a significant amount of material. It has not been confirmed what the amount of material to be excavated is, or the extent of material to be retained on site or exported elsewhere. However, details of existing and proposed site levels have been provided by the appellant which are an appropriate basis for assessing the proposal. More detailed specifications can be required and controlled by condition to ensure that the relationship between the proposal and the surrounding landform is acceptable.
9. The proposal may involve the movement of material from the site. Although the access leading to the site is relatively narrow and leads onto a residential cul-de-sac, there is no substantive evidence that these are inadequate for the transfer of material to or from the site which would result from the development. The proposal would lead to some disturbance to nearby residents during the construction period, but this would be for a temporary period and a condition requiring the approval of a construction management plan would ensure that the effects are minimised.
10. The Council has questioned the nature of the ground below the site, such as clay, gravel, sand etc, and how deep this goes before hitting sandstone. The Council's concerns on this matter are not fully set out, although it refers to further investigation with regards to the proposed excavation. However, it has not been demonstrated that the ground below the site is unsuitable for the development proposed. Although the excavation of hard material such as sandstone may create issues including noise and vibration, these can be minimised through a construction management plan.
11. Based on what I have seen and read, sufficient information has been provided in respect of excavations, retention of materials, ground levels and living conditions to demonstrate that the proposal is acceptable in principle. Any outstanding matters can be addressed by conditions. On that basis the proposal would not conflict with the design quality, environmental and amenity requirements of Policies SIE-1 and SIE-3 of the Core Strategy DPD 2011 (the Core Strategy).

Drainage

12. The drainage proposed for the site is relatively unusual, including a swale leading around the edge of the site. However, the appellant has provided a Foul and Surface Water Drainage Strategy in support of this approach, and the Lead Local Flood Authority have raised no objections subject to a detailed design. United Utilities has also confirmed that the strategy for the disposal of foul and surface water is acceptable in principle, and although it has requested further drainage design details these can be secured by condition. Although some concerns have been raised by other interested parties, including the efficacy of percolation tests and the fall/gradient of the swale, based on the evidence before me the proposed drainage strategy is robust in principle and any outstanding issues can be addressed by condition.

13. The swale would be located in close proximity to the boundaries of properties surrounding the site and concerns have been raised about the effect of the swale on matters including land stability and potential flooding of neighbouring properties. However, based on the evidence before me, these matters can be addressed by conditions relating to site levels and the design of the sustainable drainage scheme.
14. Reference is made to the energy requirements of sewage and rainwater pumps. However, the energy requirements for a development of this scale would be limited, and I am mindful that the proposal also includes the provision of a source of renewable energy through solar panels. Reference is made to the provision of backup systems, but a condition requiring a sustainable drainage management and maintenance plan for the lifetime of the development would address the robustness of surface water drainage. The suitability of foul water drainage would also be examined through the building regulations.
15. The Council has raised the issue of climate change, including in respect of changes since previous permissions granted in 2014 and 2018 for a similar proposal on the site. However, the appeal proposal includes the provision of sustainable drainage and there is no substantive evidence that this would not be resilient to climate change. The effects of climate change can also be considered further as part of the discharge of planning conditions.
16. I therefore conclude that sufficient information has been provided in respect of drainage to demonstrate that the proposal is acceptable in principle, and that any outstanding matters can be addressed by conditions. The proposal would therefore not conflict with the drainage, flood risk and climate change considerations of Saved Policy EP1.7 of the Stockport Unitary Development Plan Review 2006 and Policies SD-6 and SIE-3 of the Core Strategy.

Other Matters

17. The validity of the planning application has been raised, including in respect of whether it is a self-build scheme and the consistency of submitted plans. However, the Council has validated the application as being for self-build and it has not been demonstrated that this validation is flawed. In any event, the self-build status of the development can be ensured by condition. Although there is some variation in the details of the submitted plans, they contain suitable information to assess the proposal and any discrepancies on matters such as site levels can be addressed by condition.
18. Structural and geotechnical issues will primarily fall within the scope of the building regulations, although concerns in respect of contamination can also be addressed by planning condition.
19. Reference has been made to the greenfield nature of the site. However, the principle of residential development on this site has previously been accepted in 2014 and 2018. Although these permissions are of some age and have lapsed, it has not been demonstrated that there has been a material change in circumstances since then which negates the principle of housing on the site. Although the site is of an open character, based on the submitted evidence it is private land with no public access. The Council's Officer Report on the application concluded that the site has limited value as Local Open Space and that the development would not materially harm the provision of open space in the area.

Based upon what I have seen and read I have no reason to disagree, and the loss of this undeveloped site to housing does not weigh against the appeal.

20. Concerns have been expressed about access to the dwelling by people in wheelchairs. However, based on the evidence before me there is no requirement for the dwelling to be fully accessible for people with disabilities.

Conditions

21. The Council has provided a list of suggested conditions, and I have also had regard to the comments from consultees. The appellant has had the opportunity to comment on the matter of conditions, including pre-commencement conditions. I have considered the suggested conditions against the advice in the Planning Practice Guidance, and as a result have reworded some of the conditions in the interests of clarity and effectiveness.
22. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. I have amended some of the references to refer to the latest submitted plans. These amendments are of a minor nature and no party would be prejudiced by my issuing the decision on that basis. Both main parties have had the opportunity to comment on this matter.
23. Conditions in respect of landscaping and the protection of trees are necessary in the interests of character and appearance as well as biodiversity. A condition controlling the timing of the removal of hedgerows, trees and other vegetation is required in the interests of biodiversity. A condition limiting the extent of the site to be used as a garden or amenity area is required in the interests of the living conditions of nearby residents as well as biodiversity. Exceptionally, due to the unusual form of development, a condition removing permitted development rights is justified in the interests of character and appearance as well as the living conditions of nearby residents.
24. A condition requiring the provision of vehicular access, parking, turning areas and cycle parking prior to occupation, as well as their retention, is required in the interests of highway safety and the living conditions of future residents. Conditions in respect of a lighting scheme as well as measures relating to trenches and pipework are appropriate in the interests of biodiversity and protected species.
25. A condition requiring the approval of materials is appropriate in the interests of character and appearance. A condition regarding excavations and earthworks is necessary in the interests of the living conditions of nearby residents, drainage, and character and appearance. The submission of a construction management plan is required in the interests of the living conditions of nearby residents and highway safety. A condition in respect of surface water and foul water drainage is required in the interests of satisfactory and sustainable drainage. A condition in relation to the provision of solar panels is required in the interests of character and appearance as well as encouraging renewable energy. Conditions requiring an investigation and risk assessment of potential contamination, and remedial action if required, are necessary to ensure that risks to residents, property and other receptors are minimised. Conditions regarding the submission of details of habitat maintenance and provision, as well as being reviewed if appropriate, are required in the interests of biodiversity. Details in relation to these conditions should be submitted to and approved by the local planning authority at the pre-commencement stage as they

relate to matters which need to be established before the commencement of development.

26. A condition regarding the protection of trees and hedgerows is required in the interests of character and appearance as well as biodiversity. These works should be undertaken prior to the commencement of development to ensure their effectiveness.
27. A condition requiring the submission of a sustainable drainage management and maintenance plan is required in the interests of satisfactory and sustainable drainage. A condition requiring the that the proposal is constructed and occupied as a self-build/custom build dwelling is required to ensure compliance with the description of the development and biodiversity gain considerations. A condition in respect of the review of ecological measures if necessary is required in the interests of biodiversity.
28. I have not included a condition requiring details of electric vehicle charging points as this matter is addressed by the Building Regulations. The Planning Practice Guidance sets out that conditions requiring compliance with other regulatory requirements, such as Building Regulations, will not meet the test of necessity and may not be relevant to planning. Although the Council has requested that this suggested condition is retained, it has not clarified why this is not addressed by other regulations.

Conclusion

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

David Cross

INSPECTOR

Schedule of 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 drawings and documents:
 - i) Location plans x 2 (Unreferenced)
 - ii) DRG IIC
 - iii) DRG III
 - iv) Axon Views of House (Unreferenced)
 - v) Views of External Wall (Unreferenced)
 - vi) Drawing No. 0397-LA-01 Rev P1
 - vii) PDC 02E
 - viii) PDC 03A
 - ix) PDC 04B
 - x) PDC 06A
 - xi) PDC 07B
 - xii) Nicola Jayne landscape plan 0397-LA-01-P1
 - xiii) Energy Statement (Unreferenced)

- xiv) Planning Support Statement dated April 2024
 - xv) Ecological Survey and Appraisal referenced Sensible Ecological Survey Solutions, 2024
- 3) Notwithstanding the details shown on the approved plans and documents, no development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the details shown on the approved plans and documents, no development shall take place until details of the proposed excavation and earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing and proposed finished levels and contours at 0.5 metre vertical intervals, showing the relationship of the proposed site with existing vegetation and surrounding landform. The dwelling shall not be occupied until the earthworks have been completed in accordance with the approved details.
 - 5) Hard and soft landscaping works shall be carried out in complete accordance with the submitted and approved details as detailed in Condition 2 (Nicola Jayne landscape plan 0397-LA-01-P1), or any alternative hard and soft landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority.
 - 6) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of the dwelling hereby approved, or in accordance with a programme agreed in writing by the Local Planning Authority. If within a period of five years from the date of planting or replanting of any tree or plant, that tree is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted in the same place.
 - 7) No existing hedgerows, trees or other vegetation shall be removed between the 1st March and the 31st August other than in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.
 - 8) No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the Local Planning Authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the Local Planning Authority.
 - 9) No part of the site, except for the 'Lower Turfed Area' indicated on Nicola Jayne landscape plan 0397-LA-01-P1, shall be used as a garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or

reenacting that Order) no development falling within Classes A to H of Part 1 of Schedule 2 of the Order shall be carried out.

- 11) Notwithstanding the existing submitted information, no construction work shall take place until a method statement detailing how work will be undertaken has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details on:
- i) access arrangements, turning and manoeuvring facilities; any material reclamation and removals from site and material deliveries to the site;
 - ii) vehicle routing to and from the site;
 - iii) the provision on site of areas for plant, site huts and site facilities;
 - iv) the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from the development of the site;
 - v) any required and necessary traffic management;
 - vi) signage, hoardings and scaffolding;
 - vii) where materials will be loaded, unloaded and stored;
 - viii) contractor parking arrangements; and
 - ix) measures to prevent the discharge of detritus from the site during construction works and ensure vehicle wheels are cleaned before leaving site.

The development of the site shall not proceed except in accordance with the approved method statement.

- 12) The dwelling hereby approved shall not be occupied until the vehicular access, parking and turning area have been constructed, surfaced and drained in accordance with details and drawings that have previously been submitted to and approved in writing by the Local Planning Authority and the areas are available for use. The areas shall be retained at all times thereafter and for their intended purposes.
- 13) The dwelling shall not be occupied until an enclosed, covered and secure cycle parking facility has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The facility shall then be retained and remain available for use at all times thereafter.
- 14) Notwithstanding the details shown on the approved plans and documents, no development shall take place until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

- 15) Prior to occupation of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

- 16) Notwithstanding the details shown on the approved plans and documents, no development shall take place until details of the design, specification and siting of solar panels have been submitted to and agreed in writing by the Local Planning Authority. Prior to occupation of the proposed development, the solar panels shall be installed in accordance with the approved details and retained thereafter.
- 17) No development shall take place until an investigation and risk assessment into contamination at the site, in accordance with a scheme to be approved in writing by the local planning authority, has been carried out. The investigation and risk assessment shall include recommendations for remedial action and the development shall not be occupied until these recommendations have been implemented.
- 18) In the event that Condition 17 demonstrates that remedial action is required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the specified use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme to be submitted shall specify but not be limited to :-
- (i) the proposed remediation objectives and remediation criteria
 - (ii) all remedial works to be undertaken including the quantities of materials to be removed from and imported to the development site.

(iii) the proposals for sourcing and testing all materials imported to the site including testing schedules, sampling frequencies and actual and allowable contaminant concentrations (as determined by appropriate risk assessment in accordance with the document "Model Procedures for the Management of Land Contamination" (CLR11)).

- 19) The development shall not be occupied until the approved remediation scheme required to be submitted by Condition 18 has been carried out. Within 3 months of completion of remediation measures, a validation report assessing the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken.
- 20) The dwelling hereby approved shall be constructed as a self-build/custom build property, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. The dwelling shall only be occupied as a selfbuild/custom build dwelling in accordance with Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 for a period of at least 3 years from date of the first occupation of the dwelling.
- 21) No development shall take place until all existing trees and hedgerows on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction -Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.
- 22) No development shall take place until details of the following have been submitted to and agreed in writing by the Local Planning Authority:-
- i) appropriate management and monitoring to aid the establishment and maintenance of the proposed habitats.
 - ii) a minimum of one bat or bird box to be provided on retained tree(s) or mounted on a pole. Box(es) should be made from woodstone/woodcrete to maximise longevity).
 - iii) The use of any existing materials on site to create bug hotels, butterfly banks, dead wood and stone piles and other opportunities for invertebrates and other wildlife;
 - iv) boundary fencing with gaps incorporated (130mm x 130mm) to maintain habitat connectivity for wildlife.
- Thereafter the development shall be constructed and maintained in accordance with the approved details.
- 23) If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the submitted ecological surveys (March 2024), the approved ecological measures secured through the above conditions shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:
- i) establish if there have been any changes in the ecological baseline; and

ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

- 24) Before the development hereby approved is occupied, a lighting scheme to minimise impacts on wildlife arising from light disturbance shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of the development, and shall be maintained as such in perpetuity.
- 25) To protect badgers and other wildlife which may pass through the site and prevent potential disturbance during works, any works which involve the creation of trenches or with pipes shall be undertaken following measures to protect wildlife from being trapped in open excavations and/or pipework:
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 110 mm outside diameter being blanked off at the end of each working day.

End of Schedule