



Appeal Decisions

Site visit made on 1 June 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 15 June 2026

Appeal A Ref: APP/B3438/C/24/3356969

Appeal B Ref: APP/B3438/C/24/3356970

Land at 57 Ostlers Lane, Cheddleton, LEEK, ST13 7HS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mrs Joanne Johnson and Appeal B by Mr Marcus Johnson against an enforcement notice issued by Staffordshire Moorlands District Council.
 - The notice was issued on 15 November 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, a) the fitting of grey composite timber cladding on the front elevation of the House on the land ("the Cladding") b) the erection of a single storey front extension to the House on the land ("the Extension") c) the erection of a canopy over the garage door of the House on the land ("the Canopy").
 - The requirements of the notice are to:
 - 5.1 Remove the Cladding from the front elevation of the House.
 - 5.2 Demolish the Extension and Canopy.
 - 5.3 Restore the front elevation to its previous profile, including the bay window and in the materials of render and brick so that the front elevation resembles EN02 in profile and materials after compliance with requirement 5.1 and 5.2 above.
 - The period for compliance with the requirements is 9 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - Appeal B is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision on Appeal A

1. Appeal A is allowed insofar as it relates to the single storey front extension to the House and the erection of a canopy over the garage doors of the House and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for the single storey front extension to the House and the erection of a canopy over the garage doors of the House at Land at 57 Ostlers Lane, Cheddleton, ST13 7HS.
2. Appeal A is dismissed, insofar as it relates to the fitting of grey composite timber cladding on the front elevation of the House, the enforcement notice is upheld and planning permission is refused in respect of the fitting of grey composite timber cladding on the front elevation of the House on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Decision on Appeal B

3. The appeal is dismissed and the enforcement notice is upheld.

Appeal A on ground (a), deemed planning application

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and surrounding area.

Reasons

5. The appeal property is a substantial detached, two-storey brick and render inter-war dwelling. It is situated on a private drive which runs parallel to Ostlers Lane and is set above a vegetated embankment containing mature trees. The private drive serves several properties which have been developed along its eastern side. Whilst those properties vary considerably in their individual design and form, the consistent layout, plot size, and use of materials, predominantly brick or brick and render, reinforce and contribute to the overall character of the area.
6. The front elevation of the property was remodelled and extended with new fenestration, a single storey front extension and projecting canopy above the garage doors in 2021. The works included cladding the first floor with textured horizontal composite uPVC boarding described as agate grey in colour. The lower section of the front elevation, including the front extension has been finished in a smooth render and painted white. The new render and cladding replace areas of red brick and rendered panels on the upper gabled sections of the dwelling.

Cladding

7. An application to retain the cladding to the upper half of the front elevation of the property was refused by the Council in April 2022 and subsequently dismissed on appeal in October 2022¹. The Inspector in his decision found that the use of the cladding did not harmonise well with the original style of the building or the surrounding traditionally styled and finished development and that it had a harmful effect on the character and appearance of the host property and surrounding area. From the evidence before me, including observations on my site visit, I concur with the previous Inspector's assessment of the harm resultant of the use of cladding.
8. Although the appellant accepts that the previous Inspector's decision is a material consideration in this appeal, he does not agree with the Inspector's findings. He considers that painting the cladding to match the render at the ground floor and leaving the fascia boards and window frames agate grey would go someway towards alleviating the "*unusual monochromatic appearance*" and "*expanse of single colour*" described by the previous Inspector and would reintroduce contrasting elements to provide visual interest. However, whilst painting the cladding would provide some contrast between the colour of the windows and fascia boards, it would not overcome the harm caused by the extensive use of this modern material which conflicts with the traditionally styled and finished original property and surrounding development. I appreciate that the appellant could exercise permitted development rights and render the whole of the front elevation of the building. However, the use of render is a more traditional finish in this area, unlike the composite cladding which is out of character with the surrounding area. I therefore give this consideration little weight.

¹ APP/B3438/D/22/3302592.

9. For the reasons set out above, I conclude that the cladding has a harmful effect on the character and appearance of the host property and surrounding area. There are no conditions or other material considerations that would outweigh that harm. There is conflict with Policy DC1 of the Staffordshire Moorlands Local Plan, 2020 (Local Plan) and the Staffordshire Moorlands Design Guide (Design Guide) which seek to ensure, amongst other criteria, that the use of materials is appropriate to the area to reinforce local distinctiveness. I also find conflict with the design aims of the National Planning Policy Framework (NPPF) which promotes good design, sympathetic to local character and history, including the surrounding built environment.

Front Extension and Canopy

10. A timber framed canopy, with a tiled roof, has been constructed above the garage door on the front elevation of the building. Whilst not necessarily a feature associated with the property's original design and period, the front elevation of the dwelling had been previously altered, including poorly designed window frames and front porch. The canopy is well proportioned, and its roof pitch reflects that of the front gable within which it sits. Furthermore, the canopy adds interest and relief to this front gable which has an existing poorly designed integral garage within it. In my view, the canopy helps to reduce the prominence of the existing garage door and does not have a harmful effect on the character or appearance of the host property.
11. A single storey extension has also been added to part of the front elevation of the dwelling. It has a lean-to form and has been finished in smooth render with a tiled roof. The extension has resulted in the loss of the property's front canted bay window, which I recognise is a feature commonly found on properties throughout the inter-war period. Nevertheless, the new front extension is well designed, incorporates traditional materials of construction/finish, and is subordinate in scale and form to the host property. The extension incorporates a new entrance door and together with the new fenestration provides a coherent approach to the composition of the front elevation of the building.
12. I conclude that for the reasons given above, that neither the extension nor canopy have a harmful effect on the overall character and appearance of the host building nor the surrounding area. There is thus no conflict with the design aims of Policy DC1 of the Local Plan nor the Design Guide. I also find no conflict with the design aims of the NPPF.

Conclusion on ground (a)

13. Whilst I have concluded that the cladding has a harmful effect on the character and appearance of the host property and surrounding area, I have found that the canopy and front extension do not result in any harm to the character or appearance of the host property or surrounding area. I shall therefore issue a split decision in relation to this appeal on ground (a) and grant planning permission for the construction of a single storey front extension to the House and the erection of a canopy over the garage door.
14. Although a split decision will be issued, the notice will not be amended regarding the requirement to demolish the extension and canopy. Section 180(1) of the Town and Country Planning Act, 1990, as amended (the Act) provides that:
'Where, after the service of a copy of any enforcement notice, planning permission

is granted for any development carried out before the grant of planning permission, the notice shall cease to have effect so far as inconsistent with that permission.'

15. Thus, the notice will cease to have effect with regard to the demolition of the extension and canopy.

Appeal A and Appeal B on ground (f)

16. The issue is whether the requirements are excessive to achieve the purpose(s) of the notice.
17. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to address. The first is to remedy the breach of planning control that has occurred and second to remedy any injury to amenity which has been caused by the breach. In this case the purpose of the notice is to remedy the breach.
18. The appellant has suggested that the cladding could be made acceptable by requiring it to be painted. However, it can be seen by my decision on ground (a), that I did not agree that painting the cladding would mitigate the harm I had identified from the use of the cladding, which is an uncharacteristic, non-traditional material for dwellings in Staffordshire Moorlands. There are no planning conditions that would make the development acceptable. Therefore, there are no lesser steps that would achieve the statutory purpose behind the notice and the appeals on ground (f) fail.

Overall Conclusions

19. For the reasons given above, I conclude that Appeal A should succeed in part only, and I will grant planning permission for the single storey front extension to the House and the erection of a canopy over the garage door. Otherwise, I shall uphold the notice and refuse to grant planning permission for the fitting of grey composite timber cladding on the front elevation of the House. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the Act.
20. For the reasons given above, I conclude that Appeal B should not succeed. I shall uphold the enforcement notice.

Elizabeth Pleasant

INSPECTOR