



Appeal Decisions

Hearing held on 19 May 2026

Site visit made on 19 May 2026

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2026

Appeal A: APP/R0660/C/25/3363488

Normans Hall, Chelford Road, Prestbury SK10 4PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Colin Muller against an enforcement notice issued by Cheshire East Borough Council.
 - The notice was issued on 26 February 2025.
 - The breach of planning control alleged is the erection of a timber fence above 2 metres in height shown in the approximate position edged green on the attached plan marked 'Plan B'.
 - The requirements of the notice are:
 - a) Remove the timber fence from "the Land" together with all resultant debris.
 - Or,
 - b) Reduce the height of the timber fence to a maximum height of 2 metres.
 - And,
 - c) Remove from the land all resultant material and debris following compliance with a) or b) above.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B: APP/R0660/W/25/3375291

Normans Hall Chelford Road, Prestbury SK10 4PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Colin Muller against Cheshire East Borough Council.
 - The Council failed to give notice of its decision within the appropriate period on application for planning permission Ref 25/0856 dated 28 February 2025 for "Extensions to the main house comprising a boot room, subterranean leisure suite and a link corridor; the erection of a glazed loggia, the provision of a dormer window and minor alterations to the converted shippon which now forms the east range of the house; erection of garage block and greenhouse; alterations to an access gate, driveway and boundary walls; removal and erection of retaining walls, and landscaping and the regrading of land. Retention of timber fence adjoining the eastern boundary of the site.
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Appeal C: APP/R0660/Y/25/3375297

Normans Hall Chelford Road, Prestbury SK10 4PT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The appeal is made by Mr Colin Muller against Cheshire East Borough Council.
- The Council failed to give notice of its decision within the appropriate period on application for listed building permission Ref 25/1337/LBC dated 28 February 2025 for "Extensions to the main house comprising a boot room, subterranean leisure suite and a link corridor; the erection of a glazed loggia, the provision of a dormer window and minor alterations to the converted shippon which now forms the east range of the house; erection of garage block and greenhouse; alterations to an access gate, driveway and boundary walls; removal and erection of retaining wall,s and landscaping and the regrading of land. Retention of timber fence adjoining the eastern boundary of the site.

Decisions

Appeal A

1. It is directed that the enforcement notice is varied by the deletion of the words “4 months” from paragraphs 6a), 6b) and 6c) and the substitution therefor with the words “6 months” as the time for compliance with the requirements.
2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

Appeal B

3. The appeal allowed and planning permission is granted insofar as it relates to extensions to the main house comprising a boot room, subterranean leisure suite and a link corridor; the erection of a glazed loggia, the provision of a dormer window and minor alterations to the converted shippon which now forms the east range of the house; erection of garage block and greenhouse; alterations to an access gate, driveway and boundary walls; removal and erection of retaining walls and landscaping and the regrading of land at Normans Hall, Chelford Road, Prestbury SK10 4PT subject to the conditions set out in Schedule A to this Decision.
4. The appeal is dismissed and planning permission is refused insofar as it relates to the retention of the timber fence adjoining the eastern boundary of the site at Normans Hall, Chelford Road, Prestbury SK10 4PT.

Appeal C

5. The appeal allowed and listed building consent is granted insofar as it relates to extensions to the main house comprising a boot room, subterranean leisure suite and a link corridor; the erection of a glazed loggia, the provision of a dormer window and minor alterations to the converted shippon which now forms the east range of the house; erection of garage block and greenhouse; alterations to an access gate, driveway and boundary walls; removal and erection of retaining walls and landscaping and the regrading of land at Normans Hall, Chelford Road, Prestbury SK10 4PT subject to the conditions set out in Schedule 2 to this Decision.
6. The appeal is dismissed and listed building consent is refused insofar as it relates to the retention of the timber fence adjoining the eastern boundary of the site at Normans Hall, Chelford Road, Prestbury SK10 4PT subject to the conditions set out in Schedule B to this Decision.

Applications for costs

7. Under Appeals A and B, applications for costs were made by Mr Colin Muller against Cheshire East Borough Council. These applications are the subject of separate decisions.

Preliminary Matters

8. A signed and dated Statement of Common Ground was provided at the Hearing.
9. Following the Inspector’s comments at the Hearing the main parties agreed to make amendments to the suggested conditions for Appeal B on ground (a) and Appeal C on ground (e). The amended conditions were submitted on 1 June 2026. In addition, following the Hearing, an amended Unilateral Undertaking regarding

Appeal B on ground (a) and Appeal C on ground (e) was submitted on 16 June 2026.

10. With respect to Appeals B and C the only part of the respective proposals the subject of dispute is the retention of the timber fence adjoining the eastern boundary of the site. Consequently, that is the focus of those decisions.
11. In part of the appellant's submission there is an indication that listed building consent may not be required for the erection of the fence along the eastern boundary of the site. However, it remains a constituent part of the proposal under Appeal C and there was no argument at the Hearing that the fence remains the only part of the works. In addition, it was agreed that under Appeal C the main issue relates to the effect of the works on the setting of the Listed Building.

Appeal A on ground (c)

12. The ground of appeal is that the matter alleged in the enforcement notice does not constitute a breach of planning control. The erection of a fence comprises operational development within the meaning of s55 of the 1990 Act for which, s57 indicates, planning permission is required.
13. The fence that has been erected is situated along part of the boundary of Normans Hall and land to the East of the fence is outside the appellant's ownership. The land levels either side of the fence differ with land to the western side being lower. When measured from the eastern side the height of the fence, in parts, exceeds 2 metres and from the western side its height, in parts, is significantly greater than 2 metres.
14. Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) relates to gates, fences, walls etc and confirms that the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is permitted development. However, under paragraph A.1 development is not permitted by Class A if (among others) —
 - (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
 - (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.
15. Firstly, the main parties now agree that A.1(d) does not apply in this case because, although to some extent the fence in question would form one of the boundaries to the listed building, it would not actually be "surrounding" a listed building. The Council was quite clear at the Hearing that it is not relying on this in their case with respect to the appeal on ground (c). Secondly, under A.1 there is the matter of height. The appellant's case is twofold; that Article 2(2) of the GPDO requires that the highest part of the ground surface adjacent to any building (which would include a structure) should mark the point of measurement when the ground level is not uniform and the GPDO should be interpreted positively and applied in a common sense manner.
16. Article 2(2) does not apply if measuring the height of any structure that is neither a 'building' as defined in Article 2(1) nor plant or machinery because the definition of "building" does not include plant and machinery and, in Schedule 2, except in Class

F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure. Therefore, when deciding whether a fence is permitted development, the 'height above ground level' should be given its ordinary meaning with regard, where applicable, to the adjacent ground level. There is no prescribed measurement method in such cases, but any breach of the limits would take the whole structure outside of the permitted development right.

17. There is clear disagreement between the main parties with respect to where the measurement for the height of the fence should be taken from. However, whether measuring the height from the east or west side, the height of the fence is in part greater than 2 metres in height. I acknowledge that at some points the height above 2 metres is only a matter of a few centimetres, but that being the case it exceeds permitted development allowances and planning permission is required. Such planning permission has not been granted.
18. In my judgement it appears that the fence has actually been built on its Normans Hall side and where the main support posts are fixed to the ground which are part and parcel of the fence structure. That land is at a lower level than the eastern side close to the public right of way. Therefore, within the ordinary meaning of 'height above ground level' the height of the fence from that side is much greater than 2m in places and that should be the reference point for determining whether it is permitted development and any required reduction under the terms of the enforcement notice. In my judgement that is the reasonable, positive and common sense interpretation in this case.
19. In addition, I agree that the GPDO should be interpreted positively and in a common sense manner but that does not mean that height or indeed any other limitations on rights should be ignored or overlooked because they are only minor. Making a practical and sound judgement in these particular circumstances means applying the height restrictions to the fence that has been built. In this case there is a very clear restriction applied to the height of gates, fences, walls etc and anything that exceeds such clear limitation is in breach of the provisions of the GPDO.
20. The appeal on ground (c) does not succeed.

Appeal A on ground (g)

21. The ground of appeal is that the time given to comply with the requirements is too short. The 4 month compliance period would be sufficient to either remove the fence from the Land or reduce the height to a maximum height of 2 metres and remove from the land all resultant material and debris. The appellant contends that a contractor would need to be appointed and then the works required would take a number of weeks to complete. In addition, it may be necessary to seek a temporary traffic regulation order to close the public right of way to protect pedestrians in the event of the required works being carried out. An Order would take a minimum of 21 days to be approved. A six month compliance period is sought by the appellant.
22. In these circumstances I can see that 4 months is rather tight and six months would be a more reasonable timescale for compliance with the requirements. The appeal on ground (g) succeeds.

Appeals B and C

23. With respect to Appeal B, the main issues with respect to the retention of the timber fence adjoining the eastern boundary of the site are:
- i. Whether the development is inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - ii. The effect on the openness of the Green Belt and the purposes of including the land within it;
 - iii. The effect on the character and appearance of the area;
 - iv. Whether the development would preserve the setting of the Grade II Listed Building, Normans Hall, and any of the features of special architectural or historic interest that it possesses;
 - v. If the development is inappropriate development, whether the 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 it.
24. With respect to Appeal C the main issue is whether the development would preserve the setting of the Grade II Listed Building, Normans Hall, and any of the features of special architectural or historic interest that it possesses.

Whether the development is inappropriate development in the Green Belt

25. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out that development in the Green Belt is inappropriate unless one of a number of exceptions applies.
26. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 July 2017 (the LP) is concerned with development within the Green Belt and states that planning permission will not be granted for inappropriate development except in very special circumstances, in accordance with national policy. PG3 also sets out a number of exceptions where development is not inappropriate development in the Green Belt. The fence does not fall within any of the exceptions set out in the development plan or the Framework and therefore is inappropriate development which is, by definition, harmful to the Green Belt and this harm carries substantial weight.

The effect on openness and purposes

27. Openness is an essential characteristic of the Green Belt. In that there is a solid, long, man-made feature where one of this scale did not exist previously, openness has been reduced. In this case, the height above permitted development allowances is a key consideration. In some parts the fence is greater than 2 metres high and that difference is material in determining whether openness has been harmed. The additional height in question would in my judgement contribute to reducing the openness of the Green Belt.
28. The purposes of the Green Belt included assisting in safeguarding the countryside from encroachment and, in this case, the unauthorised fence represents the

encroachment of development into the countryside and is contrary to Policy PG3 of the LKP and the Framework.

Character and appearance

29. The close boarded timber fence runs along the perimeter of the appeal site. It is of linear construction and follows the alignment of the public footpath through a mainly wooded area and links Chelford Road with Spencer Brook and the wider countryside to the south. I have noted that the appellant's latest plans show a blackthorn hedge alongside the fence on the side of the adjacent footpath to soften the effect on the surroundings, and particularly the footpath. At my site inspection I noted that the hedge has been planted.
30. The appellant contends that close boarded fences are commonplace within the rural environment and due to the surrounding landscape character, it is unlikely to have any noticeable effect on the wider landscape. That may be the case, but in its vicinity the fence has a significant visual effect as a solid linear feature in its rural setting. Fences may be commonplace in parts of the rural landscape, but, due to its height, solid construction and position alongside the public footpath, the fence appears overbearing, highly visually intrusive and unsympathetic to the rural character of the area, appearing as a solid modern visual barrier at odds with its mainly rural surroundings. The fence is partly screened by surrounding woodland and other landscape features, but that does not adequately mitigate the resulting intrusion into the local landscape. The additional landscaping may, in time, help to screen the fence, but it will remain as a permanent linear feature at odds with its nearby rural surroundings.
31. The fallback position in this case is the reduction in the height of the fence to a maximum height of 2 metres. That would leave a large part of the fence in place, but the height at which it has been built is, in parts, significantly greater than 2 metres and in my judgement that additional height is material with respect to the effect on the character and appearance of the area. Reducing the height as required by the enforcement notice would reduce the effect on the character and appearance of the area compared to what is there now.
32. Consequently, I conclude that the development has a harmful effect on the character and appearance of the area and conflicts with Policies GEN1 and ENV3 of the Cheshire East Local Plan Site Allocations and Development Policies Adopted December 2022 (the SADPD), Policies SE1, SE4 and SD2 of the LP and the Framework which, among other objectives, seek to ensure that development respects the qualities, features and characteristics that contribute to the distinctiveness of the area, require development to be well designed, fit in with its surroundings and respect the character and appearance of the local area. Proposals should be appropriate in terms of their size, scale, layout, materials and overall design, and should make a positive contribution to local distinctiveness.

Setting of Grade II Listed Building (Appeals B and C)

33. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCAA) contains statutory duties in relation to designated heritage assets. Section 66(1) requires local planning authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest.

34. Furthermore, advice in the Planning Practice Guidance (PPG) defines the setting of a heritage asset as *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
35. Further clarification on the meaning of ‘setting’ in the context of the Framework has been provided in *Steer v Secretary of State for Communities and Local Government, Catesby Estates Limited, Amber Valley Borough Council* [2018] EWCA Civ 1697. The word ‘experienced’ has a broad meaning, which is capable of extending beyond the purely visual, and could include, but is not limited to, economic, social and historical relationships. However, an assessment should always be based on the particular facts and circumstances of the case in hand.
36. The Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Paragraph 213 goes on to state that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
37. According to Policy SE7 of the LP and Policies HER1 and HER4 of the SADPD, where heritage assets are affected, such as listed buildings, development must preserve their significance and setting and, where possible, enhance them. Development that causes harm to a heritage asset will only be supported where any harm is clearly outweighed by public benefits. The Framework reinforces this approach by requiring great weight to be given to the conservation of heritage assets. Any proposal that would harm the significance of a heritage asset should be refused unless the public benefits of the development clearly outweigh that harm.
38. Normans Hall is a Grade II listed building which was first listed on 14 April 1967. It is described as:

Formerly farmhouse, now house: mid-late C16 with C17 additions, brick repairs of early C18, alterations and additions dated 1921 by Henry Boddington. Partly timber-framed on stone plinth, partly brick. Kerridge stone-slate roof. 1 massive rubble chimney and 2 brick all with Tudor-style stacks. L-shaped plan. South range is original house having 2-storey, 4 bay, north front. Right end bay is cross wing on ashlar plinth. Ground storey has 6-light ovolo-moulded wooden mullioned and transomed windows with lattice-leaded glazing and chevrons in the timber framing. Coved jetty with quatrefoil piercing and carved brackets at the end. Above is similar C20 window with chevron and roundels in framing. Tie beam has applied mouldings and cross motifs in gable with ornately pierced barge-boards and finial of 1921. Remaining 3 bays on rubble plinth have small timber framing. C20 wood mullioned windows and modern Tudor-style doorcase. To sides and rear repairs in brick and weather-boarded added cross wing. Long brick east range is remodelled farm building and at junction timber-framed gabled bay dated 1921. Interior: Parlour has bead moulded ceiling beams. (2 original and 2 copied). 4-centred arched stone fireplace a C20 copy but similar original in room above.

This has a 7-panelled door, with reeded rails, and a 3-board cupboard door. Hall has deeply chamfered ceiling beam with quirk and tongue stops and in room above is truss of tie beam with 2 diagonal struts.

39. The property has been altered and extended since the date it was listed, but its heritage significance remains in its age, traditional form and construction, architectural detailing and materials and its historic, rural setting. The surroundings in which the listed building is experienced makes an important contribution to its significance.
40. The fence itself is sited some distance from the house, facing towards an elevation with considerable alterations and with relatively low significance. The intervisibility between the fence and the main house is minimal. However, the fence does alter the relationship between the listed building and its surroundings. Although the boundary is not specified in the listing, the relatively high, monotonous solid timber fence along the eastern boundary is not characteristic of the rural surroundings in which the listed building is situated and experienced and which is part of its significance. Therefore, although the fence is some distance from the main house and intervisibility is not great, it is highly visually dominant in its immediate setting and has a small but nonetheless significant impact on the setting of Normans Hall.
41. For the above reasons I conclude that the development has a harmful effect on the setting of Normans Hall. The harm is towards the lower end of less than substantial in this case. Therefore, the harm must be weighed against the public benefits. I understand that the fence may provide some definition to the property boundary, improve security and bring a degree of privacy to the occupants of Normans Hall. However, these are relatively general and are private, rather than public benefits and I do not consider them to be sufficient to outweigh the harm I have identified with respect to the setting of the listed building.
42. I have taken account of the fallback position of reducing the height of the fence to a maximum height of 2 metres, but as above, the additional height of the fence above 2 metres is material in terms of the effect of the development on the wider setting of Normans Hall. As such, in my judgement, the fence is harmful within its rural setting. Given the above and in the absence of any clearly defined public benefit, I conclude that the works have a harmful effect on the setting of the listed building. Consequently, there is conflicts with Policy SE7 of the LP, Policies HER1 and HER4 of the SADPD, the Framework and s66 of the PLBCAA 1990.

Other considerations

43. With respect to the extensions to the main house comprising a boot room, subterranean leisure suite and a link corridor; the erection of a glazed loggia, the provision of a dormer window and minor alterations to the converted shippon which now forms the east range of the house; erection of garage block and greenhouse; alterations to an access gate, driveway and boundary walls; removal and erection of retaining walls and landscaping and the regrading of land, it is common ground that there a very special circumstances that warrant the grant of planning permission and listed building consent.
44. In dealing with the main issues, above, I have taken account of the permitted development fallback but as a consequence of the height of the fence above 2 metres that has limited weight in this case.

Conditions

Appeal B – Planning application

45. The main parties have agreed a list of conditions which I have considered and where necessary modified in line with national policy and guidance. I have also considered whether the imposition of conditions relating to a retrospective development are suitable in this case. However, since this is a split decision and permission is being refused insofar as it relates to the retention of the timber fence adjoining the eastern boundary of the site but approved with respect to that part of the development which has not yet commenced (namely, extensions to the main house comprising a boot room, subterranean leisure suite and a link corridor; the erection of a glazed loggia, the provision of a dormer window and minor alterations to the converted shippon which now forms the east range of the house; erection of garage block and greenhouse; alterations to an access gate, driveway and boundary walls; removal and erection of retaining walls and landscaping and the regrading of land), the standard time limit is needed. Furthermore, I am satisfied that the enforcement notice upheld with respect to Appeal A satisfactorily deals with the matter of the fence, requiring either its removal or its height being reduced and resultant material and debris being removed from the site.
46. I have imposed a condition specifying the relevant drawings as this provides certainty, but because I have refused the application with respect to the fence, those drawings have been omitted. A condition relating to external materials is necessary to ensure the satisfactory completed appearance of the development. In order to safeguard biodiversity and in accordance with Policy SE3 of the LP, a plan limiting the periods for removing vegetation and other operations is needed.
47. Condition 5 is imposed to ensure that details of a Sustainable Drainage System is submitted, approved and implemented to make the development acceptable in planning terms and in the interest of managing surface water. Conditions 6 and 7 relate to ground contamination and ensure that the development does not create undue risks to site users or neighbours during the course of the development. Conditions 8, 9, 10 and 11 ensure an appropriate landscaping scheme for the site, including incorporating suitable biodiversity measures.

Appeal B – Listed building consent

48. The main parties have agreed a list of conditions which I have considered and where necessary modified in line with national policy and guidance. I have also considered whether the imposition of conditions relating to a retrospective development are suitable in this case. However, since this is a split decision and for the reasons explained above the standard time limit is needed.
49. I have imposed a condition specifying the relevant drawings as this provides certainty, but because I have refused the application with respect to the fence, those drawings have been omitted. A condition relating to external materials is necessary to ensure the satisfactory completed appearance of the development.
50. In this case the landscaping conditions are not required because the matter is covered by the planning permission.

Unilateral Undertaking

51. The main parties agree to a Unilateral Undertaking whereby upon commencement of the development and works subject to the planning permission and listed building consent, respectively, the Owner shall not carry out any further development, works or operations pursuant to previously approved planning permissions and listed building consents.

Planning Balance

52. To sum up, there is no dispute that subject to suitably worded conditions and a Unilateral Undertaking, planning permission and listed building consent ought to be granted for the various extensions and alterations to Normans Hall,
53. With respect to the unauthorised fence along the eastern boundary of the site, the proposal is inappropriate development in the Green Belt. Substantial weight has to be attached to any harm to the Green Belt. The fence also reduces openness, has a harmful effect on the character and appearance of the area and is harmful to the setting of the listed building. There is a legitimate fallback position whereby a fence with a maximum height of 2 metres could be built, or in this case remain, on site and therefore the key consideration in this case is whether the additional height above 2 metres is harmful. Even taking that into account this and other considerations do not clearly outweigh the objections. Consequently, no very special circumstances exist and the proposal is contrary to development plan as a whole and the Framework.

A A Phillips

INSPECTOR

Schedule A

1. The development hereby approved shall commence within three years of the date of this permission.
2. The development hereby approved shall be carried out in total accordance with the following approved plans:
 - Site Location Plan Ref: 2512-101b
 - Proposed Site Plan Ref: 120c
 - Proposed Works with References: Ref: 121d
 - Proposed Garage Site Layout Ref: 113b
 - Proposed Garage Site Section Ref: 112c
 - Proposed Re-aligned Wall & Garage Site Layout Ref: 123
 - Proposed Garage Floor Plans & Elevations with approved outline Ref: 210
 - Proposed Garage Floor Plans & Elevations Ref: 210b
 - Proposed Garage Elevations Compared to Approved Ref: 211
 - Proposed Greenhouse Plans & Elevations Ref: 230
 - Proposed New Entrance Site Layout Ref: 122
 - Proposed New Entrance Elevations: 113c
 - Proposed en-suite Dormer Floor Plans Ref: 210
 - Proposed en-suite Dormer Sections Ref: 211
 - Proposed en-suite Dormer Elevations Ref: 212
 - Proposed Loggia Plans Ref: 213e
 - Proposed Loggia Elevations Ref: 214h
 - Proposed Leisure Suite Garden Level Ref: 220h
 - Proposed Leisure Suite Leisure Level Ref: 221i
 - Proposed Leisure Suite Sections AA & BB Ref: 222i
 - Proposed Leisure Suite Elevation to Garden Ref: 223i

- Proposed Extensions & Link Ground Level Ref: 226j
 - Proposed Extension & Link Elevation to Garden Ref: 227h
 - Proposed Extension & Link Elevation 1 Ref:228e
 - Proposed Extension & Link Elevation 2 Ref: 229e
 - Retaining Wall Sections Ref: 231c
3. The external surfaces of the development hereby permitted shall be constructed in strict accordance with the following drawings unless different materials are first agreed in writing with the Local Planning Authority:
- Proposed Works with References: Ref: 121d
 - Proposed Garage Floor Plans & Elevations Ref: 210b
 - Proposed Greenhouse Plans & Elevations Ref: 230
 - Proposed New Entrance Elevations: 113c
 - Proposed en-suite Dormer Elevations Ref: 212
 - Proposed Loggia Elevations Ref: 214h
 - Proposed Leisure Suite Elevation to Garden Ref: 223i
 - Proposed Extension & Link Elevation to Garden Ref: 227h
 - Proposed Extension & Link Elevation 1 Ref:228e
 - Proposed Extension & Link Elevation 2 Ref: 229e
4. No removal of any vegetation or the demolition, extension or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4 metre exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
5. Other than the fence already constructed, no further development may commence until a Sustainable Drainage System (SuDS) is submitted for the proposals. Development must proceed in accordance with any approved documents. The drainage scheme must incorporate the following information:
- i) The SuDS proposed must consider the Four Pillars of SuDS (Quantity, Quality, Biodiversity, Amenity) in equal measure.

- ii) Design specification and storage capacity of the SuDS must be provided
 - iii) Maintenance schedule for any and all drainage and SuDS features implemented
6. a) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use in line with the current version of 'Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination' (in the absence of any other agreement for the development), which can be found on the Development and Contaminated Land page of Cheshire East Council's website.
- b) Prior to occupation, evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
7. If, during the course of development, contamination not previously identified is found to be present, then no further works (unless otherwise agreed in writing by the local planning authority) shall be undertaken in the affected area until a remediation strategy has been submitted to the local planning authority detailing how the contamination shall be dealt with and obtained approval from the local planning authority. The remediation strategy shall be implemented as approved.
8. Prior to the occupation of the development hereby approved, a scheme for the landscaping of the site including along the eastern boundary of the fence shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, tree planting plans (that demonstrate a net replacement for trees removed), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.
9. The approved landscaping shall be completed in accordance with the following:
- a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Section 8.1-8.6 and Table A1 of British Standard BS5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations.
 - d) Any trees, shrubs or hedges planted in accordance with this condition including the landscaping of the fence which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

10. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
11. Prior to any building materials being used on site a strategy is to be submitted for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow, swifts and native species planting. The proposals shall be permanently installed in accordance with approved details prior to first occupation.

Schedule B

1. The works hereby approved shall commence within three years of the date of this permission.
2. The works hereby approved shall be carried out in total accordance with the following approved plans:
 - Site Location Plan Ref: 2512-101b
 - Proposed Site Plan Ref: 120c
 - Proposed Works with References: Ref: 121d
 - Proposed Garage Site Layout Ref: 113b
 - Proposed Garage Site Section Ref: 112c
 - Proposed Re-aligned Wall & Garage Site Layout Ref: 123
 - Proposed Garage Floor Plans & Elevations with approved outline Ref: 210
 - Proposed Garage Floor Plans & Elevations Ref: 210b
 - Proposed Garage Elevations Compared to Approved Ref: 211
 - Proposed Greenhouse Plans & Elevations Ref: 230
 - Proposed New Entrance Site Layout Ref: 122
 - Proposed New Entrance Elevations: 113c
 - Proposed en-suite Dormer Floor Plans Ref: 210
 - Proposed en-suite Dormer Sections Ref: 211
 - Proposed en-suite Dormer Elevations Ref: 212
 - Proposed Loggia Plans Ref: 213e
 - Proposed Loggia Elevations Ref: 214h
 - Proposed Leisure Suite Garden Level Ref: 220h
 - Proposed Leisure Suite Leisure Level Ref: 221i
 - Proposed Leisure Suite Sections AA & BB Ref: 222i
 - Proposed Leisure Suite Elevation to Garden Ref: 223i

- Proposed Extensions & Link Ground Level Ref: 226j
 - Proposed Extension & Link Elevation to Garden Ref: 227h
 - Proposed Extension & Link Elevation 1 Ref:228e
 - Proposed Extension & Link Elevation 2 Ref: 229e
 - Retaining Wall Sections Ref: 231c
3. The external materials hereby permitted shall be constructed in strict accordance with the following drawings unless different materials are first agreed in writing with the Local Planning Authority:
- Proposed Works with References: Ref: 121d
 - Proposed Garage Floor Plans & Elevations Ref: 210b
 - Proposed Greenhouse Plans & Elevations Ref: 230
 - Proposed New Entrance Elevations: 113c
 - Proposed en-suite Dormer Elevations Ref: 212
 - Proposed Loggia Elevations Ref: 214h
 - Proposed Leisure Suite Elevation to Garden Ref: 223i
 - Proposed Extension & Link Elevation to Garden Ref: 227h
 - Proposed Extension & Link Elevation 1 Ref:228e
 - Proposed Extension & Link Elevation 2 Ref: 229e

Reason: To ensure that the external appearance of the building/structure is acceptable.

APPEARANCES

FOR THE APPELLANT:

Colin Muller

David Manley KC instructed by Mark Krassowski of Walsingham Planning

Mark Krassowski

Paul Grey

Catherine Sather

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Keen

Gemma Birtwistle