

Planning Statement

For Mr & Mrs Webb | 25-733

Permission in Principle for the construction of up to 9 dwellings - Land between
Rudyard Road & Hot Lane, Biddulph Moor, Stoke-on-Trent, ST8 7JW

Project: 25-733
Site Address: Land between Rudyard Road & Hot Lane, Biddulph Moor, ST8 7JW
Client: Mr & Mrs Webb
Date: Monday, December 22, 2025
Author: Emily Sykes
Approved by: Caroline Payne

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence. No part of this document may be reproduced without the prior written approval of Emery Planning. Emery Planning Partnership Limited trading as Emery Planning.

Contents

1.	Introduction	1
2.	Context	2
3.	Policy context	3
4.	Planning considerations	6
5.	Relevant decisions	14
6.	Conclusion	19

Appendices

- EP1.** Draft allocation plan for Staffordshire Moorlands Local Plan (2020) – Biddulph Moor
- EP2.** Appeal decision: Woodside House, Copthorn Bank, Copthorne, Surrey (APP/M3645/W/24/3347328)
- EP3.** Appeal decision: Hydron Farm, Godalming (APP/R3650/W/24/3352222)
- EP4.** Appeal decision: Broadheath Farm, Over Alderley, Macclesfield, Cheshire SK10 4SN (APP/R0660/W/24/3354674)



1. Introduction

- 1.1 This statement has been prepared in support of an application seeking Permission in Principle (PIP) for the construction of up to 9no. dwellings at Land between Rudyard Road & Hot Lane, Biddulph Moor, Stoke-on-Trent, ST8 7JW.
- 1.2 The National Planning Practice Guidance (PPG) provides guidance on what matters are within the scope of a decision on whether to grant a PIP. The scope is limited to location, land use and amount of development only. Other matters, including design, ecology, and highways, are considered at Technical Details Stage 2 and are not issues for consideration as part of this Stage 1 PIP application.
- 1.3 The key consideration for this Stage 1 PIP application is Green Belt planning policy. The application proposal would not be inappropriate development as it is 'grey belt' development in accordance with paragraph 155 of the Framework.
- 1.4 There are no site specific or policy considerations which would prevent planning permission from being granted in accordance with the guidance in paragraph 11 of the Framework. All detailed matters would be addressed at the subsequent Stage 2 Technical Details application.



2. Context

Site location and description

- 2.1 The site is approximately 0.49 ha in size. It is situated to the east of Biddulph Moor, adjacent to the existing settlement boundary for the village. The site is designated as Green Belt.
- 2.2 The site comprises a parcel of land to the east of Parklands. Hot Lane is located to the north of the site and Rudyard Road is located to the south of the site.
- 2.3 The site is greenfield land presently used for grazing. It is bounded by mature hedgerows and trees with a drainage ditch running along the western site boundary.
- 2.4 The site is bound to the west by Parklands (road) and overlooked by the existing houses off it. Parkes Farm (no. 51 Rudyard Road) is located to the east of the site, alongside a private garden for the existing on-site farmhouse with associated buildings and a domestic pond. There is also a field to the east of the site which is used for grazing.
- 2.5 The site is located in Flood Zone 1. The site is not within a conservation area, nor are there any Listed Buildings or Tree Preservation Orders on the site.
- 2.6 The site was a previous draft allocation for the Staffordshire Moorlands Local Plan under site reference BM013. This is discussed further in section 4 below.
- 2.7 Biddulph Moor village contains a number of services including a convenience store, post office, primary school, village hall, churches, public houses and a pharmacy.
- 2.8 There is no relevant planning history on the site.



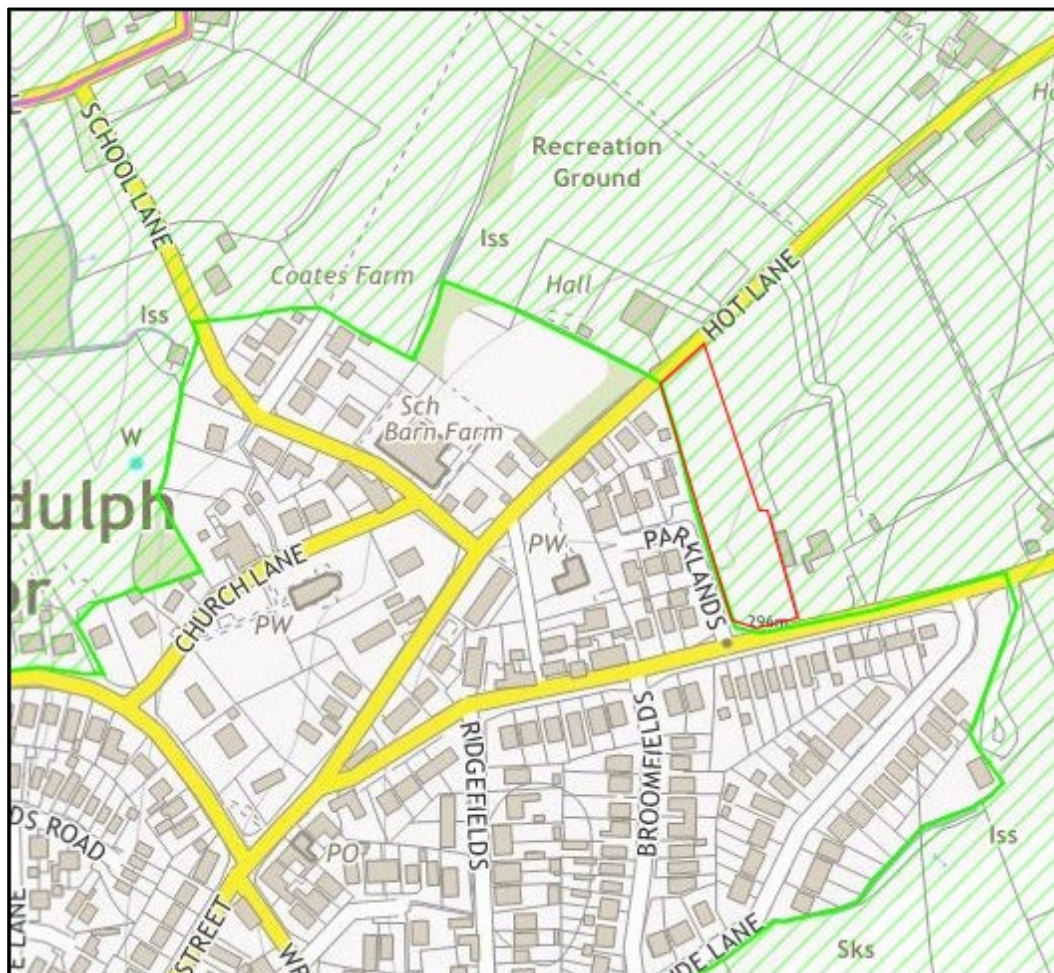
3. Policy context

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the relevant development plan unless other planning considerations indicate otherwise.

Development plan context

Staffordshire Moorlands Local Plan (adopted September 2020)

- 3.2 The site is situated within the Green Belt, as shaded in green in the plan below. The settlement boundary of Biddulph Moor is situated immediately adjacent to the west of the site.



3.3 The relevant policies of the Staffordshire Moorlands Local Plan are as follows:

- Policy SS1 – Development Principles
- Policy SS2 – Settlement Hierarchy
- Policy SS3 – Future Provision and Distribution of Development
- Policy SS4 – Strategic Housing and Employment Land Supply
- Policy SS8 – Larger Villages Area Strategy
- Policy SS12 – Planning Obligations and Community Infrastructure Levy
- Policy SD3 – Sustainability Measures in Development
- Policy H1 – New Housing Development
- Policy DC1 – Design Considerations
- Policy DC3 – Landscape and Settlement Setting
- Policy C1 – Creating Sustainable Communities
- Policy NE1 – Biodiversity and Geological Resources
- Policy NE2 – Trees, Woodland and Hedgerows
- Policy T1 – Development and Sustainable Transport
- Policy T2 – Other Sustainable Transport Measures

Biddulph Neighbourhood Plan (2023)

3.4 The relevant policies of the Neighbourhood Plan are as follows:

- Policy NE1 – Natural Environment Features
- Policy HOU1 – Housing
- Policy INF2 – Sustainable Drainage
- Policy DES1 – Design
- Policy DES2 – Public Realm, Car Parking and Movement

National planning policy and guidance

National Planning Policy Framework (2024) (NPPF)

3.5 Central Government planning policy is contained within the National Planning Policy Framework and this is a material consideration in determining planning applications.



3.6 Relevant chapters from the NPPF are:

- 2. Achieving sustainable development.
- 4. Decision-making.
- 5. Delivering a sufficient supply of homes.
- 13. Protecting Green Belt land.

Emerging development plan

3.7 In terms of the timescales for the new Local Plan, the Council's latest Local Development Scheme (LDS) (February 2025), sets out the following timetable:

- Options consultation (Reg 18): Autumn 2025
- Preferred Options Local Plan consultation (Reg 19): Autumn 2026
- Publication of Local Plan (Reg 19): Summer 2027
- Submission of Local Plan (Reg 22): Autumn 2027
- Examination (Reg's 23,24, 25): Examination Winter 2027
- Adoption (Reg 26): Summer 2028

3.8 The new Local Plan will need to take into account prevailing national planning policy at the time that it is produced. Given that there is currently no draft of the new Local Plan (the consultation undertaken earlier this year was merely a series of 'issues'), and taking into account the clear uncertainties over timescales, the intention to produce a new Local Plan can only be afforded very limited weight.



4. Planning considerations

Green Belt

4.1 Paragraph 155 of the Framework states:

“155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed⁵⁶;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and

d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below”.

4.2 We set out how the proposals would comply with these criteria below.

Criterion a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan

4.3 The Framework defines grey belt as follows:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

4.4 The assets referred to in footnote 7 are:

“habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.” (our emphasis)



4.5 There are no protected assets in respect of this site. None of the footnote 7 assets (other than Green Belt which is excluded) would provide a strong reason for refusing planning permission.

4.6 Paragraph 143 states:

“143. Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.

4.7 The site was considered as a Potential Green Belt Development Site in Staffordshire Moorlands Green Belt Review (2015). The site forms part of Parcel N8 – Land to the north west of Biddulph. Within the Green Belt review it notes that the site provides a contribution to purposes a), c) and d) of the Green Belt, as listed above.

4.8 However, Table 5.1 of the Green Belt Review provides a more localised review of the site (ref. BM013), rather than looking at the full Parcel N8. The table states that the site could be phased for development beyond the Plan period. The site was a first preference for development.

4.9 The site was then included as a draft allocation for the current Local Plan under site reference BM013 for the construction of 18 dwellings. This included some land to the east of the site under this application, as detailed in the plan located at Appendix EP1.

4.10 In our review the parcel of land subject to this application cannot be considered to make the same contribution to the Green Belt as the whole Parcel N8 identified in the review. The site must be considered independently, as it was in Table 5.1 of the review, given its relationship with the adjacent settlement and boundary treatment, visually separating it from the wider parcel.

4.11 Purposes (a), (b) and (d) of paragraph 143 are assessed below.

a) to check the unrestricted sprawl of large built-up areas

4.12 In terms of 143(a), unrestricted sprawl, the NPPG states that for the purposes of 143(a) villages should not be considered large built-up areas. It also states that a site should be considered to make a weak or no contribution to this purpose if it is not adjacent to or near to a large built-up area, which is the case here.



4.13 The site adjoins the built-up area of Biddulph Moor along its western edge. The site is well contained with the properties on Parklands to the west of the site and the dwelling and associated curtilage at no.51 Rudyard Road (Parkes Farm) to the east of the site. The site would therefore be read as part of the existing ribbon of development that runs along Rudyard Road,

4.14 The site does not perform strongly in terms of the unrestricted sprawl of large urban areas for the purposes of paragraph 143(a).

b) prevent neighbouring towns from merging:

4.15 The NPPG states that this purpose relates to the merging of towns, not villages. It also states that it should be considered to make a weak or no contribution to this purpose, if it does not form part of a gap between towns, which is the case here.

4.16 The development of this site would make no contribution towards neighbouring towns merging.

d) preserve the setting and special character of historic towns:

4.17 The NPPG states that this purpose relates to historic towns, not villages. It also states that it should be considered to make a weak or no contribution to this purpose, if it does not form part of the setting of a historic town and has no visual, physical, or experiential connection to the historic aspects of a town.

4.18 The proposal has no implications for the setting and special character of historic towns for the purposes of paragraph 143(d).

Summary of criteria a

4.19 The site does not perform strongly in relation to any of the purposes (a), (b) or (d) at paragraph 143 of the Framework. The land therefore satisfied the 'grey belt' definition.

4.20 In terms of part (a) of paragraph 155 of the Framework, the development would not fundamentally undermine the purposes of the remaining Green Belt across the plan-area; it is a scheme comprising up to 9 dwellings on land between existing built form.

4.21 The development would also not affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. As such, development on this application site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

4.22 Part (a) of paragraph 155 of the Framework is met.



Criterion b. There is a demonstrable unmet need for the type of development proposed

- 4.23 In terms of paragraph 155(b) of the Framework, there is a demonstrable unmet need for housing development in Staffordshire Moorlands.
- 4.24 The Council's latest adopted housing land supply position is set out in Staffordshire Moorlands 5 Year Housing Land Supply – Interim Position Statement April 2025. This was published to reflect the appeal proceedings under PINS reference APP/B3438/W/24/3351035 at Land east of Froghall Road, Cheadle on March 2025. It should be noted that this is an interim position prior to the next published statement which will reflect the position at 1st April 2025.
- 4.25 Having regard to the housing requirement, the strategic policies of the Local Plan (adopted September 2020) are more than five years old and have been reviewed and found to require updating. Therefore, in accordance with paragraph 78 and footnote 39 of the Framework, the five-year supply should be measured against the local housing need using the standard method set out in the Planning Practice Guidance (PPG). The calculation within the Council's statement is based on the new standard method of 320 dwellings per annum (dpa) in accordance with the 2024 Framework. However, the recently published new dwellings stock estimates mean that the LHN has seen an increase to 454 dpa, or a requirement of 2,270 dwellings over five years (i.e. 454×5).
- 4.26 The 2024 Framework also reintroduced the requirement for a 5% buffer, meaning that the five year requirement comes to 2,384 dwellings (i.e. $2,270 \times 1.05$). On the basis of the Council's claimed supply, the five year housing land supply position therefore amounts to 2.85 years, significantly below the target
- 4.27 This is shown in the table below:

A	Local housing need	454
B	Five year requirement $((A \times 5) \times 1.05)$	2,384
C	Annualised five year requirement $(B / 5)$	477
D	Council's claimed deliverable supply at 1 st April 2023 (updated)	1,358
E	Supply in years (D / C)	2.85
F	Shortfall $(D - B)$	-1,026



- 4.28 For the purposes of this Planning Statement we have not assessed the deliverable supply in detail. However, even on the Council's figures, a supply of only 2.85 years represents a significant and serious shortfall.
- 4.29 A five year supply cannot be demonstrated and there is therefore a demonstrable need for housing for the purposes of paragraph 155(b).

Criterion c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.

- 4.30 The NPPG states that whether locations are sustainable should be determined in light of local context and site or development specific considerations.
- 4.31 Paragraph 110 states:

"...Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. (our emphasis)"

- 4.32 Paragraph 115 of the Framework states:

"115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach."

- 4.33 Policy T1 of the Local Plan states that the Council will promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally and accommodates residual development traffic in line with the Integrated Transport Strategy.



- 4.34 The proposed development is for up to 9 dwellings only, situated adjacent to existing properties. The traffic movements associated with the scheme would be negligible and could not be categorized as 'significant' for the purposes of paragraphs 110 and 115 of the Framework.
- 4.35 The site is in a rural area. Rudyard Road and Hot Lane are only lightly trafficked and it is an easy walk to the centre of Biddulph Moor down the existing footways on Rudyard Road and Hot Lane.
- 4.36 Paragraphs 110 and 115 of the Framework recognize that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. A summary of services accessible from the site is provided below:
- Biddulph Moor Village Hall is directly opposite the site to the north at Hot Lane.
 - Moor First School (ages 3-9) is 0.2km from the site.
 - The Foxhound public house is 0.2km from the site.
 - Moor Store Convenience Store is 0.3km from the site.
 - Biddulph Moor Post Office is 0.3km from the site.
 - Biddulph Moor bus stop is located 0.3km from the site, with services to Biddulph which stop at Woodhouse Academy. The service runs every hour.
 - The Rose and Crown public house is 0.3km from the site.
 - Christ Church and Church Hall are located 0.4km from the site.
 - Everest Pharmacy is 0.5km from the site.
 - Hilltop Methodist Church is 0.65km from the site.
 - Biddulph, one of the three main settlements in the District, is located 2 miles from the site, which provides further shops, services and employment opportunities.
- 4.37 Notwithstanding the objective distances that we have supplied above, we request that the sustainable characteristics of the application site are assessed from a wider and more subjective view point, in line with the considerations above. The site is not isolated and away from key services. It is within easy and convenient distance from services including employment opportunities.
- 4.38 It should be noted that even if the car were to remain the main form of transport, the number and frequency of journeys would be limited and short in duration. Therefore, distance from day-to-day services and facilities should not, in itself, be a reason to withhold planning permission.
- 4.39 Furthermore, the provision of electric charging points and cycle storage can be secured by way of appropriately worded planning condition(s) to further assist in encouraging sustainable forms of transport.



4.40 In summary, the site is in an accessible village location with various services within walking and cycling distance of the site. The site is in a sustainable location for the purposes of paragraph 155(c) of the Framework with due regard for paragraphs 110 and 115 of the Framework and the PPG given the context and points discussed above.

4.41 The requirement at paragraph 155(c) is satisfied.

Criterion d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157

4.42 Paragraphs 156 and 157 relate to major development and in those circumstances the provision of affordable housing, infrastructure and green spaces.

4.43 The glossary of the NPPF defines major development as:

“Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015”.

4.44 The proposal is for up to 9 dwellings on a site of 0.49 ha in size. As such, the proposed development would not comprise major development and the 'Golden Rules' at paragraph 155(d) of the Framework are not relevant to the proposal.

Inappropriate development?

4.45 It has been demonstrated above that the site and proposals would meet the requirements of paragraph 155 of the Framework.

4.46 In summary:

- a) The site does not make a strong contribution to purposes a), b) or d) of the Green Belt as set out at paragraph 143 of the Framework and therefore comprises grey belt land. The development of the site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- b) The Council cannot currently demonstrate a five-year supply of housing and there is a demonstrable unmet need for the type of development proposed.
- c) The development would be in a sustainable location having regard to paragraphs 110 and 115 of the Framework.



- d) The proposed scheme is not major development and therefore is not required to meet the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework.

4.47 Having regard to the above, the proposed delivery of housing on the site should not be regarded as inappropriate development in the Green Belt.

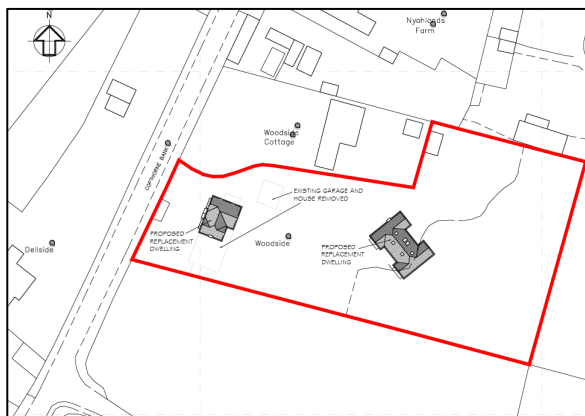


5. Relevant decisions

Woodside House, Copthorn Bank, Copthorne, Surrey (APP/M3645/W/24/3347328)

- 5.1 We refer to an appeal decision in Surrey for the erection of 2 no. dwellings in the designated Green Belt. We enclose the appeal decision letter at **Appendix EP2**.

Appeal site:



- 5.2 The Inspector concluded that the site was ‘grey belt’ for the purposes of paragraph 155 of the Framework and we copy extracts of the Inspector’s comments below that are equally applicable to our client’s site:

“21. The existing dwelling fronts onto the highway. There is a dwelling to the north, and agricultural land to the south and beyond the site’s rear boundary. Through its linear layout, adjoining agricultural land and dwellings, the appeal site is typical of the area’s character”.

“22. The proposed development would be contained within the existing boundaries of the dwelling plot and would not result in the unrestricted sprawl of large built-up areas, the merging of towns, nor affect the setting and special character of historic towns. Logically, I must therefore conclude the site does not strongly contribute to purposes (a), (b) and (d) of paragraph 143 of the Framework. In addition, the proposal would not affect areas or assets in footnote 7 of the Framework (other than Green Belt). The proposal would therefore utilise grey belt land”.

.....

“26. The spatial and visual impacts of the proposed development would result in a small loss of Green Belt openness. However, the development would utilise grey belt land and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the planning authority’s area. Therefore, the proposal would comply with criterion (a) of Framework”



5.3 In relation to criterion c), the Inspector states at paragraphs 28-30:

“28. This section of Copthorne Bank has a rural character but, due to the presence of existing dwellings in the vicinity of the site, the proposed development would not be in an isolated location. Furthermore, the highway connects the site with nearby settlements including Copthorne with Burstow, Smallfield, and Domewood.

29. Whilst there are bus stops nearby, Copthorne Bank is subject to a 50mph speed limit and there are no footpaths along this section. Future occupants would therefore be dependent on use of a private car to meet their day-to-day needs. However, paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

30. The proposal would result in a net increase of one dwelling on the site, and therefore the volume of traffic movements associated with the proposed development would be small. The proposed development would utilise the existing vehicular access and there would be space for the parking and turning of vehicles within the site. The local highway authority did not object to the proposal. Therefore, I am content the proposal would not have significant impacts on the capacity of the transport network, congestion, or highway safety.

31. Within the context of its rural location, I am satisfied the proposal would be in a sustainable location, as required by criterion (c) of Framework paragraph 155, that fulfils the requirements of paragraphs 110 and 115 of the Framework.”

5.4 The appeal decision is a material consideration.

Hydon Farm, Godalming (APP/R3650/W/24/3352222)

5.5 An appeal to the edge of Godalming in Surrey was allowed for the erection of a dwelling in the Green Belt. We enclose the appeal decision letter at **Appendix EP3**.

5.6 The Inspector accepted that the site was ‘grey belt’ and the scheme was compliant with paragraph 155 of the Framework at paragraphs 15 and 16:

“15. Neither party dispute that the appeal site would not be considered previously developed land (PDL) as defined in the Framework, however given its location at the end of the peripheral pattern of development, the appeal site would not be located close to a built-up area; would not merge towns, nor affect the setting and special character of a historic town. Consequently, the appeal site would not strongly contribute to purposes (a), (b), or (d) in paragraph 143 of the Framework, and thus would be considered ‘any other land’ for grey belt purposes.



“16. The proposal would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Subsequently, it would accord with paragraph 155.a of the Framework.

.....

23. Overall, the proposed development would utilise grey belt land and would satisfy all the relevant criteria of paragraph 155 of the Framework. For this reason, the proposed development would not be inappropriate development within the Green Belt. Consequently, the development should not be regarded as harmful to either the openness of the Green Belt or to the purposes of including land within it in accordance with footnote 55 of the Framework.”

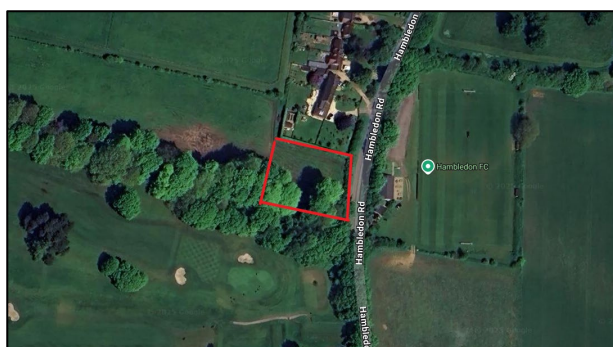
5.7 In respect of criterion c) the Inspector stated that:

“19. Paragraphs 110 and 115 of the Framework, seek to mitigate significant impacts of development on the transport network in terms of capacity, congestion and highway safety, whilst focusing development to sustainable locations by limiting the need to travel and offering a genuine choice of transport modes. Although the Framework also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

20. The appellants have submitted a Transport Statement (TS) which highlights that the site is relatively sustainable being in close proximity to public footpaths that would encourage walking and cycling. The TS indicates that the closest bus stop to the site is situated 550 metres north of the site along Hambledon Road. This bus stop serves bus route 503 which runs to Guildford on a daily basis. Given the proposal is for a single dwellinghouse, it is unlikely that any additional trips generated would lead to a perceptible increase in vehicle movements on the local road network, thus would have a negligible impact on road capacity and congestion.

21. Surrey County Council as County Highway Authority have raised no objections to the scheme on safety, capacity and congestion grounds subject to the provision of suitable conditions. Consequently, I am satisfied the proposal would be in a sustainable location, in accordance with the requirements of paragraphs 110, 115 and 155.c. of the Framework”

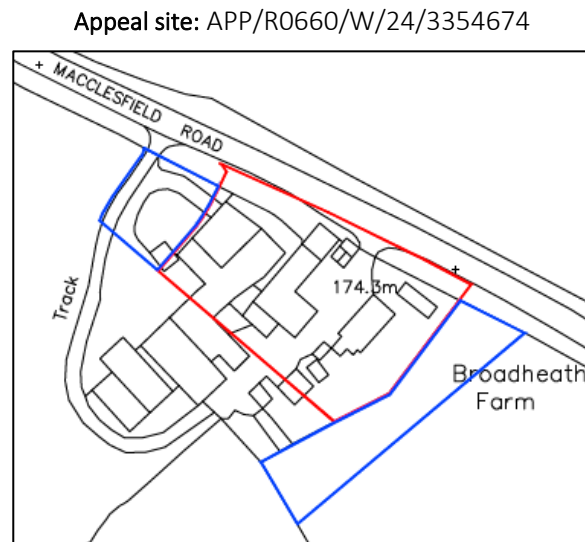
Appeal site:



- 5.8 The application site is similarly bordered by development and does not make a strong contribution to the main purposes of including land in the Green Belt.

Broadheath Farm, Over Alderley, Macclesfield, Cheshire, SK10 4SN (APP/R0660/W/24/3354674)

- 5.9 We refer to an appeal decision in Cheshire East for the erection of 2 no. dwellings in the designated Green Belt. We enclose the appeal decision letter at Appendix EP4.



- 5.10 The Inspector concluded that the site was 'grey belt' for the purposes of paragraph 155 of the Framework. The extract below of the Inspector's comments is equally applicable to the application site:

"The sporadic wider pattern of development along this part of the B5087 does not represent the unrestricted sprawl of a large built-up area. The development would not merge towns into another nor affect the setting and special character of any historic town. As such, the site does not strongly contribute to these Green Belt purposes. I therefore have no reason to disagree with the main parties that the appeal site meets the definition of Grey Belt provided in Annex 2 of the Framework."

- 5.11 In respect of criterion c) of paragraph 155 of the Framework, the Inspector states at paragraphs 10-14:

"10. The Council confirmed at the Hearing that there is no conflict with any development plan policy relating to the accessibility/sustainability of the appeal site. Both main parties were in agreement at the Hearing that the site was within the settlement of Over Alderley. Over Alderley has limited services and facilities, as set out in the Council's Settlement and Infill Boundaries Review document (2020) (SIBR). These include a village hall, post box, and children's play area.

11. Nonetheless, the site sits in reasonable proximity to the larger settlements of Macclesfield, Prestbury and Alderley Edge. In the SIBR, Macclesfield is a designated

principal town, whilst Alderley Edge and Prestbury are local service centres. They therefore contain numerous facilities and services. Any journeys by car to these services and facilities would be brief and given the scale of development, limited. Whilst there is no pavement providing easy or convenient separate pedestrian access, these settlements are also within realistic and comfortable cycling distance and a designated cycle route is close by. In addition, there are country parks and schools in reasonably close proximity, as well as a public right of way.

12. The Framework is clear that development in one village may support services in a village nearby and sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

13. Even without convenient walking options or nearby bus stops, given the proximity to services and facilities, the appeal site is therefore reasonably well connected for a rural location.

14. Accordingly, the intended future occupiers of the new dwelling would not necessarily be likely to have a high reliance on a private motor vehicle to access day to day services. As set out above, any journeys by car would also not be far or numerous. Consequently, I find the proposal would not conflict with paragraphs 110 and 115 of the Framework, which seek to maximise sustainable transport solutions.”

- 5.12 The above appeal decisions are material considerations. The site is in a sustainable location given its minor scale and its semi-rural context and when assessed under the criteria and Paragraphs 110, 115 and item c) of Paragraph 155 of the NPPF (2024). Recent appeal decisions demonstrate that minor development proposals that create low-level trip generation in rural or semi-rural locations can be considered as sustainable.

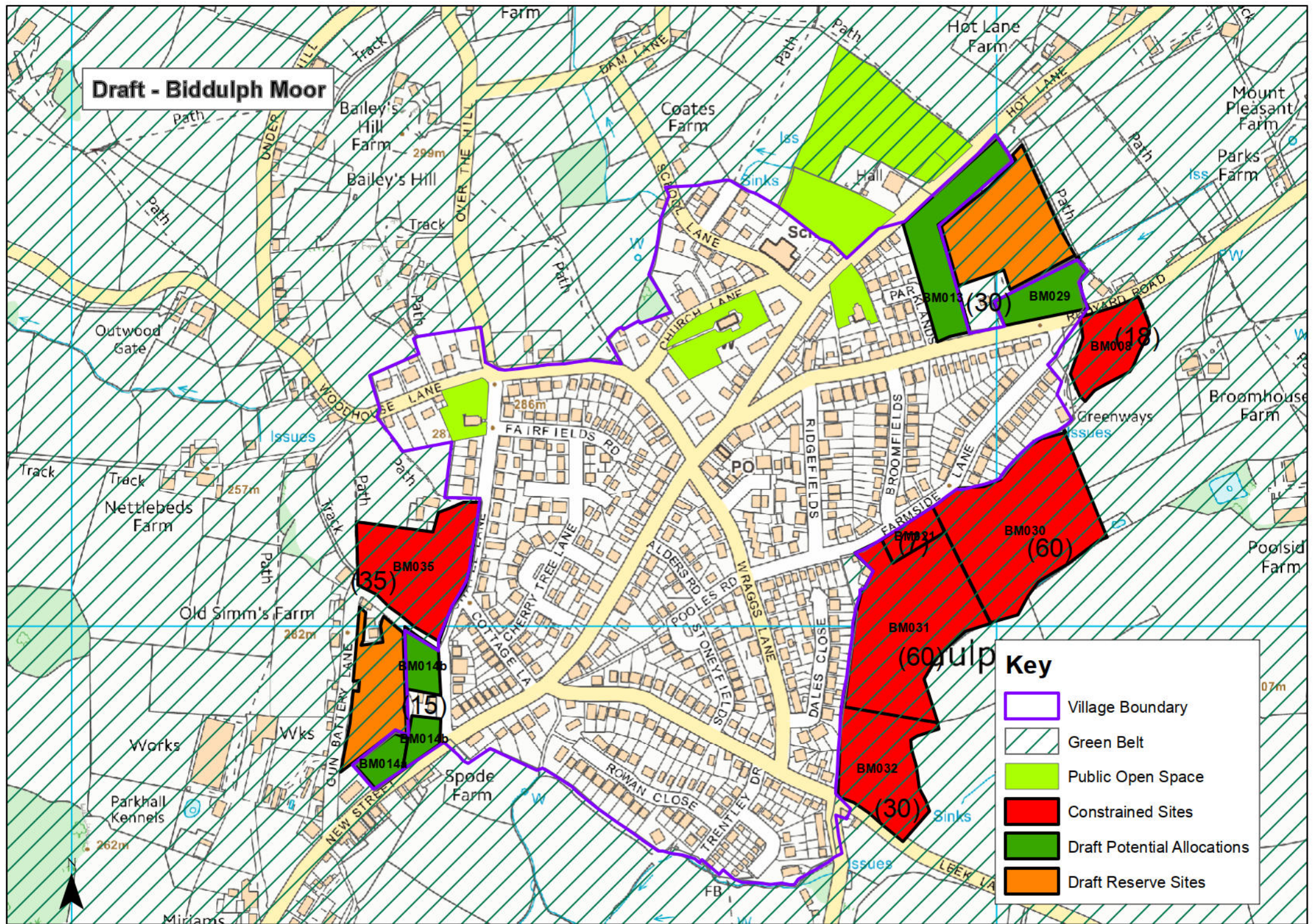


6. Conclusion

- 6.1 This statement demonstrates that the proposed development is acceptable in accordance with paragraph 155 of the Framework and this Stage 1 PIP should be granted.
- 6.2 All other detailed considerations would be dealt with through the Technical Details Stage 2.



EP1



EP2



Appeal Decision

Site visit made on 10 December 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/M3645/W/24/3347328

Woodside House, Copthorne Bank, Copthorne, Surrey RH10 3JD

- 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 and Mrs B Delgado against the decision of Tandridge District Council.
 - The application Ref is TA/2023/1480.
 - The development proposed is demolition of existing dwelling, garage, and outbuildings (retention of shed and garage). Construction of 2 x detached dwellings and 1 x detached garage with new driveway and car parking areas.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling, garage and outbuildings (retention of shed and garage). Construction of 2 x detached dwellings and 1 x detached garage with new driveway and car parking areas at Woodside House, Copthorne Bank, Copthorne, Surrey RH10 3JD in accordance with the terms of the application, Ref TA/2023/1480, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 12 December 2024, Government published a revised National Planning Policy Framework (the Framework). This included revisions to policies that are pertinent to the appeal, such as those relating to development in the Green Belt. During the appeal the parties were invited to comment on the relevance of the revised Framework to the appeal proposal. In my decision, I have had regard to the parties' written responses.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies; and
 - The effect of the proposal on protected species.

Reasons

Whether inappropriate development

4. The application site comprises a substantial plot, containing a large, detached, two-storey dwelling, detached double garage, outbuildings, and garden. The site is outside a settlement boundary and is within the Green Belt.

5. Paragraph 142 of the Framework attaches great importance to Green Belts. It states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belts are their openness and their permanence.
6. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 (TLP) supports the fundamental aim of keeping land permanently open and restricts inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist. Policy DP10 reflects the provisions of paragraph 153 of the Framework which resists inappropriate development in the Green Belt.
7. TLP Policy DP13 identifies certain forms of development that are not inappropriate within the Green Belt. Of particular relevance are criteria (F) and (G) of Policy DP13 which, subject to meeting certain requirements, permit the replacement of buildings and support the limited infilling or the partial or complete redevelopment of previously developed land outside Defined Villages. These exceptions broadly reflect criteria (d) and (g) of paragraph 154 of the Framework.
8. In addition, paragraph 155 of the Framework identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states the development of homes should not be regarded as inappropriate where (a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157.

Whether a replacement dwelling

9. Policy DP13(F) supports development of replacement buildings within the Green Belt where the proposed new building is: (1) in the same use as the building it is replacing; (2) is not materially larger than the building it is replacing; and (3) is sited on or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt.
10. The proposed development would represent a total increase in floorspace of 39% and built volume of 38%, relative to the existing buildings on site. Through this substantial increase in built form, the proposed development would be materially larger than the buildings being replaced.
11. Planning permission has been granted for extensions to the existing dwelling¹. The combined footprint of the proposed development would be no greater than the existing dwelling and its permitted extensions. However, the permitted extensions had not been constructed at time of my site visit and therefore do not contribute to the dwelling's existing built form.
12. The proposed development would comprise two dwellings and a detached garage. The front dwelling would be sited broadly within the footprint of the existing

¹ LPA ref: TA/2021/766

dwelling. However, the rear dwelling would be set back within the existing rear garden, thereby resulting in a loss of open land. Therefore, the rear dwelling would not be sited on or close to the position of the building it replaces, and the alternative siting would not demonstrably improve the openness of the Green Belt.

13. The proposal would be in the same use as the existing site, satisfying criterion Policy DP13(F)(1). However, through its size, scale, and siting, the proposed development would fail to comply with criteria (2) and (3) of Policy DP13(F). The proposal would not therefore comprise a replacement dwelling in the Green Belt.

Whether limited infilling or redevelopment of previously developed land

14. Policy DP13(G) permits limited infilling or the partial or complete redevelopment of previously developed sites in the Green Belt outside Defined Villages, where the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
15. The site is located at Copthorne Bank, which extends northeast from the village of Copthorne. The area is characterised principally by its linear arrangement of dwellings on either side of the highway, interspersed with agricultural land. A short distance to the south is a modern cul-de-sac and there is a public house to the southwest. As discussed above, the rear dwelling would be set back in the site behind the front dwelling within an open area of garden land.
16. The siting of the rear dwelling would not reflect the layout of dwellings in the area and would not fill any clear gap between existing development. Therefore, the proposal would not comprise limited infilling.
17. The proposed development would be wholly within the existing dwelling plot. The appellant asserts the site comprises previously developed land, drawing on *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 141 (14 March 2017) which concluded the exclusion of private residential gardens from the Framework's definition of 'previously developed land' referred only to land in built-up areas.
18. However, the development would introduce substantial built form and urbanising features across the site, including a driveway, car parking, hardstanding, and domestic paraphernalia. In addition, the net increase in dwellings would intensify the use of the site, such as through additional vehicle movements.
19. Irrespective of whether the site comprises previously developed land, the development would have a greater, adverse impact on the openness of the Green Belt than the existing development. The proposal would not therefore meet the criteria for the limited infilling or the partial or complete redevelopment of previously developed sites, as set out at Policy DP13(G).

Grey belt and other tests (Framework paragraph 155(a)-(d))

20. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143, and excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

21. The existing dwelling fronts onto the highway. There is a dwelling to the north, and agricultural land to the south and beyond the site's rear boundary. Through its linear layout, adjoining agricultural land and dwellings, the appeal site is typical of the area's character.
22. The proposed development would be contained within the existing boundaries of the dwelling plot and would not result in the unrestricted sprawl of large built-up areas, the merging of towns, nor affect the setting and special character of historic towns. Logically, I must therefore conclude the site does not strongly contribute to purposes (a), (b) and (d) of paragraph 143 of the Framework. In addition, the proposal would not affect areas or assets in footnote 7 of the Framework (other than Green Belt). The proposal would therefore utilise grey belt land.
23. The scale of the proposed development would provide a similar overall quantum of development in terms of footprint and volume to the permitted extensions and existing dwelling. However, the built form would be spread across the site and would be accompanied by hardstanding and domestic features and would intensify its use. The spatial impacts of the proposed development on Green Belt openness would therefore be greater than the existing dwelling, and the fall-back position offered by the permitted extensions.
24. The site is well-screened by existing, mature boundary vegetation, and would not be visually prominent within wider views of the landscape. Views of the development would principally be experienced from passing vehicles and would not be conspicuous from public vantage points or within the wider landscape.
25. The front dwelling would be visible from the site's frontage and the rear dwelling would be partly visible, set back in the site. The site contains existing residential development, and there are other nearby dwellings, and therefore the magnitude of visual change would be small. Nonetheless, the increased built form on the site would have a marginally greater visual impact than the existing development.
26. The spatial and visual impacts of the proposed development would result in a small loss of Green Belt openness. However, the development would utilise grey belt land and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the planning authority's area. Therefore, the proposal would comply with criterion (a) of Framework paragraph 155.
27. The Council accepts it cannot demonstrate a five-year supply of housing and delivery of housing has been below 75% of the housing requirement for the past three years. The appellant draws on the Council's Annual Monitoring Report to conclude the Council has a housing land supply equivalent to 1.92 years. Therefore, there is a significant shortfall in past delivery and future supply. Consequently, for the purposes of criterion (b) of Framework paragraph 155, there is a demonstrable unmet need for the type of development proposed.
28. This section of Copthorne Bank has a rural character but, due to the presence of existing dwellings in the vicinity of the site, the proposed development would not be in an isolated location. Furthermore, the highway connects the site with nearby settlements including Copthorne with Burstow, Smallfield, and Domewood.
29. Whilst there are bus stops nearby, Copthorne Bank is subject to a 50mph speed limit and there are no footpaths along this section. Future occupants would therefore be dependent on use of a private car to meet their day-to-day needs.

However, paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

30. The proposal would result in a net increase of one dwelling on the site, and therefore the volume of traffic movements associated with the proposed development would be small. The proposed development would utilise the existing vehicular access and there would be space for the parking and turning of vehicles within the site. The local highway authority did not object to the proposal. Therefore, I am content the proposal would not have significant impacts on the capacity of the transport network, congestion, or highway safety.
31. Within the context of its rural location, I am satisfied the proposal would be in a sustainable location, as required by criterion (c) of Framework paragraph 155, that fulfils the requirements of paragraphs 110 and 115 of the Framework.
32. The proposed development is not major development, and therefore the requirement of criterion (d) of Framework paragraph 155 to satisfy the 'Golden Rules' are not applicable to the appeal proposal.
33. As set out above, the proposal would utilise grey belt land, there is a demonstrable unmet need for housing, and the development would be in a sustainable location. The Golden Rules are not applicable. The proposal would therefore satisfy criteria (a)-(d) of paragraph 155 of the Framework. Consequently, the proposed development would not be inappropriate development within the Green Belt.
34. As set out above, the proposal would not meet the requirements of Policy DP13 for replacement dwellings, limited infilling, or redevelopment of previously developed land. However, Policy DP13 pre-dates the publication of the Framework and includes no provision for development of grey belt land. The weight to be afforded to the scheme's conflict with Policy DP13 is therefore diminished.
35. The proposed development would utilise grey belt land and would satisfy all criteria of paragraph 155 of the Framework. For this reason, the proposed development would not be inappropriate development.
36. The proposal would therefore comply with TLP Policy DP10 which protects the Green Belt from inappropriate development.

Protected species

37. In its decision, informed by consultation advice provided by Surrey Wildlife Trust's (SWT) Ecology Planning Advice Service, the Council concluded the proposal contained insufficient information to demonstrate that the proposal would not have an unacceptable effect on protected species.
38. The proposal was accompanied by an Ecological Appraisal Report, Wychwood Environmental Ltd November 2023 (EAR). Reflecting advice from SWT, the appellant subsequently submitted a Bat Emergence Survey, Wychwood Environmental Ltd (July 2024), with further information contained within the appeal statement of case.
39. SWT have reviewed this information and, in relation to bats advise that, prior to occupation, evidence that a bat mitigation licence has been secured should be submitted. In addition, SWT advise a Biodiversity Enhancement Management Plan and Construction Environmental Management Plan should be secured through

planning conditions. SWT also confirmed no further information is required in respect of hazel dormouse.

40. Subject to such conditions being imposed, I am satisfied the proposal would not have an adverse effect on protected species.
41. The proposal would therefore comply with Policy CSP17 of the Tandridge District Core Strategy 2008 which requires development proposals protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan. In addition, the proposal would satisfy TLP Policy DP19 which requires proposals demonstrate protected or priority species will not be harmed, or appropriate mitigation measures will be put in place.

Conditions

42. The appellant confirms they raise no objection to the Council's suggested conditions, which include pre-commencement conditions. I have considered the suggested conditions against the Framework and Planning Practice Guidance. In addition to the standard time limit for commencement, in the interests of certainty I have imposed conditions to ensure the development is carried out in accordance with the approved plans.
43. To conserve the character and appearance of the area, I have attached conditions requiring submission of details of external materials, hard and soft landscape works, and tree protection plan.
44. In the interest of highway safety, I have included a condition requiring space for the parking and turning of vehicles be laid out prior to occupation of the development. To promote sustainable transport, I have attached conditions requiring provision of electric vehicle charging and cycle storage.
45. In the ecological interests of the site, including the conservation of protected and priority species, I have included conditions requiring submission of an Ecological Enhancement Plan, Construction Environmental Management Plan, and evidence of a bat mitigation licence. In addition, I have included a condition requiring the development be carried out in accordance with the Ecological Appraisal Report's recommendations and identified mitigation measures.
46. To assist in the reduction of emissions in accordance with Policy CSP14 of the Tandridge District Core Strategy 2008, I have included a condition requiring the provision of on-site renewable energy.
47. To ensure privacy and ensure suitable living conditions for future occupants, I have included a condition requiring obscure glazing at specified windows.
48. I have not imposed the suggested condition to remove permitted development rights. Paragraph 55 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Such a condition would not be necessary to make the appeal proposal acceptable in planning terms and would not comply with the Framework.

Conclusion

49. For the reasons given above, having regard to the development plan taken as a whole, and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

The development hereby permitted shall be carried out in accordance with drawing nos 1228/01 *Existing Site Layout Plan*; 1228/02 *D Replacement Dwelling (Rear) Proposed Floor Plans & Roof Plan*; 1228/03 *A Replacement Dwelling (Rear) Proposed Elevations*; 1228/04 *B Proposed Site Layout Plan*; 1228/05 *Replacement Garage Building Proposed Plans & Elevations*; 1228/06 *A Replacement Dwelling (Front) Proposed Floor Plans and Roof Plan*; 1228/07 *Replacement Dwelling (Front) Proposed Elevations*; 1228/08 *Existing Floor Plans*; 1228/09 *Existing Elevations*; 1228/10 *Detached Garage – Existing Elevations*; 1228/11 *A Block Plan*; 1228/12 *Site Location Plan*.

- 2) No development above ground level shall start until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

- 3) No development above ground level shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours
- means of enclosure
- car parking layouts
- other vehicle and pedestrian access and circulation areas
- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- tree and hedgerow planting as compensation for those elements being removed.

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed.

Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written

consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

- 4) No development shall start until a Tree Protection Plan relating to all stages of development, for the protection of all trees and hedges to be retained on site or trees located offsite within 12 metres of the site boundary, has been submitted to and approved in writing by the Local Planning Authority. These details shall observe the principles of BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, shall be retained during the course of development, and shall not be varied without the written agreement of the Local Planning Authority.

In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:

(a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.

(b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.

(c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.

- 5) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
- 6) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 7) The development hereby approved shall not be occupied unless and until facilities for the secure, covered parking of 2 bicycles per dwelling and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 8) Prior to the commencement of development, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved Ecological Enhancement Plan, all measures set out within the approved Ecological Enhancement Plan shall be implemented prior to the first occupation of the dwelling and retained at all times thereafter.
- 9) Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved Construction Environmental Management Plan, all measures set out within the approved Construction Environmental Management

Plan shall be implemented prior to the first occupation of the dwelling and retained at all times thereafter.

- 10) Prior to first occupation of the development hereby permitted, evidence of the bat mitigation licence being secured shall be submitted to be approved in writing by the Local Planning Authority.
- 11) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Ecological Appraisal Report' by Wychwood Environmental Ltd (November 2023) and 'Bat Emergence Survey' by Wychwood Environmental Ltd (July 2024).
- 12) Before the development hereby approved is occupied, the renewable energy technology as specified in the application details shall be installed and shall thereafter be retained in perpetuity in accordance with the approved details.
- 13) Before the development hereby approved is occupied, the first-floor side windows to both dwellings shall be fitted with obscure glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7m above the floor of the room in which the windows are installed and shall be permanently maintained as such.

END OF SCHEDULE

EP3



Appeal Decision

Site visit made on 3 December 2024

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/R3650/W/24/3352222

Land adjoining Hydon Farm, Hambledon Road, Hydestile Godalming GU8 4DN

- 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 Guildoak Ltd against the decision of Waverley Borough Council.
- The application Ref is WA/2024/01296.
- The development proposed is described as the construction of single 4-bedroom dwelling and associated works including a double garage, widening of existing vehicular access, amenity space and landscaping.

Decision

1. The appeal is allowed, and planning permission is granted for the construction of single 4-bedroom dwelling and associated works including a double garage, widening of existing vehicular access, amenity space and landscaping at Land adjoining Hydon Farm, Hambledon Road, Hydestile Godalming GU8 4DN in accordance with the terms of the application, Ref WA/2024/01296, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). This included revisions to sections that are pertinent to the appeal, such as those relating to development in the Green Belt and the introduction of the 'Grey Belt'. During the appeal the parties were invited to comment on the relevance of the revised Framework to the appeal proposal. In my decision, I have had regard to the parties' written responses.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - The effect of the proposal on the character and appearance of the surrounding area including the Area of Great Landscape Value (AGLV).

Reasons

Whether inappropriate development

4. Policy RE2 of the Waverley Borough Local Plan Part 1 (WLP1): Strategic Policies and Sites, adopted February 2018 states that the Metropolitan Green Belt will be protected against inappropriate development unless development meets with the exceptions listed in national planning policy, thus is consistent with the approach of

the Framework. Policy DM14 of the Waverley Borough Local Plan Part 2 (WLP2): Site Allocations and Development Management Policies, adopted March 2023 indicates that limited infilling within villages may be considered appropriate.

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. The exception of most relevance to this appeal is 154.e) limited infilling in villages.
6. The appellant contends that the proposal would infill an area of land as an extension to the settlement boundary of Hydestile although they confirm that the boundary is not defined on the adopted proposals map, nor within the WLP1 or WLP2. Nevertheless, relevant case law¹ dictates that the village boundary defined on a proposals map should not be determinative where the boundary does not accord with the Inspector's assessment of the extent of the village on the ground.
7. The appellant highlights that Hydestile contains a significant number of residential properties, a sports pavilion and public house with accommodation and a small industrial estate located further south on Hambledon Road. From my observations the area of Hydestile consists of a sporadic and spread arrangement with built development occupying linear patterns located along the main routeways, with the surrounding area relatively open and free from development, providing a semi-rural feel and appearance. There is no distinct focal point or area that provides specific services and facilities one would associate with a village arrangement.
8. The appeal site is an empty paddock located at the end of one of these ribbons of dispersed residential dwellings, along Hambledon Road, amongst a relatively open and undeveloped background. As such, it occupies a peripheral location rather than appearing contained within a village envelope. In my view, the appeal site could not reasonably be described as representing a village setting.
9. The appellant draws my attention to an appeal decision² in Waverley, where an Inspector allowed a dwellinghouse considering that it was located within a village and represented limited infilling. I have limited information in respect to the positioning of the proposal in respect to the village of Brook and the facilities associated with it. Nevertheless, given this scheme turned on its own merits, I give this example only limited weight, as I cannot be certain it is directly comparable.
10. Even if I was to consider that the appeal site was within a village, consideration would need to be given as to whether the proposal would amount to 'limited infilling'. Neither term is defined in the Framework, however the supporting text of policy DM14 of the WLP2 provides some clarification stating "*limited infilling is considered to be the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development.*" These are logical parameters to have regard to in terms of defining limited infilling.
11. I would acknowledge that the proposal could be deemed limited, given that it is for a single dwellinghouse, and in terms of scale, mass and layout would be akin to

¹ Julian Wood v SSCLG & Gravesham Borough Council [2015] EWCA Civ 195

² PINS Ref: APP/R3650/W/23/3326044

the ribbon of properties fronting Hambledon Road to the north of the site. However, the appeal site is located at the end of the linear pattern of development, thus not considered a gap between an otherwise continuous built-up frontage, as there is no gap to fill.

12. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement. Given its peripheral location between the more linear built arrangement to the north and more open nature of the adjoining golf course to the south. In my view, the appeal site forms part of the latter open and undeveloped character of the pattern of development to the south, in contrast with the clear ribbon of development preceding it. I would acknowledge that the appeal site is bounded by established vegetation and fence lines, creating a visual boundary between the characters, however this does not represent a gap within built development. The proposal would therefore not be an exception under paragraph 154.e) of the Framework.

Grey Belt

13. In addition to the exceptions under paragraph 154, the Framework identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states the development of homes should not be regarded as inappropriate where (a) the development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157.
14. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143, and excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
15. Neither party dispute that the appeal site would not be considered previously developed land (PDL) as defined in the Framework, however given its location at the end of the peripheral pattern of development, the appeal site would not be located close to a built-up area; would not merge towns, nor affect the setting and special character of a historic town. Consequently, the appeal site would not strongly contribute to purposes (a), (b), or (d) in paragraph 143 of the Framework, and thus would be considered 'any other land' for grey belt purposes.
16. The proposal would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Subsequently, it would accord with paragraph 155.a of the Framework.
17. Both parties agree that the Council currently cannot demonstrate a five-year supply of deliverable housing sites (FYSHS). I requested comments from both parties in respect to the revised approach to calculating housing need and the relevant FYSHS in Waverley.

18. The appellant highlights that the Council's local housing need substantially increased from 710 dwellings per annum to 1,481 dwellings per annum, as a result of the revised Framework. This increase would see the FYSHS rise from 3,550 dwellings to 7,405 dwellings or 7,775 dwellings with a 5% buffer. This equates to 1,555 dwellings per annum. Given that Waverley can currently demonstrate a total of 1,998 homes deliverable within a five-year period³, this equates to 1.28 years of housing land supply. The Council has not supplied any evidence to the contrary. Consequently, for the purposes of paragraph 155.b. of the Framework, there is a demonstrable unmet need for the type of development proposed.
19. Paragraphs 110 and 115 of the Framework, seek to mitigate significant impacts of development on the transport network in terms of capacity, congestion and highway safety, whilst focusing development to sustainable locations by limiting the need to travel and offering a genuine choice of transport modes. Although the Framework also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
20. The appellants have submitted a Transport Statement⁴ (TS) which highlights that the site is relatively sustainable being in close proximity to public footpaths that would encourage walking and cycling. The TS indicates that the closest bus stop to the site is situated 550 metres north of the site along Hambledon Road. This bus stop serves bus route 503 which runs to Guildford on a daily basis. Given the proposal is for a single dwellinghouse, it is unlikely that any additional trips generated would lead to a perceptible increase in vehicle movements on the local road network, thus would have a negligible impact on road capacity and congestion.
21. Surrey County Council as County Highway Authority have raised no objections to the scheme on safety, capacity and congestion grounds subject to the provision of suitable conditions. Consequently, I am satisfied the proposal would be in a sustainable location, in accordance with the requirements of paragraphs 110, 115 and 155.c. of the Framework.
22. For completeness, the proposed development is not major development, and therefore the requirement of paragraph 155.d. of the Framework, to satisfy the 'Golden Rules', are not applicable to the appeal proposal.
23. Overall, the proposed development would utilise grey belt land and would satisfy all the relevant criteria of paragraph 155 of the Framework. For this reason, the proposed development would not be inappropriate development within the Green Belt. Consequently, the development should not be regarded as harmful to either the openness of the Green Belt or to the purposes of including land within it in accordance with footnote 55 of the Framework.

Character and appearance

24. The appeal site is located within an AGLV designation, and WLP1 Policy RE3 applies the same principles for protecting the AGLV as for the National Landscapes (NL), stating it will be retained for its own sake and as a buffer to the NL. The appellants have submitted a Landscape Study⁵ (LS) which highlights the appeal site occupies a sensitive location. However, the existing vegetation and

³ Waverley Borough Council Five Year Housing Land Supply Position Statement (Published November 2024)

⁴ Transport Statement prepared by Motion dated 17/06/2024

⁵ Landscape Study prepared by LVIA Ltd Ref: GO1502ls

undulating landform would provide visual barriers to potential views from outside the site. Furthermore, given the existing ribbon of development adjoining the site to the north, the LS concludes that a sensitively designed dwelling could be accommodated at the site without causing undue harm to the landscape character.

25. I have not been provided with any substantive evidence from the Council to counter the findings of the LS, however from my own observations on site I would concur that there would be minimal visibility of the appeal site from outside the site. Notwithstanding my findings on Green Belt, the location of the proposal adjoining the end of the existing built development would minimise any negative effects of the proposal. Furthermore, the screening provided by the existing boundary treatments would mitigate any detrimental impact on the visual amenity within the verdant locality in which the proposal would be sited.
26. As such, the proposal would at the very least conserve the landscape character and valued landscape of the AGLV and would respond effectively to its surroundings and I find no harm. This is a neutral factor which would not weigh for or against the proposal.

Other matters

27. The proposal would deliver a new home and is an intended self-build dwelling. As such the proposal would contribute to the Government's objective of significantly boosting the supply of homes. Furthermore, it would add to the choice and mix of housing in the local area, in line with footnote 28 of the Framework which provides that, amongst other things, local authorities must give enough suitable development permissions to meet the identified demand for self-build and custom house building. I also note the policy support that central government gives to self-build housing, such as through the Self-build and Custom Housebuilding Regulations 2016.
28. Whilst this matter could weigh in favour of the proposal, there is limited information before me to support the fact that it would be a genuine self-build, nor is there any mechanism, such as a legal agreement, that would ensure that it is delivered as such. I therefore give this matter limited weight.
29. Third parties have made representations in response to the planning application and appeal. I have considered all of the other matters and concerns raised in the submissions by these interested parties, which include but are not limited to impacts on ecology and biodiversity at the site, and other issues that I have addressed above. The Council have raised no objections to the development in respect to ecology and biodiversity matters. Subject to the provision of suitable conditions, I have no reason to disagree with this assessment, as I have not been presented with any compelling evidence to reach an alternative view.

Conditions

30. The Council has provided a list of suggested conditions that it considers would be appropriate. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance and have amended the wording of some without altering their fundamental aims. I sought the views of the parties on the conditions, including the appellant's agreement to pre-commencement conditions.

31. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is carried out in accordance with the approved plans to provide certainty. I have also imposed a condition in respect to the material specifications which is necessary to secure the satisfactory appearance of the development in the interests of the surrounding character and neighbouring amenity.
32. To ensure that the proposal does not adversely impact on protected species and provides biodiversity enhancements it is necessary to impose a number of relevant conditions, including to control external lighting. A condition securing on-site ecological enhancement is necessary in order to ensure the development protects and improves biodiversity features of the site. I have imposed conditions in respect to the tree protection and landscaping which are necessary to secure the satisfactory appearance of the development in the interests of the surrounding character, neighbouring amenity and encouraging wildlife and biodiversity.
33. I also have imposed conditions to ensure that there are suitable access routes, appropriate vehicle and bicycle parking, and a suitable car parking layout is maintained in the interests of highway and pedestrian safety and the living conditions of future residents.

Conclusion

34. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

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 drawing nos: 2404077-TK01; 2404077-01; 7473 PL-01 Rev P1; 7473 PL-02 Rev P1; 7473 PL-04 Rev P1; 7473 PL-05 Rev P1; 7473 PL-06 Rev P1; and 7473 PL-08 Rev P2
- 3) No development shall take place until (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for reptiles, great crested newts, [REDACTED] breeding birds, foraging/commuting bats and hedgehogs has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority.
- 4) No development shall take place until (including vegetation/site clearance) until tree protection measures are installed, and any further information provided in accordance with the submitted arboricultural information. The applicant shall inform the Local Planning Authority after the installation of the tree protection to allow verification of the protection measures, either with photographic evidence or in-person inspection.

- 5) A) No retained tree shall be cut down, uprooted, or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars contained in the Arboricultural Impact Assessment Ref: TGA.2630 dated 11/06/2024 and Tree Protection Plan TGA.2630.TPP.002 without the written approval of the Local Planning Authority. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) (or an equivalent British Standard if replaced) and in accordance with the supplied arboricultural method statement.
- B) If any retained tree is removed, uprooted, or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- C) Tree protection shall be maintained in-situ and not moved or removed until all construction has finished, and equipment, materials, or machinery are removed from site.
- D) The arboricultural protection information and plans hereby approved or any submitted to meet a planning condition shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Local Planning Authority. This shall include the requirement for arboricultural supervision and site monitoring by a suitably qualified tree specialist, written details of which shall be submitted to and approved in writing by the Local Planning Authority following completion of the development hereby approved.

In this condition 'retained tree' means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (A) and (B) above shall have effect until the expiration of 5 years from the first occupation of the development.

- 6) No development above ground level shall take place until a scheme of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation of any dwelling and thereafter retained for the lifespan of the development.
- 7) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples.
- 8) No development above ground level shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) No vehicle shall access the site from Hambledon Road unless and until the proposed modified access to Hambledon Road hereby approved (drawing no. 2404077-01) has been constructed and provided with a means within the private land of preventing private water from entering the highway and visibility zones in accordance with the approved plans. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high for the lifespan of the development.
- 11) The development hereby approved shall not be first occupied unless and until facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained for the life-span of the development.
- 12) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (drawing no. 2404077-TK01) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purpose for the lifespan of the development.
- 13) The development hereby approved shall not be first occupied until Prior to the installation of external lighting, other than in private gardens, full details including height, design, location, intensity of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details and retained for the lifespan of the development.

END OF CONDITIONS

EP4



Appeal Decision

Hearing held on 16 April 2025

Site visit made on 16 April 2025

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/R0660/W/24/3354674

Broadheath Farm, Over Alderley, Macclesfield, Cheshire SK10 4SN

- 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 Rubicon Estates Ltd against the decision of Cheshire East Council.
 - The application Ref is 23/2978M.
 - The development proposed is rebuilding works to provide 2 no. dwellings with associated works (resubmission of 21/1848M).
-

Decision

1. The appeal is allowed and planning permission is granted for rebuilding works to provide 2 no. dwellings with associated works (resubmission of 21/1848M) at Broadheath Farm, Over Alderley, Macclesfield, Cheshire SK10 4SN in accordance with the terms of the application, Ref 23/2978M, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). Amongst other matters, this introduced the concept of Grey Belt. The Council and the appellant have referenced this document within their appeal statements and as such I am satisfied that no party would be prejudiced by my also making reference to the Framework in this decision.
3. The appeal relates to two dwellings, a farmhouse (plot 1) and former barn building (plot 2). The Council have raised to issue with regards to the development at plot 1, which they consider to represent appropriate development, and compliant with paragraph 154d of the Framework. From what is in front of me and from what I have observed, I have no reason to disagree. As such, the main issues below relate to plot 2.

Main Issues

4. The appeal site is located within an area of Green Belt. Accordingly, I consider the main issues are:
 - whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;

- the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
- If the proposal 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.

Reasons

Whether inappropriate development

5. The appeal site is located in the Green Belt as defined by Policy PG3 of the Cheshire East Local Plan Strategy 2010 – 2030 (2017) (CELPS).
6. Policy RUR13 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) and CELPS Policy PG3 state that the construction of new buildings in the Green Belt is to be regarded as inappropriate development unless it is required for specific purposes. The list of exceptions does not include development on grey belt land. This is because these policies significantly predate the December 2024 Framework. Due weight should be given to development plan policies according to their degree of consistency with the Framework. Accordingly, I have given significantly greater weight to the Framework in determining whether the appeal proposal is inappropriate development.
7. The sporadic wider pattern of development along this part of the B5087 does not represent the unrestricted sprawl of a large built-up area. The development would not merge towns into another nor affect the setting and special character of any historic town. As such, the site does not strongly contribute to these Green Belt purposes. I therefore have no reason to disagree with the main parties that the appeal site meets the definition of Grey Belt provided in Annex 2 of the Framework.
8. Paragraph 155 of the Framework notes that the development of homes in the Green Belt should not be regarded as inappropriate where the development meets all the criteria set out under four bullet points:
 - *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - *There is a demonstrable unmet need for the type of development proposed;*
 - *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*
9. Given the limited scale of development, the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The Council accepts that it cannot demonstrate a 5 year supply of deliverable housing sites, and therefore the proposal meets the criteria of demonstrable unmet need. The scale of development does not meet the

Framework major development definition, and so the 'Golden Rules' requirements of Framework paragraphs 156-157 are not applicable.

10. The Council confirmed at the Hearing that there is no conflict with any development plan policy relating to the accessibility/sustainability of the appeal site. Both main parties were in agreement at the Hearing that the site was within the settlement of Over Alderley. Over Alderley has limited services and facilities, as set out in the Council's Settlement and Infill Boundaries Review document (2020) (SIBR). These include a village hall, post box, and children's play area.
11. Nonetheless, the site sits in reasonable proximity to the larger settlements of Macclesfield, Prestbury and Alderley Edge. In the SIBR, Macclesfield is a designated principal town, whilst Alderley Edge and Prestbury are local service centres. They therefore contain numerous facilities and services. Any journeys by car to these services and facilities would be brief and given the scale of development, limited. Whilst there is no pavement providing easy or convenient separate pedestrian access, these settlements are also within realistic and comfortable cycling distance and a designated cycle route^[1] is close by. In addition, there are country parks and schools in reasonably close proximity, as well as a public right of way.
12. The Framework is clear that development in one village may support services in a village nearby and sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
13. Even without convenient walking options or nearby bus stops, given the proximity to services and facilities, the appeal site is therefore reasonably well connected for a rural location.
14. Accordingly, the intended future occupiers of the new dwelling would not necessarily be likely to have a high reliance on a private motor vehicle to access day to day services. As set out above, any journeys by car would also not be far or numerous. Consequently, I find the proposal would not conflict with paragraphs 110 and 115 of the Framework, which seek to maximise sustainable transport solutions.
15. None of the criteria relating to grey belt land are concerned with openness. Therefore, this should not be a consideration in determining whether proposals are inappropriate development in this regard or not, as set out in Framework footnote 55, and no further consideration on this matter is necessary.
16. As such, I conclude that the development meets the criteria of paragraph 155 of the Framework, and therefore does not represent inappropriate development in the Green Belt.

Conditions

17. Both main parties have provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.

^[1] Cheshire Cycleway route No.70

18. I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
19. Conditions requiring samples of external materials and a brickwork method statement in relation to plot 2 will ensure that the finished building will retain an appropriate agricultural character.
20. Conditions securing the landscaping and biodiversity enhancement details as submitted are necessary in order to safeguard the character and appearance of the area and in the interest of ecology. A management plan in relation to a communal landscaped area is necessary to clarify and ensure proper management of this area, again in the interests of the character and appearance of the area. A condition securing tree protection measures is also necessary in order to ensure their retention and long term health for the remaining construction period, in the interest of the visual and ecological qualities of the site.
21. A condition securing suitable visibility splays is necessary in the interest of highway safety. A condition securing the submission of appropriate cycle storage details is necessary in order for future residents to have access to this facility.
22. Conditions relating to contamination are necessary, given the previous agricultural use of the site and to ensure that the site is suitable for future occupants.
23. The red line and curtilage area of both properties are clearly shown and defined on drawing 124-020-A, and as such a further condition in this regard is not necessary.

Conclusion

24. For the reasons given above, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with drawing nos: 124-001 A (Location Plan), 124-021 (Plot 1), and 124-022 (Plot 2), received 3 August 2023, 124-020-A (Site Plan), received 18 September 2023, and M3376-PA-01-03 (Landscape Layout), received 7 May 2024.
2. Notwithstanding any description of materials on the plans hereby approved, no further above ground construction works shall take place in relation to Plot 2, as identified on the approved site layout plan (ref: 124-020-A), until samples of all external facing materials to be used (including brickwork, roofing, rainwater goods, garage doors and fenestration) have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour, and texture of the materials. The development shall be carried out in accordance with the approved details and retained in such a form at all times thereafter.
3. Notwithstanding any description of materials on the plans hereby approved, no further above ground construction works shall take place to Plot 2, as identified on the approved site layout plan (ref: 124-020-A), until a brickwork method statement has been submitted to and approved in writing by the local planning authority. This shall include details of the brick bond pattern, pointing and mortar, and a sample panel(s) of the brickwork to be used shall be made available on-site for inspection. The development shall be carried out in accordance with the approved details and retained in such a form at all times thereafter.
4. No further development or works of site preparation shall take place until all trees that are to be retained, as indicated on drawing M3376-PA-01-03, have been enclosed with temporary protective fencing in accordance with BS: 5837:2012 "Trees in relation to design, demolition and construction - Recommendations". The fencing shall be retained throughout the period of construction and no activity prohibited by BS: 5837:2012 shall take place within such protective fencing during the construction period.
5. The landscaping works shown on the approved scheme (drawing ref: on drawing ref: M3376-PA-01-03) shall carried out within the next planting season following occupation of both dwellings hereby permitted. Any trees or shrubs planted or retained in accordance with this condition which are subsequently removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season (1 October – 31 March or as defined in the scheme for the timing and phasing of implementation works) by trees or shrubs of similar size and species to those originally required to be planted shown on the approved scheme.
6. The development hereby approved shall be carried in full accordance with the following sections of the UES Ecological Management Plan, dated 3 May 2024 (ref: UES03868/05): 2.2.2 (Bat Loft); 2.2.3 (Bat Boxes); 2.3.1 (Breeding Birds); and 2.3.2 (Bird Boxes).
7. Prior to the first occupation of the development hereby approved, site access visibility splays shall be provided in accordance with the details illustrated on the approved site layout plan (ref: 124-020-A); any foliage or other obstruction falling

within the visibility splays should be cut back/re-planted/positioned behind the visibility splays or maintained at/not exceed 1.0m in height relative to the level of the site access.

8. Prior to the first occupation of the development hereby approved, a Landscape Management Plan relating to the communal areas only shall be submitted to and approved in writing by the local planning authority. The approved Landscape Management Plan shall include details of a management company with management responsibilities and maintenance schedules for all landscaped areas and the site shall be managed in accordance with the approved Management Plan thereafter.
9. Prior to the first occupation of the development hereby approved, a scheme for the installation of cycle storage facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be installed in accordance with the approved scheme and retained at all times thereafter.
10. The recommendations set out through Section 9 (Recommendations and Remedial Strategy) of the Phase 2 Geo-Environmental Investigation, Risk Assessment & Remediation Strategy by LK Group, dated November 2022 (ref: LK 22 1469), shall be implemented in full and no part of the development shall be occupied unless and until a Site Completion Report has been submitted to and approved in writing by the local planning authority.
11. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the local planning authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the local planning authority. Prior to first occupation/use of the development, confirmation should be provided to the local planning authority that no such contamination was found, and if so what remedial measures were agreed and implemented.

End of Schedule

APPEARANCES

FOR THE COUNCIL –

Matthew Keen - Senior Planning Officer - Cheshire East Council.

FOR THE APPELLANT :

Gareth Salthouse – Director, Emery Planning

Mr Nic Folland (BA (Hons) DipLA CMLI) – Director, Barnes Walker

Mr Piers Riley-Smith – Counsel from Kings Chambers

Richard Stevens - Appellant

DOCUMENTS SUBMITTED AT THE HEARING

Suggested site visit locations.

