



Working for a brighter future together

Ian Pleasant

Jay Ashall Partnership
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**Development
Management**

Delamere House
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Telephone: 0300 123 5014
Email: planning@cheshire-east.gov.uk

DECISION NOTICE

Application No: **25/1575/FUL**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Part demolition of existing building and replacement with a new build dwelling and attached garage

Location

Woodhouse Stables, Carter Lane, Chelford, SK11 9BD

for **Mr and Mrs Chris Foxton**

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. The development hereby approved shall commence within three years of the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in total accordance with the approved plans numbered 1705-L01, 1705 105 A, 1705 106 A and 1705 107 A received by

the Local Planning Authority on 22-April-2025 except where varied by other conditions of this permission.

Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates.

3. No facing or other external materials shall be used until details of those materials 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.

Reason: To ensure that the external appearance of the building is acceptable and to ensure high standards of design.

4. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These shall include details of:

- a) Topography, including existing and proposed finished ground levels and contours.**
- b) Proposed surfaces, including natural and artificial materials, construction of any new surfaces and relationship with adjoining topographic features including ground levels.**
- c) Hard landscaping, including any walls, gates, steps and other external structures, subterranean structures and lighting.**
- d) Planting plans, written specifications (including cultivation, soil quality, methodologies for plant establishment, and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme. All trees, shrubs and hedge plants to be supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting, site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces). All new tree plantings shall be in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.**
- e) The proposed restoration of the land edged red and blue on approved drawing 1705 - L01 (Location Plan), including the removal of the redundant manège and lunging pen associated with the redundant equestrian use of that land. The landscaping and restoration works shall be carried out in accordance with the approved details before any part of the development is first occupied, or as otherwise in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance. All trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or seriously diseased, within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar**

size and species as those originally required to be planted.

Reason: To ensure appropriate landscaping of the site.

5. A Landscape and Biodiversity Enhancement and Management Plan (an “EMP”) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

This shall set out:

- a) Aims and objectives of the EMP**
- b) The description and location of biodiversity features to be retained, created, enhanced, and managed;**
- c) Locations of bat boxes, bird boxes and brash/log piles;**
- d) Details of biodiversity management methods and practices; and**
- e) Timescales for implementation**

The EMP will be implemented in accordance with the approved details

Reason: To safeguard biodiversity.

6. No development (including any site clearance or preparatory work) shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: To ensure that the protection of trees has been implemented in the interests of the visual amenity of the area.

7. No tree, scrub or hedgerow clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: To safeguard nesting birds.

8. No development shall take place until a detailed drainage strategy/design plan for the

site has been submitted to and approved in writing by the Local Planning Authority, in accordance with Gov.UK - 'Standing Advice for Local Planning Authorities' (2022). The submitted Drainage Strategy must include:

- i) Surface water run-off rates, including greenfield Qbar and post-development runoff estimates, ensuring greenfield rate run-off is matched, unless proven unfeasible, or 50% betterment for brownfield sites, with a restricted discharge rate not exceeding 5l/s per hectare and not lower than 2l/s per hectare
- ii) Details of hydraulic design up to 1%AEP Storm Event in accordance with Gov.uk Climate Change Allowances
- iii) Details of any boundary drainage to ensure any flooding remains within the site. If calculations show flooding on site, that developments/properties will be safe
- iv) Designed in accordance with the drainage hierarchy (Non-Statutory SuDS Technical Standards Guidance (2016) Paragraph 3.7)
- v) Provision of pipe diameters, slope angles, cover levels and invert levels
- vi) Incorporates SuDS reasonable to the scale of the proposals (NPPF Para 182)vii) Demonstrates that foul and surface water drain via separate systems
- viii) Provision of hydraulic modelling for all storm durations, detailing the critical storm duration, from 15 minutes to 7 day, with the 1%AEP Storm Event also utilised
- ix) Provision of full management and maintenance schedule for the drainage strategy to cover the lifetime of the development, including contact details of the responsible party and any inspection and test plans.
- x) Development to proceed in accordance with any approved documentsThe approved sustainable drainage system shall be implemented in full prior to first occupation of the dwellinghouse hereby approved.

The drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: In the interest of managing flood risk for the lifetime of development. In accordance with Cheshire East Local Plan (Site Allocations and Development Policies Document), Policy ENV 16, National Planning Policy Framework, Non-Statutory SuDS Technical Standards Guidance (2016), Cheshire East Local Plan Policy SE13, NPPF (2024) Paragraph 182. To ensure adequate maintenance of the drainage strategy and to be designed in accordance with industry best practice, such as CIRIA C753 (2015) and CIRIA RP992 (2013). The LLFA reminds the applicant that it encourages drainage design to be designed and submitted early, to prevent applicants from having to amend their designs to incorporate drainage at a late stage of development.

9. a) Any soil or soil forming materials to be brought to site for use in garden areas or

soft landscaping shall be tested for contamination and suitability for use in line with the May 2024 version of the Council's Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination guidance note or any successor document, unless otherwise agreed in writing by the Local Planning Authority.

b) Prior to occupation of the approved dwelling, appropriate and adequate evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the local planning authority).

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

10. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

11. No development shall take place until full details of the finished levels of the ground floors of the proposed buildings, in relation to ordnance datum and existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that any change in ground level is acceptable given the nature of the site and adjoining uses.

INFORMATIVES

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 39 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

2. The development approved by this permission may be liable for a charge under the Community Infrastructure Levy Regulations (as Amended) 2010. If your scheme is liable, and you have not already done so, you must submit an 'Assumption of Liability Notice' to the Council before development commences. If your scheme is issued with a CIL charge,

it is essential you submit a 'Commencement Notice' to the Council before the development commences and await the Council's acknowledgement. Any relevant applications for 'Relief' or 'Exemption' must be submitted to the Council before commencement of development. Any relevant applications for 'Relief' or 'Exemption' which are applied for after development is deemed to have commenced will be refused. The Council will impose penalties where the correct forms are not submitted, are late, or where the information provided is inaccurate. All forms are available at www.cheshireeast.gov.uk/cil and once completed, should be emailed to cil@cheshireeast.gov.uk For further information you can contact the Council's CIL Team on cil@cheshireeast.gov.uk or Tel: 0300 123 5014.

3. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application should be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

4. The hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to: Monday-Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil Deviation from the above hours may be possible in exceptional circumstances with the written agreement of the Local Authority. *For information, 'Noise Generative' is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.

5. No variation to the Public Right of Way can be approved without consultation with the Public Rights of Way team of the Highway Authority. The developer should be aware of their obligations not to interfere with the Public Right of Way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- i. there is no diminution in the width of the Public Right of Way available for use by members of the public;
- ii. no building materials are stored on the Public Right of Way;
- iii. no damage or substantial alteration, either temporary or permanent, is caused to the surface of the Public Right of Way;
- iv. vehicle movements are arranged so as not to unreasonably interfere with the public's use of the Public Right of Way;
- v. no additional barriers (e.g. gates) are placed across the Public Right of Way, of either a temporary or permanent nature;

vi. no wildlife fencing or other ecological mitigation measures are placed across the Public Right of Way or allowed to interfere with the Public Right of Way (note that 'RSJ' solutions may be acceptable); and,

vii. the safety of members of the public using the Public Right of Way is ensured at all times. Any variation to the above will require the prior consent of the Public Rights of Way team of the Highway Authority. If the development will permanently affect the Public Right of Way, then the development must apply for a diversion of the route under the Town and Country Planning Act 1990 concurrent with the planning application process. The attention of developers is drawn to the timescales involved in any Public Right of Way legal process and to the guidance notes available at www.cheshireeast.gov.uk/prow.

The Public Rights of Way team of the Highway Authority will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of a Public Right of Way both during and after development work has taken place.

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development may be unauthorised and you may be liable to enforcement action.

(b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, may constitute unauthorised development and may be liable to enforcement action.

(b) Variation to the approved plans will require the submission of a new planning application.

Dated: 17 September 2025

Signed

A handwritten signature in black ink, appearing to be 'GH' followed by a wavy line.

Authorised Officer *for*

Cheshire East Borough Council

We enclose our decision notice in respect of the application you recently submitted to us.

You should read the notice carefully. It is your responsibility to ensure that you comply with the terms of any conditions which are attached to it. Where conditions require you to submit further information to us you will need to pay a fee and submit a separate application. The notice doesn't convey or grant consent for anything other than the application you made under the terms of the Town and Country Planning Act 1990.

If you are aggrieved by our decision to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State. For planning and related applications this is covered under section 78 of the Town and Country Planning Act 1990 (as amended). For listed building consent applications, this is covered under Section 20 of Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). For advertisement consent applications, this is covered under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). You must submit your appeal within:

- 12 weeks of the date of this notice in the case of householder applications
- 8 weeks of the date of this notice for advertisement applications or
- 6 months of the date of this notice in all other cases

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 03034445000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.