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Earle Street
Crewe
CW1 9HP

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DECISION NOTICE

Application No: **22/3931M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended)

Particulars of Development

Prior approval for change of use and conversion of agricultural building to dwelling house.

Location

Moss Wood Farm, Moss Lane, SINK MOSS, HIGH LEGH, High Legh, WA16 0RF

for **Mr W Bethel**

I refer to your application received on 10-Oct-2022 as to whether the prior approval of the local planning authority is required for the above development.

I am writing to notify you that the local planning authority determines on the basis of the plans received on 10-Oct-2022 that such **prior approval is not required** subject to the following conditions:

1. The development is hereby permitted subject to the Condition that the development must be completed within a period of three years starting with the prior approval date.

Reason: In accordance with The General Permitted Development Order Schedule 2, Part 3, Class Q.

2. The development shall be carried out in accordance with the submitted flood

risk assessment (Weetwood Services Ltd, ref: 5826 Final v1.0, dated 25/01/2023) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 52.95 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupant

3. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place

Reason: To safeguard protected species in accordance with the NPPF.

4. In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.
The scheme should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

Reason: To safeguard biodiversity in accordance with the NPPF.

5. Prior to the use of any building materials in the new development the a strategy for the incorporation of features to enhance the biodiversity value of the proposed development shall be submitted to, and approve in writing ny the Local Planning Authority . The submiited strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats (any external lighting should avoid direct light spill upon bat roost features). The proposals shall be permanently installed in accordance with approved details.

Reason: To safeguard biodiversity in accordance with the NPFF

6. Landscaping and boundary treatment details shall be submitted to the Local Planning Authority prior to occupation of the building. The proposal is to ensure appropriate safety measures along the boundary and minimal impact on open countryside. The development shall only be carried out in accordance with the approved details.

Reason : To protect open countryside and residential amenity.

Informatives

DAYS / HOURS OF OPERATION – Noise Generative Works

Under the Control of Pollution Act 1974, Environmental Health recommend that the hours of noise generative* demolition / groundworks / construction works taking place during the development (and associated deliveries to and from 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

Noise generative* works outside of these hours may result in action by the Environmental Protection Team to serve a legal notice on the property or construction site under the Control of Pollution Act 1974.

*"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.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence

structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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:

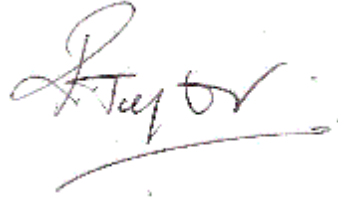
- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

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, will 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: 9 March 2023



Signed

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 under section 78 of the Town and Country Planning Act 1990. 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

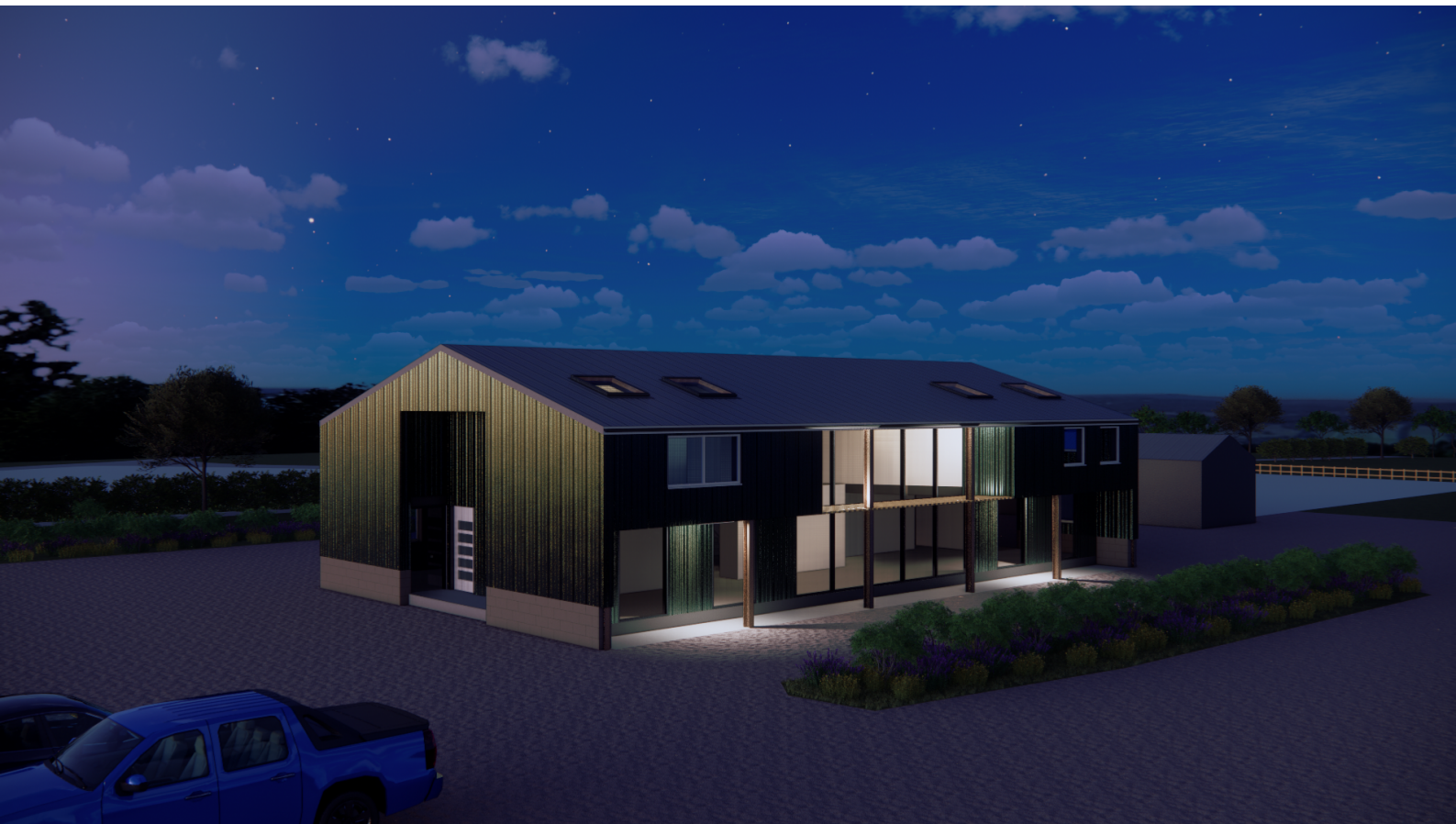
If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use 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.

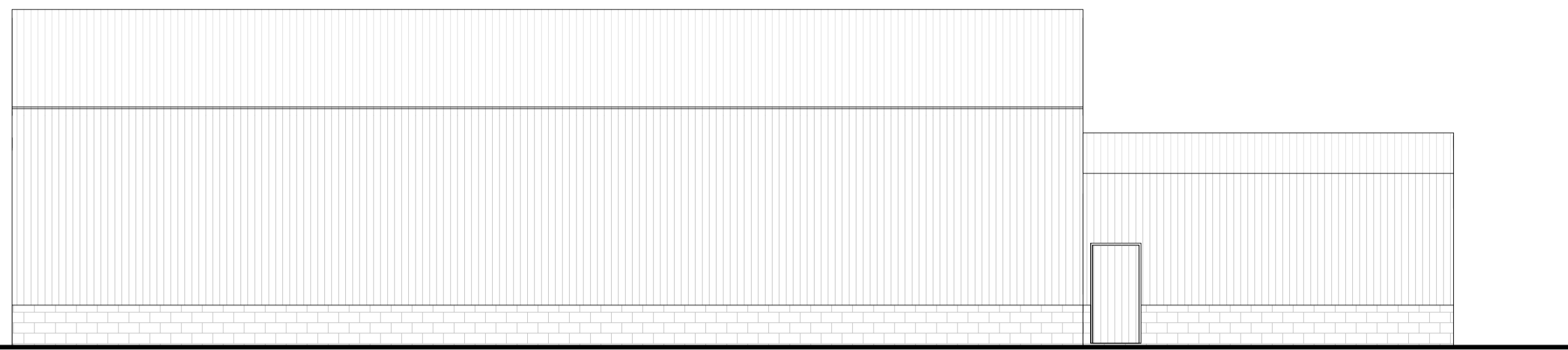




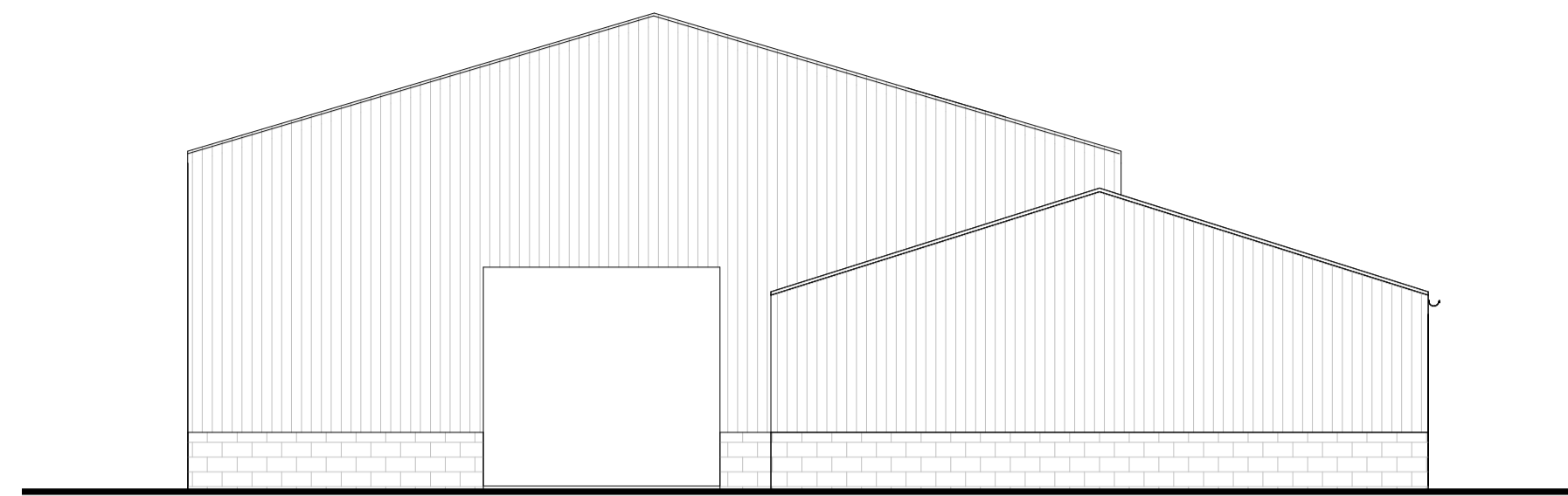




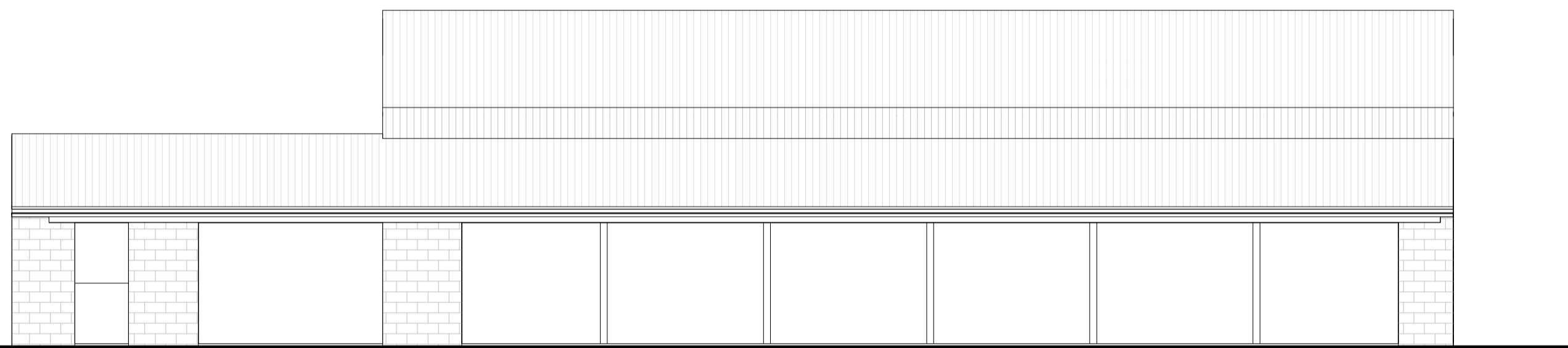




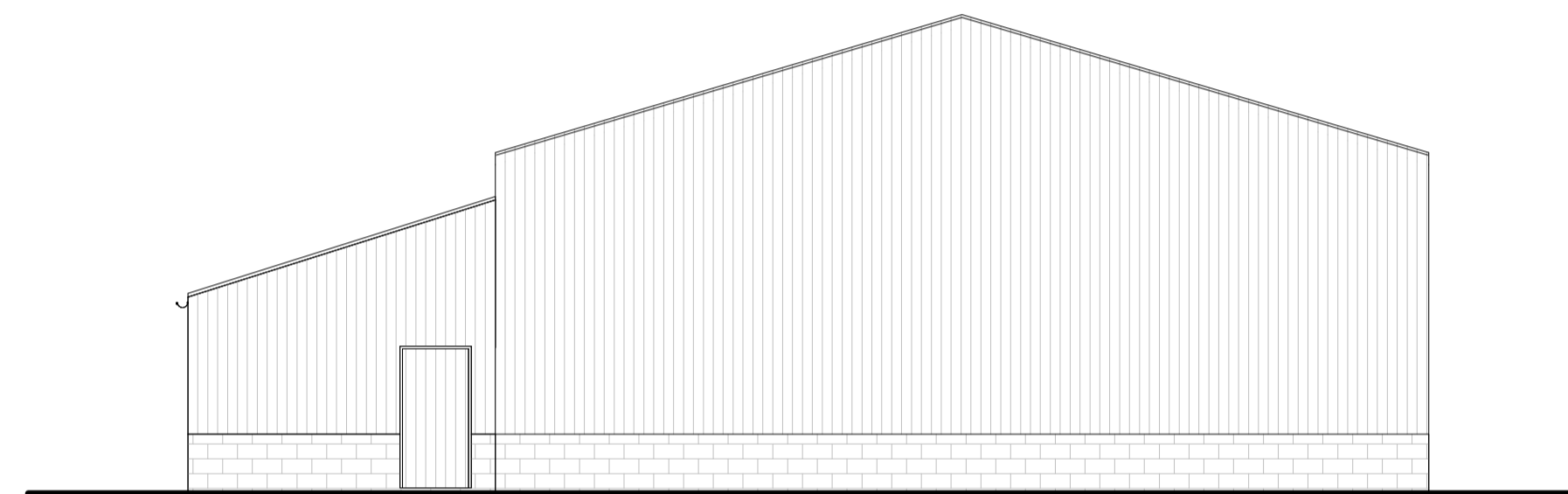
Existing South Elevation
1 : 100



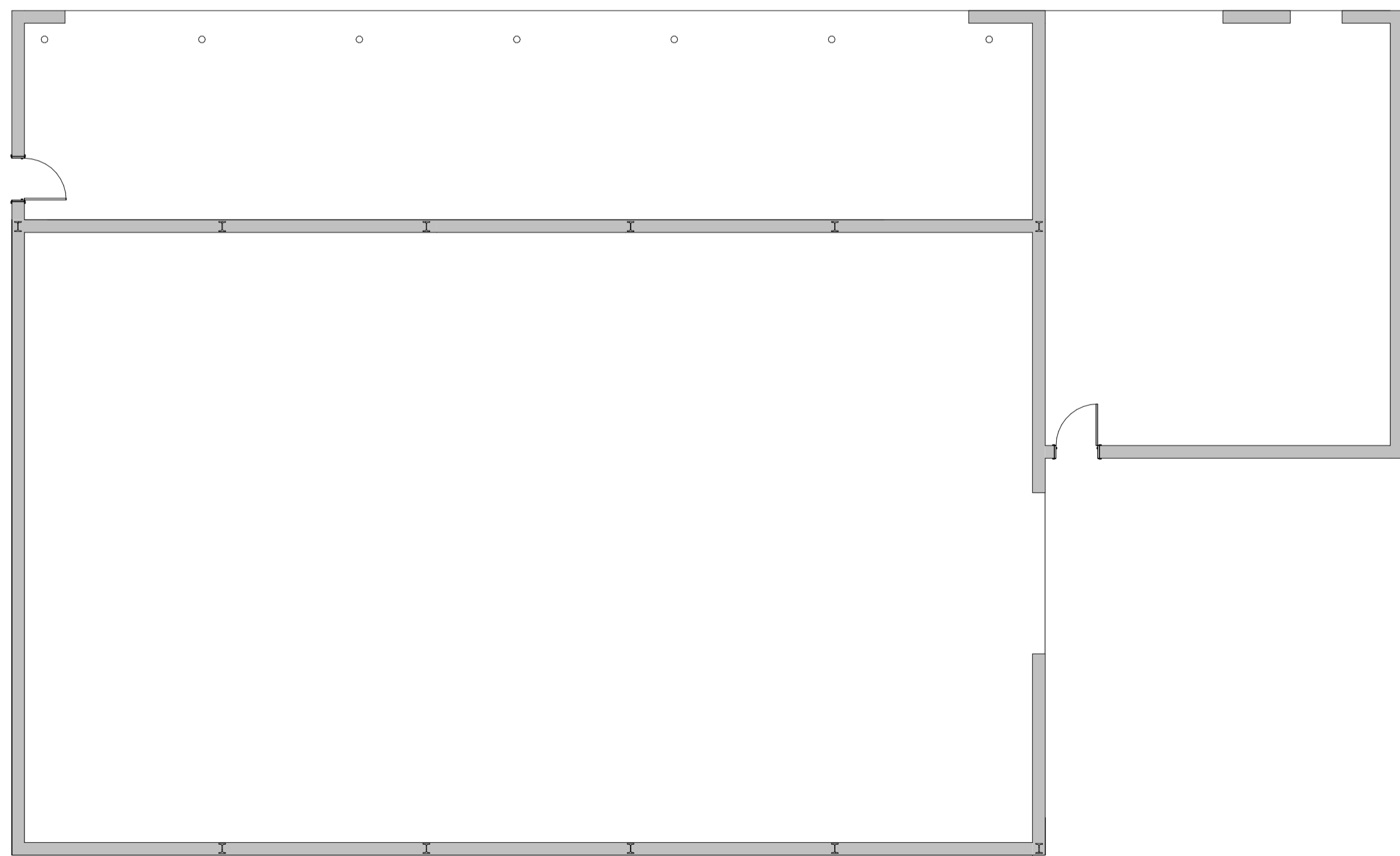
Existing East Elevation
1 : 100



Existing North Elevation
1 : 100



Existing West Elevation
1 : 100



Existing Plan
1 : 100

DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
P01	Planning Issue	06/10/22	RT	CD

NOTES
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CLIENT
Mr Will Bethell

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Moss Wood Farm
Cheshire
WA16 0RF

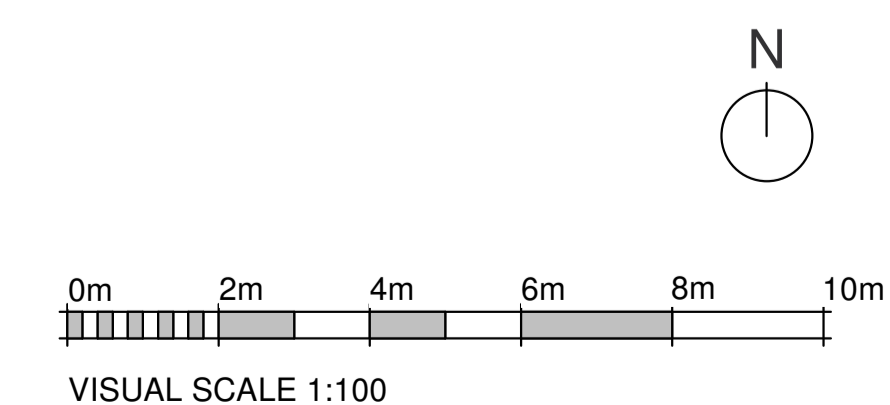
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Existing Plans and Elevations

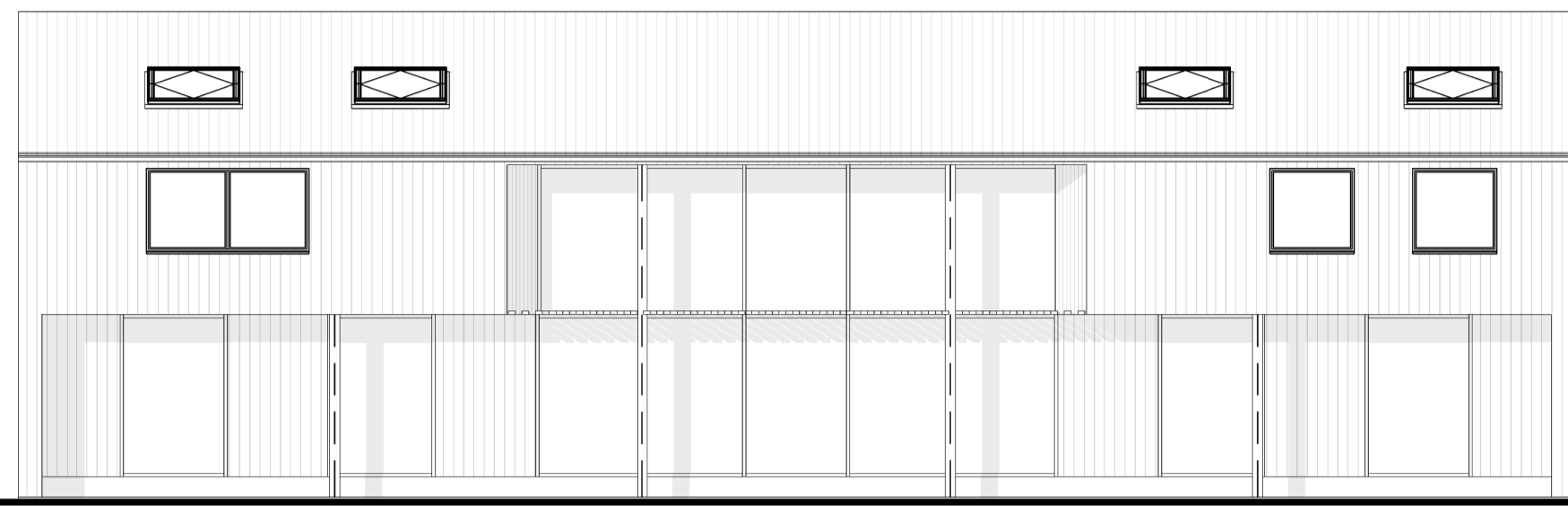
DRAWING STATUS
PLANNING

SCALE 1 : 100 @ A1	DATE 24/08/22
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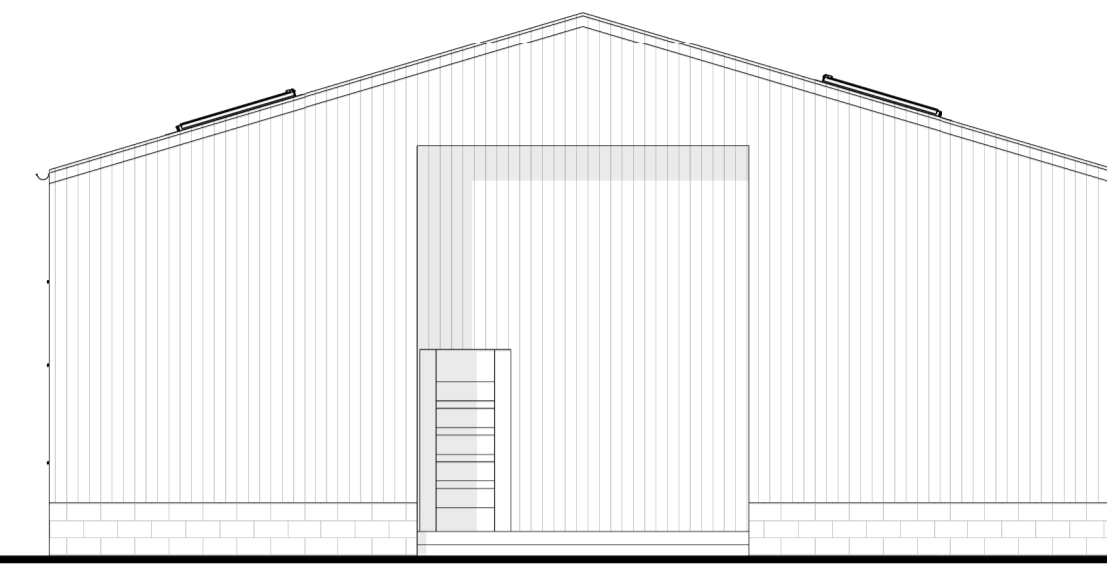
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JOB NO. SW0081	DWG NO. SK(00)03	REV P01
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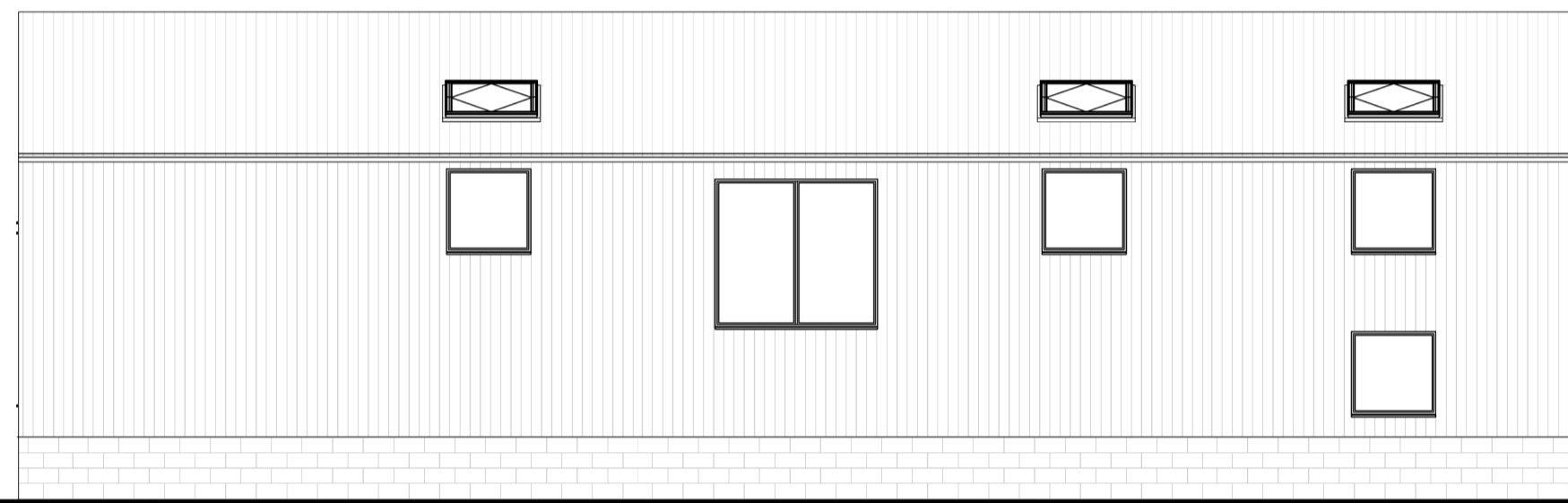




Proposed South Elevation
1:100



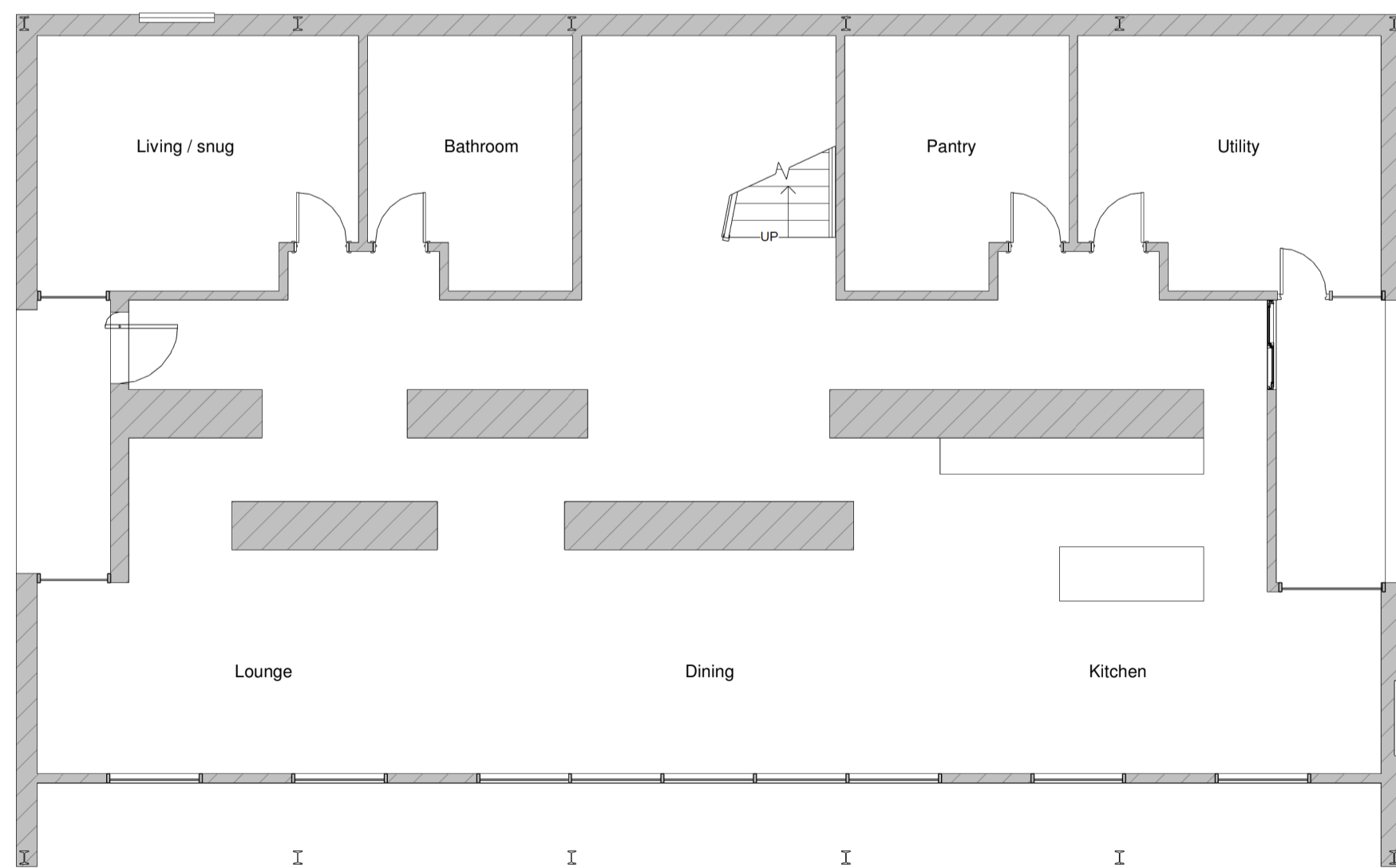
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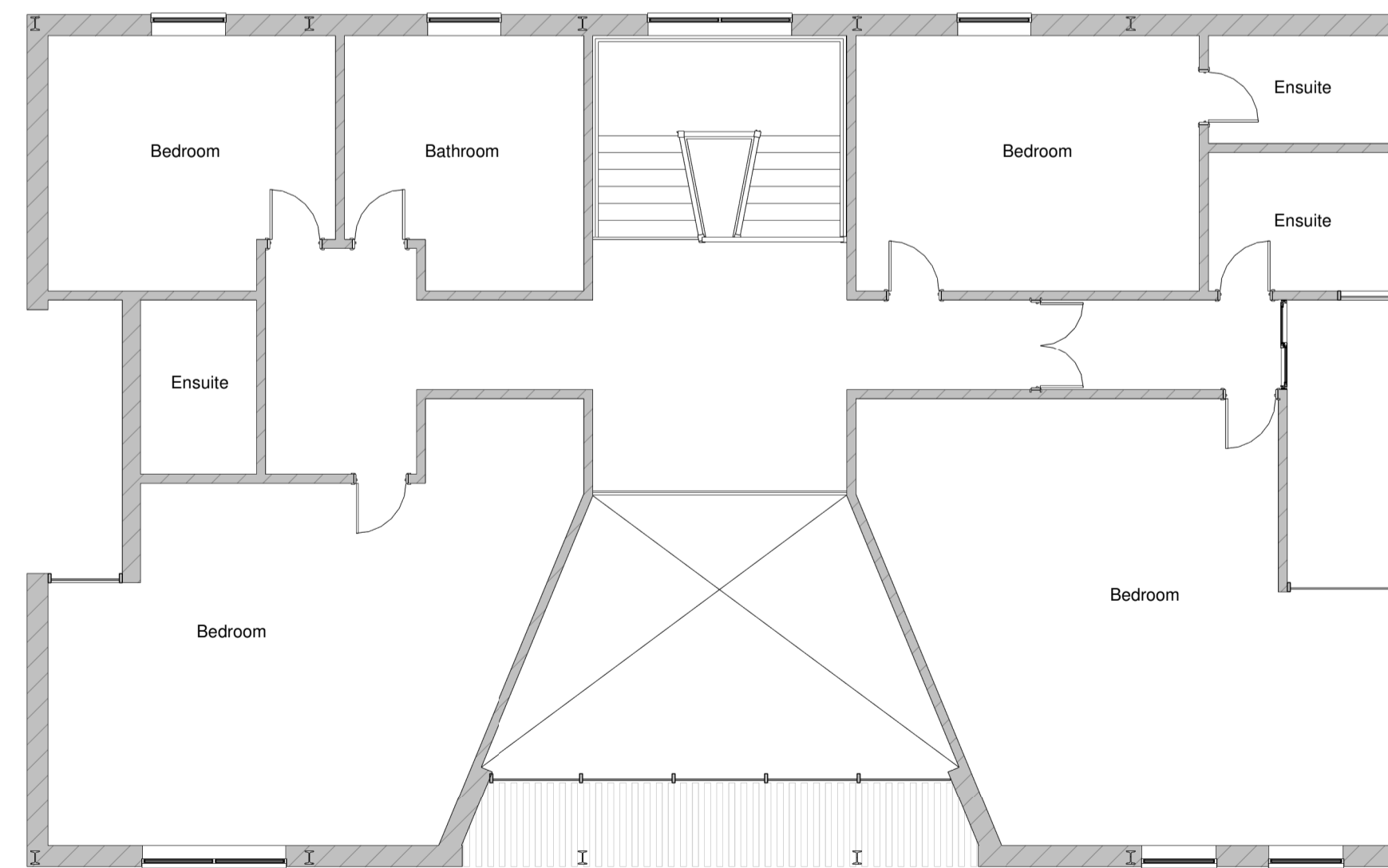
Proposed North Elevation
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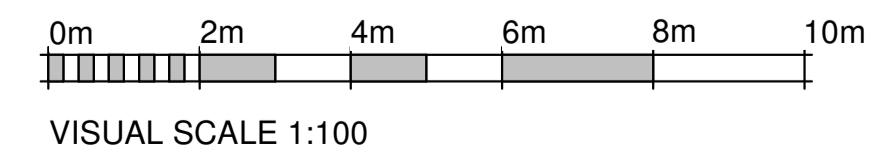
Proposed East Elevation
1:100



Proposed Ground Floor Plan
1:100



Proposed First Floor Plan
1:100



DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
P01	Planning Issue	30/09/22	RT	CD

NOTES
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Moss Wood Farm
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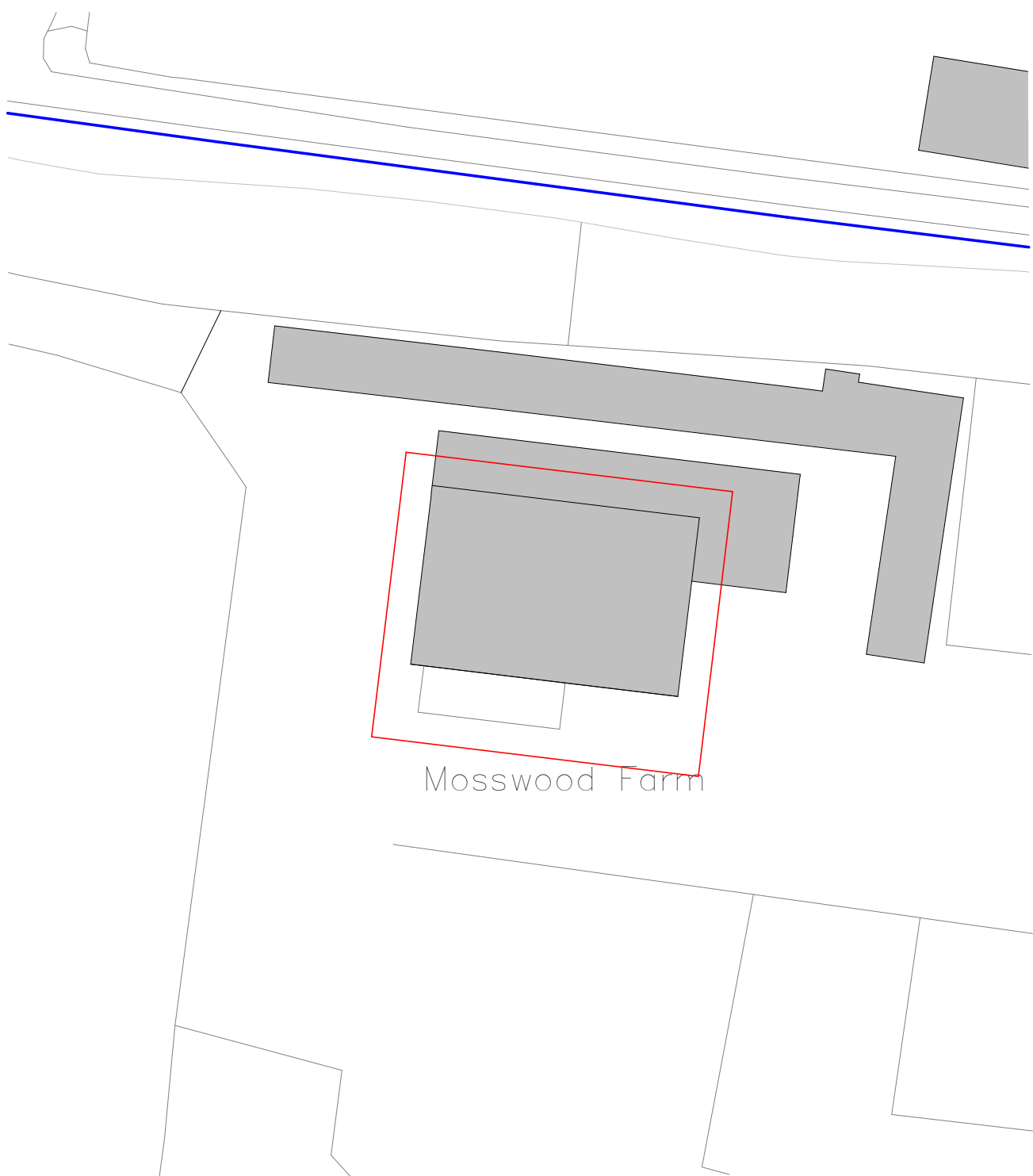
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Proposed Plans and Elevations

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PLANNING

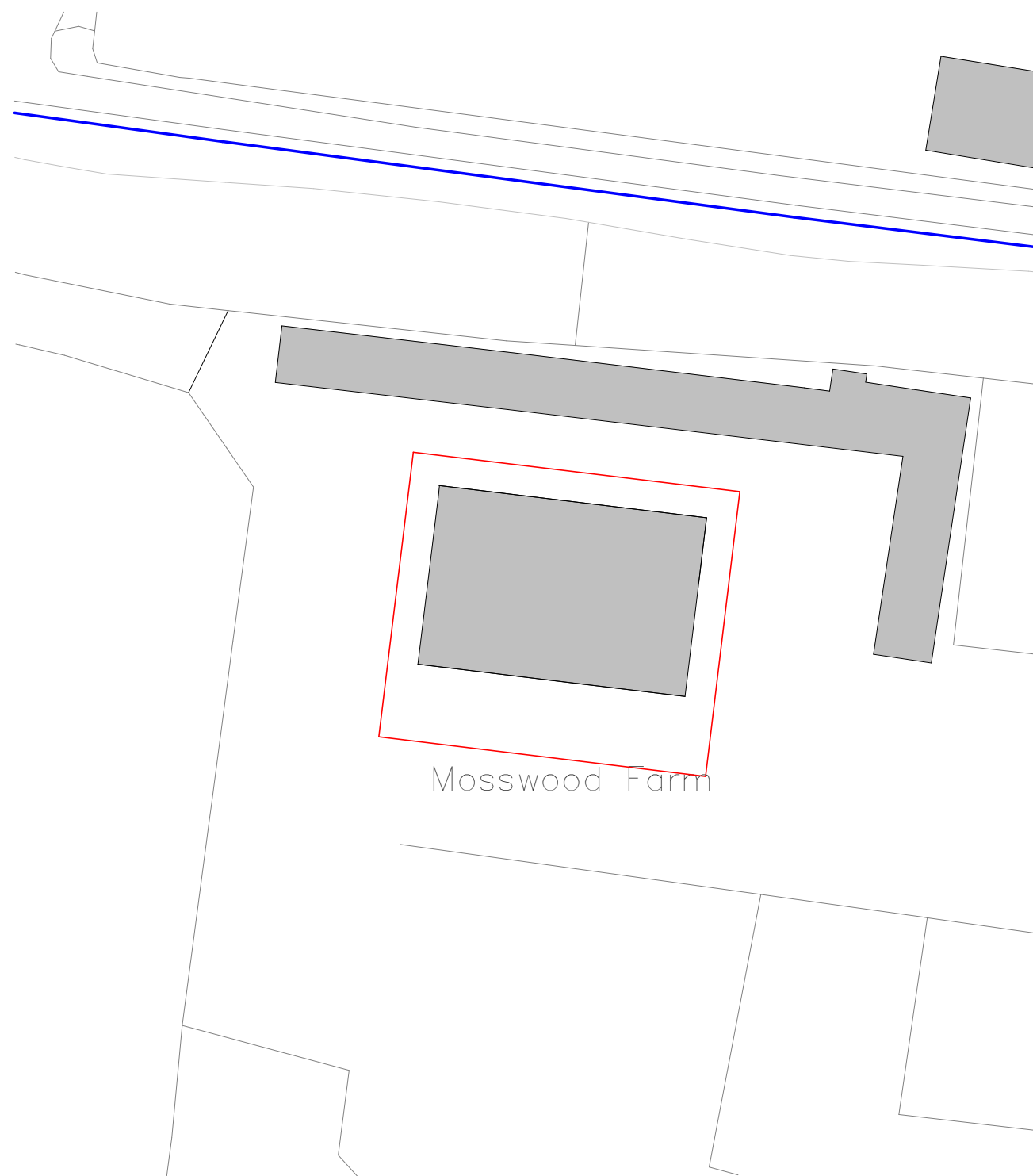
SCALE 1:100 @ A1	DATE 24/08/22
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JOB NO. SW0081	DWG NO. SK(00)04	REV P01
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Existing Site Block Plan
1 : 500



Proposed Site Block Plan
1 : 500



VISUAL SCALE 1:500



REV	DESCRIPTION	DATE	BY	CHK
001	Planning Issue	20/08/22	RT	SK
002	Blue line boundary corrected	25/08/22	RT	

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DRAWING TITLE
Site Block Plan

DRAWING STATUS
PLANNING

SCALE (@ A3)
1 : 500

DATE
24/08/22

DRAWN BY
RT

CHECKED BY
CMD

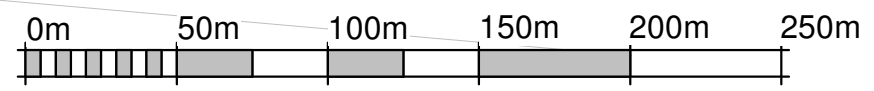
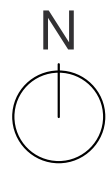
JOB NO.
SW0081

DWG NO.
SK(00)02

REV
P02



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VISUAL SCALE 1:2500

REV	DESCRIPTION	DATE	BY	CHK
P01	Planning Issue	30/08/22	RT	RT
P02	Blue line boundary corrected	05/09/22	RT	

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PROJECT
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 Cheshire
 WA16 0RF

DRAWING TITLE
 Site Location Plan

DRAWING STATUS
 PLANNING

SCALE (@ A3)
 1 : 2500

DATE
 24/08/22

DRAWN BY
 RT

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 CMD

JOB NO.
 SW0081

DWG NO.
 SK(00)01

REV
 P02