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DECISION NOTICE

Application No: **23/4093M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

The proposed new rear extension and new accommodation block at Upton Grange Care Home, in order to bring the premise's residential accommodation up to modern living standards in order to allow the care home to function to its full potential.

Location

UPTON GRANGE, 214, PRESTBURY ROAD, MACCLESFIELD, CHESHIRE, SK10 4AA

for **Danny O'Sullivan, Upton Grange Care Home - CRH Trust**

In pursuance of its powers under the above Act, the Council hereby REFUSES to grant planning permission for the above development referred to in the application and accompanying plans submitted by you for the following reasons:

1. The proposed extension would have a significant impact on the external appearance and setting of the designated heritage asset. The harm to the significance of Upton Grange would be less than substantial, but it is not considered the public benefits have been sufficiently set out to outweigh the harm or that the harm is avoidable with a different option. The proposed works would therefore fail to comply with Cheshire East Local Plan Strategy policies SD1, SD2, SE1, SE7, policy HER4 of the CHESHIRE EAST SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT and section 16 of the NPPF.

For the avoidance of doubt, this decision is based upon plans received by the Local Planning Authority on 30th October 2023.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 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.

Dated: 04/10/2024



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.