

Appeal Decision

Site visit made on 20 September 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/R0660/W/16/3153559

Foxholme Stables, Moor Lane, Wilmslow SK9 6DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms C Redgrave against the decision of Cheshire East Council.
 - The application Ref 15/5224/M, dated 16 November 2015, was refused by notice dated 10 March 2016.
 - The development proposed is the erection of replacement stable and storage building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms C Redgrave against Cheshire East Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application form states the site address as being two words 'Fox Holme' Stables rather than 'Foxholme' Stables. This appears to me to be a typographical error. I have therefore used the correct spelling in the banner heading.

Main Issues

4. The main issues in this case are:
 - whether the proposal would form inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework) taking into account the effect on the openness of the Green Belt and the purposes of including land within it;
 - if the development is inappropriate, 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.
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Reasons

Inappropriateness, openness and Green Belt purposes

5. The appeal site forms an existing livery stable which comprises a stable building accommodating 9 horses, a manege, horse grazing and an area of hardstanding for the parking of horse boxes, a tractor and waste facilities. The site lies within the Green Belt. It is proposed to construct a replacement stable and storage building partially on the site of the existing 'L' shaped stable and partially on an area of existing hardstanding used to park horse boxes and other vehicles. As a result of level differences, the open fronted storage part of the building would have a floor level around 800mm below that of the stable element of the building.
6. Saved Policy GC1 of the Macclesfield Local Plan (adopted January 2004) seeks to restrict the construction of new buildings in the Green Belt except for specific purposes. This includes essential facilities for outdoor sport and recreation, for cemeteries, and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it. The Policy also makes reference to replacement buildings subject to requirements of Policy GC11.
7. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. The paragraph goes on to list several exceptions to this which include appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Bullet point 4 of paragraph 89 relates to replacement buildings, providing that the new building would not be materially greater than the one it replaces.
8. Policy GC1 pre dates the National Planning Policy Framework (the Framework) and whilst it reflects the general thrust of paragraph 89 it is not consistent with it. I therefore attach greater weight to the Framework in my determination of this appeal in accordance with Paragraph 215 of the Framework.
9. There is no dispute between the parties that the fourth bullet point of paragraph 89 concerning replacement buildings in the Green Belt is not the appropriate exception against which to judge the proposal. There is also no dispute that the development provides an appropriate facility for an outdoor recreational use. The impact of the development on the openness of the Green Belt must therefore be considered.
10. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The proposed building would be more than double the footprint of the existing stables. The replacement stables on the higher ground would have a ridge height of 4.8 metres, approximately 1.8 metres higher than the existing stable building. The storage part of the building would be about 5.6 metres to the ridge however because of the level difference the building would have a continuous ridge line. The proposed building in terms of footprint and height would therefore be significantly larger than the building it replaces.

11. I concur with the appellant that the assessment of openness should not simply consider the volumetrics of a building. In this case the development would occupy land currently used for parking and storage. I acknowledge that this existing storage use, which would be housed within the proposed building, has an impact on the openness of the Green Belt. The impact on openness of the removal of the existing stable building is also a consideration. Whilst I have taken these factors into account, having regard to the volume, length and height of the proposed replacement building compared to the existing building, I consider that the appeal proposal would not preserve the openness of the Green Belt.
12. The Council considers that the proposal would not threaten any of the purposes of including land within the Green Belt. However I have already found that the development would be materially larger than the existing building and would have an adverse impact on openness. I therefore consider that the proposal would conflict with the purposes of safeguarding the countryside from encroachment.
13. Accordingly I consider that the appeal proposal would form inappropriate development in the Green Belt and would therefore conflict with paragraph 89 of the Framework.

Other considerations

14. I acknowledge that the proposal would be sited on an existing established equestrian complex. The replacement building would be sited in a position where it would be read as an integral part of the existing built form. Whilst the siting of the building may be appropriate in terms of its relationship with other buildings on the site, this does not reduce the impact of the development on the openness of the Green Belt or the encroachment into the countryside. I therefore give this very little weight.
15. I acknowledge that the storage of vehicles and equipment inside the proposed building would tidy up the site and lead to visual improvements to the site and to the character and appearance of the area. It would also improve security and protect equipment from the weather.
16. The appellant has made reference to paragraph 81 of the Framework which aims to enhance the beneficial use of the Green Belt such as looking for opportunities for outdoor sport and recreation and the retention or enhancement of the visual amenity. I have acknowledged above that the appeal proposal would improve the appearance of the site. It would also improve the available facilities, maintaining and supporting an existing equestrian use.
17. The development would provide additional storage facilities enabling materials to be bought in bulk and thereby reducing the number and frequency of deliveries to the site. However the number of trips is likely to be small and whilst the impact on the road network would be positive it would not be significant.
18. The Framework in paragraph 28 aims to support the rural economy. I note from the appellant's evidence that the existing stable building is approximately 20 years old and is coming to the end of its design life. The new building would reduce maintenance costs and save costs in enabling bulk buying of materials

and feed. The improved facilities would also attract and maintain customers in the longer term benefitting the continued operation of the business.

19. The appellant has argued that the proposed new stable building would provide a higher standard of accommodation for the horses. I accept that this would improve their overall welfare.

Conclusion

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except, in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
21. Whilst I attach some weight to the matters raised in support of the proposal, the visual improvements to the site, the improved facilities and support to an existing livery business, I conclude that collectively, they do not clearly outweigh the harm by reason of inappropriateness. Very special circumstances necessary to justify the development do not therefore exist and the proposal fails to comply with the guidance in the Framework.
22. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR