

Appeal Decision

Hearing Held on 27 March 2018 and 11 September 2018

Site visit made on 11 September 2018

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2018

Appeal Ref: APP/R0660/W/17/3181019

Mobberley Riding School, Newton Hall Lane, Mobberley WA16 7LQ

- 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 Mr Lewis of Mobberley Development Ltd against the decision of Cheshire East Council.
 - The application Ref 16/3931M, dated 8 August 2016, was refused by notice dated 9 February 2017.
 - The development proposed is demolition of the existing buildings on site and the erection of church meeting hall (Use Class D1) with associated access, parking, landscaping and infrastructure.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Separate applications for costs were made by Mr Lewis of Mobberley Development Ltd, Mr Nixon and Mr Lamb against Cheshire East Council. These applications are the subject of separate Decisions.

Procedural matters

3. Shortly prior to the opening of the hearing the Council stated that five bodies who had commented on the application had not been formally notified of the appeal or the hearing. These bodies should have been given the opportunity to make further representations and take part in the hearing. Consequently on opening the hearing, I suggested that proceeding with the event at that time may be prejudicial to those parties. The hearing was adjourned and recommenced on 11 September with this notification having been done and with all other interested parties having been appropriately notified of the details of the reconvened hearing.
4. Between the hearing opening and recommencing, the government published a revised National Planning Policy Framework (the 'Framework'). Both parties have had the opportunity to comment on the implications of the new Framework on the proposal and I have taken their comments into account.

Main Issues

5. The main issues are:

- whether the proposed development would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
- the effect of the development on the character and appearance of the area;
- whether the site would be a suitable location for this development having regard to its accessibility by sustainable modes of transport; and
- if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development?

6. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt, unless they fall within the given list of exceptions. Part g) of this paragraph identifies that one such exception is the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development. It is not disputed that the appeal site is previously developed land. Policy PG3 of the Cheshire East Local Plan Strategy (the 'Local Plan') is largely consistent with the Framework in this respect, albeit it also refers to the purposes of including land within the Green Belt, which is not a consideration in part g) of paragraph 145. Saved policy GC1 of the Macclesfield Borough Local Plan also relates to development in the Green Belt but is not wholly consistent with Framework in that it does not suggest the development of previously developed sites can be not inappropriate. I therefore give limited weight to this policy.
7. The site currently accommodates a single large building, which was previously an indoor riding arena, and a number of smaller outbuildings including stables and stores. The meeting hall would not be as long as the riding arena building, but would be wider. It would also, for the most part, be around one metre taller than the existing building. When seen from the front of the site, the increase in height combined with the increase in width would create a larger north elevation. This would affect the openness of the site when seen from positions near its entrance which is, I consider, from where most people would experience the site.
8. The development would be very visible from the footpath to the north east and from here the increase in height would be seen along with the decrease in length. Overall therefore, though the proposed building would be prominent, it would not appear significantly larger from here. The rear section of the building would be slightly lower than the rest and the rear elevation would not be dissimilar to that of the existing arena. Views from the south would be largely mitigated by planting in the same way that they are currently, and landscaping would also most likely alleviate the visual impact of the meeting hall when seen from positions along Newton Hall Lane south of Oak House.
9. With respect to the boundaries, the appellants have suggested a galvanised green fence and gates less than two metres in height would be provided, but that details of this could be secured by a planning condition which would require the approval of the Council. I agree and cannot conclude that the

boundary treatment would necessarily impact on openness, particularly as some of the boundaries are currently well vegetated.

10. It is common ground between the parties that the meeting hall would result in a reduction in built footprint of around 35%, and in volume by nearly 20%. The main reason for these decreases is the demolition of the outbuildings. Some of these, such as the small blockwork stables alongside the ménage, are limited in height and have little presence beyond the site. However the removal of part of the large outbuilding in the west corner of the site would increase the openness of the site when seen from positions along Newton Hall Road south of Oak House.
11. Turning to the car park, this would comprise 140 spaces and would cover most of the land in front of, and to the southwest side of, the hall. At present this area is taken up by a small car park at the front of the site, two former ménages, some hardstanding around the buildings as well as the outbuildings themselves. This proposed car park would be a largely open area and when not in use would increase the openness of the site. However there would be 26 services over a four week period, with nine of these services visited by over 100 cars. Such a large volume of cars parked so often would affect openness.
12. The effect on openness would vary depending on the number of cars. Moreover, on each occasion the effect would be relatively short lived, being primarily for the length of the service and in this respect it would differ from the more permanent effect of the existing outbuildings. However compared to the open area in front of the riding arena and, in particular, the ménages, I consider the introduction of numerous parked cars on a regular basis would reduce openness.
13. Indeed, though the figures provided suggest that there would be a reduction in the area of hardstanding of approximately 12%, this is based on the ménages constituting hardstanding. I accept that some works would have been required in order to create the ménage's surface. However, from what I saw on site, it is very different in texture and appearance from more typical hardstanding, such as that found elsewhere across the site or that most likely to be used in the development. Therefore, whilst I note some spaces would be surfaced in grasscrete, there would most likely be a significant increase in hard surfacing.
14. In summary, the spatial reduction in the volume and area of built form and the presence of boundary vegetation, would mean the effect on openness from some viewpoints would be no greater. However, the increase in the size of the prominent front elevation and the frequent and heavy use of the car park across a significant proportion of the site would have a greater visual effect on openness. Overall, I consider the proposal would have a greater effect on openness than the existing development. As such it is inappropriate development.
15. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I therefore need to consider whether any other harm is caused by the proposal and then balance the other considerations against the totality of that harm.

Character and appearance

16. The site is located in a largely rural area with its setting dominated by fields and a few scattered dwellings. The collection of stables and store buildings on site along with its equine use, reflect its rural context.
17. The proposed car park would be significantly larger than the existing one and would extend from the front of the site to deep within it. I accept boundary fencing would be provided around the site, supplemented by gates at the front which, if opaque, could assist in screening the whole development from external viewpoints. However, at times when the building would be in use, the gates would be open and the image from Newton Hall Lane would be of a mass of hard surfacing and parked cars. This would be a strongly urban feature, contrasting with its rural and largely undeveloped surroundings.
18. I have already considered that details of fencing and gates can be controlled by a condition. Likewise, although an indicative landscaping plan has been provided, a detailed landscaping scheme could be secured by a condition which could include species that would be effective in screening the fencing along the boundaries of the site.
19. The development would include the provision of exterior lighting. However I understand that the riding school operated outdoor lighting and therefore the principle of lighting in this location would not be new. Furthermore, the position, brightness, design and hours of use could be controlled by a condition. There would be few windows in the building so it is unlikely that light from within the hall could have an adverse impact beyond the site.
20. The building would have a rather functional appearance, but its design appears to be strongly influenced by the existing riding arena building. Consequently, the effect of the proposal on the appearance of the area would be similar.
21. Nevertheless, I consider the urban form of the car park would detract from and unacceptably harm the rural character and appearance of the area. It therefore would fail to accord with policies SD2 and SE1 of the Local Plan which aim to ensure development contributes positively to the surrounding area's character.

Accessibility

22. The site is 600 metres from the closest bus stop near the southern end of Newton Hall Lane. The buses to this stop do not run on Sundays and on Tuesdays to Fridays the service would cease before the end of the church services. As such the bus would not be likely to provide a practical travel option for members on most days.
23. The site is around 2½ miles from Mobberley train station. This distance would not encourage train use unless supplemented by vehicles travelling between the site and the station, and possibly between members' homes and their nearest station. Therefore, this is also not a convenient option.
24. Although I recognise Newton Hall Lane forms part of a national cycle route, I would not anticipate that cycling would be an attractive option for most of the congregation. This is mainly because the members generally live a significant distance from the site. Also Newton Hall Lane is unlit which would discourage cycling to evening services in the winter. It may be possible for some members

to cycle with the assistance of the train but, as was suggested at the hearing, the local trains have little capacity for cycles.

25. I understand that few members of the congregation walk to the existing meeting hall in Hale. Nonetheless, from the map showing the location of members' homes, I consider the opportunity for walking to the existing hall is greater than that of walking to the appeal site.
26. Car sharing would be encouraged and I would anticipate that in these circumstances, where people from roughly the same area are travelling several miles to the same location for the same reason, this may be a realistic option. However this could not be forced upon the members, even with a travel plan in place, and in any case the evidence shows that cars currently travelling to the existing site at Hale have an occupancy of over 3½ people per car. This leaves little extra room in a standard sized car for additional persons.
27. I consider the likelihood of members moving house to be closer to the appeal site to be slim and would not significantly change the accessibility of the site for most of the congregation.
28. According to the appellant's figures, there would be an 8% reduction in car miles travelled when measuring the journeys of the congregation travelling to Hale compared to travelling to the appeal site. However from these figures the number of members in the south Manchester area who would experience a shorter journey is similar to those who would have to travel a longer distance. The main saving in mileage would be from those members in the Crewe area who would be less frequent attendees at the Mobberley venue. Though the calculations take account of their reduced attendance, it does mean that when considering just the development's primary congregation in south Manchester, any reduction in mileage would be less than 8%. I would not consider this to be a significant reduction.
29. It was suggested that due to the dispersed location of members' homes, it was likely that even if the development were located in a site with better public transport links, the majority of members would still drive. Whilst this may be the case, a site with good public transport links provides opportunities for sustainable travel, which is endorsed in paragraph 102 of the Framework. This site cannot provide such opportunities.
30. Overall, the site is not suitably located with respect to its accessibility by sustainable modes of transport. The proposal therefore would fail to accord with policy SD1 of the Local Plan and the Framework which both encourage developments to be accessible by public transport, walking and cycling.

Other considerations

31. At the hearing, the appellant confirmed that they were not suggesting any other considerations that could be balanced against any findings of inappropriateness. Brief reference was made to the existing site in Hale failing to comply with the requirements of the Disability Discrimination Act, but this only indicates the deficiencies of their existing site and does not positively support the case for the development at the appeal site. I therefore give limited weight to this matter.

Planning Balance and Overall Conclusion

32. I consider that the development causes harm to the Green Belt by way of its inappropriateness and substantial weight should be given to this harm. Added to that is the harm to the character and appearance of the area and the development's failure to be suitably accessible.
33. I conclude that there are no other considerations that clearly outweigh the harms and therefore there are no very special circumstances to justify the proposal. Consequently, the development would conflict with policy PG3 and the Framework which both aim to protect the Green Belt from inappropriate development.
34. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Cameron Lewis	Appellant
Ian Ponter	Kings Chambers
Steven Bowers	CBO Transport

On 27 March only:

Richard Barton	GVA HOW Planning
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On 11 September only:

Richard Woodford	GVA HOW Planning
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FOR THE LOCAL PLANNING AUTHORITY

On 27 March only:

Michael Coburn	Planning Officer
Natalie Wise-Ford	Principal Planner

On 11 September only:

Louise Dowd	Senior Planning Officer
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INTERESTED PERSONS

John Unterhalter	Mobberley Parish Council
Christopher Dodson	Wilmslow Town Council
Stuart Nixon	Representing local residents
Stephen Lamb	Representing local residents
Richard Irving	Local resident
Christine Bagshaw	Local resident
Clive Meyers	Local resident
David Elves	Local resident
Diane Povall	Local resident
Vivienne Pike	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

On 27 March: Policies PG3, SD1, SD2, SE1 and CO4 of the Local Plan
Supplementary Statement of Case by HOW Planning

On 11 September: Updated bus timetable for Route 88
Consultation response from United Utilities