
Appeal Decision

Site visit made on 29 July 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/R0660/W/19/3229111

The Willows, Whitchurch Road, Newhall, Aston, Nantwich CW5 8DJ

- 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 and Mrs G S Doe against the decision of Cheshire East Borough Council.
 - The application Ref, dated 19 September 2018, was refused by notice dated 26 November 2018.
 - The development proposed is: Manège 40m x 25m and external lighting.
-

Decision

1. The appeal is allowed and planning permission is granted for a Manège 40m x 25m and external lighting at The Willows, Whitchurch Road, Newhall, Aston, Nantwich CW5 8DJ in accordance with the terms of the application, Ref 18/4756N, dated 19 September 2018 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: 1:2500 scale Revised Site Plan and Block Plan received 16 November 2018; 1:500 Revised Site Plan received 16 November 2018; 1:200 Fence and Lighting Plan; Surface, Fencing, Drainage and Lighting Plan received 24 September 2018; Lighting Scheme received 29 October 2018.
 - 2) The lights shall be mounted on poles at a height no greater than 3.5m above original ground level. The poles are to be painted dark green within 1 month of erection and thereafter retained in that colour.
 - 3) The approved pole mounted lights shall be used only between the hours of 1600 and 2100 on any day.
 - 4) The riding arena shall be for personal recreational use for horses belonging to the occupiers of The Willows and not as a public facility or riding school.
 - 5) Prior to the installation of the lighting a scheme for landscaping shall be submitted to and approved in writing by the local planning authority. All planting comprising the approved details shall be carried out in the first planting season following the installation of the lighting and any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed or become diseased shall be replaced within the next planting season with others of a similar size and species.

Procedural Matters

2. I have therefore taken the description of the development used in the decision notice and appeal form, which more accurately describes the proposal as it shows the 6 pole mounted external lights as shown on the submitted plans.

Main Issue

3. The appeal form describes the site as lying within the Green Belt. The Council appeal questionnaire states that the site is not within the Green Belt, nor does the decision notice make reference to any development plan policy relating to the issue. I am therefore satisfied that the site does not lie within the Green Belt and shall determine the appeal on that basis.
4. The manège has been fully constructed and there is no dispute regarding its acceptability. The main issue is therefore the effect of the proposed external lighting on the character and appearance of the area.

Reasons

5. The appeal property (the property) is situated off Whitchurch Road, approximately 7km from Nantwich and close to the village of Aston. There are a number of other properties nearby in what could be described as a sporadic area of linear development within the open countryside.
6. The manège is located at the rear of the property, adjacent to an existing store building, and the land beyond is an open field. The riding arena is at a slightly lower level than the open field beyond the site and is also a short distance from a residential property, Hollycroft.
7. Instead of placing the lighting poles to the outside of the manège on higher ground as originally proposed, the appellant has confirmed that they would be positioned close to the surrounding fence. Although the poles are 5.5m long, the appellant has confirmed that they would be sunk into the ground by about 1.0m for stability and set within the area between the fence and the surrounding land where the ground level has been reduced by approximately 1.0m. This would give an effective height of about 3.5m relative to the surrounding pasture land. At the time of my visit one of the poles intended for use in the external lighting scheme had been erected in this manner and painted dark green. The riding arena was enclosed with a good quality timber post and rail fence.
8. Whilst noting the presence of public footpaths in the area, the manège itself has a low level of visual impact on the character and appearance of the countryside, seen against the backdrop of the buildings at The Willows. Whilst the installation of the lighting poles and fittings would add to this visual impact, it would not be obtrusive or harmful to the appearance of the area. Views towards the property from the open countryside are limited by trees and hedgerows and to the road by buildings, therefore in terms of the wider landscape the visual effects would be very low. These effects would be greater during the hours that the lighting is in operation, but given that these periods would be during, or close to, the hours of darkness there would be little perception of this other than by users of the manège itself and the occupiers of nearby properties.

9. I therefore conclude that the proposal would not harm the character and appearance of the area, and would conform to Policies SE1 and PG6 of the Cheshire East Local Plan Strategy 2010 - 2030¹ which aim, amongst other things to ensure that the design of development is appropriate to its context and that in the open countryside developments such as the proposal are essential for outdoor recreation.

Conditions

10. Since the development has been partly implemented, I do not include a condition limiting the period in which works must commence.
11. For certainty I attach a condition requiring the development to be carried out in accordance with the approved plans. These do not refer to the 3.5m limitation on the height of the poles. To secure this I attach a condition to that effect and requiring that the poles be painted dark green within 1 month of their erection.
12. Given the proximity of other residential properties, it is necessary to control the periods during which the lighting is used, in order to avoid late night disturbance from use of the riding arena. The Council has proposed that the hours of operation of the lighting should be limited to 1600 hours to 2000 hours on any day. I note that the occupier of the closest other property has stated that he would have no objection were the appellant to be able to use the lights up to 2200 hours. However, I consider that late night disturbance would be avoided if use of the lighting were to be allowed until 9pm.
13. Whilst the proposal does not suggest any commercial use of the manège, in the interests of certainty as to what has been approved I attach a condition limiting the use to recreational purposes by the occupiers of The Willows.
14. The Council has suggested that a hedge comprised of native species should be planted along the boundaries of the manège. The appellant has commented that such planting is not needed and would give rise to health and safety concerns. However, they propose some limited tree planting adjacent to each lighting pole and in an area between the manège and Hollycroft. Given the low level of visual impact of the proposal this approach is acceptable and I attach a condition requiring details of such landscaping to be agreed with the Council and carried out within the first planting season following the erection of the lighting.

Conclusion

15. For the reasons given the appeal is allowed.

Tim Wheeler

INSPECTOR

¹ Adopted July 2017