



Appeal Decision

Site visit made on 17 March 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/R0660/W/19/3242469

**Land adjacent to Swanwick Hall Drive off Booth Bed Lane, Goostrey
CW4 8NB**

- 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 Mrs P Taylor against the decision of Cheshire East Council.
 - The application Ref 19/1653C, dated 2 April 2019, was refused by notice dated 9 August 2019.
 - The development proposed is a new stable block, manège, access track and change of land use to combined equestrian and agricultural.
-

Decision

1. The appeal is allowed and planning permission is granted for a new stable block, manège, access track and the change of land use to combined equestrian and agricultural at land adjacent to Swanwick Hall Drive off Booth Bed Lane, Goostrey CW4 8NB in accordance with the terms of application 19/1653C, dated 2 April 2019, subject to the conditions listed at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the setting of Swanwick Hall, a grade II listed building.

Reasons

3. Swanwick Hall is noted for its 17th century origins. It was later rebuilt and extended during the 18th and 19th centuries but retains elements of the original building within its fabric. As a former farmhouse, its isolated setting and hinterland of open fields contribute to its setting and its significance.
4. The Hall is accessed via a single track road leading from Booth Bed Lane within the village of Goostrey. From the village the range of buildings, dating from various periods, are set behind a primarily deciduous tree belt running along the line of Shear Brook. The undulating appeal site lies to the north-west of the track and is separated from it by timber post and rail fencing. At the time of my site inspection the land was to grass.
5. The proposed development would consist of a number of elements including the formation of a new vehicular run-off from the existing access road to the Hall. This would be fenced with open timber post and rail fencing and terminate at a new five-bar gate a short distance into the field. Beyond the gate, a twin track would be formed to enable vehicular access to the area of a proposed stable block and manège.

6. The stable building and surfaced riding paddock would be sited in the north-western corner of the field close to Goostrey Sports Pavilion and Playing Field. The building, accommodating 6 stalls and associated storage spaces, would be L-form in plan and of timber and corrugated sheet cladding construction set on a concrete base. The manège would be unfenced and be formed marginally above the existing ground level through the laying of a sub-base with sand and fibre finish. A small traffic light pole is proposed close to the proposed vehicle access point.
7. The main parties agree that the open area of fields between the farmstead and the settlement fringe form part of the setting of the listed building and, by its nature, contribute to the significance of the historic asset. Accordingly, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
8. The development would have no direct physical impact on the listed building. The appeal site is one of numerous fields set between the listed building and the built-up areas of the settlement. The settlement edge lies in an arc from the south-west through to the south-east of the Hall at a distance of several hundred metres. This field buffer highlights the isolation of the site and as such forms an important aspect of the setting of the Hall and consequently contributes to its significance as a former farmstead. In consideration of this setting, the parties disagree as to its sensitivity.
9. However, the parties agree that the nature of the development is of necessity a rural based one and that the design and appearance of the stables, manège and track are appropriate to the character of the countryside. In visual terms, this means that the building would assimilate within the landscape.
10. From Swanwick Hall Drive and parts of Booth Bed Lane the building and manège would only feature in distant views. Along the driveway leading to the Hall, these elements would be set wide within the field of view towards the Hall and close to the clubhouse and store at Goostrey Playingfields.
11. Due to the shallow profile of the manège and lower field level at the north-western corner of the appeal site, views of the riding arena and the lower parts of the building would be very limited. In the landscape vista, the characteristic rural stable, track and riding arena would appear minor in scale and occupy a small proportion of the appeal site with the majority of the site retained for grazing purposes. The distant position and peripheral location would consequently have little impact on the main view along the driveway.
12. Most significantly, the rural character of the area and the sense of separation, derived from the intervening open land between the development and the screened location of the Hall, would be retained to preserve the experience of the remoteness of the Hall. Together these aspects of the development would preserve the sense of isolation which contributes to the significance of the listed building.

13. I am directed to a previous appeal decision¹ where development was proposed on fields on the opposite side of the access road. That decision also recognised that the fields make an important contribution to the significance of the listed building. However, that development was for 119 dwellings. The proposed rural development would be very different in scale and nature to the previous residential scheme. In contrast to the proposed development, that scheme included a large quantum of development that would give rise to significant urbanising effects through its formal layout, bordered gardens, landscaping, drainage and road infrastructure such that the rural character of the locality would be undermined.
14. The access is proposed to be sited close to the village end of the track where the appreciation of the significance of the listed building is limited to that of a distant position. Despite the deciduous nature of the tree belt along Shear Brook, views of the Hall are limited during winter months at this juncture and would be more so when trees are in leaf. The introduction of the minor works would do little to impose on the open aspect when leaving the village and therefore would not materially affect the sense of remoteness in the distant view on the initial length of the drive.
15. The introduction of additional open post and rail fencing, small post signal and limited additional hardstand to form the vehicle run-off area would be in keeping with the existing character of development. Although there would be some vehicular movements associated with the proposed use of the site, these would be few in number and, aside from short periods of time for manoeuvring into and out of the site and operation of the gate, the majority of any noise and activity would mainly be focussed about the stable building and be distant to the main approach to the Hall. As such, I am not persuaded that the level of activity and noise generated by the development would cause any significant intrusion into the appreciation of the Hall at, or about, this point of the track. Furthermore, as a typical rural situation, the grazing of animals within the larger part of the field would not cause distraction to the enjoyment of the listed building.
16. For the above reasons, I conclude that the proposed development would preserve the setting of the listed building. It would therefore avoid harm to the significance of the listed building and be consistent with the requirements of Policy SE7 of the Cheshire East Local Plan Strategy 2010-2030 (2017), Policy OCEH3 of the Goostrey Parish Neighbourhood Plan, saved Policy BH4 of the Congleton Borough Local Plan First Review (2005) and the heritage aims of the National Planning Policy Framework (the Framework) that, amongst other matters, seek to protect the settings of heritage assets.

Other Matters

17. I note other matters raised by other parties and I consider the main points here before moving to a conclusion.
18. The access to the proposed site along Swanwick Hall Drive is a public right of way used by vehicles accessing the Hall and its associated buildings and facilities, and by users of the right of way. Due to its limited width vehicular movement along its length is managed through the mini traffic light system to avoid conflict of vehicle movements. Estimated at between 4 to 6 additional

¹ APP/R0660/W/15/3129954

movements per day, the proposal would not add significant traffic to the drive. Its straight nature ensures that inter-visibility between vehicles and other users is good and the development would not adversely affect this arrangement.

19. Sufficient space is present on the made length of the track to allow vehicle and individual users, including those reliant on mobility aids, to pass. Traffic entering or leaving Swanwick Hall Drive would have sufficient visibility along the initial, narrower length of the path to allow conflicting users to wait in the same way that the existing traffic signal system permits. I therefore agree with the reported views of the Council's highway and rights of way advisors that, subject to the requirement to install and integrate the traffic light system, the development would not prejudice highway safety.
20. Furthermore, whilst some additional traffic would arise, being mindful of the default use of the land for agricultural purposes, this would not be to the extent as to generate significant increases in any levels of dust, noise or pollution along the length of the track. The Council has raised no objections in those respects and there is little evidence to demonstrate that any significant harm would arise as a consequence of the additional activity generated.
21. The Council and other parties have expressed concern that the proposal could set a precedent to further development about the listed building and the Jodrell Bank Radio Telescope such as to have a cumulative adverse impact upon their setting and, in the case of the telescope, its effectiveness at low trajectories. However, precedent is rarely an argument that should carry great weight in planning decisions. Although I saw that other equine development was present about the listed building, this is not a matter in favour of the proposed development, a development which I have considered on its own merits in the context of the development plan and other material considerations. Furthermore, there is little evidence to demonstrate that the development would impair operations at the Jodrell Bank site or affect its setting.
22. The development would be sited on land previously used for agriculture. The Council advises that the quality of the land is Grade 3 within the Natural England Agricultural Land Classification. It may therefore be at the lower end of land protected as the best and most versatile agricultural land. The Council has subsequently taken the pragmatic view that, due to the scale and nature of the development proposals, it would be of a reversible nature to the extent that it would allow the land's return to agriculture if so required. I see no reason to disagree with that view and therefore the aim of avoiding the permanent loss of agricultural land is met.

Conditions

23. The Council has suggested several conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity.
24. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
25. Due to the nature of the access and setting of the site a condition limiting the extent of commercial use is necessary. To protect the character and

appearance of the locality, ecological interests and local amenity, the use of external lighting is restricted.

26. To protect ecological interests, reasonable avoidance measures are necessary during the construction phase of the development. However, due to the nature of the land, a restriction on vegetation removal and a requirement for bird nesting provision within the development are not necessary or reasonable in this instance.
27. To protect the character and appearance of the area, a condition requiring the specified materials is imposed.

Conclusion

28. For the above reasons, the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of conditions

- 1) The development hereby approved shall commence within three years of the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Rev. A; 1710319 Rev. A; 1720319 Rev. A; 1730319; 1740319; 1760319 and 2270618.
- 3) The development hereby permitted shall be for personal recreational use only, with the exception of two individual livery stables and associated storage within the stable building as detailed within the application. It shall not be used in connection with any other trade or business and no gymkhanas or similar events shall be held on the land.
- 4) There shall be no external lighting of the development hereby approved.
- 5) All works during the construction phase of the development shall be carried out in accordance with the reasonable avoidance measures detailed within section 9 of the provided Extended Phase 1 Survey report (Jeff Clarke Ecology, 2018).
- 6) The materials to be used shall be in strict accordance with those specified in the application and approved plan 1730319.

End of schedule.