



Appeal Decision

Site visit made on 24 June 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2020

Appeal Ref: APP/R0660/W/20/3250723

Morton Stables, Wood Lane West, Adlington, Cheshire SK10 4PA

- 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 & Mrs Lucas against the decision of Cheshire East Council.
 - The application Ref 19/4044M, dated 26 August 2019, was refused by notice dated 22 January 2020.
 - The development proposed is new stables, composting toilet and horse exercise arena.
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Decision

1. The appeal is dismissed insofar as it relates to the stables. The appeal is allowed insofar as it relates to the composting toilet and exercise arena, and planning permission is granted for a composting toilet and horse exercise arena at Morton Stables, Wood Lane West, Adlington, Cheshire SK10 4PA, in accordance with the terms of the application, Ref 19/4044M dated 26 August 2019, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they relate to the composting toilet and horse exercise arena:
 - 1234 (location plan);
 - 2220819 (existing site plan);
 - 2230819 (proposed site plan);
 - 2240819 (proposed drainage plan);
 - 2250819 (level information); and
 - 2260819 (building details).
 - 3) The materials to be used in the construction of the external surfaces of the composting toilet hereby permitted shall match those used in the existing stable building.

Procedural Matter

2. The proposal involves the construction of a new block containing three stables and a store. On my site visit I saw that a building with two stables had already been erected in the position of the proposed stable block. I have therefore treated the appeal proposal as being partly retrospective.

Main Issue

3. The appeal site is within the Green Belt and so the main issues are:
- whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and development plan policy, including the effect on openness;
 - if the development would be inappropriate, whether the harm to the Green Belt by reason 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

Whether the proposal would be inappropriate development in the Green Belt

4. The proposed stables, toilet and exercise arena would provide additional facilities at an existing site, which comprises of an L-shaped block containing five stables and a store, a small pole barn and a 40m x 20m manège. The site is currently used by the appellant's family for their personal use, but the proposed additional facilities would enable the expansion of their daughter's equestrian business, which currently operates off-site.
5. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This approach is reiterated in Policy PG3 of the Cheshire East Local Plan Strategy 2017 (CELPS).
6. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. Criterion b) allows for appropriate facilities for outdoor recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. On entering the site, the recently constructed stables, which form part of the proposed development, appear more prominent than the L-shaped stable block, which is set into the corner of the yard. If the stable block and store were to be further enlarged as proposed, in an area of the yard which was formerly open and free from development, the result would be to significantly increase the proportion of the yard which was built up, with a commensurate increase in the feeling of enclosure.
8. The lower level of the yard compared to the adjacent exercise arena and immediately surrounding countryside limits the extent to which the proposed building would be seen from outside of the site. However, the yard is visible from the access track, and the scale of the building and its central position within the site would mean that there would be a modest loss of openness. As such, openness would not be preserved so the proposed stables would not meet the exception set out in paragraph 145b).
9. The proposed composting toilet would be small in scale and would be located at one end of the existing stable block. It would be viewed in the context of the

- existing building and would preserve openness. This element of the proposal would therefore comply with paragraph 145b).
10. Saved Policy DC32 of the Macclesfield Borough Local Plan 2004 (MLP) allows for equestrian facilities in the countryside subject to a number of criteria, the first of which is that proposals for stables and ancillary facilities are small scale and required in the interests of animal welfare. The explanatory text gives further detail, and explains that small scale is taken to be developments of up to 3 loose boxes, with an additional bay for storage of feed, bedding etc. In this case, there are already five stable boxes on the site with several storage areas, and permission is sought for a further three stables and a store. When combined with the existing facility, the proposed stable block therefore does not meet the definition of small scale as set out in the policy.
 11. Criterion 9 of Saved Policy DC32 sets out the circumstances in which larger scale facilities may be acceptable. In particular, they should use existing redundant buildings or be sited within an existing complex of buildings. There are no buildings available for reuse in this case. The proposed stables would be sited adjacent to an existing stables building and close to a small pole barn a short distance away. The policy does not provide an explanation as to what is meant by a 'complex' of buildings, but a general interpretation of the term would imply a more extensive facility than the situation at the appeal site. The proposed stable block would not, therefore, comply with either criteria 1 or 9.
 12. I note the appellant's comments that the facility would be low key and would not attract a large number of visitors, and that based on the part personal and part commercial use, could be considered to be small scale. However, the explanatory text to Saved Policy DC32 is very specific as to what is meant by small scale, and, when combined with the existing facilities, the proposed stable block and store would not comply with this. The inclusion of the word 'normally' in the policy does not imply any flexibility in the definition of small scale. In the explanatory text, 'normally' is used to explain the approximate size of a loose box (12ft times 12ft bay), not the number of stables. As a result of its scale when combined with existing development on the site, the proposal would therefore conflict with Saved Policy DC32 of the MLP.
 13. I acknowledge that the policy is now some years old, and may be more restrictive than that contained in policies which apply to other parts of the borough. However, it still forms part of the adopted development plan for the area. Although it goes further than the guidance in the Framework, the policy provides locally specific guidance, the justification for which would have been assessed through the process of preparing and examining the plan. As such, I give significant weight to Saved Policy DC32.
 14. The Cheshire East Site Allocations and Development Policies Document (SADPD) contains Policy RUR7 on equestrian development, and I note the appellant's comment that this draft policy does not define small scale, rather leaving such assessment to be undertaken on a case by case basis. Although this plan has been subject to consultation it has not yet been submitted for examination, and may well be subject to change. Given the relatively early stage of plan preparation, I give this policy limited weight.
 15. Even if the proposal was considered to be small scale, it would still need to comply with the national guidance on development in the Green Belt which is contained in the Framework, and is also recognised in emerging SADPD Policy

RUR7. I have found that the proposed stables would fail to preserve openness and, as a result, would constitute inappropriate development in the Green Belt. This part of the proposal would therefore conflict with both the Framework and CELPS Policy PG3.

16. The proposal also includes a new 60m x 20m manège. The facility would be sited in a paddock which is at a higher level than the yard, and would comprise a large flat area, surfaced with an appropriate material and surrounded by fencing. The field is on a slope, so it would be necessary to level the site by building up the ground level on the north western side, with a gabion and wall, and excavating on the south eastern side.
17. Framework paragraph 146b) allows for engineering operations within the Green Belt, provided that they preserve openness. The site of the proposed manège is already partly hardsurfaced with a gravel track, and the wider paddock within which it would be located has a number of fences crossing it, associated with its existing equestrian use. Although the proposed arena and associated regrading works would undoubtedly have a visual impact, this would be limited in extent, as the manège would be screened by the existing high hedgerow and would not be readily visible outside of the site. Given nature of the facility and taking into account the existing situation, the effect on openness would not be material.
18. As such, this element of the proposal would be consistent with the guidance in paragraph 146b) and CELPS Policy PG3, and would not constitute inappropriate development. Furthermore, there is nothing in Saved Policy DC32 which would preclude this element of the scheme, so there would be no conflict with that policy either.

Other considerations

19. The proposed additional three stables, store and exercise arena would enable the appellant's daughter to expand her existing equestrian business, by caring for a small number of horses on the site and providing schooling and advanced training for clients, supplemented by services relating to horse care and welfare. The proposed manège would be used by both the family and clients for training at competition standard.
20. Paragraph 83 of the Framework is supportive of proposals for the sustainable growth and expansion of all types of business in rural areas, and I acknowledge the appellant's comments about the potential for the expansion of the business to contribute to Cheshire's reputation for equestrian excellence. I give considerable weight to the economic benefits of the scheme. The proposed stables and store would provide for the welfare of animals which would be cared for as part of the business, which would also be a benefit.
21. I acknowledge that the proposed stable block would be constructed of timber and would be of an appropriate design within this rural area, and that it would not cause harm to the character and appearance of the area. Space would be available for parking and manoeuvring of vehicles within the yard, and the facilities would be the minimum required for the proposed personal and commercial use. These factors represent a lack of harm and are neutral in the planning balance.

22. The appellant has suggested that, if sited away from the existing yard, the proposal would constitute a small scale facility in terms of Saved Policy DC32 and as such would be acceptable under that policy. I note comments that such an alternative could have a greater visual and environmental impact, and would lose the financial and security benefits of co-locating the commercial and personal facilities, which the appeal proposal could provide. However, even if located on another site, the proposal would still need to comply with the requirements for development in the Green Belt, as set out in the Framework and CELPS Policy PG3. Furthermore, given the financial implications of expansion elsewhere, there is no certainty that such an option would be pursued at this stage in the development of the business. I therefore give this suggested fall-back position limited weight.
23. I note the appellant's reference to two applications¹ for stables development for which the Council has granted temporary planning permission, despite non-compliance with Saved Policy DC32. However, from the information provided, it appears that those permissions were granted to enable the applicant to have time to establish an equestrian facility on a different site without losing clients. The specific circumstances of that case are different from the appeal proposal, and do not justify such an approach being taken here.

The Green Belt Balance

24. The Framework explains that the government attaches great importance to Green Belts, and that in decision making, substantial weight should be given to any harm to the Green Belt. The proposed stables would fail to preserve openness and would be inappropriate development in the Green Belt which would, by definition, cause harm.
25. When taken together, the other considerations do not clearly outweigh the harm to the Green Belt which would be associated with the proposed stables. Consequently, the very special circumstances needed to justify this element of the proposal do not exist.
26. The appellant has asked that, in the event of some elements of the proposal being acceptable and others not, consideration is given to issuing a split decision. Whilst I have found that the proposed stables would constitute inappropriate development, this would not be the case for the horse exercise arena and composting toilet, which would be acceptable. I am therefore able to issue a split decision which allows these elements of the proposal.

Conditions

27. In addition to the standard time condition, I have specified the approved plans for the avoidance of doubt. A condition relating to materials to be used in the composting toilet is necessary to safeguard the character and appearance of the area. No conditions have been suggested by the Council and I do not consider any additional conditions to be necessary.

¹ Application refs 12/4388M and 16/1640M

Conclusion

28. For the reasons given I conclude that the appeal should be allowed insofar as it relates to the proposed composting toilet and horse exercise arena, but dismissed in relation to the stables.

R Morgan

INSPECTOR