



Appeal Decision

Site visit made on 3 July 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/R0660/W/20/3249344

Land adjacent to Puddle Bank Lane, approximately 225m north-east of Brook House Farm House, Astbury, Cheshire CW12 3NW

- 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 J Scott against the decision of Cheshire East Council.
 - The application Ref 19/3531C, dated 24 July 2019, was refused by notice dated 5 March 2020.
 - The development proposed was originally described as fencing at field entrance and crushed stone surfacing to access track and to front and sides of consented agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for fencing at field entrance and crushed stone surfacing to access track and to front of consented agricultural building, at land adjacent to Puddle Bank Lane, approximately 225m north-east of Brook House Farm House, Astbury, Cheshire CW12 3NW, in accordance with the terms of the application, Ref 19/3531C, dated 24 July 2019, and subject to the attached schedule of conditions.

Application for costs

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

Procedural Matters

3. The appellant has confirmed that the address details on the application form were changed during the application, with the agreement of the Council. I have therefore used the amended address, as it appears on the Council's decision notice and appeal form.
4. The description of development in the heading above has been taken from the planning application form. However, the Council based its decision on amended plans which proposed a reduction in the area of hardstanding, with the area to the side of the building excluded, and I have determined the appeal on this basis. To reflect this, I have removed reference to surfacing to the sides of the consented agricultural building from the formal decision.
5. The fencing and crushed stone surfacing are already in place so I have treated his proposal as being retrospective.

Main Issue

6. The site is within the Green Belt and so the main issues are:

- whether the proposal would be inappropriate development in the Green Belt, including the effect on openness, having regard to the National Planning Policy Framework and relevant development plan policies;
- the effect of the proposal on the character and appearance of the area.

Reasons

7. 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).
8. Framework paragraph 146 lists certain forms of development which are not inappropriate in the Green Belt. This includes engineering operations, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The appeal proposal seeks retrospective permission for an area of hardstanding leading up to, and in front of, an existing agricultural building which was allowed under the prior notification procedure¹. In itself, the proposed area of hardsurfacing does not result in any built form on the site, and does not affect the openness of the Green Belt.
10. I note the Council's concern that if repeated elsewhere, the hardsurfacing could have a detrimental cumulative impact on the purposes of including land in the Green Belt, resulting from the loss of open green land. However, the proposal is small in scale and would not conflict with the purpose of the Green Belt in safeguarding the countryside from encroachment, or any of the other purposes. Other proposals would need to be assessed on their own merits.
11. The fencing which has been erected on each side of the entrance gate is solid in appearance and of significant height. However, the amended plans show that this would be replaced with a simple post and rail fence, which would retain openness.
12. The proposal would therefore preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, it would meet the exemption in Framework paragraph 146 b) and CELPS Policy PG3 paragraph 4.ii, and would not constitute inappropriate development. Consequently, there is no conflict with Policy PG3 or with Section 13 of the Framework, both of which are concerned with the protection of Green Belt land.
13. In its decision notice, the Council has referred to Saved Policy PS7 of the Congleton Local Plan 2005 which is also concerned with development in the Green Belt, but as this policy does not entirely reflect the guidance in the Framework, I have given it limited weight.

¹ Application ref 11/1231C

Character and appearance

14. The appeal site is accessed off Puddle Bank Lane, which is a quiet, narrow rural road. From the lane, the access slopes upwards and curves into the site. A wide area to the front of the building has been surfaced with crushed stone, which also extends to the side of the building.
15. The agricultural building is positioned at a higher level than the lane, but is well screened by the high hedge along the road boundary. As a result, with the exception of the entrance gate and access track, the site is not readily visible from the lane. Nonetheless, the existing situation, in which crushed rock hardsurfacing has been applied across an extensive area of the site, fails to respect the green, rural character of the area.
16. However, the amended plans show a significant reduction in the area of hardstanding compared with the existing situation, with the area to the side of the building being excluded and a smaller area of hardsurfacing to the front. Provided that the area was suitably reinstated to a more natural state with appropriate landscaping, such a reduction would considerably reduce the visual impact of the proposal. Additional native hedgerow planting on either side of the gateway would also assist help to provide additional screening. These matters can be addressed through a condition.
17. The extent of the hardsurfaced area would still be significantly wider than would be required for an access track to serve the agricultural building. However, the appellant has confirmed that the area is required for activities associated with the operation of the wider agricultural unit, as well as the building itself.
18. The agricultural unit which the appeal site forms part of is some 10 hectares, delineated on the submitted plan by the blue line. No detailed information has been provided about the type of agricultural operations which take place, but there do not appear to be any other buildings or areas of hardstanding on the holding, and it is reasonable to suppose that a holding of this size has a need for an area for loading and unloading agricultural vehicles, and storage of materials such as hay bales, which may include outside storage from time to time. I note the appellant's comments that space is also required for large vehicles, which may have trailers, to turn within the site. Overall, I am satisfied that the proposed area of hardstanding would not be unreasonable for the size of the holding and the activities likely to take place.
19. The Council has suggested that other materials could be used rather than crushed rock, which might have a lesser visual impact. However, by reducing the area of hardsurfacing the visual impact would be lessened significantly. Furthermore, I saw at my site visit that grass and other vegetation had started to grow through the surface, and over time this process is likely to continue, softening the visual effect of the crushed rock and helping it assimilate into the site.
20. I note the Council's reference to the area being part of a locally designed landscape, but no policy or further information relating to this has been provided to me.
21. I conclude that the proposal would not cause undue harm to the character and appearance of the area. Consequently, there would be no conflict with CELPS

Policy SD2, which requires that proposals respect the landscape character of the area.

Other Matters

22. As originally submitted, the application showed a larger area as being within the appellant's ownership, which included land between the appeal site and Brook House Farm House. The appellant has accepted that inclusion of this area within the blue line was a mistake. I note the Council's comment this larger area was considered to be part of the agricultural unit at the time when permission was granted for the agricultural building. Whilst that may be the case, the justification for the building is not at issue here. The agricultural unit remaining still covers a reasonable area, and given the likely agricultural activities which may take place, the proposed area of hardsurfacing does not seem excessive.
23. Subsequent planning applications for equestrian facilities on the area of land previously included within the blue line are not relevant to the current appeal proposal.

Conditions

24. I have imposed a condition specifying the approved plans, in the interests of certainty. To safeguard the character and appearance of the site, the submission and approval of details of hard and soft landscaping is necessary. As development has already occurred on the site, these details will need to include an implementation plan which sets out a suitable timeframe for the removal of hardsurfacing to the extent hereby approved, and the replacement of the existing fence with the approved post and rail fence.

Conclusion

25. The proposed development would not be inappropriate development in the Green Belt and would not cause undue harm to the character and appearance of the area. I conclude, therefore, that the appeal should be allowed subject to the conditions.

R Morgan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Amended Site Location Plan received by the local planning authority on 9 September 2019.
 - Amended Revision B Site Layout Plan received by the local planning authority on 21 February 2020.
 - Amended Timber Post and Railing Fence photograph received by the local planning authority on 16 September 2019.
 - Proposed 7 bar Steel Gate, shown on the drawing received by the local planning authority on 31 July 2019, but excluding details of the fence.

- 2) Within 3 months of the date of this decision, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - Planting plans;
 - Written specifications (including cultivation and other operations associated with plant, hedge and grass establishment);
 - Schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate];
 - An implementation programme, which includes a timetable for the removal of hardstanding and replacement of fencing in accordance with the approved plans.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.

Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting, shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.