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# Appeal Decision

Site visit made on 19 January 2021

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> January 2021**

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**Appeal Ref: APP/R0660/W/20/3261129**

**Land Off Moss Lane, Over Tabley WA16 0PL**

- 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 Craig Hallworth against the decision of Cheshire East Council.
  - The application Ref: 19/4816M, dated 14 October 2019, was refused by notice dated 7 September 2020.
  - The development proposed is the construction of an agricultural implements and welfare building.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are (i) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the development plan policy; and (ii) the effect on the character and appearance of the area.

## Reasons

3. The appeal site comprises part of an agricultural holding that extends to approximately 89 hectares of grazing land. The holding is used principally for the maintenance of a beef herd which consists of suckler cows and associated young stock. There are a number of associated existing buildings and structures close to the site frontage, where the proposed building would be sited. There is also a significant amount of external storage around the buildings, including farm machinery. The site lies within the Green Belt.

### *Inappropriate Development*

4. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt unless, amongst other exceptions, it involves buildings for agriculture and forestry.
5. Policy PG 3 of the Council's Cheshire East Local Plan, Local Plan Strategy 2010-2030 (2017) (CELPS) reflects the national planning policy for the Green Belt as is set out in the Framework as regards buildings for agriculture and forestry. Saved Policy GC1 of the Macclesfield Borough Local Plan (2004) (MBLP) states that within the Green Belt approval will not be given, except in very special

- circumstances, for the construction of new buildings unless it is for a specified purpose. This includes agriculture and forestry.
6. It appears there is not disagreement between the main parties that the holding itself is used for agricultural purposes. Activities such as the keeping of livestock and the use of land as grazing land fall within the definition of agriculture under Section 336(1) of the Town and Country Planning Act 1990.
  7. The proposed building would be used for purposes in connection with the agricultural use of the holding. The associated facilities that would be provided are not untypical to serve such a holding. They reasonably include staff facilities and storage, as well as an office to run the enterprise from. It is not a matter of dispute that where the ground floor would be used for associated storage and maintenance, that it would be directly linked to agriculture. The evidence does not indicate that the building would be used for purposes other than related to this agricultural holding.
  8. In relation to the size of the accommodation provided in the building, the exception in the Framework does not set any limiting criteria in this regard and nor do the development plan policies that I have been referred to. There is not a requirement under planning policy for the Green Belt to justify the amount of space, as long as it is used for agricultural purposes. The same applies concerning the external appearance of the building.
  9. On the basis that the building would be used for agricultural purposes associated with the holding, the evidence submitted is sufficient for the proposal to be considered as a building for agriculture. As a consequence, it would not constitute inappropriate development within the Green Belt. Where a proposal is found to be not inappropriate, it should not be regarded as harmful to the openness of the Green Belt as this matter is implicitly taken into account under the exception.
  10. I conclude that the proposal would not constitute inappropriate development within the Green Belt. As such, it would comply with Chapter 13 of the Framework, with Policy PG 3 of the CELPS and with Saved Policy GC1 of the MBLP.

#### *Character and Appearance*

11. The proposed building would have a dual pitched roof with a projecting front gable. A large first floor balcony would extend further out. There would be rooflights and there would also be windows and other openings on each elevation. It would be sited close to the site access on to Moss Lane.
12. The site lies in a distinct rural landscape of open fields and woodland. The development pattern is dispersed with occasional buildings and farmsteads. Agricultural buildings retain a typical simple and pleasing rural appearance as barns or similar, whether they are constructed of brick, sheeting or boarding.
13. The proposed building would not be in keeping with its rural surroundings. The dual pitch roof with the projecting gable would be a discordant feature that would not reflect the more typical form of agricultural buildings in the area. It would be disjointed and bulky, and so its design would not appear cohesive.
14. The roof form, together with the projecting balcony and the arrangement and type of fenestration, would also result in an appearance that is domestic rather

than agricultural. It would not be evident in viewing the building that it would be used for agricultural purposes with the domestic type features on its exterior. Other than with the use of brick, it would contain little of the features that are found on a typical agricultural building. This is ably demonstrated by the contrast with the buildings on the site that are more barn or stable-like in form.

15. With the proposed building's siting close to Moss Lane, its presence as an incongruous feature would be prominent when approached along this road, even with the gable facing into the site. The hedgerow along the frontage is not of sufficient height to ably screen it and it would be seen largely to the front of the existing buildings.
16. Moreover, screening would not address the harm that would arise to the rural character and the agricultural landscape by way of the proposed building's domestic features and roof form. That it would have a limited impact on the nearest neighbouring properties simply reflects the dispersed pattern of development and would not address the harm to the local character. Whilst it may reduce the visual effects of the external storage somewhat, it would not in itself prevent such storage occurring and this also has a limited bearing on the adverse form and appearance of the proposed building.
17. The appellant considers that the proposed design makes best use of the space and the building, as well as providing for its intended agricultural purpose. However, this does not lessen the need for the proposed building to be considered in character and appearance terms. The proposal fails on this count, for the reasons that I have set out.
18. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. With the harm that arises by way of the proposal's domestic features and roof form, it would not comply with Policies SD 2 and SE 1 of the CELPS which expect development to contribute to an area's character and identity, create and reinforce local distinctiveness and make a positive contribution towards the surroundings, amongst other considerations.
19. It would also not accord with Chapter 12 of the Framework in this regard, in particular where it confirms that good design is a key aspect of sustainable development; that development should add to the overall quality of an area, be visually attractive and sympathetic to local character; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### **Other Matters**

20. The proposal would lessen the risk of theft, vandalism and weather deterioration because it would provide for the storage of machinery and equipment. It would also afford natural surveillance of the site and act as an entry point for visitors. It would also benefit the welfare of livestock and staff, be used for training purposes and there is some agricultural justification for the proposal. The appellant has also drawn Health and Safety Executive 'Welfare at Work' guidance to my attention. However, there is not the evidence before me that demonstrates that these benefits could not be achieved by a building

with a more sympathetic design. As a result, the benefits that would arise would not outweigh the harm.

21. The appellant also considers that a number of smaller buildings could be erected to satisfy agricultural need, but this would be incongruous within the landscape. There is limited evidence before me of what this would entail. As a fallback position, it does not justify the proposal.

### **Conclusion**

22. Whilst I consider that the proposal would not constitute inappropriate development in the Green Belt, the effect on the character and appearance of the area would be unacceptable and is decisive. Accordingly, I conclude that the appeal should be dismissed.

*Darren Hendley*

INSPECTOR