



Appeal Decision

Site Visit made on 31 August 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2021

Appeal Ref: APP/A2335/W/21/3275599

Cantsfield Grange, Cantsfield Road, Cantsfield LA6 2QT

- 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 Adrian Cresswell against the decision of Lancaster City Council.
- The application Ref 20/00987/FUL, dated 11 September 2020, was refused by notice dated 25 February 2021.
- The development proposed is the construction of a manège for domestic equestrian use.

Decision

1. The appeal is allowed and planning permission is granted for construction of a manège for domestic equestrian use at Cantsfield Grange, Cantsfield Road, Cantsfield LA6 2QT in accordance with the terms of the application, Ref 20/00987/FUL, dated 11 September 2020 subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issue of this case, the substance thereof remains the same as the 2019 iteration. I have sought comments from the main parties and taken any comments made into consideration.
3. Various spellings have been used to describe the proposed development, including 'menage', 'mênage' and 'manège'. The Oxford English Dictionary utilises the latter spelling and I have adopted this spelling in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site forms part of a field which runs adjacent to Cantsfield Beck and a public bridleway. The site is located close to a cluster of buildings, with the main area of Cantsfield beyond the A687. To the north and south-west, the land rises away from the appeal site and the wider landscape consists of rolling fields which are bounded by hedges and trees. This landform and the presence of small groups of buildings contribute to the rural appearance of the area.
6. The proposed manège would be located on part of an open, undeveloped field. Although reference has been made to the siting of the manège on land which

would be divorced from the locality's existing built form, from my site observations, it would only be a short distance from Cantsfield Grange and the nearby stable building.

7. The development would result in a large level area, but the extent of re-grading would be limited due to the gently sloping nature of the land on the appeal site other than the raised mound. The concerns regarding the scale of the development are noted, but I consider the area of the proposed manège to be typical of such a facility and not unduly large.
8. The surface to the manège would result in a noticeable change to the appeal site. Fencing and associated paraphernalia are also proposed. These aspects of the development would however be at surface level or low in height. Although they would be seen from the bridleway, which in certain sections is elevated above the appeal site, the Landscape and Visual Impact Assessment¹ identifies that the overall value of the landscape is medium to low. From most sections of the bridleway near the appeal site, the proposal would be seen in the context of existing nearby development and I was also able to see the presence of an existing timber fence along the boundary of the site with the bridleway. Given all of the aforementioned factors, I do not therefore consider the development would represent a harmful encroachment in the countryside.
9. The proposal would also see native hedge and tree planting, which although would take time to establish, would make a positive contribution to the rural appearance of the area. Although it has been suggested that such planting would alter views from the public right of way, I consider it would be consistent with existing hedging that I was able to see and it would therefore accord with the landscape characteristics of the area.
10. For the above reasons, the proposed development would not unacceptably harm the character and appearance of the area. As such, there would not be conflict with Policies DM29, DM46 and DM51 of the Local Plan for the Lancaster District 2011-2031 Part Two: Review of the Development Management DPD, which seek, amongst other matters, the design, scale and siting and use of materials to respect the rural setting, visual amenity and landscape. It would also not be contrary to Paragraph 130 of the Framework, which seeks, amongst other matters, development that is sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matter

11. I note the references that have been made to permitted development rights and other development, but I have considered this appeal on its own merits.

Conditions

12. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
13. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions are necessary regarding the proposed surface treatment of the development; landscaping; the protection of the existing tree; and, to

¹ Impact Landscape Studio. May 2021

- prevent an isolated commercial use in this location in the interests of the character and appearance of the area.
14. A condition is also necessary to ensure adequate drainage of the site given its proximity to Cantsfield Beck, in the interest of flood prevention.
 15. It is essential that a landscaping scheme and details of a Tree Protection Scheme are approved before any works commence to ensure no unacceptable damage is caused to the existing tree and hedgerows.
 16. I have considered a condition restricting the use of the development to the appellant and his family only. However, as the use of the manège on a private basis, as proposed, would not be harmful to the character and appearance of the area, there is no justification for such a condition. Anyone else using the manège on a private basis, such as someone else who has purchased the property would not materially cause any more harm than the appellant. Accordingly, I have not imposed such a condition.
 17. A condition requiring details of biodiversity enhancements has been suggested, but I have not been provided with any justification. I also note that other than the protection of the tree and further planting which are covered by other conditions, there are no specific mitigation measures set out in the Ecological Appraisal (February 2020). Accordingly, I have not imposed such a condition.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No. 2129-01 Rev B), Existing Site Plan (Drawing No. 2129-005 Rev C), As Proposed Site Plan and Site Sections (Drawing No. 2129-015 Rev A) and Soft Landscaping Proposals (Date – 13/08/2020).
- 3) The development hereby permitted shall not be brought into use until sustainable drainage system for the site shall have been completed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a management and maintenance plan for the lifetime of the development. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 4) No development, except site preparation/clearance shall commence until details of the proposed surface treatment, including the colour and material for the manêge have been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed surface treatment shall be retained as agreed and the material and colour shall not be altered without the prior written agreement of the Local Planning Authority.
- 5) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The scheme shall also include the proposed bund and its maintenance regime. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development or site preparation/clearance shall commence until details of a Tree Protection Scheme in relation to the existing Field Maple tree located within the site have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall then be carried out in accordance with such agreed detail, with the approved protection measures being fully implemented prior to any equipment, machinery or materials being brought onto site, retained in situ for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.
- 7) The manêge hereby permitted shall not be used as a livery or for any other form of commercial use.

End of Schedule