



Appeal Decision

Site Visit made on 16 November 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/R0660/W/21/3279751

Land off Mow Lane, Astbury, Congleton ST7 3PR

- 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 20/5718C, dated 18 December 2020, was refused by notice dated 23 March 2021.
 - The development proposed is new stables, horse exercise arena, associated yard area and amended field access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the application by the Council, the appellant has submitted amended plans which show elements of additional landscaping. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. The guidance is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. Having regard therefore to the Wheatcroft Principles, the nature of the revision proposed, and in the interests of fairness, I have determined the appeal on the basis of the plans that were before the Council when it made its decision and on which all parties were consulted.
3. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the Framework and the relevant development plan policy
 - the effect of the proposal on the Peak Park Fringe landscape character area
 - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

5. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 150 permits engineering operations provided they preserve openness and do not conflict with the purposes of including land in the Green Belt.
6. Policy PG3 Cheshire East Local Plan Strategy 2010-2030 [2017] (CELPS) states that the Council will maintain the Green Belt and planning permission will not be granted except in very special circumstances, in accordance with national policy. Saved Policy PS7 of the Congleton Borough Local Plan (CBLP) pre-dates the Framework and highlights an exception as 'essential' facilities for outdoor sport and recreation. As there is a minor inconsistency between the wording of Policy PS7 and the Framework, the more recent Framework prevails.
7. The proposal would provide a building for the accommodation of the appellant's 5 horses. In addition, storage space is proposed for tack, bedding, feeds and equipment. A fenced riding arena with a sand fibre surface would be provided alongside hard surfaces for parking, turning and trailer storage of manure.
8. There is no dispute between the main parties that the use of the building to accommodate horses would fall within the scope of buildings associated with outdoor sport and recreation. However, the building would be of a significant scale for the stabling of 5 horses.
9. The space attributed to storage and circulation would exceed that of the combined stall areas. Whilst I acknowledge that some storage is necessary to support the keeping of livestock, the extent of storage and the arrangement of development about a central wide corridor results in additional internalised space and a significant rectangular footprint. This requires a large height dimension to accommodate the resultant span and pitch of the roof.
10. I acknowledge that the building would not appear dissimilar to the simple form of an agricultural shed, however, it would be notably larger than other examples of stable buildings observed in the locality. These generally have more linear forms of limited width such that their overall height is lower. Accordingly, I find the height and footprint of the building would cause it to appear excessively scaled for the stabling of 5 horses and would unduly affect the spatial openness of the Green Belt. As this effect would be observable from a nearby public right of way, some visual loss of openness would also occur.
11. The riding area would be of a standard size and, despite some requirements to cut and fill, would otherwise be a typical feature associated with equine land uses. Although it would alter the appearance of the land, it would preserve the openness of the Green Belt and avoid conflict with its purposes.

12. However, notwithstanding the proposal to for a twin-track access between the stable and entrance area, the amount of associated hardstanding appears excessive for the proposed use of the land and buildings. I acknowledge that room for vehicle parking and manoeuvring, including that for towing vehicles, is necessary. Additionally, some operational space for the management of the horses would be required. However, the total area of hardstanding about the access and building would be significant. As such, they would unduly affect the openness of the Green Belt.
13. For the above reasons, I find that the proposed building would not be an appropriate facility for the intended purpose as it would fail to preserve the openness of the Green Belt. Furthermore, the extent of associated engineering works to support the use would also fail to preserve openness. The development does not fall within the exceptions outlined in the Framework and would constitute inappropriate development in the Green Belt. It would be contrary to Policy PG3 of the CELPS and saved Policy PS7 of the CBLP which seek to protect the openness and permanence of the Green Belt as its essential characteristics. For the same reasons, it would conflict with the Framework.

Landscape Character

14. The site lies on a hillside of irregular fields and woodlands rising above the Cheshire Plain. The building and riding arena would utilise an almost level area of land forming part of a small depression in the local topography. It would be situated alongside a broken hedge line with intermittent trees.
15. The design and external materials of the building would appear as a rural shed. Although this would reflect the character of other buildings in the locality, the proposed position would be sited roughly halfway across the area to be used for the keeping of the horses. Whilst roadside hedging would prevent clear views of the development from many public areas, the position would place it in a prominent open location away from the established line of higher hedging and trees close to the roadside.
16. The existing field hedge and trees located to the east of the proposed building would offer some screening to break up the scale of the building, however, the cluster of the building, associated hardstandings and contrasting surface of the arena would appear overtly prominent in views from a public footpath crossing the field to the east. Although it would not appear incongruous to the rural location, the interjection of a wide area of development in the open undeveloped green area would be conspicuous. Furthermore, the building would be prominent in the westward views from the hillside.
17. I recognise that additional planting would increase screening. I also note the siting is intended to minimise the extent of groundworks. Nevertheless, the development would appear both isolated and intrusive. Although it would not compromise the designation and purposes of the Peak District National Park, the siting would fail to limit the effects on the landscape of recognised value. It would fail to preserve or enhance the existing landscape quality.
18. The facilitation of improved visibility at the access point would require the realignment of the roadside hedging to provide a visibility splay. This would lead to some temporary loss of screening to the development. However, this could be realigned or replanted to prevent the loss of the characteristic roadside hedge which contributes to the landscape character. On

establishment, the realigned hedge would appear consistent with other variations in the hedge lines either side of the roadway an reinstate screening of the site. Those works could be secured through planning condition.

19. For the above reasons, I find the proposal would conflict with Policies SD1, SD2, SE4, SE5 and SE15 of the CELPS, RC5 of the CBLP and P11, P13 and P26 of the Astbury and Moreton Neighbourhood Plan 2015-2030 as they seek, amongst other things, to secure development which respects and enhances the landscape character and quality areas.

Other Considerations

20. I acknowledge that the private use of the site in an accessible location to the appellant and away from residential properties would provide for the long terms care of the horses. It would negate the need to rely on commercial livery elsewhere. Furthermore, the location would be on land owned by the appellant and close to where a grass crop would be harvested to be used in conjunction with the keeping of the horses.
21. The scheme would offer the appellant and his family opportunities to develop their horses and riding skills. As a proposal to facilitate outdoor sport and recreation as a contributor to healthy lifestyles, these are collectively matters of moderate weight.
22. Any economic benefit from use of agricultural contractors to produce a hay crop is not dependent on the specific development proposed, it is therefore a matter of negligible weight in support of the development.
23. The development could be provided in a manner to avoid conflict with the root areas of nearby trees. As a requirement of the development plan this is not a benefit of the scheme.

Conclusion

24. By virtue of the building's size and extent of supporting infrastructure, the proposal is inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The development would also cause harm to the openness of the Green Belt and would fail to preserve or enhance the landscape character.
25. The considerations presented by the appellant, including the desire to provide comprehensive equine care and sporting and recreational activities for the family, do not clearly outweigh the totality of the harm that I have identified as a result of inappropriateness, the reduction in the openness of the Green Belt and the effect on the valued landscape. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to the development plan and the Framework read as a whole.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock INSPECTOR