



Appeal Decision

Site visit made on 4 May 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/R0660/W/21/3284204

Woodend Farm, Schoolfold Lane, Adlington SK10 4PL

- 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 Mrs Sandra Whitehead against the decision of Cheshire East Council.
 - The application Ref 21/0491M, dated 28 January 2021, was refused by notice dated 19 July 2021.
 - The development proposed is the construction of hard track.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of hard track at Woodend Farm, Schoolfold Lane, Adlington SK10 4PL in accordance with the terms of the application, Ref 21/0491M, dated 28 January 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: Site Location Plan, Site Plan, Block Plan, and Access Track Details

Preliminary Matters

2. The appellant has raised that the erection of the fence is covered by the permitted development rights set out within the Town and Country Planning (General Permitted Development) (England) Order 2015. However, I have not been provided with any substantive evidence that the fence was carried out under permitted development and nonetheless, I must consider the scheme as a whole.
3. At the time of my site visit the track and fence had been completed. This appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly. However, I have amended the description of development set out above to remove the phrase 'retrospective application for' as this is not a description of development.

Main Issues

4. The main issues in this case are
 - Whether the development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - The effect on the character and appearance of the surrounding area and landscape.

Reasons

Whether Inappropriate Development

5. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
6. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include buildings for agriculture and forestry and engineering operations. The exception for engineering operations is, however, limited to those that preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. Policy PG3 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030 (the LPS, July 2017) primarily restates the requirements of the Framework with particular reference to the exceptions set out under Paragraphs 149 and 150. Those parts directly relevant to this appeal are broadly consistent with the Framework and as such I give this policy full weight.
8. The appeal site comprises an L-shaped track bounded by post and rail timber fencing. The track provides access to a number of fields. I understand from my observations on site, and the evidence before me, that the fields are used as grazing land and are therefore agricultural in use. Whilst the track would also provide access to a septic tank serving the dwelling, given the limited extent to which the track would be used for this purpose, I find it does not determine the use of the track as a whole.
9. The track is short and relatively narrow, allowing for only one vehicle at a time, and has been finished in gravel. The edges of the track do not appear to have been defined with kerbs and as such, at the time of my visit grass and plants were beginning to grow on the track in places. The adjoining fields are bounded by hedgerows resulting in views of the track being limited to glimpses from the nearby public footpath. As such, and as the track is level with the adjoining land, it is a retiring feature within the landscape which preserves the visual and spatial openness of the area and the Green Belt as a whole. The development also complies with the purposes of including land within the Green Belt and is not therefore inappropriate development.
10. Section 336 of the Town and Country Planning Act 1990 (the Act) defines a "building" as any structure or erection, and any part of a building, as so defined, but not including plant or machinery comprised in a building. I find that the post and rail fencing meets this definition, and as they are used for agricultural purposes are therefore an agricultural building. As set out above, agricultural buildings are an exception under Paragraph 149(a) of the Framework and there are no limiting criteria for this exception. The fence would therefore not be inappropriate development in the Green Belt.

11. In light of the above, as the development includes an agricultural building and engineering operations, which preserves openness and the purposes of including land within the Green Belt, it would not be inappropriate development within the Green Belt. It therefore complies with Policy PG3 of the LPS as outlined above. The development also complies with the exceptions set out in Paragraphs 149 and 150 of the Framework.

Character and Appearance

12. The appeal site is within an area the Council have referred to as being a 'designated landscape'. I have not however, been provided with any details of why the landscape is designated, but it is clearly a rural location which is primarily characterised by open countryside, fields and sporadic development, including for agricultural purposes. I have therefore treated it as such.
13. The track is of a relatively small scale, and whilst the surfacing material may be more formal than some farm tracks, it still appears agricultural and utilitarian in its appearance and as such, I find it is typical of a rural location. The track is also predominantly screened by nearby hedgerows and buildings from most close views, and they would also screen and soften longer views. Although there is a public footpath close to the site from which the track is visible, given the above it would not be a prominent or incongruous feature.
14. The post and rail fencing, is more prominent but is still softened by the surrounding hedgerows and buildings and also contributes towards the rural character by way of its materials and appearance, given that such boundary treatments are common within agricultural settings.
15. In conclusion, the track and associated fence, by way of their agricultural appearance do not harm the character and appearance of the surrounding area and landscape. The scheme therefore complies with Policy SE4 of the LPS which requires, amongst other matters, that development conserve and enhance the quality of the landscape and the character and appearance of the local area.

Conditions

16. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the National Planning Policy Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording.
17. A condition is necessary for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. However, as the development has already been carried out it is unnecessary for the standard commencement condition to be imposed. Moreover, as the materials are shown on the approved plans, a separate condition requiring the materials used to be as approved is unnecessary.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR