



Appeal Decision

Site visit made on 10 January 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/A0665/W/22/3298106

Land at New Pale Road, Manley, Frodsham WA6 6JE

- 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 D Gibbs against the decision of Cheshire West and Chester Council.
 - The application Ref 21/02611/FUL, dated 15 June 2021, was refused by notice dated 8 November 2021.
 - The development proposed is the erection of a general purpose agricultural/equestrian produce building/machinery store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and,
 - if the proposal is inappropriate development, 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

Inappropriateness

3. The appeal site is situated in the Green Belt. The National Planning Policy Framework (the Framework) states (at paragraph 149) that, other than in connection with a number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (Local Plan Part 1) sets out that development in areas within the Green Belt will be subject to additional restrictions in line with the Framework.
4. A number of exceptions from paragraph 149 of the Framework have been referenced. Part a) of this paragraph states that buildings for agriculture and forestry are not inappropriate in the Green Belt, and part b) states that the

provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments are not inappropriate in the Green Belt as long as the facilities preserve its openness and do not conflict with the purposes of including land within it.

5. The proposal would mainly be used as an agricultural building for the storage of hay and machinery. I note the Council has raised concerns on the land at this site not being 'farmed' since 2019. The appellant has stated to the contrary, although there is no clear evidence before me. It is not however disputed that the appellant farms various other land parcels. The appellant states that the land at and around the appeal site would be utilised for the production of agricultural hay, and in this respect, if the land was used as such, the Council consider the floor space proposed for hay storage to be reasonable. As such, even if the area of land at and around this site has not recently been farmed, the existing use of the appeal site has been identified on the application form as agricultural and it could be put to such use. The use of the land in the way set out by the appellant would generate a need for the storage of agricultural hay.
6. In relation to machinery/equipment, the appellant has listed individual items, their storage and access requirements, and stated that these are the minimum required to manage the land. Although the Council state with reference to the size of the plot, that the keeping of agricultural machinery on site is not reasonably necessary, they have not disputed the need for the individual items of machinery/equipment as set out. Having regard to the submissions before me, the use of the land for the production of hay will require management and I consider the machinery/equipment storage requirements to be commensurate with the size of the land at and around the appeal site at New Pale Road.
7. The Council also stated that it is unrealistic for machinery to be stored in an open sided building. The appeal building would be enclosed on three sides and provide cover for the machinery/equipment from the weather, and I therefore consider that it is suitable for its intended use.
8. The proposed building, as stated in the description of development, would also partly be used for equestrian purposes. Although fencing equipment can be for general agricultural use, the list provided by the appellant such as a horse jump are equestrian related items. I have no reason to doubt the need to store these under cover. However, there are existing stables adjacent to the site, and although the appellant has referenced the lack of space due to the storage of other items and the need to have suitable access for larger items, I have not been provided with full details of how the existing stables are utilised, their size, and how much is occupied by existing items that require storing. In the absence of such information relating to the existing stables, I am not satisfied that this aspect of the proposal can be considered an appropriate facility, as set out in paragraph 149 b) of the Framework.
9. Accordingly, in so far as the proposed building relates to agricultural purposes, it would not be inappropriate development, but in relation to equestrian activities, it would be inappropriate development. As the proposed building would be a single entity, I find that in overall terms, the proposal before me is therefore inappropriate development and would conflict with the Framework in this regard. It would also be contrary to Local Plan Part One Policy STRAT 9

which requires development within the Green Belt to be in line with the Framework.

Openness

10. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
11. The proposal would introduce a building, where there is currently none, and it would therefore be harmful to the spatial aspect of openness. It would be located adjacent to a road, and despite its low point in the site's topography and partial screening by an existing hedgerow, it would nevertheless be seen from various vantage points and therefore would reduce the openness of the Green Belt in visual terms.
12. I therefore conclude that the development would be contrary to paragraph 137 of the Framework that states that one of the essential characteristics of Green Belts is their openness.

Character and Appearance

13. The appeal site is situated in a rural area that contains a dispersed pattern of development formed of small groups of buildings surrounded by fields and open areas of land. These are bounded by hedges, trees and open timber fencing which gives the area a verdant, spacious character that contributes positively to the wider countryside setting.
14. The proposed development would have a simple rectangular form and at a height of 5.2m, it would not be an overly tall height. The proposed building would also not be within an existing farmstead or amongst other agricultural buildings, but it would be seen between the existing stables and a property to the north-west and a cluster of dwellings along Birch Hill.
15. The building would be finished externally in Yorkshire boarding and its roof in green metal sheets. As such, it would not have an overly commercial or industrial appearance but will have the appearance of an agricultural or equestrian building typically seen in the countryside. I note the proposal contains areas of hardstanding, and this would cover much of the appeal site. This hardstanding would be at ground level and as the existing hedgerows are to be retained, they would, even at a height of 1m, provide suitable screening of this element of the proposal.
16. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the area. As such it would not be contrary to Policies STRAT 9, ENV 2 and ENV 6 of the Local Plan Part One or Policies DM 6, DM 8 and GBC 2 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies, which seek, amongst other matters, for development to be satisfactorily sited in relation to any existing buildings to minimise its impact on the landscape. It would also not be contrary to the Framework which seeks at paragraph 130 c) for development to be sympathetic to local character.

Other Considerations

17. The appellant has stated the proposal will reduce traffic as it will enable produce to be stored at the site and will not require the transportation of machinery. I note there is no building currently at the site that allows for the storage of hay or machinery as well as the unsuitability of buildings on other land parcels to accommodate what is sought by this element of the appeal scheme. The proposal also receives support from the Framework which seeks to support a prosperous rural economy through the development and diversification of agricultural and other land-based rural businesses. These matters attract moderate positive weight in favour of the proposal.
18. The proposal would not give rise to any adverse impacts on biodiversity or geodiversity, on the living conditions of neighbouring residential occupiers or on the highway network. It would also cause no unacceptable effects in respect of drainage, flood risk or waste management, and no outdoor lighting is proposed. These are however neutral matters that do not weigh in favour of the proposal.
19. I note reference to the planning history of the site and the amendments that were made in the submission of the appeal scheme. I can however confirm that I have dealt with the appeal on its own merits.

Conclusion

20. I have found that the appeal development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
21. There would not be harm caused to the character and appearance of the area. A lack of harm in this regard and on certain other matters, as set out above, are neutral considerations.
22. I have set out the other considerations and, for the reasons I have given, this leads me to attach moderate weight to them in favour of the scheme.
23. With this in mind, the substantial weight I have given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR