



Appeal Decision

Site visit made on 19 September 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2023

Appeal Ref: APP/A0665/W/23/3320376

Land to the north of Fox Covert Lane, Picton, Chester CH2 4HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr E Evans against the decision of Cheshire West and Chester Council.
 - The application Ref 22/02391/S73, dated 27 June 2022, was refused by notice dated 16 December 2022.
 - The application sought planning permission for the erection of a stable building and associated hardstanding and fencing (part retrospective) without complying with conditions attached to planning permission Ref 20/04679/FUL, dated 16 April 2021.
 - The conditions in dispute are Nos 2 and 5 which state that:
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 (Location Plan) & 2A (Site Plan and Elevations).
 - 5) Details of the position and design of boundary treatment to enclose the stable and associated paddock shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The boundary treatment shall be implemented on site in accordance with the approved details.
 - The reasons given for the conditions are:
 - 2) For the avoidance of doubt and in the interests of proper planning.
 - 5) In the interest of amenity and safety of the adjacent motorway.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a stable building and associated hardstanding and fencing at Land to the north of Fox Covert Lane, Picton, Chester CH2 4HB made on 27 June 2022 without complying with conditions No 1 and No 5 set out in planning permission 20/04679/FUL granted on 16 April 2021 by Cheshire West and Chester Council, but otherwise subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 (Location Plan) & 2A (Site Plan and Elevations).
 - 2) The development hereby approved shall be used for recreational equestrian purposes only and for the avoidance of doubt shall not be used for any residential use.
 - 3) The amended hardstanding area as shown on the approved plans shall be implemented on the site within 6 months of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority.

Preliminary Matters

2. At the time of my visit the stables had been built, a tall timber fence had been erected around the stable yard, and the yard and track had been covered in gravel and rubble surfacing. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
3. The Council, in their appeal submissions have confirmed that they would be content with the removal of condition 5. I have therefore not found it necessary to consider this matter further.

Main Issues

4. The appeal site is located within the Green Belt and therefore the main issues are:
 - Whether the variation of condition No 2 would result in inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the surrounding area; and,
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

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 the provision of appropriate facilities for 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. Policy STRAT9 of the Local Plan (Part one) Strategic Policies (the LP1) relies, in so far as it is relevant to the matters of the appeal before me, on the exceptions set out within the Framework.
7. The appellant has set out that the alterations to the approved plans would be needed to accommodate the manoeuvring and parking of van sized vehicles and horse boxes. Although the submitted plans for the permitted scheme only show the turning of a van size vehicle it is clear that there is further space available on the hard standing to accommodate the parking of vehicles and horse boxes. Given the small scale of the stables, and lacking any evidence to

- the contrary, it is likely that there would only be a small number of vehicles associated with the site.
8. The proposed changes to the approved plans would significantly increase the scale of the hardstanding and the provision of parking. Although this may also make some manoeuvring easier, it has not been demonstrated that the existing space would be unsafe or that the parking is insufficient. I consequently find that the proposed area of hardstanding would be excessive for the scale of the development and would not, therefore, be appropriate facilities for an outdoor recreational use.
 9. Even if I were to find that the proposed parking area was appropriate facilities for outdoor recreation, I would need to consider whether it would preserve the openness of the Green Belt and the purposes of including land within it.
 10. Notwithstanding the existing level of hardstanding, as it does not benefit from planning permission, the extension of the approved area of hardstanding would, by covering an area of open land, erode the openness of the Green Belt. Whilst only a small extension relative both to that already permitted and to the Green Belt as a whole, the proposal would nonetheless result in harm to its openness. This would be further exacerbated by increasing the available area for the parking of vehicles and trailers. Although any parked vehicles would likely be there only temporarily, they would nevertheless have an impact on the openness of the Green Belt. Allowing for the parking of further vehicles, or allowing the existing number of vehicles to sprawl across the site, would have a greater impact on the visual openness of the Green Belt.
 11. Collectively therefore, this proposal would harm the openness of the Green Belt with regard to both the spatial and visual aspects and would conflict with the purposes of including land within the Green Belt by not protecting the countryside from encroachment.

Character and Appearance

12. The appeal site is set at the end of a long track serving a public bridleway, noted as Picton BR3. It is within a predominantly rural area surrounded by fields but near the M53 motorway. The site is primarily formed of a rectangular area of land covered in rubble hardstanding and surrounded by a tall boundary fence, it contains a small stable block. The appeal site also extends off along a private track towards the bridleway. There are trees and hedgerows in the surrounding area, including along the bridleway.
13. The variation of condition No 2 would enlarge the hardstanding to provide further space for the parking and manoeuvring of vehicles and a wider access track across the stable yard. Collectively this enlargement would result in a sizeable area of hardstanding that would not be commensurate to the scale of the existing stable block. Given this, and its appearance in relation to the surrounding fields, it would be a jarring feature.
14. However, the tall boundary fence surrounding the stable yard would prevent most views from the surrounding area. Although some glimpses may be possible from the motorway and bridleway, I find that these would not allow such a complete view as to unacceptably affect the character and appearance of the surrounding area or rural landscape.

15. The proposed variation of condition No 2 would not unacceptably affect the character and appearance of the surrounding area. Varying this condition would therefore comply with LP1 Policies STRAT9, ENV2 and ENV6 and Policies GBC2, DM3 and DM8 of the Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2). These policies collectively, and amongst other matters, require equestrian developments to be sympathetic to landscapes, protecting their local character and sense of place, including the beauty of the Cheshire countryside. The proposal would also comply with the Framework, with particular regard to Section 12 and Paragraph 130 which, in part, seek to ensure developments are sympathetic to local character and the landscape setting.

Green Belt Conclusion

16. The proposal resulting from the variation of condition 2 would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. No suitable considerations in support of the proposal have been provided and as such the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposed variation of condition 2 therefore conflicts with LP1 Policy STRAT 9 as well as the Framework, as outlined above.

Other Matters

17. Whilst I note concerns as to the potential for a caravan to be located on the appeal site, the reference to a 'van' on the submitted plans relate to the demonstration that a van sized vehicle could turn within the site. I do not find that the presence of the word 'van' on the submitted plans could be construed to afford the parking of a caravan.
18. As I have not reinstated Condition No 5, I find it is not necessary to further consider the concerns as to the condition's effectiveness.

Conditions

19. I have had regard to the conditions attached to permission 20/04679/FUL and the advice on planning conditions set out by the Framework and the Planning Practice Guidance.
20. As development has already been carried out on site, I find it is unnecessary to re-attach a condition setting out the timescale for the commencement of works. I have therefore not re-attached condition No 1 from permission 20/04679/FUL. As set out above, I have also not re-attached condition 5 from that permission.
21. However, in the interests of protecting the Green Belt, as set out above, I have found it necessary to retain condition No 2 of that permission, regarding the approved plans. Moreover, as their retention has not been disputed and there is no clear reason to remove them, I have retained conditions No 3 and 4 as they were originally imposed.

Conclusion

22. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Therefore, for

the reasons given above, and insofar as it relates to the removal of Condition 5, I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR