



Appeal Decision

Site visit made on 14 November 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/R0660/W/23/3319616

Land off Merelake Road, Alsager, Cheshire ST7 1UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Wallbanks against Cheshire East Council.
 - The application Ref 22/3220C, is dated 8 August 2022.
 - The development proposed is new stable block.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Wallbanks against Cheshire East Council. That application is the subject of a separate Decision.

Preliminary Matters

3. At the time of my visit, boundary fences, new access and entrance gates had already been installed at the site, so I have treated the proposal as being partly retrospective.
4. The appeal stems from the Council's failure to determine the application within the necessary timescales. Although it did not issue a formal decision, the Council has provided an assessment of the proposal which sets out the reasons why it would have refused the application, had it been able to do so. I have taken the main issues below from that assessment.

Main Issues

5. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, including the effect on openness;
 - the effect on the character and appearance of the area;
 - whether the site access would be suitable and safe; and
 - if the development would be inappropriate in the Green Belt, whether the resulting harm, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

6. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This approach is reiterated in Policy PG3 of the Cheshire East Local Plan Strategy 2017 (CELPs).
7. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions. Criterion 149b) allows for appropriate facilities for outdoor recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. In principle, the proposed erection of a stables would not be inappropriate in the Green Belt, provided that it would not detract from openness. However, in this case, concerns have been raised about the suitability of the scheme for the intended equestrian use.
9. The appeal site comprises a strip of land at the edge of an arable field, with a long boundary along Merelake Road. The submitted drawing shows that the proposed stable block would be sited centrally within the narrow plot behind an area for parking, with the remainder of the site being rough grassed. The proposed stable building would contain four bays for horses, with an area for circulation, feed and tack, as well as space for a laundry and store.
10. The external appearance of the building would be appropriate in this location, but the overall level of floorspace proposed appears overly generous for four horses. Conversely, the outside space would be too small to provide for the welfare of the animals. The adjacent field is in arable use, and no information has been provided as to what other outside space would be available for the horses to use. As such, the proposal would fail to comply with Policy RUR7 of the Site Allocations and Development Policies Document 2022 (SADPD), which requires that proposals for equestrian development provide sufficient land for supplementary grazing and exercise.
11. On the basis of the information provided, I am unable to conclude that the proposal would provide appropriate facilities for outdoor recreation. As such, it would not comply with the exception for new buildings in the Green Belt set out in Framework paragraph 149b).

Effect on openness

12. Merelake Road is a narrow country lane which gently rises and curves as it passes the appeal site. The site is at a higher level than the lane, and when viewed from the road, the site is seen as part of the countryside which rises up beyond the nearby cluster of houses.
13. The open aspect of the site has already been compromised by the introduction of solid gates and timber fencing around the site, sections of which are considerably higher than the 1.5 metres indicated on the submitted plans. The pale coloured fence can be seen from some distance away, including the

Merelake Way footpath. Its height and solid form significantly detract from the visual openness of the Green Belt in this location.

14. The proposed flat roofed stable would be visible above the fence when viewed from Merelake Lane to the east. The introduction of a new building in this location would further detract from visual openness, compared with both the existing situation at the site and its previous condition, prior to the erection of the boundary fences.
15. The introduction of permanent built form to a site which is otherwise free of development would also have a spatial impact. Whilst it would not be a large building, questions remain as to whether the stable would be appropriate in scale, or whether the proposed use could be achieved with a smaller footprint.
16. I conclude that the proposal would not provide appropriate facilities for outdoor recreation, and would fail to preserve the openness of the Green Belt. Consequently, it would not meet the exception set out in Framework paragraph 149b), which is repeated in CELPS Policy PG3 3.ii. The proposal would therefore constitute inappropriate development in the Green Belt.

Character and appearance

17. The site is in an attractive rural location, characterised by open fields and sporadic built development, with trees and hedges along the road and field boundaries.
18. Close boarded fences are not a common feature of this area, and the substantial fence which has been installed around the site appears out of character here, forming a dominant feature which is highly visible from a number of vantage points.
19. The site access has been constructed with a tarmacked surface, enclosed by solid gates and fences. This has resulted in the creation of an urban appearance to the site entrance. Overall, the installed boundary treatments are at odds with, and cause harm to, the rural character of the site and its wider landscape setting.
20. The proposed stable block would be of a form, materials and design that would be appropriate for this type of development. However, when combined with the ancillary hardstanding and boundary treatments which would surround it, the new building would further erode the rural character of this area.
21. I conclude that the proposed development would cause harm to the character and appearance of the area. As such, the proposal fails to comply with CELPS Policies SD2 and SE1 and SADPD Policy GEN1. Together, these policies require that development proposals make a positive contribution to their surroundings, create high quality, beautiful places and respect the landscape character of the area.

Highway Safety

22. The site is accessed from Merelake Road, which is a quiet and narrow lane. Given the low levels of traffic which the proposed use would generate, the Council's highways officer raised no objection to the scheme, but to ensure adequate visibility onto Merelake Road, suggested a condition restricting the height of the boundary fence to no more than 1 metre. Given the position of

the fence and the orientation of the access, I agree that such a condition would be necessary to ensure that the site could be exited safely.

23. The solid boundary fence already installed at the site exceeds 1 metre in height. However, if the development was otherwise acceptable, a condition could be imposed which required that the fence height be lowered prior to any use of the site for equestrian purposes, then maintained as such thereafter. In these circumstances, I conclude that the access it is capable of being made suitable and safe. Subject to an appropriate condition, the proposal would comply with the requirements for highway safety and access contained in SADPD Policy INF3.

Other Matters

24. Local residents have raised additional concerns, including the effect of building works and tree planting which have taken place at the site. I note the comments made, but as I have dismissed the appeal on other grounds, I have not considered these matters any further.

Green Belt balance and conclusion

25. For the reasons set out, the proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to such harm.
26. In addition, those elements of the scheme which have been completed have already caused harm to the character and appearance of the area. This harm would be exacerbated if the scheme were to be fully implemented.
27. Other than commenting on delays during the application stage and the lack of any decision, the appellant has not sought to provide any further information to support their case. Whilst I acknowledge the points made, I must make a decision based on the planning merits of the case. The appellant has not highlighted any other considerations which outweigh the harm, and I have not identified any either.
28. The very special circumstances to justify the proposal do not exist. The appeal is therefore dismissed.

R Morgan

INSPECTOR