



Appeal Decision

Site visit made on 12 February 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/R0660/W/23/3328820

Moss Lane Stables, Moss Lane, Mobberley WA16 7BP

- 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 Catherine Dignan against the decision of Cheshire East Council.
 - The application Ref 22/4311M, dated 15 November 2022, was refused by notice dated 9 March 2023.
 - The development proposed is construction of 1 no. stable block and change of use of land to equestrian.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the words "*resubmission of application reference 22/1147M*" from the description of development in the above banner heading as this does not constitute an act of development.
3. A planning application¹ was approved in July 2022 at the appeal site for the construction of 1 no. stable block and change of use of land to equestrian use, and this permission is extant. This approved application was resubmitted in November 2022, with the only difference being the inclusion of a new set of wooden gates and brick pillars at the vehicular access point off Moss Lane. It is this refusal to which this appeal relates.
4. The Council's reason for refusal only relates to the proposed new gates and pillars, and the parties agree that the principle of the stable block and change of use of land to equestrian use is acceptable. I have thus determined the appeal on this basis.
5. I observed on my site visit that the pillars have already been constructed on site, however the proposed gates are yet to be installed. I have dealt with the appeal on the details shown on the submitted plans.
6. Subsequent to the Council issuing its decision, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

¹ Council Ref: 22/1147M

Main Issues

7. The main issues are:

- whether or not the development is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- the effect on the character and appearance of the area; and
- if found to be inappropriate development, 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 to justify the development.

Reasons

Whether inappropriate development

8. The appeal relates to land that has extant permission for the construction of a stable block and change of use to equestrian use. The site is accessed directly off Moss Lane and is located within the Green Belt.
9. As mentioned earlier this appeal relates to a proposed set of solid wooden entrance gates with brick pillars either side.
10. Paragraph 154 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions, including the provision of appropriate facilities for outdoor sport and recreation. The term 'building' is defined by s336 of the Town and Country Planning Act 1990 (as amended) as including any structure or erection, and therefore includes the brick pillars and wooden gates.
11. Whilst the proposed pillars and gates would be connected to the approved equestrian use of the site, which I determine to be an outdoor recreation use, they would not specifically themselves be facilities for outdoor recreation use.
12. As such, the proposed brick pillars and gates are not in the list of exclusions in paragraph 154 of the Framework and Policy PG3 of the Cheshire East Local Plan – Local Plan Strategy 2010–2030 (2017) (Local Plan), which reflects national policies on development within the Green Belt and therefore conforms with the provisions of the Framework.
13. Therefore, when judged against the wording of both local and national policy, the proposal is inappropriate development in the Green Belt.

Effect on openness

14. The high brick pillars and solid wooden gates would be visible within their immediate surroundings, including a section of the highway of Moss Lane, and would introduce solid man-made features in a location which was previously absent of such built form. This encroachment of development therefore results in limited harm to the openness of the Green Belt in this location.

15. I note the appellant's comments that the site has never had an open aspect as it was previously separated from the highway of Moss Lane by a post and rail fence and overgrown hedge. At the time of my site visit this section of post and rail fence and hedgerow had been removed from the frontage of the appeal site, replaced by a low brick wall, the brick pillars and a hedge set back from the highway. Nevertheless, I observed similar post and rail fencing, with hedgerows, along other sections of this highway and consider these to be a defining characteristic of the area and features which retain the openness of the Green Belt and the purposes of land within. As such, the effect of the appeal proposal on the openness of the Green Belt and the purposes of land within, is not comparable to the previous post and rail fencing and hedgerow.
16. The appellant also contends that the approved development, stable building and equestrian use, would remove the openness of the site. In response to this matter, for the reasons detailed above I have found that the proposed pillars and solid gates, to which this appeal relates, would in themselves have a harmful impact upon the openness of the Green Belt.
17. In view of the above, the pillars and proposed gates would cause a loss of Green Belt openness. As such, the scheme conflicts with Policy GE3 of the Local Plan and the Framework insofar as these policies set out that the openness and permanence of the Green Belt will be protected.

Character and appearance

18. The appeal site lies within an attractive rural setting, accessed off a relatively narrow country road which for large sections is tightly enclosed on either side by vegetation and hedgerows. To the southwest of the appeal site are three relatively large, detached dwellings within substantial plots and directly opposite the appeal site is a small woodland area. Further afield along Moss Lane are other small clusters of residential properties, interspersed between agricultural fields and equestrian uses.
19. The high brick pillars and proposed wooden gates would introduce visually harsh man-made features in a location which was previously absent of such built form. The pillars and gates would have a suburban appearance, similar to a gated entrance commonly found on residential properties, which is not characteristic of the rural nature and proposed equestrian use of the appeal site.
20. Furthermore, the visual prominence of these suburban features is only increased by the removal of a significant section of hedgerow either side of the pillars, and the erection of a low brick wall, which has taken place to create visibility splays at the entrance point. New vegetation has been planted in order to mitigate for the lost section of hedgerow. However, this is angled away from the back of the highway and therefore has opened up the entrance to the appeal site, resulting in the pillars and proposed gates being more visible and noticeable from the highway of Moss Lane.
21. I acknowledge that the removal of this section of hedgerow was required, and approved under the previous approval, to provide safe access in and out of the appeal site. Nevertheless, the removal of this section of hedgerow does increase the visual prominence of the site when travelling along Moss Lane. This will only exacerbate the visually dominating appearance of the high brick pillars and solid wooden gates in this rural location, which would be at odds

with the surrounding greenery situated either side of the highway within the immediate vicinity.

22. My attention has been drawn to other solid gates along Moss Lane, and within the wider area. Whilst I have not been provided with the planning history of these gates, I observed on my site visit that other solid gates within the vicinity of the appeal site serve residential dwellings and therefore provide occupants with an element of privacy within their property and outdoor amenity space. Whereas the other field gates in this area are of a more open and traditional appearance which allow for important views, between the hedgerows, into the attractive surrounding open countryside.
23. In view of the above, the pillars and proposed gates would introduce an incongruous, suburban feature into this rural location, which would result in moderate harm to the character and appearance of the area. The proposal is therefore contrary to Local Plan Policies SD1, SD2 and SE1, and Policy GEN1 of the Cheshire East Local Plan – Site Allocations and Development Policies Document (2022) (DPD). These policies together seek to ensure, amongst other things, that development proposals provide locally distinct, high quality and well-designed environments, and contribute positively to the character of the area.
24. The proposal is also contrary to the Framework where it seeks to ensure that developments add to the overall quality of the area, are sympathetic to local character and recognise the intrinsic character and beauty of the countryside.

Other considerations

25. A number of other considerations have been put forward. It is claimed that the pillars and gates are required to enhance security at the site and reduce the risk of theft of horses and equipment, as there would not be residential use at the site and traditional field gates would be inadequate. In support of this, examples of equestrian related thefts have been submitted, along with comments from the Rural Crime Team Supervisor who advises “...people to install the best security they can which includes solid secure gates where possible”.
26. It is unclear where these examples of stolen animals and items are in relation to the appeal site and the Rural Crime Team Supervisor also states that “there is nothing specific that we could lean on to say that particular area is at any higher risk of crime”. As such there is no substantive evidence before me that the appeal site is likely to be particularly vulnerable to theft. Furthermore, I have been provided with limited evidence that the appeal proposal is the only way of improving security at this site. Nevertheless, I attach moderate weight to the added security benefits arising from the appeal proposal.
27. The appellant comments that the equestrian centre will be an asset to the community. I have been provided with very limited details of the community benefits arising from the equestrian use of the site. Furthermore, the equestrian use of the site has already been approved and this appeal relates to the proposed pillars and gates. The community benefits associated with the pillars and gates has not been substantiated. I therefore attribute limited weight to this matter.

28. The appellant, and a number of interested parties, state that the overall appearance of the site has been improved as a result of the compliance with an Enforcement Notice served by the Council. Compliance with an Enforcement Notice is a requirement and is not directly relevant to the appeal proposal for the gates and pillars. As such I attribute no weight to this matter.
29. I acknowledge the appellant's comments that energy-efficient materials will be used, along with construction techniques to minimise waste. However, due to the limit materials involved and the limited ongoing energy use associated with the appeal scheme, I attribute these matters limited weight.
30. The appellant also states that the gates have been designed so as to not disrupt nearby habitats and wildlife. Whilst this matter is acknowledged, I have limited evidence that the appeal proposal is the only means to achieve both this and control of access to the appeal site. I therefore attribute it limited weight.

Green Belt Balance

31. The brick pillars and wooden gates constitute inappropriate development in the Green Belt. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
32. In this regard, the proposal would cause limited harm to openness. However, as set out at paragraph 153 of the Framework, albeit relatively limited in extent, this harm attracts substantial weight. The proposal would also result in moderate harm to the character and appearance of the area. I find that although there are matters which weigh in favour of the appeal, as set out above, the weight of these other considerations does not clearly outweigh the totality of the harm arising to the Green Belt and the character and appearance of the area in general.
33. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

34. The development conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made otherwise. Therefore, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

R Major

INSPECTOR