



Appeal Decision

Site visit made on 22 April 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/R0660/D/23/3334541

View Fields, Bleeding Wolf Lane, Scholar Green ST7 3BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr/Mrs Iain & Sian Thomson/Howitt against the decision of Cheshire East Council.
 - The application Ref is 23/2345C.
 - The development proposed is for enlarged stables and hardstanding pursuant to previous approval 17/3217C (Resubmission of application 22/4841C).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above is taken from the planning application form with the exception of the word retrospective, as it is not an act of development.
3. At the time of my visit, the stable block had been erected and the majority of the hardstanding had been laid. The proposal is therefore at least partially retrospective. Although the stable building appears to accord with the submitted plans in terms of its overall size and siting, I observed that there are deviations regarding its position relative to the horse walker. A lean-to structure has also been added to the rear elevation of the stable block and is being used for the storage of a quad bike and hay. Whilst shown on the landscape proposal and block plan drawings, it does not appear to be marked on the elevation or floorplan drawings. Despite the discrepancies, there is sufficient detail on the submitted plans to properly assess the impact of the proposal on the Green Belt. In reaching my decision I have assessed the development as shown on the submitted plans and not as built on site.
4. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the main parties would not be prejudiced by reference to the revised Framework.
5. The Council disputes whether the appeal site relates to the residential curtilage of View Fields. The application was submitted and determined as a householder planning application. Regardless of whether the land can be considered to be curtilage, it is not the purpose of this appeal to decide the lawfulness of the land. The appeal remains before me and I am satisfied that no party would be prejudiced by its determination.

Main Issues

6. The main issues of this appeal are;

- i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, taking into account its effect on the openness of the Green Belt.
- ii) If the development is inappropriate, 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 proposal.

Reasons

Inappropriate Development

7. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open¹. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) 2017, gives priority to the protection of the Green Belt, stating that the construction of new buildings should be regarded as inappropriate in the Green Belt. It reiterates the closed list of exceptions for new buildings set out within the Framework. This includes at paragraph 154b) of the Framework, the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation. The Framework therefore accepts that some built development can occur in the Green Belt for this purpose.
9. Neither Policy PG3 or the Framework, define what constitutes an 'appropriate' facility. It seems to me that stables for private use can be considered to be an appropriate facility for outdoor sport and recreation. However, such development must preserve the openness of the Green Belt and not conflict with the purposes of including land within it. This is a matter of judgement based upon the circumstances of any given case. Openness has both a visual and spatial dimension, as set out in the Planning Practice Guidance².
10. The proposed stable building would not generally be visible in views from Bleeding Wolf Lane or the public footpath that traverses the adjacent field due to the higher land level of the appeal site. It would be seen in private views from the neighbouring properties of Fair View Farm to the north and Oak View to the south. However, the existing stable blocks to both of these dwellings would offer a degree of screening at ground level.
11. Notwithstanding that the building would be typical of equine architecture, single storey and constructed of timber, it would result in permanent built development on a parcel of land that did not previously host any form of building³. The extensive footprint and scale of the 'U' shaped building consisting of 8 stables, 3 storage rooms, an open-fronted room and a covered walkway to the manege and horse walker, coupled with the extensive areas of

¹ Paragraph 142 of the Framework.

² Paragraph: 001 Reference ID: 64-001-20190722.

³ As shown in the aerial view at page 1 of the Council's Officer Report.

hardstanding to all sides, would have a harmful and eroding effect on the spatial openness of the Green Belt. The proposed building would be open to the front such that the concrete working area would not be completely enclosed as suggested by the appellant.

12. Proposed landscaping would be generally limited to low level hedgerows and shrubs and 7 trees, some of which lie outside of the application site on land to the west. Whilst improving the appearance of the site it would not adequately mitigate the scale of the building, nor the encroachment of significant built development including substantial hardstanding, into the countryside.
13. Consequently, the proposed development would not be an appropriate facility for outdoor sport and recreation as it would fail to preserve the spatial openness of the Green Belt. It would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment. The development does not therefore fall within the exception set out in paragraph 154b of the Framework and would be inappropriate development within the Green Belt. It would also conflict with Policy PG3 of the CELPS as set out above.

Other Considerations

14. The appellants contend that they require stabling for their 7 horses and 1 foal⁴. However, I only observed 4 horses during my visit and 1 of the stables appeared to be in use for the storage of unopened bales of bedding.
15. It is suggested that the proposal complies with Policy RUR7 of the Cheshire East Local Plan; Site Allocations and Development Policies Document, for equestrian development outside of settlement boundaries. Criterion 2 of Policy RUR7 supports proposals for new small-scale non-commercial equestrian purposes, provided that they are restricted to the minimum level reasonably required for the operation of the facility. No evidence has been presented that the stables are the minimum size necessary for the type and size of horses kept, or that the amount of storage space is reasonably required relative to the specific equine needs. Neither is there evidence that the ancillary development including hardstanding, is the minimum level reasonably necessary for the operation of the facility (criterion 1ii), even allowing for the parking and turning of a large horse box and management of the horses.
16. It is not clear from the evidence where the horses were stabled previously. The proximity of stabling to the appellants' home would nonetheless, be convenient for the care of their horses while offering them opportunities to develop their horses and riding skills. This would be of benefit to a healthy lifestyle. However, I am not satisfied on the evidence presented that the stable building needs to be of the scale proposed. Consequently, this attracts no more than modest weight.
17. Even if I could consider the proposal favourably with regard to Policy RUR7, it is clear that the proposal could only be supported where it accords with other policies within the development plan. As discussed above, the proposal would not comply with Policy PG3 of the CELPS.

⁴ As set out within table 1 of the appellants statement of case.

Other Matters

18. The previous approval at the appeal site⁵ does not establish that a stable building of any scale or form is acceptable in this location. This was a much smaller linear building for 4 stables, 1 tack room and 1 hay store tucked along the boundary of the appeal site, with a limited area of hardstanding to the front⁶. Whether the proposal shares part of the same footprint of the previously approved building, it would be materially different in form, significantly larger in scale and project much further to the south. It cannot be the case that a significantly larger building with a more complex form would reduce the landscape impact. The manege is largely devoid of permanent structures and the horse-walker is smaller in scale, such that their presence does not justify development that would be harmful to the openness of the Green Belt.
19. A block of 6 stables exists at Fair View Farm to the north and 4 stables, tack room, hay store and small area of hardstanding are present at Oak House to the south. Whilst extending further west than the proposed building, both of the neighbouring stables are of a significantly smaller scale and set recessively against existing boundaries, such that they are not comparable to, nor justify the scale of the proposal.
20. There is no evidence before me that the previous approval for a stable block was implemented prior to its expiration. It does not therefore constitute a fallback position with a realistic prospect of being implemented. Even if it was extant, the impact would be reduced and the harm less than the proposal.
21. Local support for the proposed development does not equate to a lack of harm. I have come to a different view regarding the impact of the development on the Green Belt where new buildings are carefully controlled. The acceptability of the scheme with regard to the character and appearance of the area, living conditions of neighbouring occupiers and highway safety, are neutral in the planning balance, weighing neither for nor against the proposal.

Planning Balance and Conclusion

22. The proposal would amount to inappropriate development in the Green Belt, due to a spatial loss of openness. The Framework establishes that great 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 are clearly outweighed by other considerations.
23. While some factors have been highlighted in favour of the proposal, these focus on mitigation of harmful effects and comparison with other nearby development. In any case, for the reasons given, the considerations presented by the appellant, including the desire to stable their own horses, do not provide anything other than modest weight in favour of the proposal. Consequently, these considerations do not outweigh the substantial weight that I am directed to give to the Green Belt harm. Thus, the very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed.

M Clowes

INSPECTOR

⁵ Planning application for stables for domestic use, reference 17/6104C.

⁶ As shown on the proposed new stables drawing within Appendix EP2 of the appellants statement of case.