



Appeal Decision

Site visit made on 29 May 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal Ref: APP/A0665/W/24/3338843

Hunters Retreat, Cassia Green Farm, Cassia Green, Marton, Winsford, Cheshire, CW7 2PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Diane Whalley against Cheshire West and Chester Council.
 - The application Ref is 22/04532/FUL.
 - The development proposed is a steel framed equestrian storage building, along with an arena for the exercising of horses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) Whether the proposed building is essential to the equestrian use; and the effect of the proposal on, (ii) the character and appearance of the surrounding area; (iii) the living conditions of neighbouring residents; and, (iv) any trees.

Reasons

Whether Essential for Equestrian Use

3. The appeal site covers a small portion of a wider plot that is currently split between an equestrian use, and a building used for holiday accommodation. It appears from the submissions before me that the site is not used for an equestrian business. The appeal site is at the edge of a cluster of buildings which appear to be primarily dwellings, while the wider area more generally is characterised by a rural landscape. The proposal would include the erection of a storage building over part of the existing menage and the creation of a new menage.
4. It has been suggested by the appellant that the proposed building would be used for the storage of vehicles including a tractor, trailer, horsebox, roller and harrow, and the storage of other equipment and consumables including hay, haylage and spare parts. I have not been provided with the likely amounts of these latter elements or what space they would take up. I also noted during my visit that there were a number of stalls within the stable block that were not being used to house horses, including one set up as an office space.

5. I am mindful that collectively there are a number of elements the appellant intends to store within the proposed building. However, I have not been provided with substantive details as to the amounts of each element likely to be present. In particular, with regards to feed, equipment and spares, I cannot be certain that these could not be accommodated within the spare stalls and existing areas of hardstanding present at the appeal site.
6. The appellant has mobility issues that require the use of machinery to carry out the maintenance and management of the appeal site. In this case, and mindful of the above, I consider the vehicles and plant identified by the appellant are commensurate with the scale of the site. However, I do not find that there has been suitable justification to demonstrate that these need to be stored within a building. Indeed, I find it typical that vehicles, trailers and other plant are stored outside.
7. From the information available to me it is clear that the proposed building would be used in association with, and in support of, the equestrian use. However, it has not been demonstrated that the building is essential for the operational needs of the equestrian use. In reaching this conclusion, the previous operation of the site without such a building has not been determinative as needs can change over time.
8. The proposal would be located close to dwellings and the existing holiday accommodation which would provide a degree of security and, with the existing vehicular access and areas of hardstanding, would be accessible irrespective of the weather. The location of the proposed building is also within the curtilage of previously developed land. Cumulatively, I consider these matters weigh in support of the appeal site's location. However, these matters do not overcome the requirements of Policy STRAT 9 of the Local Plan (Part One) Strategic Policies (the LP1) and Policy DM8 of the Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2) which, as outlined above, have not been met.
9. The proposed additional building in support of the equestrian use has not been suitable demonstrated as essential to the operational needs of the facility. It would therefore result in the unacceptable introduction of development within the countryside contrary to LP1 Policy STRAT 9 and LP2 Policy DM8 which, collectively, seek to limit development within the countryside to where it, amongst other matters, is necessary and appropriate to the site.

Character and Appearance

10. The existing buildings on site are modest single-storey buildings characterised primarily by their use of timber finishes and their simple but traditional, designs. They are located close to the shared boundaries with neighbouring buildings providing a clear visual divide between the paddocks and built development. The proposed building would be adjacent to the stables and extend across the existing menage. The replacement menage would extend modestly into the horse paddocks.
11. In contrast with the buildings noted above, the proposed building would be of a significant scale, in height and footprint, and of a very utilitarian design, finished in corrugated metal cladding. It would not, therefore, reflect the character and appearance of the development on site. In particular, I consider the scale of the building in this location would be a jarring feature against the modest stable block. Although it may be possible to outweigh the visual harm

from this incongruous scale, the justification outlined above is not sufficient to do so.

12. However, the proposal would be of a style typical of agricultural uses within rural areas. In this regard it would therefore be in keeping with its rural siting and would not be an urbanising feature. I also consider that the relocated menage area would not harm the character or appearance of the site and its surroundings as it would be a retiring feature.
13. Nevertheless, the proposed storage building would be an overly large feature that would be detrimental to the modest scale of the unit and its associated buildings. It would, therefore, harm the character and appearance of the surrounding area contrary to LP1 Policies STRAT 9 and ENV6 and LP2 Policies DM3 and DM8 which seek to protect the character and beauty of the countryside and to encourage small scale developments that respect the scale of the surrounding built environment and are not detrimental to the wider landscape. The proposal would also conflict with the National Planning Policy Framework (The Framework) with particular regard to Paragraph 135 which aims for developments to be sympathetic to the surrounding built environment and landscape, maintaining a strong sense of place.

Living Conditions

14. As noted above there are a number of dwellings in close proximity to the appeal site. The closest is identified as Cassia Grange on the appellant's plans. The house itself is set away from the appeal site but the garden extends up to the rear of the existing stables and there is a large garage building set much closer to the shared boundary.
15. The proposal would introduce a tall building close to the shared boundary with Cassia Grange. Given the relationship between the plots it is likely that the building would be seen from a wide portion of Cassia Grange's curtilage. However, it is unlikely that the building would be readily visible from the main dwelling given the presence of the large garage block. Moreover, the majority of the building would extend away from the neighbour's plot with only the corner of the building being immediately adjacent to the corner of the garden serving Cassia Grange. Moreover, as a result of the dual pitched roof, the full height of the building would be reached further away from the boundary. Therefore, and whilst the building is of a large scale, I do not find that it would be of such height as to form an intrusive or overbearing feature to the detriment of the living conditions of neighbouring occupiers.
16. I note concerns have been raised regarding external lighting and the potential affect these could have on neighbouring occupiers during the hours of darkness. However, in the event the appeal were to be allowed, any external lighting could be controlled through the imposition of a suitably worded condition.
17. As such the proposal would not unacceptably affect the living conditions of neighbouring occupiers, including those at Cassia Grange, and would consequently comply with LP1 Policy SOC5 and LP2 Policy DM2 collectively expect developments to safeguard the quality of life of surrounding occupiers from significant adverse impacts to residential amenity. Although the Council have also referred to LP2 Policy DM21 this regards development within residential curtilages and so is not particularly relevant.

Trees

18. The closest trees to the location of the proposed storage building and menage are the fir trees on the opposite side of the shared boundary with Cassia Grange. These form a row along the rear of the stable block. There are trees along the vehicular access to the appeal site and a further group near the neighbour's garage. However, given the degree of separation from this latter group, I consider it is only the row of firs which have the potential to be affected by the proposal.
19. Although the proposal would introduce an additional building close to the fir trees, they are already located immediately adjacent to the stables and concrete pad. The stable block would also effectively sit between the proposed building and these fir trees. I find it would be very unlikely that works associated with the development of the proposed scheme would affect the health or longevity of the fir trees. Moreover, given the small size of the trees, I find the distance of separation would be sufficient to ensure that the proposal would not prejudice the long term health of the trees.
20. The proposed menage area would be located further away from any of the trees than the existing arena. The proposed storage building would sit between the menage and the row of fir trees. I find, therefore, that there would also be no adverse impact on any trees resulting from the relocation of the menage arena to this location.
21. In light of the above, the proposal would not unacceptably affect trees on and around the site by way of its siting or the development works. The proposal would therefore comply with LP1 Policy ENV4 and LP2 Policy DM45 seek to protect natural assets and features from loss with particular regard to the conservation of trees. The proposal also complies with Framework, including section 15, with regards to protecting the natural environment and trees.

Conclusion

22. The proposal would conflict with the Council's spatial strategy for equestrian development and harm the character and appearance of the area, conflicting with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR