



Appeal Decision

Site visit made on 1 July 2024

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/R0660/C/23/3329508

Land at Oakhanger Riding Centre, Holmshaw Lane, Oakhanger, Crewe CW1 5XE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr George O'Shea against an enforcement notice issued by Cheshire East Council.
- The notice was issued on 8 August 2023.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a portal framed building.
- The requirements of the notice are to:
 - a) Demolish the unauthorised building as shown in the approximate position hatched black on the attached plan.
 - b) Remove all waste material associated with compliance with requirement a) from the Land.
- The periods for compliance with the requirements are:
 - a) 3 calendar months.
 - b) 4 calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The ground (a) appeal and the deemed planning application

Main issues

1. The main issue is the effect of the development on the character and appearance of the area.

Reasons

2. The appeal site is located within the open countryside, as defined in the Cheshire East Council Local Plan Strategy 2017 (CELPS). The area is characterised by open fields interspersed with sporadic dwellings, farmsteads and small clusters of development.
3. The site forms part of a wider collection of buildings, comprising several dwellings and large equestrian related buildings. The wider site is split in two with Oakhanger Riding and Pony Club occupying the west of the site and Oakhanger Equestrian Centre, the appeal site, occupying the east. Oakhanger Equestrian Centre comprises the large metal clad building that is the subject of this appeal; a smaller metal clad building containing stables and a tack/welfare room, with timber stable blocks either side of this building; storage containers

used for general storage and for storing hay and bales of shavings; a menage; a horse walker; a large area of hardstanding to the east of the appeal building, containing several horse boxes and a static caravan; and, the appellant's dwelling.

4. The appeal building is set back from the road and screened from it by the adjacent buildings and therefore it is not readily visible from Holmshaw Lane. Nevertheless, due to its substantial size, it rises significantly above the adjacent hedgerow to the north, resulting in it being clearly visible from Taylor's Lane, appearing as a dominant feature within the immediate landscape. Furthermore, it is clearly visible from the footpath running through the site, from which it also appears as an overly dominant feature.
5. Although the building is read in the context of the adjacent equestrian buildings and structures, its substantial size dominates the site creating an unduly prominent feature. Moreover, although it is contained within the built-form of the site, on land that was previously open hardstanding, the introduction of the building and its significant bulk substantially detracts from the openness of the site and surrounding area.
6. I acknowledge the large indoor arena on the adjacent site is of a comparable size to the appeal building. However, there is no evidence before me of the planning history of that building and what justification was provided for it at the time it was granted planning permission, if indeed it was. Accordingly, I do not consider the presence of the neighbouring arena building to weigh in favour of the appeal building.
7. I note the appellant confirms that if the building is granted planning permission, the storage containers to the west of the site would be removed. However, I do not consider that the removal of these would adequately mitigate the harm the significantly large building has on the character and appearance of the area.
8. Policy RUR7 of the Cheshire East Council Local Plan Site Allocations and Development Policies Document 2022 (SADPD) allows additional new buildings and structures to facilitate the sustainable growth and expansion of existing equestrian businesses provided, amongst other things, they are restricted to the minimum level reasonably required for the operation of the facility.
9. The existing equestrian use involving liveries and the appellant's horse breeding is well-established. Based on the observations I made on site and the evidence before me, notwithstanding the appeal building, there is little scope within the existing buildings to accommodate any material growth in the business.
10. It is argued that the appeal building is required for a multitude of uses, including storing loose shavings and straw; housing mares in foal and with foals under-foot; housing and training youngsters; and, the storage of implements and equipment used on the site. To accommodate these uses, the internal layout of the building would change throughout the year.
11. However, there is conflicting evidence submitted in support of the need for the building. It is stated that loose shavings and straw would be bought in the summer months when it is cheapest and stored for use in the winter months¹. Paragraph 4.10 of the Appeal Statement of Case for the Appellant then goes on to state that during the summer months the building would be used for loose

¹ Paragraph 4.6 of the Appeal Statement of Case for the Appellant

jumping for the young colts. They set out the British Horse Society's recommended size for such an arena is 20 x 40 metres (800sqm) and identifying that the appeal building is below this. This clearly conflicts with the need to store loose shavings and straw over the summer months and the need to store machinery inside. If the entire building is used for training the colts then it cannot also be used for storing loose shavings, straw and implements.

12. Moreover, in justifying the need for the space required for the loose shavings and straw, the calculations in the Supplemental Justification Statement prepared by Kelby Consulting are based on year-round stabling of the horses, including the livery use. This further highlights the conflict between the need for the summer use of the building for training colts and the year-round storage of loose shavings and straw. In addition, if the horses are in the fields in the summer, the amount of shavings and straw required would be significantly less than the year-round calculations indicate and therefore the space required for their storage would also be less.
13. It is argued that foals and subsequent yearlings, two-year-olds and three-year olds would need housing in the winter months until such time as they can be ridden and assisted as 4 year olds. I acknowledge foals, particularly warm-blooded breeds, can be susceptible to inclement weather and therefore I understand the need for them to be housed in the winter months. However, there is no evidence as to why it is essential that youngsters up to the age of 4 years old must also be housed over the winter months. The use of winter rugs and field shelters are commonly used to enable such horses to winter outdoors.
14. I have also had regard to the contention that colts need to be segregated from fillies. However, it has not been demonstrated why it is essential that this must be done indoors and cannot be done outdoors. It seems reasonable that, through appropriate land management, colts and fillies could be separated by keeping them in separate fields from each other.
15. During my site visit, which was in the summertime, the building was largely empty, except for small-scale storage of jumping equipment and a couple of horse traps and carriages. The floor of the entire building was covered in shredded fabric. There were no loose shavings or straw stored within the building. Moreover, there was no evidence of how the internal partitions that would likely be used to create the stabling would attach to the building, or, indeed, any evidence of such partitions at all on the site. I note that Council Officers have also witnessed the building to be in limited use during their visits. I acknowledge the appellant's argument that they are reluctant to undertake any further works to the building until planning permission has been granted. However, the Justification Statement prepared by Kelby Consulting states that at the time of its preparation the building has taken on the housing for these new foals and those who are now yearlings². Given the essential need argued for the building, it is surprising it is not utilised for other uses that form the basis for its justification, eg, the storage of implements, shavings or straw, which would not require any further works to be carried out the building.
16. Overall, I acknowledge the building would benefit the horse breeding business. However, the size of the building appears to have been based on the unrestrained whim of the appellant. The numerous uses proposed for the building are largely desirable rather than essential to the effective running of

² First paragraph, page 4

the business. Accordingly, it has not been satisfactorily demonstrated that the size of the building is essential and has been restricted to the minimum level reasonably required for its operation.

17. I find therefore the building significantly harms the character and appearance of the area. As such, it fails to comply with Policies PG6, SD1, SD2, SE1 and SE4 of the CELPS and Policy GEN1 of the SADPD, which, amongst other matters, restricts development in the open countryside; ensures development contributes positively to an area's character, landscape and its surroundings; and, protects and enhances the natural environment. It would also fail to comply with Policy RUR7 of the SADPD. Furthermore, it would fail to comply with the design objectives of the National Planning Policy Framework.
18. The Council also relies on Policy RUR13 of the SADPD, however, this policy relates to replacement buildings. There is no evidence before me that the proposal is for a replacement building. Accordingly, I find no conflict with this policy.

Conclusion on the ground (a) appeal and the deemed planning application

19. For the reasons given above, having considered the development plan as a whole and all material considerations, I conclude that planning permission should not be granted in response to the ground (a) appeal against the enforcement notice and deemed planning application.

The ground (g) appeal

20. This ground of appeal is that the period for compliance is unreasonably short.
21. The time for compliance with the requirements of the notice is three and four months. The appellant argues this is not sufficient and additional time would be needed to find alternative accommodation for the horses. Six and seven month periods are requested.
22. During the 2023/2024 winter, the appellant has been renting land adjacent to the building for winter accommodation for some horses and others have been housed off-site in rented stables, without using the appeal building. It has not been demonstrated why the same arrangements cannot be implemented this forthcoming winter. There is no evidence why the current compliance period of three months for the demolition of the building would not give sufficient time for the appellant to find alternative housing arrangements for the horses before the winter period.
23. I find therefore, the compliance periods of three and four months is not unreasonably short. The ground (g) appeal fails.

Formal Decision

24. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

A Walker

INSPECTOR