



Appeal Decision

Site visit made on 16 July 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2024

Appeal Ref: APP/A0665/W/23/3336058

Land off Marsh Lane, Churton, Chester CH3 6NG

- 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 and Mrs D Evans against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/00097/FUL.
 - The development proposed is Change-of-Use to private equestrian facilities to include Stable Block, Store and menage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site consists of an existing undeveloped field, accessed off Marsh Lane, in the open countryside. The site is relatively flat and enclosed by well-established hedgerows to all field boundaries. A Public Right of Way (PRoW) runs through the site.
4. The site makes a positive contribution to the countryside and surrounding landscape, which has a prevailing rural character with large areas of open agricultural land, equine buildings, as well as sporadic residential dwellings.
5. The proposed development is for an 'L' shaped timber stable building, large rectangular storage building and an outdoor riding arena. The timber stable building would have a modest height and a traditional appearance within its rural setting. The large storage building would also have a traditional appearance, with facing materials being appropriate for the rural location, but due to its height and large footprint, it would be a dominant building. In addition, large areas of hardstanding are proposed to the front of the two buildings and the riding arena is sizable also. Therefore, the proposed development would introduce a large amount of built development onto the land, which would extend significantly across the field.
6. Additionally, the position of the proposed development, set away from the boundaries, and its scale, would have an abrupt appearance within the landscape. Therefore, the proposal would result in a harmful visual intrusion into the landscape.

7. The tall hedgerows on the front boundary would restrict views of the proposal along the lane, particularly during the summer months. However, there would be some glimpses above the hedgerow and from the field entrance. Furthermore, the location and mass of development, immediately adjacent to the PRow, would be visually harmful from the footpath.
8. While I acknowledge that the appellant has made efforts to reduce the size of the proposals and they suggest that the scale is smaller than the existing equestrian facility and buildings on the neighbouring land, the proposed development remains substantial. Furthermore, the proposals would be viewed within the context of the adjacent equestrian facility and buildings, which would exacerbate the amount of built development within this part of the predominantly open landscape. As a result, there would be cumulative visual harm to the open, attractive appearance of the rural area.
9. For the collective reasons outlined above, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area. Consequently, the proposal would conflict with Policy ENV6 of the Cheshire West and Chester Local Plan Part One Strategic Policies (2015) and Policy DM3 of the Cheshire West and Chester Local Plan Part Two Land Allocations and Detailed Policies (2019), which together and amongst other things, seeks high quality design that is sympathetic and respects and enhances the landscape.
10. In addition, the proposed development would fail to accord with the design and natural environment objectives of the National Planning Policy Framework, which seeks to achieve well-designed places that protect and enhance the landscape.

Other Matters

11. The proposed development would provide stables for the appellants horses and provide associated welfare benefits which is supported by the family's local veterinary surgeon. The appeal site due to its proximity to the local bridleway network would offer additional private opportunities for recreation and leisure, as would the outdoor riding arena. It would also allow safe riding away from the busy roads and traffic. The proposals would also provide a weatherproof building for the storage of hay which could reduce vehicle movements to and from the site. In addition, the proposal would allow machinery and equipment to be stored in a secure building. However, these are private benefits, to which I therefore afford only limited weight.
12. I am also mindful that there is a suggestion that access to the PRow would be re-installed. Nevertheless, these works could be carried out irrespective of the outcome of this appeal and I thereby attach limited weight.
13. No objections have been raised with regards to access arrangements and highway safety, the effect on ecology and biodiversity, or in respect of flooding and drainage. However, these are requirements of planning policy and taken together they carry neutral weight.
14. Taking the above matters into consideration, the benefits would not outweigh the identified harm that I have found would be caused to the character and appearance of the area.

15. Whilst I acknowledge that the appellant has sought to address previous concerns raised by the Council, and the members of the Planning Committee went against the advice of their Officers, this does not affect my consideration of the planning merits of the proposed development.

Conclusion

16. In conclusion, the proposed development would be contrary to the identified policies of the development plan read as a whole and there are no other material considerations which outweigh this conflict, and for the reasons given above, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR