



Appeal Decision

Site visit made on 29 July 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Appeal Ref: APP/R0660/W/24/3338850

Lower Swanscoe Farm, Kerridge Road, Higher Hurdsfield, SK10 5TB

- 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 Mrs Pamela Mack against the decision of Cheshire East Council.
 - The application Ref is 23/3904M.
 - The development proposed is a stable block and horse riding arena, including change of use of land and access driveway, parking area and gates.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns regarding the Council's handling of the planning application and in particular the lack of dialogue and the lack of consistency with what changes and information would be necessary to make the proposal acceptable. These are matters that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
3. The site edged red as shown on the location plan, block plan and site layout plan submitted with the planning application do not include the access track to the site from the private driveway to the property. The appellant has submitted revised plans to address this as well as to provide details of other elements such as fences and gates. Whilst these plans were submitted to the Council shortly prior to the application being determined the decision notice is clear that these were not the plans on which the application was determined.
4. I have considered whether it would be appropriate to accept these revised plans, having regard to the guidance in the 'Procedural Guide: Planning Appeals – England (2024)', and the tests given in the 'Holborn Studios' judgement¹. The Procedural Guide makes clear that the appeal process should not be used to evolve the scheme and that in most cases the appeal should be determined on the basis of the plans upon which the Council made their decision. In this case I consider that the enlargement of the application site, as shown on the revised plans is a fundamental change to the application that results in a different scheme than was before the Council. As such, it would not be appropriate for the revised plans to be accepted.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Main Issues

5. The main issues in the appeal are:

- Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework) having regard to the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- Whether or not sufficient information has been provided to assess the impact of the proposal on the character and appearance of the area; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development.

Reasons

Whether inappropriate development

6. The appeal site is located in the Green Belt and the open countryside as defined by the *Cheshire East Local Plan Strategy 2010-2030 (adopted July 2017)* (LP).
7. Policy PG3 of the LP states that permission for inappropriate development in the Green Belt will not be granted except in very special circumstances in accordance with national policy. In line with paragraph 154 of the Framework, it indicates that new buildings are inappropriate unless they are for one of a few limited exceptions. These include the provision of appropriate facilities for outdoor sport and recreation. Paragraph 155 of the Framework also states that, amongst other things, both engineering operations and material changes of use are capable of not being inappropriate development. In all these cases whether development is not inappropriate is dependent on whether they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. The proposal would be for a new equestrian facility associated with the host property, which is a form of outdoor recreation. The proposal consists of a stable block, menage and associated hardstanding that includes 3 parking spaces. As such it would involve the construction of a new building, as well as change of use of land from agriculture to equestrian uses and engineering operations.
9. Neither the Framework, nor Policy PG3 indicate what constitutes 'appropriate' facilities for outdoor recreation. However, Policy RUR7 of the *Site Allocations and Development Policies Document (adopted December 2022)* (SADPD) provides specific guidance on equestrian development in the open countryside and Green Belt. Further guidance on equestrian development is also found in the *Equestrian Facilities Supplementary Planning Guidance (2006)* (SPG).
10. Policy RUR7 indicates new buildings and structures may be provided where they are restricted to the minimum level needed for the operation, are well related to each other and existing buildings and do not form isolated and

scattered development. The proposal would be for 3 stables and a tack room, which accords with what the SPG indicates would be small scale. However, the size of each stable is larger than what the DEFRA guidance² indicates is even necessary for a larger horse. As such, even if it the stables are for keeping larger horses, and there is no evidence that this is the case, they are not restricted to the minimum size required.

11. The proposed menage is an appropriate size for a domestic facility. However, the amount of hardstanding provided around the menage and in front of the stable block is far greater than is needed for the operation of the facility. Given this is for domestic rather than commercial use and there are extensive parking facilities at the host property, the provision of three parking spaces as part of the scheme also goes beyond the minimum level required for the facility. As a result, these elements of the appeal scheme would also be contrary to Policy RUR7.
12. The appeal site currently forms part of an open field, devoid of buildings or structures. The change of use of the land from agriculture to equestrian use in itself would not have any impact on openness or the purposes of including land within it. However, the appeal scheme would introduce a building where previously there was none, and although not shown on the plans, the appellant's evidence states that there would be a fence around the menage approximately 1.2m in height. Spatially these elements would impact on the openness of the Green Belt, although due to the current boundary hedges and the existing and proposed trees and hedging in the wider landscape there would be limited visibility of them.
13. One of the purposes of the Green Belt as set out in paragraph 143 of the Framework is to assist in safeguarding the countryside from encroachment. Contrary to the Policy RUR7, the appeal scheme would not be well related to existing buildings associated with the host property or to its private access road but would be located in a corner of a field some distance from them, resulting in an isolated development and a scattering of the development associated with the host property over a significantly greater area.
14. Therefore, the proposal would result in a degree of encroachment into the open countryside. Moreover, although not included in the red line boundary the appeal scheme would need some form of vehicular access and this would increase the encroachment into the open countryside caused by the proposal.
15. Whilst the degree of encroachment is modest, in that the size of the stables and ancillary hardstanding is considerably larger than what would reasonably be required for a domestic facility, the degree of encroachment is larger than it needs to be.
16. All in all, I consider that due to the size of the stable block, and its impact on the openness of the Green Belt and the purposes of including land within it, it would be inappropriate development in the Green Belt. In addition, the engineering works required to create the ancillary hardstanding would also be inappropriate development as, due to its size being significantly greater than the minimum level reasonably needed for the scheme, it would conflict with the purposes of including land in the Green Belt.

² Code of Practice for the welfare of horses, ponies, donkeys and their hybrids – Department for Environment, Food and Rural Affairs (December 2017)

17. Notwithstanding my conclusion regarding the material change of use element of the proposal, overall the proposal would be inappropriate development. According to paragraph 152 of the Framework, inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances.

Whether sufficient information has been provided

18. As highlighted above, the plans showing the red line boundary of the site do not include the access track from the site to the private driveway. In addition, there are no plans showing the elevations and the location of the proposed fences or the design of the gates. The Design and Access Statement that accompanied the application also indicates that some levelling of the site would be necessary to create the flat area needed for the menage, but no cross-section plans have been provided showing the extent of this work.
19. Whilst the incorrect red line boundary does not allow the full extent of the proposal as set out in the description of development to be assessed, it did not prevent the determination of the planning application.
20. Policy RUR7 indicates that equestrian developments in the open countryside should not unacceptably affect the character of the surrounding area and landscape. From the site visit it was clear that the overall change in levels required to create a flat menage area, would not be extensive. In addition, even if other details were missing, the height of the proposed fence was indicated in the Design and Access Statement, and the site visit showed there would be limited visibility of the fence in the wider area.
21. It would have been far more satisfactory if these details had been provided when the application was submitted. Nevertheless, given my observations at the site visit I consider that sufficient information has been provided to enable an initial assessment to be undertaken on the impact the proposal would have on the character and appearance of the area and landscape and further details could have been secured by condition.

Other considerations

22. Permission was granted in January 2017³ for a similar proposal on the site. However, this permission is no longer extant. Since then both the LP and the SADPD have been adopted. Consequently, the planning policy context for determining the current application has changed significantly and I only give minimal weight to the fact that a previous permission existed on the site.
23. The appellant has stated that a similar proposal on a neighbouring land holding was approved last year despite what in her view was poor quality plans and not providing many of the details the Council consider need to be provided in this case. How the Council determined a different application is not a matter that is before me in this appeal. Nonetheless, I notice from the Officer's report for this application supplied by the appellant, that there is no mention of the site being in the Green Belt. As a result, it does not represent a direct parallel with the appeal proposal.

³ Application Ref 16/5520M

Other Matters

24. The SPG indicates proposals for stables and ancillary facilities are required in the interests of animal welfare. The Council have highlighted that the applicant does not currently have horses and as a result they have argued that the stables and menage are not required in the interests of animal welfare as there are no horses.
25. However, the SPG predates the adoption of both the LP and the SADPD and I note that Policy RUR7 which specifically addresses what is required for equestrian development in the open countryside does not contain any such requirement. Given this I consider only limited weight should be given to this requirement in the SPG. In any case whether or not the appellant currently has horses is not a determinative factor in the appeal.

Conclusion

26. The proposal would be inappropriate development in the Green Belt, which is harmful by definition. In accordance with paragraph 153 of the Framework, I attach substantial weight to the harm to the Green Belt. Overall, I consider that the benefits cited in the scheme's favour do not clearly outweigh the harm it would cause. Consequently, very special circumstances do not exist. As a result, the proposal would be contrary to Policy PG3 of the LP and Policy RUR7 of the SADPD and the Framework.

Alison Partington

INSPECTOR