



Appeal Decision

Site visit made on 4 November 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2024

Appeal Ref: APP/R0660/W/24/3347880

Saltersley Hall Farm, Saltersley Lane, Cheshire East, Wilmslow SK9 5LS

- 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 Terence Cummins against the decision of Cheshire East Council.
 - The application Ref is 23/4490M.
 - The development proposed is the erection of domestic stables.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, a scheme of hard and soft landscaping was submitted which details a change in the positioning and length of hedging. Considering established case law¹, the change is a minor alteration and does not represent a substantial difference or fundamental change. While the Council have not directly commented on the landscaping plans, they have referenced the drawings in a list of suggested conditions that they provided in the event of the appeal succeeding. I do not consider that there would be unfairness to any other interested party by my determining of the appeal having regard to these landscaping plans.
3. It is clear that during the course of the application, amendments to the original plans were submitted which changed the position of the stables to overcome heritage officer concerns. Following submission of the amended plans, the heritage officer withdrew their objection. For clarity, I have taken drawing no SHF/SB/002c to be the block, layout and elevation plan that the Council based their decision on. This plan has also been referenced in suggested conditions from the Council.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to National Planning Policy Framework (the Framework) and any relevant development plan policies, taking into account its effect on the openness of the Green Belt; and

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)

- if the development is inappropriate, 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 development.

Reasons

Whether inappropriate development

5. The appeal site is located within the Green Belt. Paragraph 154 of the Framework outlines that the construction of new buildings, other than specific exceptions, should be regarded as inappropriate in the Green Belt. One such exception, set out at paragraph 154b, is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) (2017) reiterates this.

Outdoor sport and recreation

6. While both Policy PG3 and the Framework do not define what constitutes an appropriate facility for outdoor sport and recreation, the Equestrian Facilities Supplementary Planning Guidance (2006) (SPG) outlines that small structures relating to horse-riding can be appropriate within the Green Belt, defining a small structure as development up to and including 3 bays and an extra bay for storage. Whilst the SPG provides useful guidance, it is not part of the development plan. The weight it carries therefore primarily goes to the robustness and appropriateness of the guidance it provides. In my mind, stables for private domestic use can be considered to be an appropriate facility for outdoor sport and recreation, in-principle. In this instance, it would be timber with a natural slate roof, which are materials that would be appropriate for its rural setting and intended use as a facility for outdoor sport and recreation.

Openness

7. The Framework explains that such development must preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The SPG broadly reflects this with its requirement for the structures to be small.
8. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
9. The development would comprise a sizeable building of an L-shaped layout. It would consist of 9no stables, including 2no storerooms, a hay store, a tack room and covered walkway. The stables would be of a modest height.
10. The submitted information suggests there are 4no containers and a field shelter of various sizes around the wider site which would be removed should

the stables be approved. I have had regard to these. On my visit, I observed 1 of the containers in the field where the stables are proposed.

11. The field where the stables would be located is set away, but still visible from, a nearby barn to the north which has permission for residential conversion. The appeal site is also close to Saltersley Hall Farmhouse, also to the north, although this is more visually separate due to intervening mature vegetation. With the exception of the above, the appeal site itself is of an undeveloped nature and I consider the appeal site contributes to the openness of the Green Belt as a whole. Moreover, the openness of the Green Belt is readily apparent in the area surrounding the site, particularly the open fields to the south and west.
12. Given the lower land levels to the east of the appeal site, the proposal would not be visible from the public footpath that traverses the eastern boundary. Proposed landscaping would provide some screening from the public footpath near the southern boundary, but due to the scale of the proposal, it would still be partially visible from this footpath.
13. Overall, because of the screening as part of the landscaping plan, the proposed stables would have a limited visual impact on openness. Nevertheless, because of the size of the development, it would represent a substantial mass of permanent built development, in a location where there is currently none. I have had regard to the judgement in the appellants referenced caselaw², which in summary, is to consider the impact or harm, if any, wrought by the change to the openness of the Green Belt. The spatial effect on openness would be greater than that of the existing containers combined, that the appellant has referenced, with the proposed development substantially larger in both footprint and volume. As such, I consider it would have a significant and harmful eroding effect on the spatial openness of the Green Belt at this location, even considering the nearby existing brick barn and farmhouse.

Green Belt purposes

14. The Framework sets out five purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. The scheme's additional built-form encroachment into the site would be harmful to the Green Belt purpose of safeguarding the countryside.

Overall

15. For the above reasons, whilst it would be appropriate sport and recreation development, the proposal would conflict with the Green Belt purpose of safeguarding the countryside from encroachment and would fail to preserve the openness of the Green Belt. I therefore conclude that the appeal proposal represents inappropriate development within the Green Belt and is contrary to Policy PG3 of the CELPS. This seeks to prevent inappropriate development in the Green Belt. The harm to the Green Belt is a matter to which I attach substantial weight.

² Euro Garages Ltd v SSCLG & Anor [2018] EWHC 1753 (Admin)

Green Belt balance

16. The proposed development would be inappropriate development in the Green Belt. The Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

Other considerations

17. The appellant contends that they are in desperate need for the stables as they currently have nowhere to be stabled properly on site. However, I have little substantive evidence to demonstrate that a suitable site elsewhere would not be feasible. This consideration therefore attracts limited weight.
18. The lack of objections from technical consultees and the Parish and town council is noted. However, I am required to assess the proposal on its planning merits and the absence of objections does not alter my findings with regards to the harm identified.
19. The appellant suggests that the proposal complies with requirements set out in Policy RUR 6 and RUR 7 of the Cheshire East Site Allocations and Development Policies Document (2022) (DPD). Policy RUR 6 supports proposals for outdoor sport, leisure and recreation subject to a number of criteria and Policy RUR 7 supports equestrian development in the open countryside where it accords with a number of criteria. One such criteria for Policy RUR 7 is that the proposal is restricted to the minimum level reasonably required for the operation of the facility.
20. Nine horse passports have been provided detailing the presence of nine horses, however, no information has been provided as to the size of the horses and I am mindful of DEFRA guidance³. This confirms that an average stable size should measure 3.65 metres by 3.65 metres and for a large horse measure 3.65 metres by 4.25 metres. Given the proposed stables all measure more than the average size and that limited justification has been put forward to explain why the stables need to be in excess of this, I cannot be satisfied that the proposal as a whole has been restricted to the minimum level required as set out in Policy RUR 7.
21. However, even if I considered the proposal accorded with the various sub clause requirements of policies RUR 6 and RUR 7, these policies clearly state that proposals can only be supported where they accord with other policies within the development plan. Given I have found conflict with Policy PG3 of the CELPS, the proposal falls into conflict with both Policy RUR 6 and RUR 7 of the DPD.

Harm

22. The Framework requires that the harm by reason of inappropriateness be given substantial weight. I also place substantial weight on the harm to openness and to the Green Belt purpose regarding encroachment into the countryside that I have identified.

³ Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (2017, Defra).

Very special circumstances

23. Having taken into account the other considerations, I consider the benefits of the proposal to be limited and do not clearly outweigh the development's harm. Thus, the very special circumstances necessary to justify the proposal do not exist.

Other Matters

24. Saltersley Hall Farmhouse is a Grade II listed building, with the listing extending to pre-1948 buildings within its curtilage and thus includes the associated 19th century barn with later additions. I have a statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
25. The significance of the farmhouse is in part derived from its age and architectural interest resulting from the materials. According to the listing description and submitted information, the farmhouse dates from the 17th century with 19th and 20th century additions. It has part sandstone elevations that conceal the timber framing inside, with exposed timber ridge beam and purlins on the gable ends along with a prominent chimney stack. The setting of the group of buildings is characterised by its rural location.
26. The stables were originally to be located directly adjacent to the 19th century barn buildings. However, following concerns raised by the heritage officer during the course of the application, the siting of the stables was moved further away from the heritage assets. The new location would be physically separate from the farmhouse and barn. The visual connection would be tempered owing to the distance between the proposal and heritage assets. There would be very limited views to or from the Farmhouse and the appeal site due to the intervening barn and mature trees. Whilst there would be a stronger visual connection between the barn and appeal site, given the use of timber and slate they would maintain the rural character of the setting of the heritage asset and would not compromise it. Accordingly, I agree with the Council's assessment that the proposal would preserve the setting of the heritage asset, resulting in no harm to its significance.
27. The appellant's concerns about the Council's handling of the application are a separate matter between the parties. It is not for me to comment in my determination of this appeal, which is focused on the planning merits of the case.

Conclusion

28. I conclude that the proposed development would conflict with the development plan and the Framework which seek, amongst other things, to protect the Green Belt from inappropriate development. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

T Bennett INSPECTOR