



Appeal Decision

Site visit made on 21 November 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2024

Appeal Ref: APP/R0660/W/24/3343561

Glebe Farm, Knutsford Road, Cranage, Cheshire East CW4 8EF

- 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 Craig Wardle on behalf of Holmes Chapel Fencing and Timber against the decision of Cheshire East Council.
 - The application Ref is 22/4466C.
 - The development proposed is described as "B8 use classification on commercial employment site".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Craig Wardle on behalf of Holmes Chapel Fencing and Timber against Cheshire East Council. This application is the subject of a separate decision.

Preliminary Matters

3. The term "B8" given on the planning application form is a reference to use class B8, which is defined as storage and distribution use in Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (UCO). I observed on my visit that the appeal site is already in use for B8 purposes, meaning that planning permission is sought on a retrospective basis.
4. The description of development suggests that the land is an existing "commercial employment site". It appears that the B8 use commenced in 2017 and there were commercial activities on the site before then, but their nature and physical extent were subject to change and are perhaps disputed. No lawful development certificate (LDC) or planning permission has been granted for any change of use of land at Glebe Farm to commercial use.
5. I have no remit to decide the existing lawful use of the whole or any part of Glebe Farm in the context of this appeal, since it is made against a refusal of planning permission under s78 of the Town and Country Planning Act 1990 (the Act). If the appellant wishes to ascertain whether any specified existing use of land is lawful, they may apply without prejudice for a grant of an LDC under s191 of the Act.

Main Issues

6. The main issues are whether the appeal site is an appropriate location for the B8 use with regard to local and national planning policies for development in the countryside; and the effect of the use upon the character and appearance of the area.

Planning Policy

7. The Council has referred to various development plan policies, and I consider the following most relevant to this appeal. Policy SD1 of the Cheshire East Local Plan Strategy 2010-2030 (the LPS) expects development wherever possible to prioritise investment and growth within the Principal Towns and Key Service Centres; provide access to local jobs, reflecting the community's needs; and contribute to protection of the natural and built environment.
8. Outside the Principal Towns, Key Service Centre and Local Service Centres, LPS Policy EG2 allows for development which provides opportunities for local rural employment that supports the vitality of rural settlements and does not conflict with LPS Policy PG6. Policy PG6 restricts development within the open countryside to **either** (2) that which is essential for specified purposes (not including B8 uses) **or** (3) 'exceptions' which include (ii) the re-use of existing rural buildings (iii) 'not materially larger' replacements of existing buildings, and (v) essential development for the expansion or redevelopment of an existing business.
9. LPS Policy PG6 further expects development in the open countryside to pay particular attention to design and landscape character so that the appearance and distinctiveness of the Cheshire East countryside is preserved. LPS Policies SE1 and SD2 generally expect development to contribute positively to their surroundings or an area's character and identity in terms of matters such as sense of place and design quality, while LPS Policy SE2 encourages the use of previously developed land.
10. Policy RUR10 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) (SADPD) states that employment development may be appropriate in rural areas where the nature of the business means that an open countryside location is essential. SADPD Policy GEN1 sets out design principles to support LPS Policies SD2 and SE1.
11. The National Planning Policy Framework (the Framework) sets out the Government's planning policies and is a material consideration in this appeal. The Framework was revised on 12 December 2024 but its policies which bear upon the parties' cases and the main issues were not changed in substance. Therefore, in this instance, it has not been necessary to consult the main parties and I have properly determined this appeal in accordance with the revised Framework.

Reasons

Location

12. I shall start by clarifying what appears to be taking place on the site. The appellant's company manufactures and installs items such as fences and sheds. Accordingly, I saw fence panels and concrete posts and plinths, plus pre-assembled sheds on the land. I should say at this point that manufacturing does not fall within use class B8 and nor does the display of items for sale to customers. For the avoidance of doubt, I consider this appeal on the basis that it is made, with permission only being sought for storage and distribution use.
13. It is not contested that the appeal site is located within the open countryside, defined by LPS Policy PG6 as 'the area outside of any settlement within a defined settlement boundary'. I observed the B8 use largely takes place outdoors, and no building works are proposed. I am satisfied that the B8 use is not one that is

appropriate to a rural area as described under Policy PG6(2), and it is not an exception as described under PG6(3)(ii) or (iii).

14. For the purposes of this decision only, I accept that some commercial activity including nursery/plant supplies, craft and garden services and even shed building may have taken place prior to the B8 use. But even if one or more of those uses became lawful – and that is not guaranteed – none seemingly comprised or necessitated the use of the whole yard for B8 purposes. The development is not essential for the expansion or redevelopment of an existing business for the purposes of Policy PG6(3)(v).
15. The appellant has not shown that the nature of the B8 business means that an open countryside location is essential, in accordance with SADPD Policy RUR10. It does not matter if the fencing and sheds are stored for agricultural and equestrian businesses which themselves qualify as essential rural enterprises. Crucially, the B8 use is not functionally related to any essential rural business on this site, and it would be unreasonable if not unenforceable to impose a condition restricting the use to rural products or customers when fencing and sheds are seen across urban as well as rural areas.
16. Additionally, whilst I note the appellant has stated that there are no suitable sites for the B8 use within designated centres, no substantive evidence has been provided to support this statement and this therefore limits the weight I can attribute this matter.
17. Paragraph 88 of the Framework supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing and well-designed new buildings. As mentioned above, however, the B8 use largely takes place outside, and I cannot speculate as to the design of any possible building subject to a possible future application. I also consider that, since the use is not functionally related to any agricultural or other land-based rural business, it does not represent the diversification of such. The B8 use simply does not need to take place in the open countryside and does not fall within any of the categories of development supported by paragraph 88.
18. Paragraph 89 of the Framework recognises that sites to meet local business needs may have to be found beyond existing settlements. I accept that moving to the appeal site brought the appellant's business an increase in trade which has resulted in them taking on more staff; those facts amount to local economic benefits. The development has also led to social benefits through the provision of work placements to local college students plus company sponsorship of community events.
19. However, the development does not meet a local business need, and the same benefits could accrue if the use is located elsewhere; they do not therefore justify or outweigh the conflict with planning policy in this instance. Paragraph 89 of the Framework and LPS Policy SE2 both encourage the use of previously developed land, but I could not safely describe the whole site as previously developed land when the lawfulness of any non-agricultural use is not known.
20. It does not matter that the LPS was adopted after the appellant moved to the site in 2017. They are seeking planning permission now and I have to decide this appeal based on the merits of the use and the development plan at this point in time. I conclude that the appeal site is not an appropriate location for the B8 use, which conflicts with LPS Policies SD1, EG2 and PG6, with SADPD Policy RUR10

and with national policies for economic development in the countryside set out in the Framework.

Character and appearance

21. The appeal site is not in a remote countryside location or any area which is protected for its landscape or scenic value. The site in fact fronts the A50 classified road and is close to an animal feed business plus other buildings including a hotel and a small group of dwellinghouses. Nonetheless, the area is clearly a rural one, with the site and nearby buildings being surrounded by an attractive landscape comprising undulating green fields that are in agricultural use and enclosed by substantial hedgerows and trees.
22. I saw that the outdoor storage of products gives the site an untidy and quasi-industrial appearance which is inconsistent with and detracts from nearby agricultural uses and residential buildings as well as the wider green and undeveloped landscape. This harm is apparent when the site is viewed from the naturally raised part of the A50 to the northwest or sections of a public footpath¹ which runs directly to the north. That the site is enclosed by timber fencing, as well as trees which provide some screening from the A50 to the southeast, does not justify the appearance of the land from other vantage points, or indeed the intrinsic harm to the rural landscape and character.
23. As noted above, the B8 use may well have been preceded by other commercial activity on the site but, from the evidence before me, it did not comprise storage and distribution, it did not encompass the whole site and it may not have become lawful. I have seen few details – and no photographs – of any buildings previously on the land. I could not sensibly find that any visual or landscape harm caused by former use(s) and/or structures would justify a grant of permission for the B8 use taking place.
24. Likewise, the nearby animal feed business does not lend weight to this appeal; it takes place on land that is set further back and better screened from the road, and it appears both visually and functionally related to an agricultural use. Since the same cannot be said for the appeal B8 use, I conclude that it causes unacceptable harm to the character and appearance of the area in conflict with LPS Policies SD1, SD2 and SE1, and with SADPD Policy GEN1.

Conclusion

25. I am not bound to allow this appeal on the basis that the Council has not attempted enforcement action, or because there is no conflict with development plan policies pertaining to matters such as highway safety or flood risk. It follows from my conclusions on both main issues that the change of use to B8 use does not comply with the development plan when taken as a whole. The use also conflicts with the Framework and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

R Major

INSPECTOR

¹ Cranage FP3