



Appeal Decision

Site visit made on 20 January 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th February 2025

Appeal Ref: APP/A0665/W/24/3351913

Ivy Lodge Farm, Warrington Road, Comberbach, Northwich CW9 6AY

- 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 Eddie Walker against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/00647/FUL.
 - The development proposed is a steel framed building.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Eddie Walker against the decision of Cheshire West and Chester Council. This application is the subject of a separate decision.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Comments were sought from the main parties as to the relevance of the revised Framework to the appeal. I have taken into account the comments made by the main parties in my determination of this appeal.
4. An additional plan¹ has been prepared and submitted by the appellant at appeal stage in the interests of illustrating the height of the proposed building alongside an existing neighbouring building. As this additional plan does not materially evolve the scheme, I am content to accept its submission for information purposes and am satisfied that no party with a potential interest in the outcome of this appeal is prejudiced by me doing so.

Main Issues

5. The main issues in this appeal are:
 - whether the proposed development would be inappropriate development in the Green Belt including its effect on openness and the purposes of including land within it, having regard to the Framework and the development plan;
 - the effect of the proposed development on the character and appearance of the area; and

¹ Ref: 8, dated 12 September 2024

- if the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

6. The appeal site contains an outdoor manège that is enclosed by a post and rail fence with access from Warrington Road. The manège is set within a complex of former agricultural barns which have been converted to stables. The appeal site is located on the edge of the village of Comberbach which is washed over by Green Belt.
7. The proposal seeks to erect an open-sided steel framed structure with a corrugated sheet roof, over the existing outdoor manège. The proposed building would, in approximate measurements, be 60 metres in length by 24 metres in width and stand at a height of 4.6 metres to the eaves and 6.9 metres to the ridge.
8. Policy STRAT9 of the Local Plan (Part One) Strategic Policies (January 2015) (LP1) broadly reflects the Framework in terms of resisting development in the Green Belt except in certain circumstances. In addition, it says that development proposals in the Green Belt will be assessed in line with the Framework. Moreover, various exceptions to development being considered inappropriate are listed within the Framework that, subject to assessment, could be relevant to the appeal proposal.

Assessment against Paragraph 155 of the Framework

9. Paragraph 155 of the Framework indicates that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the listed criteria (a) to (d) are met.
10. Criteria (a) refers to the utilisation of grey belt land that would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. The Glossary to the Framework defines grey belt land as land in the Green Belt comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any purposes (a), (b) or (d) in paragraph 143 of the Framework.
11. The Framework definition of PDL differs to that of the Council's definition which is set out in Local Plan (Part Two) Land Allocations and Detailed Policies (adopted July 2019) (LP2) comprising part of the development plan. The LP2 definition of PDL excludes land and buildings used for outdoor sport and recreation purposes (including recreation grounds, parks, allotments, the keeping of horses and playing golf) whereas the Framework definition does not. In any event, on the basis that grey belt is not restricted to PDL, I now turn to the aforementioned tests in relation to Green Belt purposes.
12. The definition of grey belt land is land in the Green Belt comprising PDL and/ or any other land that, in either case, does not strongly contribute to any purposes (a), (b) or (d) in paragraph 143 of the Framework. Therefore, it is predicated on it meeting the tests in regard to the aforementioned Green Belt purposes.

Purpose (a) – Sprawl

13. The Framework does not contain a definition of what might constitute sprawl. The appeal site comprises an existing outdoor manège which is located within an existing equestrian complex. The proposed building would largely sit on the same footprint of the existing manège. In this context, the site does not strongly contribute to Purpose (a).

Purpose (b) – Merging

14. Given the existing use of the site, its location and the scale of development proposed, there would be no significant reduction in the gap between settlements. Therefore, the site does not contribute strongly to Purpose (b).

Purpose (d) – Historic towns

15. It has not been put to me that the appeal site strongly contributes to preserving the setting and special character of historic towns. Based on the evidence before me, I have no reason to disagree.

Conclusion on Grey Belt Status

16. Based on the evidence before me and my own observations, the site comprises grey belt land. In addition, the proposed development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. However, for the proposal to be not inappropriate development, it must satisfy the remaining criteria (b) to (d) of paragraph 155 of the Framework.

Criterion (b)

17. This requires a demonstrable unmet need to be substantiated for the type of development proposed. Letters of support have been submitted which highlight the benefits of the proposal from an animal welfare perspective by providing a safe and controlled environment for horses. It has been put to me that existing clients may look for alternative manèges that offer better winter facilities if the proposal is not allowed. The appellant also contends that the proposed development is necessary for the business to remain competitive. However, notwithstanding the evidenced support from clients/local professionals and that the intended development would provide an operational improvement to the current facility whilst catering for dressage type equestrian activities, these factors do not, in my judgement, provide robust evidence to demonstrate that there is an unmet need for the type of development proposed. For example, no clear and substantive evidence/analysis related to the existence, availability and specification of other indoor/covered manèges in the local area is before me. Thus, on the basis of the evidence submitted, criterion (b) of Framework paragraph 155 is not met.

Criterion (c)

18. This criterion requires development to be in a sustainable location, with reference to particular paragraphs of the Framework. The appeal site is located within an existing equestrian facility with access from Warrington Road. Bus stops are located within comfortable walking distance of the appeal site providing regular services to and from nearby settlements. The site is connected to nearby roads serving extensive residential areas which are within walking distance of the appeal

site. Taking account of paragraphs 110 and 115 of the Framework, criterion (c) of Framework paragraph 155 is met.

Criterion (d)

19. The 'Golden Rules' do not apply to this appeal.
20. In summary, owing to non-compliance with criterion (b), the relevant criteria contained in paragraph 155 of the Framework is not met in full. Consequently, the proposal fails to be considered as not inappropriate development in the Green Belt via this particular paragraph of the Framework.

Assessment against Paragraph 154 of the Framework

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to establish that development in the Green Belt is inappropriate unless one of the specified exceptions applies. This includes, under part (b) of paragraph 154, the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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.
22. As such, paragraph 154 (b) of the Framework sets tests which must be satisfied before such a building can be regarded as not inappropriate. The term building includes any structure or erection. The proposed open sided steel framed structure is a building for the purpose of the Framework test.
23. The proposal is clearly connected to the existing use of the land as an outdoor manège. The Council's Officer Report accepts, as do I, that horse riding and the training of horses is a predominantly outdoor sport and recreation activity.
24. Even if the proposed building could be considered an indoor facility as contended by the Council, it would constitute a facility for outdoor sport given that horse-riding is an activity that predominantly takes place outdoors. Furthermore, indoor facilities are normally distinguished by their enclosed nature while the proposed building would be entirely open-sided.
25. Notwithstanding my assessment that a facility for outdoor sport and recreation is before me, paragraph 154 (b) requires that such facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, to be regarded as not inappropriate. Openness is an essential characteristic of the Green Belt. It is not disputed that openness has both spatial and visual aspects.
26. The parties agree that the proposed development would impact the spatial openness of the Green Belt, and I have no reason to disagree. Given the substantial scale, bulk and height of the proposed building, the spatial impact on the openness of the Green Belt would be significant in this case.
27. The existing manège is open and flat and sits on a higher ground level when viewed from the junction of Warrington Road and Brookfield Road. As shown by the appellant's Sightline Section, although the site is slightly sunken into the land level, and a tall existing hedge on the western boundary provides some screening, the building would nevertheless be partially visible over the top of the hedge given its considerable height.

28. Furthermore, the southern elevation, which would be approximately 60 metres long, would also be visible from various points on Warrington Road through gaps in the vegetation, and would be particularly prominent when viewed from the junction of Warrington Road and Brookfield Road. Moreover, when viewed from such locations, the open space above the existing manège would be occupied by a very large building.
29. Moreover, whilst views of the proposed development may not be possible from the immediate north, east and south of the site due to the absence of public footpaths in those areas, it would nevertheless be visible from various public vantage points to the west and south west of the site leading to a clear erosion of Green Belt openness in a visual sense.
30. For the avoidance of doubt, even though the proposed building would largely sit within the footprint of the existing outdoor manège and proximate to other buildings, the scheme would, most particularly by virtue of its scale and positioning adjacent to rural lands, fail to safeguard the countryside from encroachment.
31. For the reasons given, the proposal would cause substantial harm to the openness of the Green Belt and conflict with one of the five purposes of including land within it. Thus, the proposal cannot be classified as not inappropriate in the Green Belt via paragraph 154(b) of the Framework.
32. Under part (g) of paragraph 154, a further exception to inappropriate development includes the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. Even if the site could be rightfully classified as previously developed land, I have identified that the proposal would cause substantial openness harm. Thus, the scheme cannot fall to be considered not inappropriate under paragraph 154(g).
33. Therefore, as I am unaware of any other relevant exception that could be logically applied to this scheme, the proposal constitutes inappropriate development in the Green Belt such that conflict arises with Policy STRAT9 of LP1 and the Framework in so far as these policies set out that inappropriate development is, by definition, harmful to the Green Belt.

Character and Appearance

34. Policy DM8 of the LP2 supports proposals for equestrian development where they would meet all of the listed criteria, the requirements of Policy STRAT9 of LP1 and other relevant development plan policies. Criterion 1 requires proposals to not be detrimental to the character of the rural landscape and take account of factors such as scale, design and siting.
35. The existing manège is surrounded by fields immediately to the east and south, the livery to the north and housing on the west side of Warrington Road. Given its open, flat nature, the site currently blends in with the prevailing rural character of the surrounding area. The proposal would erode the open quality of the site by the introduction of a very large building into the countryside. This would have a dominating and obtrusive effect on the rural landscape which in this location has an intimate feel due to its topography, vegetation and proximity to the village.
36. The proposed building would be within an existing equestrian complex, sited close to existing buildings of comparable height and have an uncomplicated appearance

befitting to its rural location. Nevertheless, it would appear unduly prominent due to its larger size in comparison to the existing buildings at the site, its elevated position in relation to Warrington Road and its peripheral siting within the complex, exposed to the surrounding open fields.

37. The existing hedge near the western boundary of the site would provide some screening to the proposed building. However, the southern elevation which would be of considerable length, would be visible from Warrington Road and Brookfield Road. The site's elevated position in relation to Warrington Road would further exacerbate the dominating and obtrusive effect of the proposal.
38. I recognise that the visual impacts of the proposal could to some extent be mitigated through additional planting. However, this would hold the potential to further erode the openness of the area given the scale of planting that would be realistically required to screen the southern elevation from public views. Furthermore, planting cannot be relied upon to provide a permanent buffer to views. This is not least because it is dependent upon continual maintenance to retain a consistent form.
39. Even if I were to accept that the proposal is essential to the operational need of the facility, Policy DM8 requires all of the policy criteria to be met. Due to its scale, height and location, the proposed development would cause harm to the character and appearance of the area including the intrinsic character of the countryside.
40. For the reasons given above, the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with Policy STRAT9 of LP1 and Policy DM8 of LP2 insofar as they seek to protect the intrinsic character and beauty of the countryside and the rural landscape.

Other Matters

41. The appeal site is proximate to the Grade II listed building Ivy Lodge. Whilst not related to a reason for refusal, I must, in light of my duties under section 66(1) of the Planning (Listed Buildings and Conservation areas) Act 1990 (as amended) 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.
42. The Council raised no concerns regarding listed buildings, and I do not disagree for the following reasons. Ivy Lodge and the appeal site are separated by the presence of traditional and modern buildings which form part of the existing livery to the appeal site. Given the separation distance and intervening buildings, the proposed development would preserve the setting of Ivy Lodge, the significance of which would not be harmed.
43. The site is also proximate to non-designated heritage assets named Chapel Houses, The Spinner and Bergamot, and Hanthorn Cottage. Paragraph 209 of Framework indicates that the effect on the significance of a non-designated heritage asset should be taken into account. The Council raised no concerns regarding the effect upon significance by virtue of development within the settings of these non-designated heritage assets given their separation distance from the appeal site, the presence of intervening buildings and existing landscaping. I have no reason to disagree with this position.

44. The appellant has drawn my attention to an appeal decision² relating to a similar proposal in Hatfield. However, the Inspector in that case found that views of the proposed building would be very limited due to the topography and extensive vegetation. In this appeal, the proposal would be visible from various public vantage points. Accordingly, the circumstances are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
45. Furthermore, I have been pointed to two appeals³ allowed relating to grey belt land. However, there are clear material differences between them and the proposal, including a demonstrable unmet need for housing in one case and a demonstrated need for temporary battery storage facility in the other. Therefore, these examples are not comparable to the appeal proposal and are of little relevance.
46. The Council's appeal statement refers to the relevance of an appeal decision⁴ relating to a site in Kirklees. However, it has not been demonstrated that site and case circumstances are comparable to the scheme now before me. It is thus also a decision of little relevance.

Other Considerations

47. The proposal would help to further the enjoyment of horse-riding, advance riding skills and contribute to the health and welfare of both riders and horses. However, as a manège is already in place (albeit uncovered) and the evidence before me does not provide sufficient certainty that the proposed development is essential to delivering a facility that makes positive contributions in these areas, I attribute moderate weight to these benefits.
48. The appellant has stated that the proposal would provide economic benefits in terms of creating jobs. However, the number of jobs to be created would realistically be small. Therefore, the weight to be attached to this specific benefit is very limited.
49. A letter has been provided by the appellant suggesting that a covered manège is required to keep the business competitive. I accept that the proposed development would be anticipated to play a role in facilitating the competitiveness and growth of an established business. However, there is no detailed evidence before me to demonstrate the proposed development to be essential to securing the ongoing commercial viability of the business. As such, moderate weight is given to this consideration.
50. Compliance with the development plan in respect of biodiversity is a normal expectation for development. Moreover, the benefits to be drawn in this area would be fairly anticipated to be relatively modest and attractive of limited weight.

Planning Balance and Conclusion

51. The proposal would be inappropriate development in the Green Belt. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt, including harm to its openness. It also indicates that

² Ref APP/C1950/W/19/3227024.

³ Refs APP/M3645/W/24/3347328 and APP/V4630/W/24/3347424.

⁴ Ref APP/Z4718/W/23/3319385.

inappropriate development is by definition harmful and should not be approved except in 'very special circumstances' which will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

52. Having regard to the 'Other Considerations' set out above and the overall moderate weight I attach to them in favour of the proposal, they do not clearly outweigh the substantial weight which must be given to the Green Belt harm. In addition, the proposal would cause harm to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the proposal do not exist.
53. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR