
Appeal Decision

Site visit made on 13 March 2025

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal Ref: APP/R0660/W/24/3351286

Red Legg Farm, Green Lane, Poynton, Cheshire SK12 1TJ

- 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 Frank and Catherine Howard against the decision of Cheshire East Council.
 - The application Ref is 23/2387M.
 - The development proposed is the erection of greenhouse, polytunnel and potting shed associated with the use of land for horticultural purposes, together with associated landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

Main Issues

3. The main issues is whether demonstrate a need for the proposal having regard to local and national planning policies in relation to agricultural and business development in the countryside.

Reasons

4. The site is located within the Green Belt and for planning policy purpose it is also within the countryside. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless it falls within the given list of exceptions. One exception is a building for agriculture and forestry. The definition of agriculture in the Town and Country Planning Act 1990 includes horticulture.
5. The appellant's family operated a small scale horticultural hobby business on a different site. The proposals are to support the recommencement of this horticultural business which grows and sells items to the public, such as fruit trees, plants, vegetables, herbs, ornamental grasses and shrubs.
6. The raised beds, polytunnel and greenhouse will be the major production growing areas. The proposal for the erection of a brick and tile potting shed/workshop would provide a covered area for potting, packing of products, storage for a grass mower and trailer, repairs of equipment and for undertaking handicrafts. There is a

further element of the proposal which includes the sale of items not grown on site, the sale of plant pots, hanging baskets. It also suggests that other items could be sold which could be produced on site and could include such as cut and dried flowers, wooden planters, seeds, and home-made preserves.

7. Whilst the evidence is scant, the Council has not substantively demonstrated the buildings would not be used for agriculture. I have had regard to the range of activities/operations that would take place on site. The proposed development would cater for operations of an largely agricultural nature within the polytunnel and greenhouse, and such operations would inevitably require the storage of items such as mowers, planters and other horticultural equipment contained within the workshop.
8. Policy PG6 of the Cheshire East Local Plan Strategy 2010 – 2030, July 2017 (the CELPS) relates to development in the open countryside and seeks to preserve it for its scenic, recreational, aesthetic and productive qualities. Development that is essential for the purposes of agriculture will be permitted. This is reiterated in Policy RUR 1 of the Site Allocations and Development Policies Document, December 2022 (the SADPD). This requires demonstration there is a clear long term need, and new buildings are restricted to the minimum level reasonably required for the operation of the development. Where proposals involve employment, SADPD Policy RUR 10 also requires proposals to be restricted to the minimum level reasonably required for the existing or planned operation of the business.
9. Although the appellant was not specifically asked to provide a business plan, the supporting text for CELPS Policy RUR 1 suggests a business plan could be provided to evidence the long term need for the proposal. However little substantive evidence has been provided to address this aspect.
10. The indicated opening days of 3 days per week, with sales of approximately 5 to 10 items, to my mind is a very small amount. Whilst I appreciate that time is needed to establish and grow it has not been demonstrated how many plants are required to achieve this, and whether the scale of the buildings are in fact commensurate with this level of activity.
11. As the proposal had previously been operating, more detail regarding the number of plants could have been provided and how this relates to the scale of the structures required and the space needed. Evidence could have been provided which evidenced how much space was available at the former operation at the previous location and the number of plants grown.
12. Furthermore, although I was able to observe various equipment and planters that would be used with the business, it has not been demonstrated that a smaller building, within the residential curtilage could not store domestic items. I am not convinced that a polytunnel could not be used for storage of equipment.
13. Whilst the appellant contends the greenhouse, polytunnel and potting shed/workshop are of a modest scale and commensurate with the business, they are individually and combined relatively large buildings. It has not been demonstrated that there is a long term need or whether fewer or smaller buildings are the minimum necessary or reasonably required.

14. The site is in a reasonably accessible location, well related to an existing settlement, and close to areas where people would be walking, which aligns with the aims of the Framework to reduce the need to travel at paragraph 110. I have noted support for the proposal from interested parties in this respect.
15. The Framework at paragraph 85 advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It also sets out at paragraph 88 that policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.
16. However, I do not consider that the proposal has demonstrated that it would amount to sustainable growth of an existing business. Furthermore sustainable development has an environmental aspect, recognising the intrinsic character of the countryside, which the need to ensure buildings are the minimum size necessary contributes towards.
17. On the evidence before me, I conclude that the proposal fails to provide sufficient information to demonstrate a need for the proposal having regard to local and national planning policies in relation to agricultural and business development in the countryside. The proposal is therefore contrary to CELPS Policy PG6 and SADPD Policies RUR 1 and RUR 10. Despite some tension between the policies, overall they seek, amongst other things, to ensure that development for agriculture is essential and appropriate in scale.

Other Matters

18. The terms of Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 make it clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall 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. Section 72 of the LBCA Act also requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
19. The significance of the Macclesfield Canal conservation area is derived from its architectural, historic and scenic interest. There are features that contribute to this special interest, and vice versa, such as the Grade II listed Bridge 14¹ close to the appeal site. Whilst it has been highlighted by the Canal and River Trust that the bridge is not suitable for certain vehicles, they and the Council's Conservation Officer raise no significant concerns regarding the effect on these heritage assets.
20. There would be some intervisibility between the listed bridge and the proposals. The raised land levels towards the canal to the east and south, would afford views of the site. However, their presence would not be so alien or imposing to the degree that the special interest or significance of these asset would be harmed. As such I do not disagree with the Council and the Canal and River Trust.
21. Reference is made to the fallback position whereby the appellant could proceed to apply for the Council's prior approval for the construction under Schedule 2, Part 6,

¹ Historic England List Entry 1232307

Class A of the (General Permitted Development) (England) Order 2015. However, paragraph D.1 - Interpretation of Classes A to C of Part 6 states that agricultural land means land which, before development permitted is land in use for agriculture and which is so used for the purposes of a trade or business. There is no evidence of this, for example, a business plan demonstrating how the agricultural business operates. There are no documents evidencing accounts before me. The information is also difficult for me to verify beyond my appeal site observations pertaining to other criteria such as aerodromes.

22. For the combination of the above reasons, I am not certain that the land in question is currently in use for agriculture and which is so used for the purposes of a trade or business. And there is insufficient evidence that the proposal would meet the requisite conditions. Overall the evidence before me falls short of convincing me that a realistic fallback position exists, and this limits the weight to be attached to this aspect.
23. Alongside private matters interested parties have raised concerns regarding pollution, highway safety, flood risk, the effects on gas and electricity infrastructure. However, I note the relevant consultees do not object to the proposals. As such there is no substantive evidence for me to take a different view. Nor has the Council raised concerns in relation to the level of activity and effect of the proposal on the occupiers of nearby homes or those enjoying the scenic value of the canal. It also explains that subject to conditions the proposal would not be harmful to trees, wildlife or protected species. These elements and that the Council did not consider the proposal to be inappropriate development weigh neither for nor against the proposals.

Planning Balance

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application is determined in accordance with the development plan unless material considerations indicate otherwise. I have identified conflict with CELPS Policy PG6, and SADPD Policies RUR 1 and RUR 10. These conflicts attract significant weight against the scheme in the overall planning balance.
25. There would be economic and social benefits to the applicant, customers and related commercial businesses. However, the scale of these benefits would be very small, and therefore the significant weight is tempered by the limited information to quantify the economic contribution and the scale of the development. The use of the site for growing fruit and vegetables would be a benefit in favour of the scheme. There would also be some small ecological gains and the appeal site is in a relatively accessible location. Thus I afford moderate weight to these benefits.
26. Overall, I have found the issues in this case to be finely balanced. Whilst the proposed use of the land is supported by local and national planning policy, I have found harm arising from the lack of justification for the long term need and scale of the buildings. Although I have identified a number of benefits, on balance these do not outweigh the conflict with the development plan in that regard.

Conclusion

27. Having regard to the matters raised, there are no material considerations of sufficient weight that indicate the appeal should be determined other than in

accordance with the development plan. I conclude that the appeal should be dismissed.

K Williams

INSPECTOR

