



Appeal Decision

Site visit made on 10 December 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/R0660/W/24/3346725

Ivy Cottage Tree Farm, Racecourse Road, Wilmslow SK9 5LG

- 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 W Riley of Ivy Cottage Tree Farm against the decision of Cheshire East Council.
 - The application reference is 23/4066M.
 - The development proposed is a shepherd's hut and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a shepherd's hut and associated works at Ivy Cottage Tree Farm, Wilmslow, SK9 5LG in accordance with the terms of the application, Ref 23/4066M, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out and retained in accordance with drawing no 620-1 ("As built plan, elevations and site", dated 9 October 2023).
 - 2) The "shepherd's hut" hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection at all reasonable times by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Preliminary Matters

2. I have omitted the words "retrospective application" from the description of development in the banner heading and my formal decision above, as they are not in fact descriptive of the development. Nevertheless, the development has been carried out, and I was able to see it in place during my site visit.
3. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version extant when the planning application was determined. Both main parties' final appeal submissions were made in the light of the draft proposed changes issued for consultation in July 2024. The provisions most relevant to this appeal were not altered significantly between then and publication of the revised Framework; I am therefore satisfied that there has been no need to seek further comments on the revised Framework, and that no party's interests have been prejudiced by my taking this approach. Where I have referred to specific paragraphs of the Framework, I have used the December 2024 numbering.

Main Issue

4. The main issues are:

- Whether the scheme is inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
- The effect of the development on the character and appearance of the area;
- Whether it is acceptable for the development to be sited in a countryside location, including with reference to whether there is any “need” for it to be so located; and
- If the development is inappropriate, whether the harm to the Green Belt 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

Inappropriate development in the Green Belt; Openness of the Green Belt

5. The appeal site is an area of land forming part of Ivy Cottage Tree Farm, on the western edge of Wilmslow. The farm grows spruce and fir for sale as Christmas trees to trade and retail customers, and operates from the farmhouse alongside Racecourse Road. The development for which permission is sought is a “shepherd’s hut” which is let as holiday accommodation, and “associated works” including a raised area of timber decking in front of the hut, a hot tub, log store and stone flag patio to the side of the hut, and a small number of storage boxes to its rear. The hut and other items are alongside two existing structures used in connection with the tree business – a partly open-sided timber storage building, and a tall open-sided timber canopy. The shepherd’s hut is accessed by a track through the tree farm, from its main yard off Racecourse Road.
6. The entire site is within the Green Belt. National planning policy in respect of the Green Belt is set out in Chapter 13 of the Framework. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, while Paragraph 154 indicates that, other than for listed exceptions, development in the Green Belt is inappropriate. Paragraph 154 b) allows for “the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.
7. Policy PG3 of the 2017 Cheshire East Local Plan Strategy (“the CELPS”) seeks to protect the Green Belt. It states that “the construction of new buildings is inappropriate in Green Belt”, though it also makes an exception for the “provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”. While the wording of Policy PG3 reflects earlier iterations of national policy in respect of the Green Belt, the essence of this

exception (if not its precise wording) is unchanged in the latest version of the Framework.

8. The appeal scheme provides short-stay holiday let accommodation in the countryside, which supports visitors taking part in activities such as walking or cycling in the area, or travelling to other tourist attractions nearby. No compelling evidence has been put to me to suggest that these activities, or associated ones which may take place such as sitting on the patio eating or drinking, or using the hot tub, are not appropriate forms of “outdoor recreation” as far as national and local planning policies in respect of the Green Belt are concerned.
9. The shepherd’s hut is raised above the ground on wheels, so its proportions are relatively tall. However, its maximum height of around 3.3m is still not excessive, and it is considerably less tall than the two adjacent storage buildings. Its footprint is in the region of 11m², so its overall size is modest. The amenity space is not unduly large for the purposes for which it might be used, and the other paraphernalia – hot tub, decking and storage boxes – is low-rise, small in scale and discreet.
10. The hut provides sleeping accommodation for two visitors. I note that outdoor seating may be provided for as many as six people, but it seems to me to be within a reasonable interpretation of “outdoor recreation” that visitors staying in the hut might sometimes be joined by others (say, friends living in the area, or visiting but staying elsewhere) for eating, drinking or socialising. In general terms, the small size of the accommodation inherently limits the amount of activity likely to be generated by the development. While the shepherd’s hut obviously has a spatial presence as a physical object, the visual and spatial impacts of the development as a whole are limited by its siting and small size. As such, it has no adverse impact on the openness of this part of the Green Belt, and the openness of the Green Belt is preserved.
11. As I have already described, the shepherd’s hut and associated development have been located alongside two existing buildings serving the tree farm’s principal business activities. In views from the north-west and west the hut is seen against the backdrop of those buildings, in views from the south and south-east it is screened by them. The development is close to thick hedges and dense tree planting which limit intervisibility with the residential garden of No 47 Racecourse Road immediately north-east of the hut. While the development, including lighting which may sometimes be festooned from trees, may be visible from some locations outside the appeal site and wider tree farm, the nature of the area is such that these views, which would in any case be of a very small development, would sometimes be obscured by trees and hedgerows. As a consequence of these factors, I find that the scheme does not represent an unacceptable encroachment of development into the countryside.
12. Taking these points together, I conclude that the appeal scheme falls within the exception set out in Paragraph 154 b) of the Framework, and is not inappropriate development in the Green Belt. It therefore does not conflict with national policy as set out in the Framework, the relevant provisions of which I have summarised above, or with Policy PG3 of the CELPS.

Character and appearance

13. The Council considered that the development “by virtue of its siting, design and layout introduces urbanising features into the local area”. Though in my experience it is probably doubtful if many “shepherd’s huts” are actually occupied by shepherds today, they are almost exclusively found in countryside areas; their form and character is inherently rural. Other elements of the scheme such as hot tubs, decking, patios and planters are commonly found in town and country locations alike and, while they may nevertheless be domesticating – rather than urbanising – features to some degree, as I have described in the previous section their scale and siting in this case means that their impact on the countryside character of their surroundings has been very limited.
14. The development has not caused significant harm to the character or appearance of the area. I therefore find no conflict with Policies SD2, SE1 and SE4 of the CELPS, or with Policies GEN1 and RUR8 of the 2022 Site Allocations and Development Plan Document (“the SADPD”). Together, and among other things, those policies seek to ensure that development is well designed and contributes to a sense of place, that landscape character is conserved, and that visitor accommodation is of a scale and form which is well-related to its location and setting.

Countryside location

15. As well as being within the Green Belt, the appeal site is outside Wilmslow’s settlement boundary. It is therefore in an area defined in the development plan as open countryside. Policy PG6 of the CELPS seeks to restrict development in the open countryside to that which is essential for a limited range of purposes, including outdoor recreation; it states that exceptions may be made where “development is essential for the expansion or redevelopment of an existing business”. Policy EG2 supports development which sustains the rural economy and the retention or expansion of existing businesses, including by the creation of visitor facilities, where it is consistent in scale with its location and does not adversely affect residential amenity.
16. Policy RUR 2 of the SADPD provides for the diversification of agricultural businesses in the open countryside where development would be “ancillary and related to the primary agricultural business”, and where it is “necessary to support the continued viability” of the existing business. Policy RUR8 (which was not referred to on the Council’s decision notice) states that “certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside”. Both policies go on to say that such development proposals will be supported where, among other things, “they make the best use of existing infrastructure such as [...] parking and vehicular access”, “additional buildings, structures and ancillary development are restricted to the minimum level reasonably required [and] do not form isolated or scattered development”, and that they would not “unacceptably affect the amenity and character of the surrounding area or landscape”.
17. My conclusions in respect of the Green Belt main issue above are made on the basis that the provision of short-stay holiday let accommodation supports outdoor

recreation, and the same reasoning applies here. There is evidently some visitor accommodation available locally, but the shepherd's hut is of a type which would be unlikely to be found, or indeed to be appropriate, in a location within the town of Wilmslow; as I have explained in assessing the character and appearance main issue, its form is one which is intrinsically linked to the countryside.

18. The appellants' Christmas tree business has been established for more than 45 years, and generates most of its income during a couple of months of the year in the run-up to the festive season. There are additional earnings from the sale of firewood, though that is also a largely seasonal line of business, and it may be vulnerable to changing legislation in respect of emissions and log burners. Most of the employment the business offers is therefore also largely seasonal, though there are a small number of year-round positions given the need to plant trees and otherwise tend the farm. The income from the visitor accommodation supplements the existing business, and allows two jobs which would otherwise be short-term seasonal positions to be year-round roles. The development therefore makes a positive contribution, if a modest one, to supporting the retention of the existing business on the site.
19. The development makes use of the existing parking and access routes within the appeal site. The shepherd's hut sleeps two people in what I saw to be a compact space; the other facilities provided are limited in size and scale, and located very close to existing buildings (which did not appear to me to be temporary, though they were described as such by an interested party) related to the established Christmas tree business.
20. I note comments about noise disturbance, including that arising from vehicle movements as a result of the development. However, the nearest neighbouring dwellings (as opposed to parts of their very substantial gardens) are around 70m or more from the hut, and there is no substantive evidence before me to demonstrate that any noise arising from the provision of holiday accommodation for two people (as well as any occasional visitors they might have), whether as a result of their socialising or because of vehicles coming and going, causes significant harm to living conditions for any neighbour. Similarly, in view of the separation distances involved, I am not persuaded that smoke generated by the use of the wood-fired hot tub is likely to be represent a significant source of nuisance, rather than perhaps merely some irritation, to any neighbouring occupier.
21. Taking all these points together, I conclude that it is acceptable for the development to be sited in a countryside location. I therefore find no conflict with Policies PG6 and EG2 of the CELPS, or with Policy RUR2 of the SADPD, the principal relevant provisions of which I have set out in paragraphs 15 and 16 above.

Other considerations

22. As I have found that the proposed development would not be inappropriate development in the Green Belt in the terms set out in Paragraph 154 of the Framework, it is not necessary for me to consider whether there are very special circumstances which might otherwise justify the proposal.

Other Matters

23. I was directed to other cases where planning permission has been granted for shepherd's hut holiday accommodation in rural locations. However, one of these

was in a different local planning authority area, and the other did not appear to be within the Green Belt. While there may be some similarities of circumstances, there appear to be difference of scale and detail; neither of those other examples has therefore had a significant bearing on my decision in this appeal.

24. On a related note, the Council and some interested parties suggested that allowing this scheme would set a precedent for similar developments in the area. However, I have determined this appeal based on its own merits and the specific facts of the case, including the fact that it is a small-scale development with a single unit of accommodation, in a discreetly sited location which is neither close to neighbouring properties or in an exposed part of the Green Belt; had any of these matters been different it is quite possible I would have reached a different overall conclusion. A decision maker dealing with any other future proposal in the area would also have to treat that on its own merits.

Conditions

25. have considered the conditions suggested by the Council having regard to the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have also taken into account comments made by the appellants. Where necessary I have made minor changes to the suggested wording in the interests of clarity and effectiveness.
26. In the interests of certainty, it is appropriate that there is a condition requiring that the development is retained in accordance with the approved plans (1). To protect neighbours' living conditions and the character of the area, and to ensure that the development is used only as holiday accommodation, it is necessary to impose a condition preventing it being used as permanent accommodation (2). The second condition includes a provision requiring the keeping of a register of guests, so as to ensure that it can be monitored and enforced effectively.

Conclusion

27. The development is not inappropriate development in the Green Belt. It has not harmed the character or appearance of the area, and is a type of development which is appropriate for a countryside location. No other harm has been identified which would justify refusing planning permission. The appeal is therefore allowed.

M Cryan

Inspector