



Appeal Decision

Site visit made on 8 May 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Appeal Ref: APP/R0660/W/24/3355852

Old Farm, School Lane, Smallwood, Cheshire East CW11 2UP

- 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 & Mrs Haram against the decision of Cheshire East Council.
 - The application Ref is 24/1081C.
 - The development is proposed 60 x 25 indoor exercise arena with attached 10 x 10 storage shed, 30 x 20 agricultural storage barn, re-location of existing outdoor arena, new entrance off School Lane.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Haram against Cheshire East Council. That application is subject to a separate decision.

Preliminary Matters

3. For the avoidance of doubt, the dimensions cited above in the description of the development proposed are in metres as shown on the submitted plans.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. Any reference to the Framework in this decision is to the most recent version.

Main Issues

5. The main issues are the effect of the proposal on: -
 - the character and appearance of the surrounding area; and
 - Grade II Listed Buildings, in particular, the Grade II Listed Overton Green Farmhouse and the Grade II Listed Barn at Overton Hall Farm and the non-designated heritage asset, Barn at Overton Green Farm.

Reasons

Character and Appearance

6. The appeal site includes various equestrian elements including stables and an outdoor arena together with grazing pastures and an access track. The equestrian use is for the appellants private use only. It is not a commercial enterprise. The

site is located within an area of open countryside characterised by its open fields, rolling landscape and scatterings of groups of buildings.

7. The proposal involves a number of elements the most substantial of which would be a large indoor arena with an attached storage shed. The appellants' state that this would enable them to practice their equestrian pursuits in particular carriage driving/attelage and dressage, activities which they engage in competitively. Another proposed building is described as an agricultural building but this wording is simply descriptive of the design of the building proposed. It would be required for storage purposes.
8. Both of these buildings would be located a considerable distance from the existing stables and indoor arena. They would intrude into the countryside and due to their sizes and collective impact, would appear unduly prominent in the landscape.
9. The proposal includes relocating the existing outdoor arena which in itself would have a neutral effect. It is also proposed to relocate an existing access from School Lane and create a new access track to link up with the existing track. Whether or not the existing track is lawful or not is not within the scope of this S78 appeal. Whilst the access track would facilitate an improved access to the proposed indoor arena and large agricultural building, it would be located on the outer edge of the existing group comprising the stables and outdoor arena. Whilst this may improve some manoeuvring within the site, it would visually expand the overall built-form into the countryside.
10. Local Plan Strategy¹ Policy PG 6 limits development in the open countryside. Whilst it permits proposals for outdoor recreation, amongst other things, it requires it to comply with other development plan policies. Of relevance is Policy RUR 7 of the Site Allocations and Development Policies Document (SADPD)² which supports equestrian development subject to a set of criteria. Amongst which is that the development would not have an unacceptable impact on the character of the surrounding area or landscape, either on its own or cumulatively. Furthermore, the policy accepts small scale non-commercial proposals where there are no existing buildings or structures that could be converted or replaced and where they are restricted to the minimum level reasonably required for the operation of the facility; are well related to other existing buildings; and do not form isolated or scattered development.
11. I accept that a large building is required for the appellants sport and there is no other building on the site that would support the requirements for the large indoor arena. I also appreciate that storage facilities are required for the carriages and associated equipment for equestrian use. I note that no other building would be suitable for these purposes. However, due to the size, prominence and visual intrusion of the totality of the proposal, it would conflict with Policies PG 6 and RUR 7.
12. The design of the two large buildings would be of an appropriate design in a rural area and the relocated outdoor arena would have a neutral effect on the character and appearance of the area. However, the scale, location and overall appearance of the buildings and the new access and subsequent relocation of the outdoor

¹ Cheshire East Council – Cheshire East Local Plan – Local Plan Strategy 2010 – 2030 July 2017.

² Cheshire East Council – Cheshire East Local Plan – Site Allocations and Development Policies Document Adopted December 2022 (SADPD).

arena would be intrusive in the landscape. The proposal would therefore, also conflict with the objectives of Local Plan Strategy Policies SD 1, SE 1 and SE 4 and SADPD Policy GEN 1, which, amongst other things, collectively seek to ensure development has a positive impact and does not harm its surroundings.

13. Consequently, the proposal would have a harmful effect on the character and appearance of the surrounding area contrary to the development plan policies highlighted above. It would also fail to meet the objectives in Chapter 15 of the Framework which seeks to enhance the natural environment, recognising the intrinsic character and beauty of the countryside.

Listed Buildings

14. Nearby heritage assets include the Grade II Listed Overton Green Farmhouse, the Grade II Listed Barn at Overton Hall Farm and the non-designated Barn at Overton Green Farm. The Council requested a Heritage Statement when considering the planning application but as one was not forthcoming, added a reason for refusal based on insufficient information. A Heritage Statement has been submitted with the appeal but the Council has not commented on it.
15. The Listed Overton Green Farmhouse and the non-designated Barn at Overton Green Farm are located to the east of the appeal site and the Listed Barn at Overton Hall Farm is on the opposite side of School Lane to the north-east of the appeal site.
16. The Heritage Statement identifies each of these buildings and describes their significance. Overton Green Farmhouse is a late 16th, early 17th Century timber framed property of architectural interest. Its historical interest stems from its role as the principal building within the homestead of Overton Hall Farm. Its setting is characterised by its central location within the former Overton Hall farmstead and it remains within a cluster of buildings albeit these are now more modern.
17. The Barn at Overton Hall Farm is also a 16th or 17th Century timber framed building of architectural interest. Its historical interest stems from its association with the long established farmstead. Its setting is characterised by its proximity to Overton Hall Farmhouse. The author of the Heritage Statement was unable to assess the architectural merits of the Barn at Overton Green Farm but its historical association and its setting in the context of Overton Green Farmhouse and the Barn at Overton Hall Farm contributes to its overall historical significance. The Heritage Statement assesses this as being of less significance than the other two buildings.
18. None of these buildings would be physically affected by any aspect of the proposal. Also due to their locations in relation to the proposed development, the settings of none of these buildings would be harmed. In accordance with the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have had regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest. I have also taken into account Local Plan Strategy Policy SE 7 and SADPD Policies HER 1 and HER 4 together with Chapter 16 of the Framework. Collectively these seek to protect designated and non-designated heritage assets.

19. Consequently, no harm would arise to the significance of the Grade II Listed Buildings, in particular, the Grade II Listed Overton Green Farmhouse and the Grade II Listed Barn at Overton Hall Farm and the non-designated heritage asset, Barn at Overton Green Farm.

Conclusion

20. Whilst I have found that the proposal would not harm the Grade II Listed Buildings and the non-designated heritage asset. I have found that the proposal would have a harmful effect on the character and appearance of the area.
21. Therefore, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR