



Appeal Decision

Site visit made on 5 June 2025

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/A0665/W/25/3360625

Land at Liverpool Road, Backford, Chester CH2 4BE

- 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 Mrs Janet Tomlinson against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/03838/FUL.
 - The development proposed is described as “erection of two 3 block of stables and two 2 block stables with hardstanding. There should be no change of use for this land as it stated in the legal pack the land is used for agricultural, grazing or equine. The work to be carried out is to put 2x 3 block of stables and 1x 2 block of stables all on hard standing to avoid subsidence of stables, also some of the horses have medical conditions which needs them to be off wet / muddy fields. Hard standing is also for the use of veterinary care and also for the farrier to attend their needs. There is also going to be a field shelter on natural standing. I will also have to erect a shelter for hay and straw and a base for a muck heap.”
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of two 3 block of stables and two 2 block stables with hardstanding at land at Liverpool Road, Chester CH2 4BE in accordance with the terms of the application, Ref 23/03838/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The stables hereby permitted shall be solely for private use and shall not be used in connection with any commercial enterprise or business such as livery or riding school.
 - 2) There shall be no more than 7 horses, stabled for personal use, on the site at any one time.
 - 3) Prior to the installation of any external lighting on the site, a scheme detailing all external lighting equipment shall be submitted to and approved by the Local Planning Authority. The scheme shall include full details of hours of operation, location, size and design of luminaries and fittings, type/output of light sources with lux levels. The approved lighting scheme shall be implemented in accordance with the approved details and thereafter retained. No other external lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

Preliminary Matters

2. The description of development stated on the planning application and appeal forms contains wording that is not a description of development. Instead, it relates to the merits of the proposal, so having regard to the description of development as applied for, I have used the description of development stated on the Council's decision notice in my formal decision as this better reflects the proposal before me.

3. The development subject of the appeal has been erected in accordance with the submitted plans. One of the two-berth stable blocks is used by horses for shelter when they are in the field. As such, it is separate from the remaining stables. I have determined the appeal on this basis.

Main Issues

4. The main issues are (a) whether the proposal would be inappropriate development in the Green Belt, having regard to policies in the development plan and the National Planning Policy Framework ("the Framework"); (b) the effect of the proposal on the character and appearance of the countryside; (c) the effect of the proposal's access arrangements on highway safety; and (d) if the proposal is inappropriate development in the Green Belt, whether the harm 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

Whether inappropriate development

5. Having regard to Policy STRAT 9 of the Local Plan (Part One) Strategic Policies ("LP1") the development has an operational need for a countryside location, and the private stables would provide appropriate facilities for the horses owned by the appellant and her family in connection with the use of the land for outdoor sport and recreation. That said, for the proposal to not be inappropriate development in the Green Belt in accordance with paragraph 154 b), the facilities need to preserve the openness of the Green Belt and to not conflict with the purposes of including land within it.
6. The proposal would not conflict with purposes a), b), d), and e) owing to the site's location, the nature of the proposal, and the distance to built-up areas and towns. Insofar as purpose c) is concerned, the appeal scheme has encroached onto land that was open and undeveloped, but the development is generally sited close to hedgerows that line Liverpool Road or that divide the fields. Hence, the proposal's encroachment into the countryside is contained, but not avoided, so limited conflict arises with purpose c).
7. Openness has a visual and spatial aspect. The Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. Although the proposal may only occupy a modest proportion of the overall appeal site, built form has still been introduced to the land. Spatially, even though the size of the proposal may be limited to what is required to ensure animal welfare, it has caused part of the Green Belt's openness to be lost owing to the buildings being sited on the land, hardstanding, and equine-related paraphernalia. Despite the appellant's claim that the hardstanding has been in place for over ten years, aerial images indicate otherwise. Nevertheless, the proposal's spatial and visual effect is limited due to the length of the buildings and their roofs, which are broadly the same height as the established mature hedges. I recognise that the proposal would be more apparent when viewed from within the appeal site, but that would be against the backdrop of the mature hedges and the road. The fields associated with the proposal could, in any event, be used for grazing. Overall, I consider the proposal to have a limited effect on the openness of the Green Belt.

9. However, my findings insofar as the purposes and openness of the Green Belt mean that the proposal conflicts with Framework paragraph 154 b). However, Framework paragraph 155 explains that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate development if a proposal accords with the listed criteria. If I were to consider the land to fall within the definition of Green Belt land, the proposal's scale and the size of the administrative area would mean that the proposal does not fundamentally undermine the purposes of the remaining Green Belt land. However, the appellant has not shown with substantive evidence, despite claims that there are few spaces available around Backford to house the horses together, that there is a demonstrable unmet need for stable facilities across the Council's administrative area despite the specific matters raised in favour of the proposal. Therefore, Framework paragraph 155 b) does not apply to the appeal scheme, and it is not necessary for me to consider the remaining parts of this paragraph, as it would not change my view that the proposal is inappropriate development in the Green Belt.
10. For the reasons set out, I conclude, on this issue, that the proposal is inappropriate development in the Green Belt, as it does not accord with Framework paragraphs 154 b) or 155. Whether or not the proposal conflicts with LP1 Policy STRAT 9 depends on my findings in my next main issue.
11. The Council cites LP1 Policy ENV 6 and Policies DM 3 and DM 8 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies ("LP2") insofar as this issue is concerned, but these policies are applicable to other main issues, so I have addressed them at the appropriate point.

Character and appearance of the countryside

12. The stables are of a traditional design and appearance for their intended purpose. They are also built from suitable materials that reflect the site's countryside location, and their number provides accommodation for the number of horses using the land. The roofs of the stables next to Liverpool Road angle away from the road, which, in tandem with the hedgerow, means that they and the stable sited within the adjoining field are not harmful given that the wider area is not entirely free from development. Furthermore, views into the site through the access are fleeting, and the hedgerow screens the stables when viewed from the road near to the access. Although the height of the hedgerow does contribute to screening the stables, it is an established feature characteristic of the landscape, and even at a lower height, the proposal would not harm the character or appearance of the countryside. Furthermore, the area of hardstanding is modest and functional for the use of the land with stables on it. A planning condition could also be imposed so that any lighting does not cause harm either.
13. I conclude, on this issue, that the proposal's effect would not harm the character and appearance of the countryside. Therefore, the appeal scheme would accord with LP1 Policies STRAT 9, ENV 2, and ENV 6, as well as LP2 Policies DM 3 and DM 8. Among other things, these policies seek development to be of an appropriate siting, scale, design, and construction to not harm the character and appearance of the countryside.

Highway safety

14. The appeal site is located on the A41, Liverpool Road, a busy four lane highway that is subject to a 50 mph speed limit. The site is to the north of the signalised junction of Liverpool Road with the A5032. The site access is an established means of entry/exit from Liverpool Road, having been present for numerous years.

15. The Council is concerned about vehicles waiting to turn right into the appeal site from Liverpool Road with the risk of rear-end shunts and also pulling across two lanes of traffic moving at a high speed from a stationary position. There is potential for collisions to occur given the speed and volume of traffic and the location of the signalised junction to the south, which means vehicles will approach or pass through it at varying speeds. There are, however, no reports of any incidents near to the site access despite a number at the junction itself. As such, there does not appear to be a correlation between the Council's concern and incidents. But that does not mean the potential does not exist.
16. Members of the appellant's family come and go typically twice per day to the stables, which are used privately, though the frequency of visits is aided by facilities on the site to store food, bedding, and shavings. Vehicles can enter and leave the site in forward gear using the hardstanding on the land, and trailers are only used on occasion, such as when horses need to visit a vet in an emergency.
17. The land was historically used for the grazing of cattle and sheep, with more frequent visits during lambing. The appellant says that due to the lack of a water supply on site, the previous owner attended the site at least two times per day to complete animal welfare checks and to provide fresh drinking water for the animals. Thus, the number of trips to/from the site is not materially different from how the access has previously been used. The use of a trailer would elongate a vehicle and mean that it would not manoeuvre as quickly in or out of the site; however, given its occasional use and the likely similar situation when the animals grazed on the land, there is no material difference in how the access is used.
18. I am also mindful that the access is gated and well set back from the road. This enables vehicle(s) to wait off the road before they enter or leave the site. The access is also wide enough to accommodate most types of vehicles, and there is good visibility in either direction along the road, including of the signalised junction. The traffic lights would enable lulls between each arm for vehicles to enter and leave the appeal site safely. This would be particularly important for vehicles turning into the site if they were to arrive from the north so that they could safely cross the road and avoid being stationary in the outside lane for any length of time.
19. Vehicles approaching from the north behind a vehicle waiting to turn into the site have a reasonable visibility of the vehicle due to the alignment of the road, and they do have the option to use the other lane to pass while the likely stationary vehicle waits to turn. So, while there is potential for incidents to happen, I do not consider highway safety to be unacceptably compromised in doing so. Nor is highway safety compromised by vehicles turning into the access from the south, as the road is straight, and the access is sufficiently far away from the junction so that manoeuvres are not taking place near to it. Furthermore, vehicles leaving the site in a northerly or southerly direction are visible to other road users on Liverpool Road due to the depth of the footway, which means that the front part of a vehicle is visible without being on the vehicular carriageway. They would be able to exit at a suitable point when it is safe to do so.
20. I note the appellant's 'left in left out' approach, but this means of access cannot be controlled through a planning condition, as it would not meet the test of 'enforceable' given that it would be difficult to practically detect a contravention, nor would it satisfy the test of being relevant to the development to be permitted given the prior use of the access. There is also no legal agreement before me to ensure that vehicles enter and leave the site in this manner. I have also only considered the proposal that is before me and not an alternative means of access, as that has

not been applied for and there are no details of that access available in any event.

21. I conclude that the proposal's access arrangements can be accommodated safely and satisfactorily within the existing highway network, thereby maintaining highway safety in accordance with LP1 Policy STRAT 10 and LP2 Policies T 5 and DM 8.

Other considerations

22. There are seven horses on the appeal site who belong to the appellant and her daughter-in-law. They, and the appellant's grandchild, visit the horses twice daily. Hence, the stables are privately run and exist to support the general welfare of the horses who graze on the wider parcel of land. However, that land can, especially during the winter months, become waterlogged and muddy. The horses are older, and a number have health conditions that require careful management and suitable facilities to make sure that they are not routinely standing in muddy conditions. The appellant says that the stable accommodation provides suitable facilities, but that this is particularly important for those with health conditions who need to be sheltered, with one needing to be in a stable and supervised when in the field. The proposal does therefore contribute positively to the horses' welfare.
23. The proposal also contributes to the health and well-being of the family, but particularly the individuals involved in the day-to-day care of the horses. This is in tune with Framework paragraph 96 c). This is amplified by the emotional and mental support that a therapy horse on the site provides for a family member in a supported and safe environment amongst family members.
24. Furthermore, the proposal would not cause significant detrimental effects to amenity, and there are no flood risk concerns, given the site's location. There have also not been any detrimental impacts on biodiversity and wildlife habitats, including hedgerows and trees. As such, together with my findings on the character and appearance of the area, lighting, and the highway network, the proposal accords with LP2 Policy DM 8.
25. Although this is an application seeking planning permission, I am conscious of the effect of my decision. Without the stables, the horses would not have suitable facilities to avoid being in the field all day. That would be to the detriment of their health and well-being, particularly as they would be unlikely to be housed together at alternative stables. This would mean the owners travelling to other stables each day, potentially travelling further, contrary to LP1 Policy STRAT 10, and spending less time with the animals. The well-being of the owners and family members would also be affected if this scenario arose.
26. Having regard to the specific circumstances raised, I give very substantial weight to the collective benefits relating to health and well-being, and the provision of suitable facilities for the horses on the land.
27. I note the Will Hey Farm appeal decision; however, in that case the Inspector found no material harm to the openness of the Green Belt unlike in this case. Moreover, the stables were linked to a bed and breakfast and helped support economic growth, which is not the situation here. Further, in respect of the scheme at Gordon Lane, the Council determined that this would not be inappropriate development in the Green Belt, and the Border Collie Trust Gb site relates to dogs, not horses. Therefore, none of these schemes are directly comparable to the proposal before me, and they do not weigh in favour of or against it.

Conditions

28. I have imposed conditions restricting the use of the stables and the number of

horses that can occupy them to ensure that they are used as intended in the interests of highway safety. I have also imposed a lighting condition in the interests of minimising the proposal's effect on visual amenity. I have not imposed an approved plans condition, as the development has already been carried out.

Conclusion

29. I have not found the proposal to be harmful in respect of character and appearance and highway safety matters. Therefore, the proposal accords with the development plan as a whole.
30. However, the proposal is inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. That is because of the proposal's effect on the openness and purposes of the Green Belt. The Green Belt harm attracts substantial weight, and very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Overall, I consider that all the other considerations do clearly outweigh the identified harm. Hence, the very special circumstances necessary to justify the development exist, and there are no material considerations that indicate that I should not take a decision other than in accordance with the development plan.
31. For the reasons given above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR