



Appeal Decision

Site visit made on 17 June 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/R0660/W/25/3359470

Lime Tree Farm, Long Lane, Over Peover WA16 8XB

- 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 Richard Ford against the decision of Cheshire East Council.
 - The application Ref is 24/3503M.
 - The development proposed is described as 'amendments made to stable building and installation of access track.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in 2017 for an 'L' shaped stable building for 2 horses with tack room & hay store on land adjacent to Lime Tree Farm¹. However, it is not clear from the evidence supplied by either party that the previous permission was ever implemented in accordance with the approved plans.
3. The appellant's evidence in respect of the type of development planning permission is sought for, is also ambiguous. Paragraph 6.7 of his statement refers to '*the enclosure/blocking up of the open frontage*' which implies an extension to an existing building. However, paragraph 2.2 states that '*the existing stable building...has been in use...since its construction in 2017,*' and elsewhere the appellant refers to differences between the approved and 'as-built' stable on-site². This suggests the development is a new stable block.
4. During my site visit I observed that the stables in situ appear as a complete structure, with no apparent physical evidence that it has resulted from the modification of a previous building. Moreover, drawing number 1621-108 Rev A is clear that the proposed building is of a larger rectangular footprint with a lower eaves height and shallower roof pitch such that it has a comprehensively different form and size to that previously approved. With no conclusive evidence to the contrary, it appears that the current stable block has been constructed instead of, or subsequent to, the previously permitted scheme.
5. The description of development is not entirely precise but it seems to me based on the evidence presented that the appellant seeks to retain the existing stable building as constructed, as an amendment to the previously approved scheme. With no evidence to suggest I should do otherwise, I have determined the appeal

¹ Planning application reference 17/1793M.

² As described in the agent's email to the Council dated 27 November 2024 and paragraph 3.1 of the appellant's statement.

on this basis. In the banner heading above, I have removed reference to retrospective from the description as it is not an act of development.

Main Issues

6. The main issues in relation to this appeal are;
- i) whether the proposal would be inappropriate development in the Green Belt having regard to National Planning Policy Framework (the Framework) and any relevant development plan policies, taking into account its effect on the openness of the Green Belt; and
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) 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

Inappropriate Development

7. Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) 2017, gives priority to the protection of the Green Belt, stating that the construction of new buildings should be regarded as inappropriate in the Green Belt. It reiterates the closed list of exceptions for new buildings set out within the Framework.
8. The Framework at paragraph 154(b), advises that the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation and engineering operations (154(h)(ii)) would not be inappropriate in the Green Belt. The building is used for private stabling purposes for the appellant's horse. Whilst neither Policy PG3 of the CELPS nor the Framework define what constitutes an 'appropriate' facility, I am satisfied that stabling in association with the keeping of a horse is appropriate for the purposes of outdoor sport and recreation.
9. That said, for the proposal to not be inappropriate development in the Green Belt in accordance with the exceptions specified above, it needs to preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Openness has spatial and visual aspects and is a matter of planning judgement³.
10. The concept of openness does not inherently imply freedom from any form of development. Whilst it does not follow that all forms of development for outdoor sport and recreation are acceptable because of their function, neither can it mean that any form of such building no matter how small, would automatically fail to preserve openness. Otherwise, this would negate the reason for appropriate outdoor sport and recreation facilities from being considered as an exception to the prohibition of new buildings in the Green Belt.
11. In light of the preliminary matters above, it seems to me that the proposal amounts to the provision of a new stable block and access track within a paddock. The function of the stable block is clear from its design and materials which are appropriate to and expected within a rural context. The building is of a limited

³ As set out in the Planning Practice Guide Paragraph: 013 Reference ID: 64-013-20250225.

mass with a low-profile roof, set back away from Long Lane and viewed against the taller tree line to the rear. Whilst visible from the road, it is only glimpsed briefly between gaps in the roadside hedgerow, such that it does not have a significant effect on the visual openness of the Green Belt. The track leads from Long Lane to the side of the proposed stables for a relatively short distance. At 3.6m it is fairly wide, appearing as an obvious incursion into an otherwise green paddock. I will come back to the matter of the paddock later in my decision. However, in terms of openness, the track being laid on the flat ground of the appeal site, would not in itself erode the spatial openness of the Green Belt. Nor is it obviously visible from outside the appeal site other than a single glimpsed view above the driveway entrance gates.

12. Whilst there would be a change, I am satisfied that the openness of the Green Belt has been preserved and that the development would not result in encroachment that would be harmful to its purposes. For these reasons, the proposal meets the exception tests of paragraph 154(b) and (h)(ii) of the Framework and it complies with Policy PG3 of the CELPS. The proposed development is not therefore, inappropriate development within the Green Belt. A case for very special circumstances is not required.

Character and Appearance

13. The appeal site lies within a verdant rural setting, largely characterised by grassland with mature field trees and hedgerows with scattered farmsteads, dwellings and nurseries in the wider area.
14. The appellant suggests that the land to the north of the stable block through which the track runs, has been used for over 10 years as extended amenity space in association with the residential occupation of Lime Tree Farm. It is not for me to determine the lawfulness of this land as part of this s78 appeal. However, the submitted site plan also refers to the area as paddock, providing some contradiction in the evidence.
15. Irrespective, it seems to me from my observations, whether forming part of the garden or not, this land has a predominantly verdant appearance that is visually and physically separated off from the more formal planted garden immediately surrounding the dwelling. Its undeveloped character results in a visual connection to the wider bucolic countryside that extends to the west. In this regard, the appeal site makes a positive contribution to the character and appearance of the rural area.
16. The stable block is of a simple form and appropriate external appearance for its intended purpose, augmented by suitable materials that reflect the countryside location of the appeal site. It sits slightly separately from the building group formed by the Lime Tree Farm dwelling and its neighbours which are positioned close to Long Lane. The stable block does however, lie adjacent to the garden area and whilst it could have been sited closer to the existing driveway, it would have been more prominent in public views from Long Lane.
17. The flat topography of the appeal site prevents the track from being overt in public views from Long Lane. Whilst it could be glimpsed through the driveway gates, it is relatively short in length and visually related to the building it serves. It follows the line of a post and rail fence which arguably has a greater impact on visually severing the paddock into smaller areas. It is not so far removed from the

residential curtilage and thus, I am satisfied that the proposal does not result in an unduly scattered form of development.

18. Notwithstanding the above, criterion 2 of Policy RUR7 of the Cheshire East Local Plan, Site Allocations and Development Policies Document (SADPD) 2022, supports proposals for new small-scale non-commercial equestrian purposes. This is provided that they are restricted to the minimum level reasonably required for the operation of the facility.
19. The stable block contains 2 stables, a tack/feed store, separate hay store and an internal walkway to the front linking the 4 'rooms.' The appellant currently has 1 horse which I observed was using the walkway and a stable during my visit. I am advised that the horse has arthritis and is unable to use the surrounding paddocks for exercise due to their waterlogged condition at certain times of the year. It is suggested that additional internal space is therefore necessary to accommodate the horse when it cannot exercise outside.
20. Whilst I acknowledge the likely problems that would arise from a horse exercising in a waterlogged paddock, it is not clear whether stabling a horse for long periods would not also be injurious to its health. In the absence of any substantive evidence from a vet and/or the British Horse Society, it is not clear what level of internal space would be appropriate to keep a horse inside for long periods of time, or how that should be configured. For this reason, it has not been evidenced that the stable block is the minimum size necessary for the type, size and health condition of the horse kept, including any storage space that is reasonably required relative to the specific equine needs.
21. The Council advises that planning permission was sought in 2024 for the conversion of the existing stables to a dwelling⁴. The officer report quotes from the supporting statement accompanying that proposal which suggested that the appellant was, *'looking to develop the building as they no longer require the stabling due to the anticipated life space of the one remaining horse that they own⁵.'* This somewhat undermines the appellant's position that there would be nothing to stop him having 2 or 3 horses in the future, as that does not appear to be his intention. I also note that the officer report for the previously approved stables indicates that the paddock would be unsuitable for more than 2 horses⁶.
22. In any event, Policy RUR7 is clear that any proposal for small-scale private equestrian use must be restricted to the minimum level reasonably required. In this case, that is the stabling of 1 horse. Accordingly, despite the acceptable external appearance and siting of the stable block, it has not been satisfactorily demonstrated that the size of the building is essential and has been restricted to the minimum level reasonably required for its operation.
23. I find no reason to suggest that the stable block has been designed to be easily converted to a non-equestrian use in the future.
24. For the above reasons, I find that the development is harmful to the character and appearance of the area. It conflicts with Policy RUR7 of the SADPD which amongst other things, seeks to ensure that equestrian development in the

⁴ Planning application reference 24/2012M.

⁵ As set out within paragraph 10.5 of the Council's officer report.

⁶ As provided within appendix A of the appellant's statement.

countryside is restricted to the minimum level reasonably necessary for the operation of the facility.

25. Even if I could have considered the development as amounting to extensions and alterations to an existing building, it would have needed to comply with the provisions of RUR7 regarding being the minimum size necessary. I would therefore have reached the same conclusion.

Other Considerations

26. As I have found the proposal does not amount to inappropriate development in the Green Belt, a case for very special circumstances is not required.

Other Matters

27. The appellant is reliant on the fact that planning permission was previously granted for a smaller stable building in a similar location to justify the proposal. As discussed above, it is not clear whether that permission was ever implemented and if so, that it was in accordance with the approved plans. Even if it was, the stable block now in situ appears from the evidence presented to be a wholly different building, rather than alterations to an existing building. As such a new chapter in the site's planning history appears to have begun. Given the passage of time since the original approval in 2017 and in the absence of a certificate of lawful existing development, or any other substantive evidence that it was constructed, the balance of probability would suggest that the previous planning permission has lapsed. I cannot therefore consider that it constitutes a fallback position capable of implementation.
28. Be that as it may, both the LP and the SADPD have been adopted since the previous planning approval. The Framework has also been amended. Consequently, the planning policy context for determining the current application has changed significantly. Even if I could consider the previous planning permission to be extant, that stable building would be smaller in footprint and of a lesser scale given the 'L' shaped arrangement and no track would be provided. In this regard any fallback position would be less harmful than the proposal.
29. The acceptability of the scheme with regard to highway safety, design, ecology and living conditions is to be expected of new development, and along with the lack of objections, weighs neutrally in the planning balance.

Planning Balance and Conclusion

30. I have found that the development is not inappropriate development in the Green Belt. However, it is harmful to the character and appearance of the area as it has not been demonstrated that the development would be the minimum level reasonably required for the stables. Without any substantive evidence regarding the implementation of the previous planning approval, I cannot attach weight to it as a possible fallback position. The development therefore conflicts with the development plan and there are no material considerations that outweigh the identified harm. Accordingly, the appeal is dismissed.

M Clowes - INSPECTOR