



Appeal Decision

Site visit made on 8 January 2026

by Guy Rigby LLB ACGI CEng FICE FCIHT

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/R0660/W/25/3374803

Somerford Park Farm, Holmes Chapel Road, Somerford, Congleton, Cheshire CW12 4SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon King against the decision of Cheshire East Council.
 - The application Ref is 25/0795/OUT.
 - The development proposed is outline approval for access matters for a proposed livery yard comprising a block of 20 stables and associated works, all other matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved except for access. I have treated any plans other than those relating to the access to be indicative only.
3. The appeal statement was submitted on 20 October 2025. Following receipt of the local planning authority's statement, the appellant resubmitted its appeal statement on 5 December 2025 to include Appendix EP1, a single sheet aerial photograph showing the extent of Somerford Park Farm, which had been omitted from the original submission. The appellant copied in the local planning authority and no representations were received on this matter. I therefore consider that the inadvertent and temporary omission of this single piece of information is not material or significant and has not unfairly prejudiced any party. I have therefore considered the latter version of the appeal statement in determining the appeal.
4. As part of its appeal statement, the appellant included two proposed changes to the application. The first is an alternative access proposal, for which revised access plans have been submitted. The second is the proposed withdrawal of access from the scope of this appeal, with all matters reserved, in the event that the first change is not accepted by me for consideration as part of this appeal.
5. Neither of these alternative proposals form part of the original application. In support of its first proposed change request that an alternative access proposal should be considered, the appellant has cited the case of *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*. I have considered this case, and also the more recent case of *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)* in my consideration of whether to accept the proposed changes to the proposal.

6. Both the proposed changes to the proposal relate to the matter of access, which is the only matter for which detailed approval is sought, all other matters being reserved. I therefore consider that each of the proposed changes, whether a change to the access proposal or a withdrawal of the matter of access from the appeal, amounts to a fundamental change to the proposal.
7. The local planning authority has commented on both these matters in its appeal statement, and the appellant has consulted certain interested parties on the first of its proposed changes and not received any objections. However, the first proposed change would move the access point approximately one kilometre away which could fundamentally alter the distribution of traffic to and from the site and also within the site itself. Moreover, the proper procedure of formal consultation by the local planning authority has not been followed. Consequently, it is not certain that no party would be prejudiced by this significant proposed change. I have therefore decided not to accept the revised plans.
8. In respect of the second proposed change, Paragraph 5(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that, where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated. However, no such statement has been submitted in relation to the proposal to make this a reserved matter. Also, no consultation has been carried out, so there would be potential procedural issues in seeking to make access a reserved matter at this stage. Consequently, it is also not certain that no party would be prejudiced by this proposed change.
9. For the above reasons, and in accordance with the Procedural Guide: Planning Appeals: England, which advises that the appeal process should not be used to evolve a scheme, I have considered the appeal on the basis of the original application.

Main Issues

10. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - highway safety; and
 - biodiversity, with particular regard to hedgerows adjacent to the proposed access.

Reasons

Character and appearance

11. The appeal site is located in the south-eastern corner of the Somerford Park Farm (SPF) equestrian centre on the north-eastern side of Holmes Chapel Road, to the west of Congleton.
12. The illustrative plans suggest a single block of twenty stables in designated open countryside, similar in scale and appearance to the other SPF equestrian buildings which are located in a cluster approximately 1km to the north-west of the appeal site.

13. The development would be partly screened from view from Holmes Chapel Road by an established hedgerow and by a belt of trees. This screening would only mitigate the impact of introducing potentially significant new buildings, associated hardstanding and operational activities to a modest extent. The resulting urbanisation would cause a significant and harmful change to the open, undeveloped and rural character of the site. Landscaping is a reserved matter, and it may be possible that additional screening could be provided. However, from the evidence before me, there is insufficient certainty that this would be enough to mitigate the harm caused.
14. The appeal site would be situated in close proximity to Paul Sheard Autos which is in turn adjacent to Ashbrook agricultural contractors, and consequently the appeal site would be seen in the context of these adjacent buildings.
15. However, due to its significant distance away from the existing cluster of equestrian buildings, the proposal would not function as an ancillary equestrian extension but would effectively constitute a sizeable and separate equestrian building in undeveloped open countryside. The building would not be well related to the existing equestrian buildings and would cause harm to the character and appearance of the area.
16. I have had regard to the information provided in respect of the Lightwood Farm appeal, which was allowed by the Inspector (PINS Ref: APP/R0660/W/23/3318377). In that case, the separation distance from Lightwood Farm was 400m and from Congleton Farm 150m, whereas in this case I note from the information before me and from my site visit that the separation of the proposed building from the other equestrian buildings would be significantly greater. I therefore consider that this case is not comparable and accord little weight to this appeal decision.
17. Consequently, the proposal would cause unacceptable harm to the character and appearance of the surrounding area, and be contrary to Policy PG6 (Open Countryside) and Policy EG2 (Rural Economy) of the Cheshire East Local Plan Strategy 2010-2030, adopted 27 July 2017 (CELPS) and Policy RUR7 (Equestrian Development Outside of Settlement Boundaries) of the Cheshire East Local Plan Site Allocations and Development Policies Document, adopted December 2022 (SADPD). Amongst other things, these policies seek to ensure that the countryside is preserved and that its character and appearance are not unacceptably affected by development which is not well related to existing buildings.

Highway safety

18. The appeal site is proposed to be a stable block, so horse boxes as well as private cars would require access. This is proposed via an existing gate at the back of the narrow footway and verge on a gentle bend on the A54, a busy road with a 50mph speed limit. As the existing gate is insufficiently set back from the carriageway running lanes, vehicles entering the site from the north-west (travelling towards Congleton) would have to stop at least partly on the carriageway and wait for the gate to be opened manually, and vehicles entering from the opposite direction would have to wait in the carriageway until there was no oncoming traffic before making the right turn into the appeal site.
19. The access is narrow, close to the highway and on the inside of a bend, the adjacent hedgerow is above driver eye height and there is no visibility splay.

Visibility for drivers of vehicles exiting the appeal site is therefore poor in both directions. There are no proposals to improve visibility and I consider that this could not be addressed by condition given the potential impacts on the adjacent hedgerow.

20. I consider that vehicles stopped on the carriageway at this location would be to the detriment of highway safety. This situation would be exacerbated by the limited access width and by the poor visibility available for drivers of vehicles exiting the appeal site. Accordingly, this would cause unacceptable harm contrary to Policy CO1 (Sustainable Travel and Transport) of the CELPS and Policy INF3 (Highway Safety and Access) of the SADMP. These policies seek to ensure that development is served by sustainable and safe access.

Biodiversity, with particular regard to hedgerows adjacent to the proposed access

21. A Preliminary Ecological Appraisal has been submitted, containing baseline habitat and protected species information and a brief assessment of the likely impacts associated with the proposed development.
22. A biodiversity statement has also been submitted, which includes a biodiversity net gain (BNG) assessment which shows a net gain above the required 10%. There is also an indicative landscape design showing how this could be achieved.
23. An established hedgerow runs along the north side of the A54 Holmes Chapel Road immediately adjacent to the proposed access to the appeal site. In its statement (paragraph 6.10.1), the local planning authority states that the proposed access point would require works to, and potential partial removal of, this hedgerow, and this is acknowledged by the appellant in its appeal statement (paragraph 7.73). However, there appears to be no survey or assessment information to determine the ecological function or importance of the hedgerow under the Hedgerows Regulations 1997, nor any indication of whether or to what extent hedgerow would need to be removed to provide access.
24. The Council's decision notice refers to there having been insufficient information submitted in relation to the impact on hedgerows bordering Holmes Chapel Road. This appears to stem from its concern that to incorporate sufficient visibility splays to make the proposed access acceptable would require some hedgerow to be removed. However, as far as I can tell, such works to hedgerows do not form part of the application and are therefore not before me.
25. As indicated above, the proposed access would not be satisfactory, and it would not be appropriate to impose conditions requiring the implementation of visibility splays when considering a lack of evidence about what distances would be required and what the potential impacts on the hedgerow would be. As access is not a reserved matter in this case, it would also not be appropriate allow such issues to be addressed at a later stage.
26. Nevertheless, while I acknowledge the Council's concerns about any potential loss of hedgerow in this location, the proposal as submitted does not propose any removal and I must come to my conclusion on that basis. Clearly, if subsequent proposals were to come forward which required some hedgerow to be removed, then this matter would need to be reassessed.

27. Accordingly, the development as proposed would not conflict with Policy SE5 (Trees, Hedgerow and Woodland) of the CELPS, Policy ENV6 (Trees, Hedgerow and Woodland Implementation) of the SADPD and Policy N2 (Trees and Hedgerows) of the Somerford Neighbourhood Plan 2015-2030, referendum version January 2018 (the Somerford Neighbourhood Plan). These policies require that trees, woodland and hedgerows should normally be retained.

Other Matters

28. I acknowledge that national policy and the development plan, including the Somerford Neighbourhood Plan, contain policies which support outdoor recreation and the expansion of rural businesses. I also have no reason to conclude there is no demand for the additional facilities. There would clearly be some economic benefits associated with the development, which weigh in favour of the development. However, it should also be noted that these policies, including policies EG2 and PG6, also require compliance with other policies in the plan, including those relating to effects on character and appearance and highway safety. These benefits therefore need to be weighed against the adverse environmental and safety impacts described above.
29. Insofar as it is related to an existing equestrian facility, there would be scope to make use of existing infrastructure and perhaps minimise ancillary development in line with Policy RUR7. This may result in some associated benefits. However, I have found that the development would not comply with the other requirements of this policy to be well related to existing buildings and not unacceptably affect the character of the surrounding area.
30. I have had regard to the site selection process and note that the retention of existing trees would have biodiversity benefits. However, I consider that the site selection has tended to evaluate options against business and operational requirements and convenience. Although there would be some operational benefits for the appellant in this regard, in my view it does not sufficiently demonstrate how the appeal site would be the least harmful or the most policy-compliant option.
31. The evidence suggests the development could exceed the statutory requirements relating to BNG. I have given moderate weight to the benefits associated with this.
32. I note support for the proposal from Somerford Parish Council. However, this does not outweigh the concerns set out above.
33. The Council has referred to Policy SC2 in its decision notice. I note that this policy relates to publicly accessible urban open space, play and sports facilities serving communities and major residential developments. I therefore consider that this policy is not relevant to this appeal.
34. I also note that the proposal would not interfere with the efficient operation of the Jodrell Bank Radio telescope, and I have not identified any issues with the living conditions of nearby residents. A lack of harm is neutral in the planning balance, weighing neither for nor against the development.
35. I have carefully considered and weighed all these matters and find that the benefits do not outweigh the harms identified.

Conclusion

36. The proposal would not accord with the development plan when considered as a whole, and I find no material consideration which would justify a decision other than in accordance with it.
37. For the reasons given above the appeal should be dismissed.

Guy Rigby

INSPECTOR