The Planning Inspectorate

Appeal Decision

Hearing held on 6 August 2019
Site visit made on 6 August 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/B3438/W/19/3227624
Cheadle Equestrian Centre, Eaves Lane, Cheadle ST10 1RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Jennifer Thompson of Vecthom Sports Horses against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0088, dated 14 February 2019, was refused by notice dated 18 April 2019.
- The development proposed is the erection of a rural dwelling house for the equine business.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Staffordshire Moorlands District Council against Jennifer Thompson of Vecthom Sports Horses. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:

- The effect of the proposal on the character and appearance of the area
- The effect of the proposal on land stability
- Whether the proposal would be an isolated dwelling in the countryside and, if so, whether there is an essential need for a dwelling to accommodate rural worker(s)
- Whether the adverse effects of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework 2019 (the Framework).

Reasons

Character and Appearance

4. The appeal site comprises part of a private access road from Eaves Lane and a largely flat area of partly gravelled, partly grassed land, where the proposed dwelling would be constructed. The appeal site is within a larger plot of land

owned by the appellant, which includes grass fields, an outdoor equestrian exercise area, an indoor equestrian arena, a stable block, a 2-storey dwelling (Stable Cottage) with garage, and various other buildings and storage areas associated with the equine use.

5. The appellant's land is within a valley, which slopes upwards from Eaves Lane in the west, with the gradient increasing significantly to the rear of the 2-storey dwelling to the east of the appeal site. The landscape is predominantly farmland, interspersed with hedgerows, narrow lanes, woodland and occasional buildings.

6. Eaves Lane is within the settlement of Cheadle according to the extant proposals map from 1998, the boundary for which is unchanged in this vicinity, in the emerging Local Plan map showing Cheadle. The countryside that surrounds Cheadle is described as *Ancient slope and valley farmlands*[1] and amongst its key characteristics are *Small scale mainly ancient irregular fields bounded by trees and hedgerows* and *Isolated properties*. The LCA also identifies a number of incongruous landscape features, which *include Localised industrial and residential development*.

7. The site of the proposed dwelling would be on the southern edge of the appellant's land, to the west of the stable building, the indoor equestrian arena and other associated buildings. The nearest part of the proposed dwelling would be more than 30 metres from the brick-faced building by the stable and several metres lower than it and the other main Equestrian Centre buildings.

8. The proposal would be a 2-storey, four bedroomed brick building with fitted loft space within a pitched slate roof. A single storey pitched roof garage to the side and front of the proposed dwelling would be connected to it by a utility room. A brick wall, some 1000mm high, would form a domestic curtilage to the front and side of the property, whilst the existing fencing to the other side and rear would be retained.

9. Due to the vegetation and sloping geography of the land, and its position relative to public footpaths and Cheadle, the proposed dwelling would be most visible in views from the west.

10. The design and materials of the proposed dwelling are intended to relate to the nearby dwellings along Eaves Lane in Cheadle. However, the appeal site, located away from the settlement boundary and in the countryside, has a quite different character.

11. Furthermore, the design, scale, massing and position of the proposed dwelling, would make it a visually prominent feature that would be seen across several hundred metres of open countryside to the east of Cheadle. When seen with the existing equestrian buildings and Stable Cottage beyond, it would have an urbanising effect on the landscape that would detract from its character and appearance.

12. Some new tree planting is proposed to the front and side of the proposed dwelling. However, even once mature, this would not satisfactorily screen the dwelling in views from the west, where it would appear as an incongruous feature in the landscape.

[1] Landscape Character Assessment of Staffordshire Moorlands (LCA)

13. There is a dispute between the parties regarding building works that have been undertaken at the Equestrian Centre, including the enclosure of the stable block beneath a new pitched roof, creating a barn-type structure, as well as other associated works.

14. Whether these works are authorised or not has only a limited bearing on the character and appearance issues associated with this appeal. The barn-type structure is somewhat larger than the previous stable block and of a different design. However, in this regard, the differences between the current barn-type structure and the previous stable block are not significant.

15. For these reasons, the proposed development would adversely affect the character and appearance of the area. It would therefore conflict with policies DC1 (design) and DC3 (landscape and settlement setting) of the Staffordshire Moorlands Core Strategy March 2014 (SMCS) and with the Framework, in this regard.

Land Stability

16. The appeal site falls within a Development High Risk Area according to the Coal Authority (CA). The CA expressed *Fundamental Concern* in respect of the proposed development when consulted on the appeal planning application. This was on the grounds that a Coal Mining Risk Assessment (CMRA), or an equivalent document, had not been provided.

17. The CA objected to the proposal and recommended that the Council inform the applicant of the need for a CMRA to be submitted as part of their application, in order for an assessment of any risks to the development proposal posed by past coal mining activity to be undertaken.

18. The Council has acknowledged that it 'missed' the objection from the CA and did not contact the appellant with regard to the CA's objection as part of the application process. There is no reference to the CA's consultation response in the Council's officer report or in its reasons for refusing planning permission.

19. Prior to the hearing I drew the CA's objection to the attention of both parties, following which the appellant provided a report from the CA dated 11 September 2018[2], which is said to have been part of the conveyancing documents for the purchase of the land, including the appeal site, by the appellant in November 2018.

20. At paragraph 1 of this report I note that the CA states:

> *The property is not within a surface area that could be affected by recorded past underground mining.*
>
> *However the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered prior to any site works or future development activity.* (my emphasis)

21. The Council re-consulted the CA regarding the 11 September 2018 report. The CA responded by maintaining its objection to the proposal[3]; the 11 September

[2] CON29M Non-Residential Mining Report.
[3] Reference to *Substantive Concern* is made.

report is not a CMRA and does not provide any assessment of the risks to proposed new development on the site.

22. I note the appellant's statement that they would have been prepared to commission a CMRA had they been notified by the Council of the CA's objection. I also note the appellant's comments that land stability did not seem to have been a consideration in granting planning permission for other nearby residential developments.

23. Notwithstanding the above, no CMRA is contained in the evidence before me for this proposal. Consequently, I am not satisfied that the appeal site is or can be made safe and suitable for the proposed development.

24. Therefore, for the reasons given above, I conclude that the proposed development would be at an unacceptable risk from land instability and would therefore conflict with paragraphs 170, 178 and 179 of the Framework.

Isolated dwelling in the countryside and essential need to accommodate rural worker(s)

25. The word 'isolated' is not defined in the Framework. In this case, the proposal would be located a distance to the west of, and at a lower elevation, than the main existing Equestrian Centre buildings and a much greater distance from Stable Cottage. Furthermore, it would be several hundred metres outside the nearest settlement boundary[4]. In my view, the location of the proposed dwelling means it would be isolated and in the countryside.

26. With reference to Policy R2 (Rural Housing)[5] and paragraph 79 of the Framework, such dwellings should be avoided unless one of the listed exceptions apply, of which only bullet point 2 of Policy R2 or sub-paragraph a) of paragraph 79[6], could apply in this case. Notwithstanding the dispute between the parties regarding the status of the proposed dwelling as 'isolated', the appellant has referenced this issue in their evidence and in discussions at the Hearing.

27. The appellant purchased the appeal site and the wider plot of land in November 2018. An Equestrian Centre within this land existed in the late 1970s / early 1980s, with various incremental changes and additions undertaken subsequently, according to the planning history contained in the Council's officer report.

28. The appellant stated that the intention is for their business to generally continue the equestrian uses that existed prior to their acquisition of the land, although drawing upon the appellant's contacts within the industry, to focus on a higher value, more exclusive service. The appellant stated that since acquiring the land, significant investment has been made to repair and improve the buildings and facilities of the Equestrian Centre to this end, and that further investment is intended.

29. As mentioned earlier, there is a dispute between the parties regarding various works that have taken place since the land was acquired by the appellant, in

[4] Identified in the extant and emerging development plan for the area.
[5] Policy R2 refers to *rural areas outside the settlement and infill boundaries of the town and the villages* rather than *the countryside.*
[6] a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside

particular whether the building works to the stables have extinguished any of the historic planning permissions. There is also a dispute regarding whether some of the pre-existing uses referenced by the appellant, including the intended breeding of sports horses would have consent.

30. From the limited evidence before me, and the discussions at the Hearing, it is not possible for me to reach a firm conclusion regarding all the lawful uses at the Equestrian Centre. The planning history is incremental and extends back several decades and some details have been mis-filed by the Council. Nevertheless, the riding centre use is not disputed, and notwithstanding the disagreement concerning the works to the stable block, horses would be necessary for such a use to take place and would need to be stabled. The appellant states that parts of the existing stable block have been retained and I also note that one of the historic planning permissions includes reference to a foaling box[7], which indicates that horse breeding in some form was approved.

31. From my observations on site the Equestrian Centre seemed to be operational, with a number of horses to be found in the disputed stable block. However, it is not possible from these observations to conclude that all of the various business uses referred to by the appellant were currently, or had recently been, taking place. Furthermore, no substantive documentary evidence has been provided in relation to the appellant's business before the acquisition of the land that includes the appeal site; or in relation to the business that existed on this land prior to the appellant's acquisition of it; or, in relation to the appellant's current business, for which the appeal development is sought.

32. The appellant claims to have considerable business experience in the equestrian industry. However, there is no substantive documentary evidence to support this. From the appellant's statements and anecdotal evidence, I am not satisfied that there is a viable business operating at present or that would remain viable for the foreseeable future. A viable business is something that would be necessary in order to be able to demonstrate that there is an essential need for a rural worker's dwelling.

33. Notwithstanding the stated number of existing or required employees for the business, there is claimed to be an essential need for just a single worker to live permanently at or near to the Equestrian Centre, the appellant. The reasons for this are to ensure the welfare and security of horses and foals stabled at the Equestrian Centre throughout the day and night, should they become ill, get into difficulties such as becoming cast, or to protect from being drugged or stolen. A response to an animal in such difficulty would be needed in a very short time, a matter of just a few minutes.

34. The proposed dwelling would face in a generally easterly direction at an oblique angle towards the stable block, although partly screened by the proposed garage and by planting on the front boundary. The appellant's stated intention is to be able to monitor the stable block and hear any signs of disturbance from the animals as a result of this proximity, drawing upon their experience in the industry. The short distance between the proposed dwelling and the stable block would also enable a swift response to be made as necessary.

35. CCTV cameras are installed in the stable block to monitor the animals, with the images currently relayed to an office at the western end of the stable block.

[7] LPA Ref. 92/1183

CCTV cameras, microphones and alarms would seem to be an effective means of monitoring the welfare and security of the horses throughout the day and night.

36. There is an existing dwelling, Stable Cottage, somewhat further from the stable block than the proposed dwelling would be and on the opposite side. The appellant claims that Stable Cottage would be unsuitable for them to live in for a number of reasons, including the distance from the stables for monitoring and the accessibility to them in an emergency, which would inhibit the welfare and security of the horses.

37. To reach the western entrance of the stable block from Stable Cottage would involve travelling along the access drive in a somewhat circuitous route, a distance seven or eight times longer than would be the case from the proposed dwelling. Nevertheless, the distance is just a few hundred metres and could be travelled in a short time, particularly if in response to an emergency in the stables.

38. The eastern entrance to the stable block is significantly closer to Stable Cottage. Furthermore, the concrete steps with a wooden handrail leading from the entrance up to the grass field, and gates on both sides of the field leading to Stable Cottage, indicate that a route between them is both intended and with some basic maintenance undertaken, practical.

39. The stables are at a lower level than Stable Cottage, which may restrict sounds, such as of an animal in distress in the stables, from reaching the dwelling. However, no substantive evidence has been provided to show that it would not be possible to connect a CCTV system, with microphones and alarms, to Stable Cottage where the images and sounds could be monitored.

40. Stable Cottage is owned by the appellant, who has allowed the dwelling to be occupied by their parents since acquiring it. One parent is said to be employed part-time in the appellant's business. However, this role is not one for which there is an essential need for them to live at or near the Equestrian Centre. I also note the appellant's preference not to share the dwelling with their parents. However, this does not alter the fact that a dwelling house exists near to the Equestrian Centre, which could be used for a rural worker to live in, were there to be an essential need for them to do so.

41. The proposed dwelling would contain 4 bedrooms and would also include a study and a media room that could be used in relation to the appellant's stated business. However, the size of the proposed dwelling would be unnecessarily large relative to the stated need for a single rural worker, notwithstanding that parts of the building could be used for personal and business use. That the appellant may want to start a family at some point in the future has no direct bearing on this matter. Furthermore, the appellant's desire to live near to Cheadle and to bring the Equestrian Centre back into productive use do not in themselves constitute an essential need for a large dwelling in the countryside.

42. As set out above, I am not satisfied that there is a viable business operating on the appellant's land for which there would be an essential need to provide a rural worker's dwelling. Furthermore, there is no substantive evidence before me that shows that if there was such a business, it would not be practical with some investment, for Stable Cottage to be used as such a rural worker's dwelling, without a significant risk of harm to any animals.

43. For these reasons, the proposed development would be an isolated dwelling in the countryside, and an essential need for such a dwelling to accommodate a rural worker has not been demonstrated. Therefore, the proposal would conflict with Policies R2, and SS6c (Other Rural Areas Strategy) of the SMCS and with the Framework, in this regard.

Planning Balance

44. It is not disputed that the Council cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer)[8]. The Government's 2018 Housing Delivery Test (HDT) shows that Staffordshire Moorlands District Council has only delivered 64% of its housing requirement over the latest 3-year period, meaning that a 20% buffer would be required[9]. The Council states that in March 2018 it had a 1.8 year deliverable housing land supply, which is a significant shortfall.

45. Contrary to the Council's assertion with regard to paragraphs 79 and 170 of the Framework, the appeal site is not subject to policies in the Framework that protect areas or assets of particular importance[10]. Consequently, paragraph 11 d) ii) of the Framework, concerning the presumption in favour of sustainable development, is engaged[11].

46. The proposal would conflict with Policies DC1, DC3, R2 and SS6c of the SMCS with regard to the character and appearance of the area and the provision of housing in other rural areas outside the settlement and infill boundaries of the town and the villages, as set out above. These policies are generally consistent with the Framework and I therefore give these conflicts considerable weight.

47. The provision of a single isolated dwelling in the countryside, in a district that has a significant shortfall in its five year housing land supply, and which has also underdelivered against its housing requirement in recent years, carries only limited weight in favour of the proposal.

48. The Framework sets out three overarching and interdependent objectives for the planning system in terms of sustainable development: economic, social and environmental. It goes on to state that *these objectives should be delivered through…the application of the policies in this Framework.*

49. The proposal would be supported by policies in the Framework, in particular, policies to increase the supply of housing and to support economic growth.

50. However, the proposal would also conflict with policies in the Framework, including those concerned with rural housing, well-designed places, ground conditions and conserving and enhancing the natural environment.

51. For the reasons given above, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Therefore, the proposal does not constitute sustainable development in accordance with paragraph 11 d) ii) of the Framework.

[8] Paragraph 73 of the Framework
[9] Paragraph 73 c) and footnote 39 of the Framework
[10] Footnote 6 of the Framework provides a complete and exhaustive list of such policies
[11] Footnote 7 of the Framework

52. The proposed development would conflict with the development plan and there are no material considerations that would cause me to determine this appeal other than in accordance with the development plan for the area. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Other Matters

53. I note the generic information appended to the Design and Access Statement[12], the appellant's statements that the proposal would represent needed inward investment into Cheadle, providing jobs and supporting the town and the wider equine industry. I also note the appellant's statements that the previous business was failing, that the Equestrian Centre has been visually improved since their acquisition and that there has since been positive feedback from the local community regarding the Equestrian Centre.

54. None of these matters overcome the harm that I have identified regarding this proposal, and they do not cause me to reach a different conclusion in relation to the appeal.

Conclusion

55. For these reasons, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

[12] A report of research on the horse industry in Great Britain March 2004 (DEFRA); Code of Practice for the Welfare of Horses, Ponies. Donkeys and their Hybrids (British Horse Society); and, Strategy for the Horse Industry in England and Wales December 2005 (British Horse Industry Confederation)

APPEARANCES

FOR THE APPELLANT:

Jennifer Thompson	Appellant
Robert Schiller	Agent

FOR THE LOCAL PLANNING AUTHORITY:

Benjamin Hurst	Planning Officer, Staffordshire Moorlands District Council

DOCUMENTS SUBMITTED WHILE THE HEARING SAT[13]

1 Draft suggested conditions (by the Council)
2 Application for Costs (by the Council)
3 Hearing notification letter and address list[14] (by the Council)

DOCUMENTS SUBMITTED AFTER THE HEARING SAT

1 Agreed copies of the suggested conditions signed by the appellant's agent, Mr Schiller, during the Hearing. Due to the Council making copies these were submitted after the Hearing had closed. In any event, as the appeal is dismissed, these fall away.

[13] These documents were emailed by the Council to the Planning Inspectorate the day before the Hearing, however, the appellant did not receive them until the Hearing had opened. The Hearing was briefly adjourned for the appellant to review these documents and develop a response.
[14] This had been circulated previously by the Council via e-mail.