

Application No: 21/0482N

Location: LITTLE ISLAND LIVERY, HAYMOOR GREEN ROAD,
WYBUNBURY, CW5 7HG

Proposal: Retention of building for use as offices, reception, staff facilities
and storage in connection with the existing equine business
activities.

Applicant: Graham Heath

Expiry Date: 31-Mar-2021

SUMMARY:

The retrospective application seeks planning approval for the retention of a timber outbuilding sited on the western side of the Little Island Livery complex and its use for offices, reception, staff facilities and storage required in connection with the operation of this existing equine business.

Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Equestrian development related to grazing and equestrian enterprises (including stables, training areas, riding centres and studs) is considered to be a use appropriate to a rural area.

Little Island Livery comprises an existing and appropriate use for the rural area which provides local employment opportunities. These small-scale proposals which relate to the retention of an outbuilding, are required to provide enhanced facilities to support this established equine business, and therefore considered compliant with CELPS Policies PG 6 and EG2, Policy RUR 7 of the SADPD and Policy LE1 of WCPNP.

The siting and design of the retained building would not cause harm to the character and appearance of the countryside as importantly recognised in the Appeal Inspector's decision letter. In particular the structure is a reasonably modest in size, and its shallow eaves height helps to reduce the bulk of the building which also benefits from screening by high hedging/trees along the western and southern boundaries of the Livery.

The outbuilding is well related to existing buildings/ structures within the livery yard and also has an acceptable relationship with Honeysuckle Cottage (applicant's dwelling). Its timber walls and metal sheeting roof is appropriate to the context of the existing livery use and would match the appearance of existing buildings/structures on site.

The proposals will not detract from residential amenity of nearby properties, nor have any adverse impact on the local road network, or have a harmful impact on trees alongside the western boundary of the livery with Haymoor Green Road.

It is therefore considered that on balance the retention of the timber outbuilding is justified given the benefits of its proposed use in supporting this established rural business. The proposals are acceptable and in general accordance with the Development Plan and therefore recommended for approval accordingly.

RECOMMENDATION – Approve with Conditions

DESCRIPTION OF SITE AND CONTEXT

Little Island Livery is located on the eastern side of Haymoor Green Road, within the open countryside. Little Island Livery covers an area of around 9 acres and is used solely for equestrian purposes and also includes the applicant's home, Honeysuckle Cottage.

Little Island Livery is an established equine business which has operated since 2014, involving competitive show jumping at national and international levels. A significant number of elite horses are accommodated at the livery, with facilities requiring the support of several staff.

Equestrian facilities include a range of storage sheds, a horse walker, a large stable block housing 25 horses, a manage and further stable/ field shelter within a paddock.

In addition the livery has the benefit of a detached two storey red brick dwelling which is occupied by the equestrian manager and is subject to an equine occupancy condition. The site also provides further accommodation for a groomsmen.

DETAILS OF PROPOSAL

The proposals seek planning approval for the retention of a timber outbuilding of a chalet style appearance sited on the western side of the livery complex.

The ground floor of the building provides an open meeting area, kitchen, and washroom/bathroom. The first floor comprises two separate rooms, which are accessed via an external staircase on the northern elevation.

It is proposed that the building is used as offices, reception, staff facilities and storage in connection with the existing equine business activities.

The building would be used as a reception for visitors who are seeking to purchase horses from the equestrian business. The decking adjacent to the building provides a vantage point for purchasers of horses which overlooks the adjacent manage where the horses are exercised.

RELEVANT HISTORY

19/0144N - Demolition of existing porch replaced with new porch, rear ground floor extension, first floor extension over existing and balcony. Approved 15-Mar-2019

17/3085N - Retention of outbuilding for use as Groomsman accommodation and associated equestrian uses. Refused on 15/08/2017 for the following reasons;

1. It has not been sufficiently demonstrated that there is an essential need (assessed by both functional and financial tests) for the proposed permanent agricultural workers dwelling. As such, the proposal is contrary to Policies PG6 (Open Countryside) of the Cheshire East Local Plan Strategy, saved policy RES5 of the Crewe and Nantwich Local Plan and the NPPF.

2. It has not been sufficiently demonstrated that the scale of the dwelling sought is commensurable with the scale of the business and appears to suit the needs of the occupiers more than the needs of the business. As the dwelling is not justified it is considered that the proposal would cause harm to the character and appearance of the countryside. The proposed development would therefore be contrary to Policies PG6 (Open Countryside) of the Adopted Cheshire East Local Plan Strategy, Saved Policy RES5 of the Crewe and Nantwich Local Plan and the NPPF

14/2610N – Change of use of part existing garage to Groomsman’s accommodation Retrospective – approved 22-Sep-2014

14/2203N – Variation of condition 2 (Alteration of occupancy from temporary to permanent) on approval 10/4497N (Appeal decision) - Change of Use for the Land From Horticultural to Equestrian, The Provision of a 60x30m Manège and 60x12m Stable Block, a Muck Midden and Hay Store, a Horse Walker and the Request for Variation of Occupancy of the Site to Include Equestrian Manager – approved 15-Sep-2014

12/1961N – Extension of Existing General Purpose Shed with two Apex extensions, one either side, for additional storage provision – Approved 16-Jul-2012

10/4497N – Change of Use for the Land From Horticultural to Equestrian, The Provision of a 60x30m Manège and 60x12m Stable Block, a Muck Midden and Hay Store, a Horse Walker and the Request for Variation of Occupancy of the Site to Include Equestrian Manager – Refused 24-Feb-2011 but allowed at appeal 15-Aug-2011

10/2457N – Change Of Use From Horticultural To Equestrian. Provision Of Open Air Manège, Stable Block, Horse Walker, Muck Midden And Hay Store. Variation On Occupancy Of Tied Dwelling To Include Occupation For Equestrian Management – refused 22-Sep-2010

P03/0291 – Agricultural Workers Dwelling – Approved 21-Nov-2003

P01/0796 – Agricultural Workers Dwelling – Refused 05-Feb-2002

P01/0362 – Detached Dwelling – Refused 04-Jun-2001

POLICY

Cheshire East Local Plan Strategy

PG 1 Overall Development Strategy
PG 2 – Settlement Hierarchy
PG 6 - Open Countryside
PG 7 – Spatial Distribution of Development
SD 1 - Sustainable Development in Cheshire East
SD 2 - Sustainable Development Principles
EG 2- Rural Economy
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 13 - Flood Risk and Water Management

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

Crewe and Nantwich Replacement Local Plan

BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
NE.20 (Flood Prevention)

Wybunbury Combined Parishes Neighbourhood Plan (WCPNP)

The plan was made on the 6 April 2020

LE1: New and Existing Business
LE3 : Use of Rural Buildings
E1: Woodland, Trees, Hedgerows and Boundary Fencing
E5: Landscape Quality, Countryside and Open Views
TI2 : Parking
TI4 : Drainage

Site Allocations and Development Policies Document

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main

Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

GEN.1 - Design Principles

ENV.3 - Landscape Character

ENV 6 - Trees, hedgerows and woodland implementation

RUR.7 - Equestrian Development outside of settlement boundaries

HOU 10 - Amenity

CONSULTATIONS (External to Planning)

Environmental Protection: No objection

Highway Officer: No comments received at time of report

Flood Risk Manager: No objection to the proposals as the site sits within flood zone 1 and is at low risk of surface water flooding;

Wybunbury Parish Council: Objects on the following grounds.

- A residential property on the opposite side of the Haymoor Green Rd junction was refused and dismissed at appeal
- The Parish Council understands that the livery on this site is closed down or very rarely used for that purpose, so there is not the need for the facilities stated in the application form on this site. Whether there is a need for this building by the applicant on his adjacent site that is not relevant to this site which he is saying it is for.
- there are other buildings on the site that can accommodate what the applicant says he still needs this building for.
- No evidence to confirm the staff requirement for this building.
- The Parish Council requests CEBC to enforce the notice to remove the building if the applicant does not comply with the relevant notice.

OTHER REPRESENTATIONS

A representation objecting to the application has been received from Cllr Janet Clowes as follows;

"The current application is to retain a substantial, two-storey building for which a planning appeal was dismissed in November 2020. (Reference: APP/R0660/C/19/3237523). Application Description: "Without planning permission: The erection and retention of a timber outbuilding and raised timber decked area for use as Groomsman Accommodation. (16/00201E)"

The Inspector dismissed the appeal and instructed the building to be taken down in stages within 4 months (due to expire on 18th March 2021). Its use as living accommodation was to have ceased within three weeks of the Dismissal Notice

being issued. Neighbours are aware that the building has been in regular use during the day and overnight over the past four months despite the Inspector's ruling.

Residents and the Parish Council have expressed concern that this current application is a deliberate attempt to thwart the Inspector's ruling.

The current application is for the "Retention of building for use as offices, reception, staff facilities and storage in connection with the existing equine business activities".

Ordinarily this would be a legitimate rural business application. However the design statement is unusual in that it makes no mention of the pre-existing and significant facilities already available in terms of office and storage spaces identified in other buildings within the site. The conversion of existing buildings, garage space and office space are documented in the many historic applications attached to this site.

The previous requested use for this building was for grooms' accommodation. The sudden necessity for office and storage space is not adequately supported by the design statement. Policy PG3 and PG6 and the Policies of the Wybunbury Combined Parishes Neighbourhood Plan are clear that development in open countryside is only permitted where such development is 'essential' to the sustainability of the rural business - the necessity for yet more office and storage space in this building is not evidenced in this statement. Indeed, recent reductions in activity on-site during the Covid Pandemic would suggest the contrary - that yet more office and storage accommodation of this type is NOT "essential to the expansion or redevelopment of an existing business".

It should also be remembered that the building itself is positioned across the domestic curtilage of the principle dwelling of this site. Part of the building lies within the 'domestic garden' area whilst the substantial rear section of the building lies in a greenfield area designated as Open Countryside.

The Principle dwelling has also been extended significantly in recent years with an extant permission for a substantial extensions to be added between the rear of the house and the wide decking area to the front of the chalet building under consideration. (19/0144N: Demolition of existing porch replaced with new porch, rear ground floor extension, first floor extension over existing and balcony")

As this application (19/0144N) has already been approved, any further planning permissions within the 'domestic curtilage' of what is a deliberately enclosed area separated from the wider landholding by virtue of the positioning of other pre-existing, brick outbuildings is an inappropriate, over development of the site. It is concerning that the position of the chalet building was not included on the location plans for 19/0144N otherwise the close proximity of the two structures would have been evident. (<https://doc.cheshireeast.gov.uk/NorthgatePublicDocs/08062184.pdf>) The garden room also includes a roof balcony that looks directly into the first floor windows of the chalet!

Similarly the proposed location layout for this application does not include the 19/0144N extensions. The cumulative impact of creeping development on this

constrained area within the domestic curtilage of the main dwelling is an over development of the site and contrary to the CE Design Guidance.

In the light of these material planning concerns, I request that this application is refused and that the instructions for the removal of this building are complied with in a timely manner."

OFFICER APPRAISAL

Background

The timber outbuilding was originally erected within the livery complex without planning approval to provide accommodation for a second groomsman employed by the equine business. A retrospective application (17/3085N) for its retention and use as Groomsman Accommodation was refused in August 2017. This was principally on the basis that it had not been sufficiently demonstrated that there was an essential need for additional residential Groomsman's accommodation at the Livery and consequently the unjustified provision of a new dwelling within the open countryside.

An Enforcement Notice was subsequently served requiring the use of the timber outbuilding for residential accommodation to cease together with its removal with associated raised, timber decking from the site.

A subsequent appeal lodged against the Enforcement Notice was dismissed, and the Inspector's decision letter concluded that;

"Based on the evidence before me, I am not therefore satisfied that there is a need for any further residential accommodation of a permanent nature. The development therefore conflicts with relevant policies of the development plan that resist new residential development in open countryside, outside settlement boundaries"

The residential use of the building has ceased some time ago. The applicant has however since used the building for administrative /staff welfare/storage purposes required in support of the operation of the livery business. The current retrospective planning application seeks to regularise the position through the retention of the outbuilding and adjoining decked area for the uses now proposed.

Principle of Development

The development is outside of the settlement boundary and within the open countryside. The proposals relate to retention of the existing timber outbuilding/decking and its use for purposes supporting the existing equine business.

Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Equestrian development related to grazing and equestrian enterprises (including stables, training areas, riding centres and studs) is considered to be a use appropriate to a rural area.

Policy RUR 7 (Equestrian development outside of settlement boundaries) of the SADPD states that proposals for equestrian development related to grazing and equestrian enterprises will be supported where they accord with other policies in the development plan and in particular :

- make the best use of existing infrastructure such as existing buildings, utilities, bridleways, tracks, parking and vehicular access;
- ancillary development is restricted to the minimum level reasonably required for the operation of the facility; is well-related to any existing buildings; and does not form isolated or scattered development;
- i- do not unacceptably affect the amenity and character of the surrounding area or landscape

In addition, criteria 2 of RUR 7 states that "additional new buildings and structures may be permitted for proposals to facilitate the sustainable growth and expansion of existing businesses..... provided 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 each other and existing buildings; and do not form isolated or scattered development.

Criteria 3 of Policy RUR 7 further adds that, "Any new building or structure must be constructed of temporary materials such as timber appropriate for its intended use; its design must be appropriate to its intended equestrian use; and must not be designed to be easily converted to any non-equestrian use in the future".

Policy EG2 "the Rural Economy" advises that outside the Principal Towns, Key Service Centres and Local Service Centres, developments:

- Provide opportunities for local rural employment development that supports the vitality of rural settlements;
- Create or extend rural based tourist attractions, visitor facilities and recreational uses;
- Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings

Will be supported where the development:

- Meets sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the Local Plan Strategy;
- Supports the rural economy, and could not reasonably be expected to locate within designated centre by reason of their products sold
- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form

Following on from CELPS Policy PG.6, Policy EG.2 is consistent with the objectives of NPPF (para 84) which states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity A positive approach should be taken to sustainable growth and expansion of all types of business and enterprise

in rural areas. However, it should be ensured that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. Further to this, there should not be any conflict with other relevant Local Plan Policies.

Policy LE1 of the WCPNP largely echoes the provisions of CELPS policy EG.2 above, and supports proposals which extend existing, or promote new, appropriate rural employment sites and opportunities, where it can be demonstrated that the development will positively benefit the local economy and provides the opportunity for local employment. This is subject to no adverse impact on the amenity and local Highway Network or environmental impacts such as contamination air quality, light pollution and noise.

The applicant has advised that in addition to four family members, this established equine business (Little Island Livery) employs two full-time staff and casual workers. The business also involves the training and sale of show jumping stock.

The current application is for the retention of the building for use as offices, reception, staff facilities and storage required in connection with the existing equine business. In the past such facilities have been accommodated within the applicant's own dwelling (Honeysuckle Cottage) but given the lack of space and the nature of this business, the outbuilding is used to accommodate dedicated staff facilities, storage, and for office accommodation and a reception for prospective purchasers of horses. The adjoining decking allows potential customers to view the high value Show Jumping horses exercising on the adjacent manège.

The applicant also points out the benefits to the operation of the business in locating the administration of the business and staff facilities in one location within the site. The applicant has also provided details of the other buildings within the site, which are considered to be at full operational capacity including areas already used for storage of equipment, tack and feed, or are unsuitable to accommodate the required facilities to support the operation of this business.

It is also considered that the development will comply with the first parts Policy EG2 as it supports employment opportunities. In terms of the second part of this policy the proposal would support the rural economy by virtue of being sited in a rural area. The use could not be expected to locate to a designated centre as an equestrian business of this nature ordinarily requires a rural location.

As addressed in the report below these small-scale proposals will not result in adverse impact on the local road network be detrimental to the appearance of character of the open countryside result in an unacceptable impact on the amenities of local residents.

Little Island Livery comprises an existing, appropriate use for the rural area and in principle these small-scale proposals which relate to the enhancement of the facilities to support this equine business are considered compliant with CELPS Polices PG 6 & EG2 , Policy RUR 7 of the SADPD and Policy LE1 of WCPNP.

Siting and Design

The building is sited to the south of Honeysuckle Cottage within the livery complex with Haymoor Green Road to the west. An existing ménage is sited to the east and stable building to south.

The structure is a reasonably modest, two-storey timber chalet style building which and measures 14.3m by 6.3m and 5.7m high with an apex roof design. The shallow eaves height helps to reduce the bulk of the building which also benefits from a high hedging/trees to the western and southern boundaries meaning that it is predominantly screened when viewed from the road.

The materials of timber clad walls and metal sheeting roof is appropriate to the context of the existing livery use and would match the appearance of existing buildings/structures on site.

Furthermore in assessing the design and scale of the building on the character and appearance of the locality with regard to the provisions of CELPS Policy SE1(Design) , the Appeal Inspector importantly concluded that;

26..... I accept that the building is situated within the established complex .of buildings and is therefore read in this context. Furthermore, the western boundary' of the site is presently bounded by a mature hedgerow which provides an active screen of the building to a point around the eaves height. As a consequence, only limited views of the building can be had from public vantage points, and it therefore has only a limited impact upon the countryside by reason of scale. I do not therefore find it causes unacceptable harm to the character and appearance of the area"

Concerns have been raised in respect of the relationship of existing house (Honeysuckle Cottage) with the application building and its external decking area. However, as the applicant points out, it is not uncommon for the domestic curtilage of a dwelling associated with a rural business to be blurred by other buildings and activities on the site as is the case with the livery yard here.

Whilst extensions to Honeysuckle Cottage granted under the house under 19/0144N have been implemented, acceptable spacing remains between the buildings. In addition the house set within a reasonably sized grounds and adequate garden space for the dwelling is provided.

Therefore, given that the application building is associated with the applicant's equine business activity, the relationship between the buildings is therefore considered acceptable.

Whilst the building is of a chalet style appearance, given it lies within the livery complex, and adjacent to equestrian facilities, it is considered that the outbuilding is appropriate for the proposed uses associated with this equine business in accordance with SADPD Policy RUR 7. Furthermore, it is considered that given its rudimentary timber construction the building would be unsuitable for permanent residential occupation as an independent dwelling and not easily convertible without requiring extensive works. However a planning condition is recommended to specify

that the building is used for the uses proposed in support of the equine business and for non-residential purposes. Concerns have been raised through representations that the proposal has been refused permission for use as a groomsmen accommodation. This is noted and remains the case, however the application has to be considered as proposed and does not include use for residential accommodation but for offices, reception, staff facilities and storage in connection with the existing equine business activities. Therefore that is how the proposal needs to be assessed.

It is therefore considered that the siting and design of the retained building would not cause harm to the character and appearance of the countryside in accordance with CELPS Policies SE.1 and EG.2, and Policy RUR 7 of the SADPD.

Amenity

Other than the applicant's own dwelling (Honeysuckle Cottage) which is located adjacent to the site (and addressed above), the nearest residential properties are sited 77m away to the west and 60m away to the south. As such, the development would not create any new issues with regards to loss of privacy, light, noise, or visual intrusion.

Therefore the proposals would not detract from residential amenity in compliance with Policy BE.1 of the Crewe and Nantwich Local Plan and also the provisions of CELPS Policy EG 2, Policy LE1 of the WCPNP and Policy RUR 7 of the SADPD.

Highway safety

The Council's Head of Strategic Infrastructure (HSI) has previously advised in respect of 17/3085N that as the site is accessed from an un-adopted private road, there is sufficient on-site parking provision in accordance with CEC adopted standards and given there are no other material highway considerations, no objections on highways grounds were raised.

Trees

Whilst trees are located alongside the western boundary of the livery along Haymoor Green Road, these are however sited 10m from the outbuilding and it is not therefore considered that the retention of building would pose any threat to these trees.

Conclusion

Under CELPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Equestrian development related to grazing and equestrian enterprises (including stables, training areas, riding centres and studs) is considered to be a use appropriate to a rural area.

Little Island Livery comprises an existing and appropriate use for the rural area which provides local employment opportunities. These small-scale proposals which relate to the retention of an outbuilding are required to provide enhanced facilities to support this established equine business and therefore considered compliant with CELPS Policies PG 6 and EG2, Policy RUR 7 of the SADPD and Policy LE1 of WCPNP.

The siting and design of the retained building would not cause harm to the character and appearance of the countryside as importantly recognised in the Appeal Inspector's decision letter. In particular the structure is a reasonably modest in size, and its shallow eaves height helps to reduce the bulk of the building which also benefits from screening by high hedging/trees along the western and southern boundaries of the Livery

The outbuilding is well related to existing buildings/ structures within the livery yard and also has an acceptable relationship with Honeysuckle Cottage (applicant's dwelling). Its timber walls and metal sheeting roof is appropriate to the context of the existing livery use and would match the appearance of existing buildings/structures on site.

The proposals will not detract from residential amenity of nearby properties, nor have any adverse impact on the local road network, or impact on trees alongside the western boundary of the livery with Haymoor Green Road.

It is therefore considered that on balance the retention of the timber outbuilding is justified given the benefits of its proposed use in supporting this established rural business. The proposals are acceptable and in general accordance with the Development Plan and therefore recommended for approval accordingly.

RECOMMENDATION

Approve Subject To The Following Conditions

- 1 Approved Plans**
- 2 Uses as proposed to support equestrian activities of equine business**

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

