

Application No: 22/4796N

Location: Buerton Hall, WOORE ROAD, BUERTON, CW3 0DA

Proposal: Retrospective application for the construction of an agricultural building to be used for the housing of livestock

Applicant: Mr Evans, Bubney Farms Ltd

Expiry Date: 01-Sep-2023

SUMMARY

Retrospective planning approval is sought for the construction of an agricultural building to be used for the housing of livestock in relation to the existing dairy enterprise at Buerton Hall.

The application site lies entirely within the Open Countryside where Policy PG 6 (Open Countryside) of the CELPS sets out the exceptions for development in the Open Countryside which includes development which is essential for the purpose of agriculture.

The proposed development would not cause adverse impacts upon residential amenity, heritage assets trees & hedgerows, ecology or highway safety. The siting and design of the proposed agricultural building is acceptable in the open countryside.

While the building and internal access would be visible from some vantage points there would be no significant impact to the existing heritage assets located nearby.

The proposals comply with the Development Plan as a whole and represent sustainable development. As such it is considered that the development is acceptable and recommended for approval.

RECOMMENDATION

APPROVE with conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it is a small scale major development (floorspace of between 5,000 – 9,999 square metres).

DESCRIPTION OF SITE AND CONTEXT

The application site relates to Buerton Hall which comprises of an existing dairy enterprise located off Woore Road, Buerton. Buerton Hall comprising of a farmhouse and a number of existing building and structures relating to the existing enterprise.

To the west of the site lies Smithy House Farmhouse, a Grade II listed building.

The site lies within the Open Countryside and Audlem/Buerton Local Landscape Designations as defined by the Local Plan Policies Map.

DETAILS OF PROPOSAL

Retrospective full planning permission is sought for the construction of an agricultural building to be used for the housing of livestock. In addition, a new section of internal access is proposed to service the agricultural building and wider farm buildings.

The proposed agricultural livestock building consists of a steel portal framed structure, measuring 182.88 metres in length, 30.48 metres in width an eaves height of 3.65 metres and a ridge height of 8.80 metres.

The supporting statement advises the proposed agricultural livestock building would house up to approx. 700 head of dairy youngstock which are currently held on the wider unit at Swynnerton and to ease pressure on the existing facilities at Buerton Hall.

The planning statement further advises that the site at Swynnerton is being impacted by HS2 with approx. 50 acers being lost and the existing yard area being impacted by the access to HS2.

RELEVANT HISTORY

The site has no planning history.

POLICIES

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy

PG 6 - Open Countryside

EG2 – Rural Economy

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 7 - The Historic Environment

SE 12 - Pollution, Land Contamination and Land Instability

SE 13 - Flood Risk and Water Management
IN1 – Infrastructure
CO1 - Sustainable Travel and Transport

Site Allocations and Development Policies Document (SADPD)

GEN 1 - Design principles
ENV 1 - Ecological network
ENV 2 - Ecological implementation
ENV 3 - Landscape character
ENV 5 - Landscaping
ENV 6 - Trees, hedgerows and woodland implementation
ENV 7 - Climate change
ENV 12 - Air quality
ENV 14 - Light pollution
ENV 16 - Surface water management and flood risk
HER 1 - Heritage assets
HER 4 - Listed buildings
RUR 1 - New buildings for agriculture and forestry
HOU 12 - Amenity
INF 3 - Highway safety and access

Buerton Neighbourhood Plan

ENV1 – Biodiversity
ENV2 – Trees, Hedgerows and Watercourses
ENV3 – Access to the Countryside
LCD1 – Local Character and Design
LCD2 – Important Views and Vistas
HER1 – Heritage
INF2 – Drainage
ECON1 - Rural Economy

Other Material Considerations

National Planning Policy Framework (NPPF) (2021)
Cheshire East Design Guide SPD

CONSULTATIONS (External to Planning)

Environmental Health: No objection.

Natural England: No Objection

Flood Risk: No objection

United Utilities: No comments received

Public Rights of Way (PROW): No objection .

Cheshire East Highways: No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Buerton Parish Council: No comments received

OTHER REPRESENTATIONS

A representation has been received which has made general observations summarised as follows.

- Why is the building so high if it is for livestock.
- View and impact of the building.
- What type of livestock.
- Will the building be used to store heavy machinery or haulage trucks.
- Additional access road has been constructed, is planning permission required.

OFFICER APPRAISAL

Principle of Development

Policy PG 6 (Open Countryside) of the CELPS sets out that only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

This is further supported by Policy RUR 1 of the SADPD which states "proposals for new agricultural and forestry buildings in the open countryside will only be permitted where they accord with other policies in the development plan and:"

- i. it is demonstrated that there is a clear long-term need for the development in connection with the agricultural or forestry enterprise;
- ii. the proposals make best use of existing infrastructure, such as existing buildings, utilities, tracks and vehicular access;
- iii. new buildings are restricted to the minimum level reasonably required for the efficient existing or planned operation of the enterprise; are well-related to each other and existing buildings and do not form isolated or scattered development;
- iv. do not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance), either on its own or cumulatively with other developments; and
- v. provide appropriate landscaping and screening.

The proposals relate to an existing dairy enterprise and from the supporting statement it advises that. *'The dairy herd extends to 2,150 head and a further 1,650 dairy youngstock/followers. All milking cows are based at Bubney Farm, together with all calves up to 4 months old (250 head). The dairy youngstock are then moved to Buerton Hall from 4 to 16 months in age (600 head), then onto Swynnerton, Stafford (rented farm) from 16 to 24 months (400 head).*

The application site at Buerton Hall has one dwelling associated with the farm, whilst Swynnerton is rented and no members of staff reside on-site.

The site at Buerton Hall is currently over-stocked, with insufficient buildings to accommodate the number of livestock on this holding.

The site at Swynnerton is also being impacted by HS2, with approx. 50 acres being lost to the new rail link. The access for HS2 at Swynnerton through the yard area, which has resulted in instances of livestock being let out and escaping.'

The new building is located to the south of the existing enterprise and in close proximity to the existing agricultural structures on site. It is well screened from public views by the existing agricultural buildings to the north and change in ground levels; however, it is still visible from certain vantage points, most notably west facing elevation from Woore Road but clearly set within the context of a long established existing enterprise.

In relation to the new internal access track the planning statement advises that '*A new internal track has been created within the ownership boundary to allow ease of access for the agricultural vehicles. The existing access was through the middle of the middle of the yard where a number of traditional brick buildings are located. Given the size of modern agricultural machinery, it is not practical to continue using this for regular internal machinery movements*'

The building and internal access is justified as for agricultural use and its location is considered acceptable taking into consideration the above factors. For a combination of the above reasons, the proposals are deemed to adhere with Policy PG6 of the CELPS and RUR 1 of the SADPD and would be deemed acceptable in principle.

Design, Character & Appearance of the Area

Policy SD1 states that wherever possible development should 'provide a locally distinct, high quality, sustainable, well designed and durable environment'.

Policy SD2 states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of;

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

SADPD design Policy GEN1 is also a consideration.

Agricultural Building

The design is typical of a livestock building reflecting the existing use of the site within a rural area. The steel portal frame unit consists of walls formed of concrete with the north and south facing elevations being open to the eaves. The east and west facing elevations this would

consist of wooden boarding and corrugated sheeting, with the roof formed of fibre cement sheeting.

The building has internal area consisting of a central passage with 5 (five) areas either side (10 in total) for housing livestock.

Regarding its design the planning statement and supporting letter outlines that consideration has been given to improve animal health and welfare, in addition to ensure ventilation and the continual movement of fresh air.

The structure is of a functional design, and it is not considered its siting has had any significant impact on the character of the area or local landscape designation.

Internal Access Track

The new section of internal track proposed is taken off via the existing access serving the site and leading to Woore Road. The proposed section of track is approx. 170 meters in length and runs parallel to the existing farm access before diverting to the east and running alongside side the existing agricultural buildings. The new section of track will link to existing track network.

The proposed development would not result in detrimental impact upon the character of the surrounding area in accordance with policies SE1, SE4 SD2 of the Cheshire East Local Plan Strategy and policies GEN 1 and ENV 3 of the Site Allocations and Development Policies Document.

Impact on Heritage Assets

The starting point for the consideration of the proposal is the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act"). Sections 16(2), 66, 72 require that special regard is had to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest it possesses. The statutory duty to consider the impact of proposals upon the setting of a listed building carry great weight.

The policies most relevant to the consideration of the proposal include CELPS Policies SE 1 (Design) SE 7 (The Historic Environment), SADPD Policy HER 4 (Listed buildings), and Policy HER1 (Heritage) of the Buerton Neighbourhood Plan.

Policy SE7 states proposals for development shall be assessed and the historic built environment actively managed in order to contribute to the significance of heritage assets and local distinctiveness. The Council will support proposals that do not cause harm to heritage assets and will seek to avoid or minimise conflict by considering the level of harm in relation to the public benefits that may be gained.

SADPD Policy HER 4 (Listed buildings) states that development proposals affecting a listed building or its setting will be expected to preserve and enhance the asset and its setting wherever possible. As such new development affecting the setting of listed buildings should preserve and enhance the setting.

Buerton Neighbourhood Plan Policy HER1 (Heritage) states Proposals for development must take into account the scale of any possible harm or loss and the significance of any heritage assets and will only be supported where it can be demonstrated that substantial benefits will be achieved when weighed against the harm or loss.

In terms of other material planning considerations, guidance within the National Planning Policy Framework (“NPPF”) is relevant particularly Section 14 ‘ Meeting the challenge of climate change, flooding and coastal change’ and Section 16 ‘Conserving and enhancing the historic environment’.

Most notably to the west of the site lies Smithy House Farmhouse, a Grade II listed building. The separation between the existing complex is approx. 200 meters and the proposed building would continue to respect this.

Following consultation with the Council’s Conservation Officer and whilst it is acknowledged the building is large, it is set down and not dominate the landscape. Whilst the building may be viewed from Smithy House Farmhouse, it will be located some 200 meters away, not set forward than the existing complex and would be read in conjunction with the existing agricultural business.

The Council’s Conservation Officer notes that there are additional Grade II listed buildings located to the northeast of the site; however due to the existing topography and existing buildings it would not impact there setting.

The proposed development therefore accords with CELPS Policy SE 7, Policy HER4 of the SADPD and Policy HER1 of the Buerton Neighbourhood Plan.

Amenity

Policy HOU 12 (Amenity) of the SADPD, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution and traffic generation access and parking.

The nearest residential dwellings are located over 170m away, these being Willowbrook Chapel and Yew Tree Farm to the north and The Granary and Smithy House Farm to the northwest.

Given separation distances to the nearest neighbouring properties, the existing established enterprise, there would be no significant impact to the neighbouring dwellings above and beyond the existing scenario.

As such the development complies with the principles of policies SE1 CELPS and policy HOU 12 of the SADPD.

Highways

Policy CO2 of the CELPS identifies that *'proposals should adhere to the current adopted Cheshire East Council Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards)'*

Policy INF3 of the emerging SADPD states amongst others that the development provides *'safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles'*

The applicant has stated that the proposal removes the need to transport livestock between sites and will therefore reduce the number of traffic movements on the public highway. Furthermore, the proposal is for an agricultural use within a large established farm which will make use of an existing access off Woore Road and has had no recorded accidents associated with it over the last 3 years.

The Head of Strategic Transport therefore raises no objection to the planning application.

The proposal accords with Policies SD1 and CO2 of the CELPS with regards to highways matters, Policy INF 3 of the SADPD.

Landscape and Trees

The site is located in the open countryside. It has no local or national landscape designations or trees afforded protection via a TPO within or near the immediate site.

The site to the north abuts the existing complex with agricultural fields being located to the east, west and south.

Given the proposals would reside near an established agricultural business and adjacent fields there would be no significant impact.

Ecology

The application site falls within Natural England's SSSI Impact Risk Zones. As such The Council's Nature Conservation Officer undertook an Assessment of Likely Significant Effects (ALSE) which forms part of the Habitat Regulations Assessment (HRA) process. It was concluded that a significant effect on the designated sites is not likely to result from the building in question in this application.

In addition as the site resides within the SSSI impact zone Natural England were consulted. Following consideration of additional information including potential hydrological impacts of the development on the SSSI, Natural England have no objections to the application.

Ecological Enhancement

In addition to the SSSI Impact Risk Zones the site forms part of the Ecological network as outlined in policy ENV 1 of the SADPD, which seeks to deliver benefits for biodiversity from development.

Following consultation with the Council's Ecologist due to the nature of the site and proposal, though limited the proposals present any opportunities for ecological enhancement in relation to birds, bats, hedgehogs and native species planting.

If the committee is minded approving a condition will be attached to secure an ecological enhancement to the site within 2 months of the date of the decision.

Flood risk

The site is located within flood zone 1 (lowest risk), in addition the LLFA have reviewed the application and have no objection in principle,. Therefore, it is considered the flood risk is acceptable.

As a result the proposals will not cause any significant issues from a flooding/drainage perspective and complies with Policies SE13 & ENV16 of the CELPS and SADPD.

Waste

No additional development is proposed in relation to the storage of slurry and silage. The Environment Agency were consulted on the application, and it is noted they have no objection to the application. Comments in relation to the adequate storage of slurry and silage which are governed by other legislation will be attached as an informative.

CONCLUSION

The application site lies entirely within the Open Countryside where Policy PG 6 (Open Countryside) of the CELPS sets out the exceptions for development in the Open Countryside which includes development which is essential for the purpose of agriculture.

The proposals are considered to be in accordance with National and Local Plan Policy and appropriate to its rural location. The proposed development would not cause adverse impacts upon residential amenity, heritage assets, highway safety, and the location of the proposed agricultural building is acceptable in the open countryside.

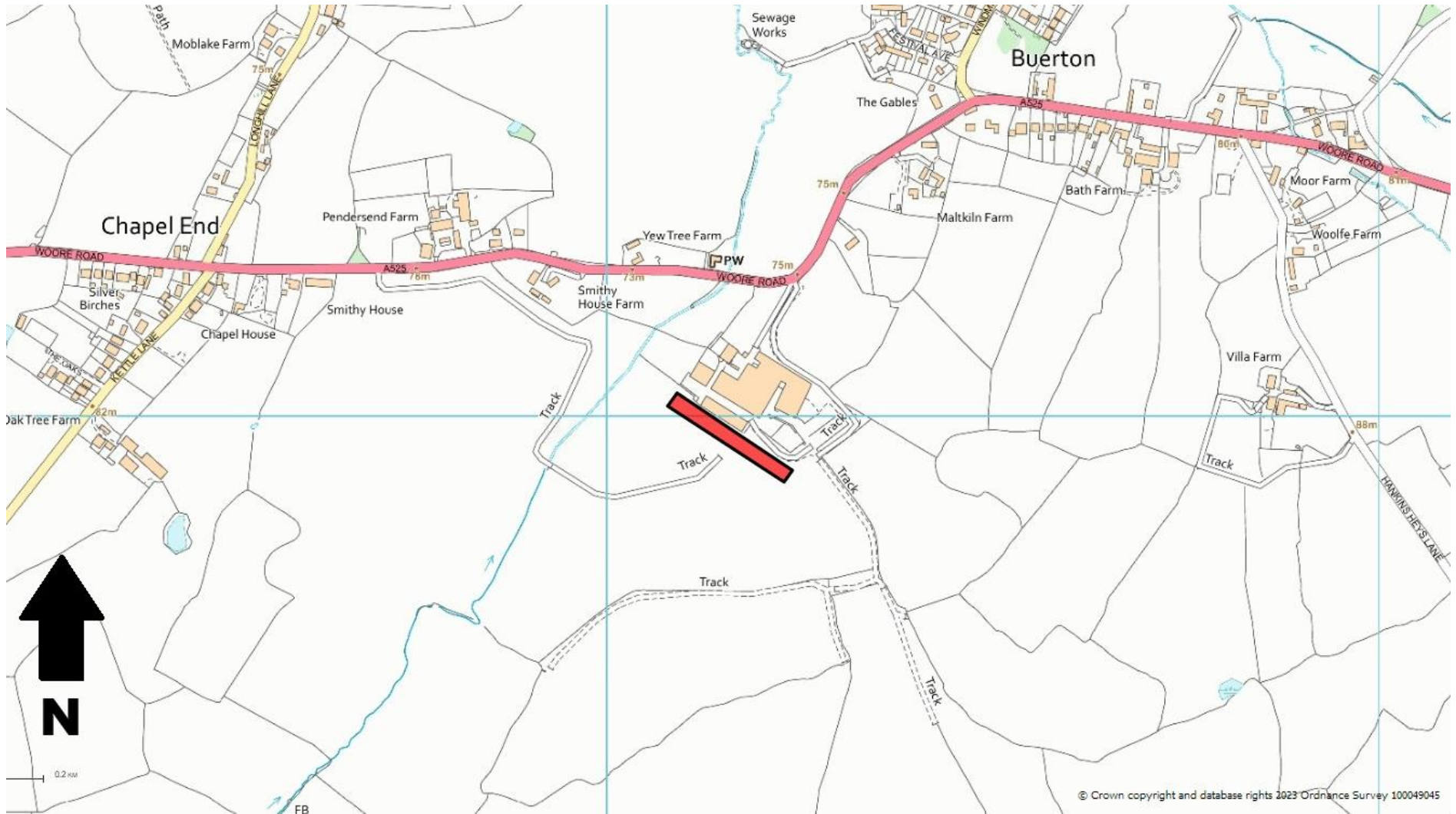
The proposals comply with the Development Plan as a whole and represents sustainable development. As, such it is considered that the development is acceptable and recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Approved Plans**
- 2. Materials as Application**
- 3. Ecological Enhancement**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



OFFICIAL