

Application No: 11/1115M

Location: WINDMILL WOOD, CHELFORD ROAD, OLLERTON, KNUTSFORD, KNUTSFORD, CHESHIRE, WA16 8RX

Proposal: Proposed Erection of a Dwelling and Two Outbuildings in Association with the Management of Windmill Wood Including the Demolition of a Brick Built Warehouse, One Shed and Two Open Stores

Applicant: Mr & Mrs Panayi

Expiry Date: 13-May-2011

### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon woodland / trees

### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a 17 hectare piece of land located to the south of Chelford Road. The site contains a single storey warehouse building and a number of open sided structures. The remainder of the land is covered by woodland, which is also a Site of Biological Importance. Two public footpaths are located within the site, one which follows the northern site boundary and one which crosses north/south through the site. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

### **DETAILS OF PROPOSAL**

This application seeks full planning permission to demolish the existing warehouse, shed and two open stores and erect a new dwelling and two outbuildings in association with the management of Windmill Wood.

### **RELEVANT HISTORY**

The site has an extensive planning history involving applications for a variety of residential and commercial developments.

The most recent and relevant applications are detailed below.

01/2130P – Certificate of lawfulness for a building used for the storage of shotgun cartridges and the storage/assembly of domestic appliances only. Positive Certificate 28.01.2002.

05/1416P – Change of use of land for use for paintball games, erection of 2 marquees, 2 tents, 3 shipping containers and 3 portable toilets. Refused 08.11.2005.

09/0544M – Demolition of existing commercial buildings, residential/ office annex and attached garage, and the erection of three detached environmentally sustainable dwellings and associated works. Refused 06.07.2009

## **POLICIES**

### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP5 – Manage Travel Demand; reduce the need to travel and increase accessibility

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF4 – Green Belts

### **Local Plan Policy**

NE7 – Woodlands

NE11 – Nature Conservation

NE13 – Nature Conservation

BE1 – Design Guidance

BE16 – Setting of Listed Buildings

GC1 – New Buildings

H1 – Phasing Policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Sites

DC1 – New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree protection

DC38 – Space, light and privacy

### **Other Material Considerations**

PPG2: Green Belts

### **CONSULTATIONS (External to Planning)**

Highways – Comments not received at time of report preparation

Environmental Health – No objections subject to conditions

Public Rights of Way – No objections

Manchester Airport – No safeguarding objections

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Comments not received at time of report preparation

## **OTHER REPRESENTATIONS**

To date, one letter of representation has been received objecting to the proposal on the following grounds:

- Inappropriate development in the Green Belt
- Detract from rural character and appearance of the area
- Insufficient details on woodland management submitted.
- Insufficient details on Great crested Newts, bats and badgers submitted
- No woodland management has taken place for over 30 years
- Buildings erected without planning permission
- Wood cutting takes place during unsociable hours
- The site is use as business without planning approval

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a design and access statement, a planning statement, a bat and barn owl survey, an arboricultural statement with woodland management plan and a PPS3 Housing self assessment checklist.

## **OFFICER APPRAISAL**

### **Green Belt**

The applicant's supporting statement confirms that the proposed storage shed and wood cutting building would be directly related to the management of Windmill Wood. The only wood processed and stored would be that generated from Windmill Wood itself. A small business operation would be set up producing logs, planks, woodchips and sawdust for sale off site, which would in turn help to fund the woodland management. It is agreed that the proposed buildings, which would be used for the purposes of forestry would not be inappropriate in the Green Belt.

Turning to the proposed dwelling, the applicant has confirmed that this is not being put forward as a forestry worker's dwelling. As a new dwelling, the proposal is therefore inappropriate development in the Green Belt. As noted in policy GC1 of the Local Plan, such development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt, and it is for the applicant to justify that the harm by reason of inappropriateness, and any other, harm is clearly outweighed by other considerations.

In addition to the harm by reason of inappropriateness, it is considered that the proposal would also significantly reduce the openness of the Green Belt.

The existing buildings are all very low rise, with a maximum height of 4.3 metres. Their combined floor area amounts to approximately 382 square metres. By comparison, the

proposed buildings are between 4.8 and 7.5 metres in height, with a total floor area of approximately 700 square metres or footprint of 542 square metres. Clearly the amount of built form on the site will significantly increase with this proposal. The preservation of openness is a primary aim of Green Belt policy, and again it is considered that substantial harm should be attached to developments that serve to reduce the openness of the Green Belt.

### **Very Special Circumstances**

The applicants have put forward the following as very special circumstances to outweigh the identified harm:

*1) The dwelling would secure the management of Windmill Wood.*

It is not entirely clear how or why the dwelling would secure the management of Windmill Wood as it is not being demonstrated that somebody needs to live on site to maintain the woodland. The planning statement outlines security issues including some theft and the discovery of a pitched tent within the woodland indicating some form of trespass. However, the existing building, which has been used for the storage of shotgun cartridges in the past could be used for secure storage, and CCTV could also be installed.

Furthermore, the supporting information has outlined that a small profit could be achieved through the sale of logs, sawdust etc. However, whilst the applicant may be willing to maintain the woodland for a small profit, future occupiers of the site may not. The Council must consider the long term implications of the development, as opposed to only the immediate wishes of the applicant. Also, any legal agreement, which ties the house to the woodland, could potentially be amended after 5 years. There is no guarantee that the woodland would be managed for many years to come, whereas the dwelling certainly would remain.

If it is the dwelling that would secure the management of the woodland then it is considered that the application should be submitted as an occupational worker's dwelling and meet the financial, functional and other tests of Annexe A to PPS7.

*2) Loss of existing commercial use and associated traffic.*

It is suggested in the planning statement that due to the size of vehicles that could use the site if in commercial use, there would be a net benefit to openness with the proposed development. It is acknowledged that larger commercial vehicles could visit the site, however, this could still be the case with the current proposal as the by products from the woodland management will need to be transported from the site to their point of sale, which is to be off site. In addition, the temporary nature of vehicles visiting the site would not have such an impact upon openness as three substantial buildings, which are significantly greater than those they replace.

In terms of potential noise arising from a commercial use, it is anticipated that the main noise would arise from general comings and goings. With regard to the existing use of the site, a site visit, and submitted photographs have shown that there are a number of electric tools on site, particularly power saws, which would create significant levels of noise for prolonged periods. This practice would be expected to continue under the current proposal for the preparation of the wood for sale.

*3) Ecological enhancement*

Whilst it is acknowledged that a degree of ecological enhancement would be achieved through the management of the woodland, this simply demonstrates compliance with local plan policy NE11, and is not considered to amount to a very special circumstance.

The proposed package of measures is therefore not considered to amount to the required very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. The proposal is therefore considered to be contrary to policy GC1 of the Local Plan.

### **Design / character**

With regard to the form and design of the buildings, the proposed storage building and wood cutting shed have a relatively characteristic appearance of modern farm buildings. The proposed dwelling is a dormer bungalow, with a large and dominant octagonal entrance structure, which does not appear to be entirely in keeping with the simple form of the other buildings or what would normally be expected on a forestry / agricultural site. However, as the buildings would not be unduly prominent from public vantage points, the impact upon the character of the area is not considered to be sufficient to justify a reason for refusal.

Notwithstanding this concern, due to the distance to and the extent of intervening vegetation, the proposal is not considered to have a significant impact upon the setting of the Listed Building on the adjacent site.

### **Amenity**

The proposal will move the buildings that will house the wood processing operations closer to the dwellings on Manor Lane. However due to the purpose built nature of the buildings for wood processing it is considered to be likely that much of the activity will take place within the buildings, as opposed to outside. Whilst the buildings will be constructed from “hit and miss” boarding to allow ventilation, the structures should serve to reduce noise levels to some degree. Also, having regard to the distance to and the existing relationship with these neighbouring dwellings no significant amenity issues are raised.

### **Ecology**

The application site is located within the Windmill Wood Site of Biological Importance. Local Plan policy NE13, which restricts development that would adversely affect the SBI is applicable to the determination of this application. The Nature Conservation Officer has commented on the application and advises that the proposed buildings will not have a significantly adverse impact upon any habitats of nature conservation importance.

The application is supported by a woodland management plan, the implementation of which would be beneficial for the SBI. However, it is noted that the management plan makes reference to the treatment of the on-site wetland however no detailed proposals have been provided. Furthermore, the management plan also specifies the use of herbicide, which may not be appropriate within the SBI.

By leading to a nature conservation enhancement, the proposal complies with the objectives of policy NE11, which seeks to conserve, enhance and interpret nature conservation interests.

## **Highways**

The existing vehicular access from Chelford Road is to use to serve the proposed development, and parking for 5 vehicles will be provided within the site. Comments from the Strategic Highways Manager are awaited, however, the proposed access and parking arrangements are considered to be acceptable having regard to the existing use of the site. Comments from the Strategic Highways Manager will be reported to Members in an update.

## **Trees / Woodland**

The application follows pre-application discussion with the Council's Arboricultural Officer, and a Woodland Management Plan has been submitted, which sets out the way in which the woodland will managed over the next 10 years. Comments from the Arboricultural Officer are awaited, however, there is no doubt that the woodland would benefit from a programme of effective management.

By enhancing the existing woodland through the implementation of the management plan proposals, the proposal complies with the objectives of policy NE7 of the Local Plan, which outlines that the Council will seek to retain and enhance existing woodlands by woodland management.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Subject to the receipt of information from outstanding consultees, the proposed development represents inappropriate development in the Green Belt, which would also reduce openness. Whilst a package of benefits have been put forward as very special circumstances, for the reasons outlined within the report, these benefits are not considered to outweigh the harm caused by inappropriateness and by loss of openness. Accordingly a recommendation of refusal is made, for the following reason:

1. The proposal would reduce openness and is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.

Application for Full Planning

**RECOMMENDATION:** Refuse for the following reasons

1. Inappropriate development

# Location Plan

