

Application No: 12/0224C

Location: RUSHEY HEY, OAK LANE, NEWBOLD ASTBURY, CONGLETON,  
CW12 4RT

Proposal: Proposed Agricultural Workers Dwelling

Applicant: Mr & Mrs D & K Challinor

Expiry Date: 09-Mar-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Site History;
- Principle of Development;
- Policy Requirements of a Permanent Agricultural Workers Dwelling;
- Existing Agricultural Use;
- Assessment Against Policy Criteria;
- Other Suitable Properties within the Locality;
- Design;
- Impact on the Green Belt;
- Impact on Residential Amenity;
- Highways; and
- Ecology

**REFERRAL**

This application is to be dealt with under the Council's delegation scheme. However Councillor Bailey requested that it be referred to the Committee for the following reason:

*'This is a proposal that involves the building of a residence in the Green Belt, where strict and special circumstances apply. There is likely to be a debate on the issue, which ought to be aired before and within the planning committee.'*

**DESCRIPTION OF SITE AND CONTEXT**

The application site is located off Oak Lane, which is a narrow single track road which lies approximately 1km to the east of the A34 south of Congleton. The application site extends to approximately 2.6ha and is bounded on all sides by mature native hedgerow. There are currently a number of structures on the site including a portal farm building and a caravan, which the applicant currently resides in. The nearest residential property is located to the north of the application site. According to the Local Plan the application site lies wholly within the Green Belt.

## **DETAILS OF PROPOSAL**

This is a full application for a permanent agricultural workers dwelling and garage at Rushey Hey, Oak Lane, Newbold Astbury, Congleton

## **RELEVANT HISTORY**

1992 (8/23949/3) Application for livery stable and mobile caravan – withdrawn.

1992 (8/24595/3) Application for change of use of land from agriculture to the keeping of horses for non-agricultural purposes and change of use of existing agricultural building to housing horses and ancillary storage – withdrawn.

1993 (EA589) Enforcement notice issued requiring demolition of building, removal of materials and reinstatement of land. Complied with.

2002 (8/34588/3) Permission for proposed stable block.

2005 (05/0785/FUL) Permission for barn for housing of cattle and storage of feedstuffs, bedding materials and machinery.

2006 (06/0203/FUL) Application for siting of mobile home for residential purposes – withdrawn.

2009 (08/0725/COU) Refusal for change of use of part of land from agriculture to the stationing of a residential static caravan in connection with farm business and authority for enforcement action to secure the removal of the caravan from the land.

09/3220C – Stationing of Temporary Residential Caravan in Connection with Farming Business (Retrospective) (Resubmission of Previous Application 08/0725/COU) – Approved – 11<sup>th</sup> December 2009

## **POLICIES**

### **National Policy**

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development

PPG2: Green Belts

PPS3: Housing

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

### **Local Plan Policy**

GR1 General Criteria

GR2 Design

GR6 Amenity and Health

GR9 Accessibility, Servicing and Parking Provision

PS7 Greenbelt

H18 Dwellings Associated with Rural Enterprises

H19 Agricultural Occupancy Conditions

## **CONSIDERATIONS (External to Planning)**

**Contaminated Land:** No objections subject a contaminated land condition

**United Utilities:** No objections

**Highways:** No objections

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

Objects to the proposed development for the following reasons:

No approval should be given until a fully independent, professional sustainability appraisal has been carried out into all the agricultural aspects of the application, particularly finance.

The Appraisal provided with the application papers cannot be regarded as independent when in the first paragraph of the introduction it states” the purpose of the appraisal is to support a planning application in this respect”. The agricultural consultants are the same company which was employed for the previous applications.

The application is a request for approval for a permanent dwelling in the Green Belt. In addition to national planning policies, the application must therefore fully comply with local policies including Policy PS7 retained from the Congleton Borough Local Plan. The application must also be tested against the Local Policy Statement 7 in respect of Sustainable Development in Rural Areas.

Policy PS7 spells out the requirements to allow an agricultural dwelling in the Green belt which are expanded and detailed in Policy H6, viz “A dwelling required for a person engaged full time in agriculture or forestry.” It is therefore essential that a fully independent agricultural appraisal is provided so that the application detail may be fully investigated to determine if a full time involvement is necessary for such a small holding with little stock. It is suggested that a site visit be made before any final decision is taken so that members can see the extent of the holding and make a considered judgement regarding the full time need.

PPS7 requires that permanent agricultural dwellings are only appropriate in the Green Belt to support existing agricultural activities on well established agricultural units.

The definition of “well established” is that the enterprise has a minimum history of three years operation since establishment. There is therefore an anomaly in that temporary permission for the existing “dwelling” was only given in 2009, just over 2 years ago. This application admits that conditions put on that temporary approval have not been carried out.

It is a salient point that the accounts provided to back up the applications in both 2009 and 2012 are exactly the same despite a further two years having passed since the first application was submitted. As the proposed dwelling is for a full time agricultural worker, both capital and revenue costs of the dwelling have to be met from the profitability of the agricultural undertaking as the occupant will be employed full time by the agricultural undertaking. This fact does not appear to have been taken into account in the calculation of profitability and therefore sustainability.

Should approval be considered, then it is suggested that in the circumstances a further temporary approval be given to allow the existing temporary dwelling to remain for a further period of 3 years. This will enable the sustainability of the agricultural undertaking to be more accurately assessed than is possible with the presently supplied information.

It is also suggested that as previously imposed conditions have not been met that a condition be included that all previous conditions must be implemented within a period of 3 months from the date of temporary approval, which would be withdrawn should the conditions not be met in that timescale.

The economics of the sustainability aspects would not be affected by the presence or otherwise of an additional dwelling. Planning approval for a dwelling in the Green Belt has to rely on the agricultural viability of the independent assessment which can only be undertaken with all the relevant facts to hand.

## **OTHER REPRESENTATIONS**

No representations received

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

Agricultural Appraisal (Produced by Reading Agricultural Consultants dated January 2012)

## **OFFICER APPRAISAL**

### **Site History**

Rushey Hey farm operate a specialist pig rearing business from the site. Currently, the applicant resides in a temporary mobile home, to enable the business to operate successfully. Temporary planning permission was granted under application 09/3220C for two years. This consent has now expired (approved on 11<sup>th</sup> December 2009) and full planning permission is being sought for a permanent agricultural workers dwelling on the site.

### **Principal of Development**

The site is located within the Green Belt where under Policy PS7 (South Cheshire Green Belt) of the Local Plan only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The principal issues surrounding the determination of this application are the impact of the proposed development upon surrounding residential amenity, highway issues, the impact upon the character and appearance of the surrounding countryside and the potential impact upon protected species. It must also be assessed whether the functional and financial tests outlined in PPS7 and requirements of Policy H18 (Dwellings associated with rural enterprises) in relation to agricultural workers dwellings have been met with regard to the provision of an agricultural worker's dwelling on the site.

## **Policy Requirements of a Permanent Agricultural Workers' Dwellings**

The advice contained in PPS7, specifically Annex 1, and H18 (Dwellings Associated with Rural Enterprises) are the relevant policy context against which to assess the proposed need for the agricultural dwelling. PPS7 states that new residential development may be justifiable in the open countryside on the basis that it would enable a full time agricultural worker to live at or in the immediate vicinity of their place of work. Agricultural workers will be expected to live in nearby defined settlements unless there is an essential need to have a worker readily available on site to secure the viability of the enterprise. Whether it is essential to have a worker available on site is based on the needs of the enterprise and not the preference of the individual. Annex 1 in PPS7 outlines the relevant assessment to establish whether there is a case for a new dwelling to accommodate a worker. Permanent agricultural dwellings are only appropriate to support existing agricultural activities on well-established agricultural units and should satisfy the following criteria, listed below:

- there is a clearly established existing functional need;
- the need relates to a full time worker;
- the unit has been established for three years and profitable for at least one year, is financially viable and has a clear prospect of remaining so;
- the functional need could not be fulfilled by another dwelling on the unit or in the vicinity;
- other normal planning requirements.

The guidance in PPS7 indicates that there is an expectation that permissions for temporary workers' accommodation are likely to subsequently translate into applications for permanent accommodation. Consequently, local planning authorities are advised (Annex A para 13) that they should not normally give temporary permissions in locations where they would not permit a permanent dwelling. The critical questions to be addressed in the consideration of a transfer from temporary to permanent units of accommodation are therefore:

- (i) have there been changes in the scale and nature of the relevant enterprise such that there is no longer a functional need for the ready availability of a worker?;
- (ii) has the enterprise demonstrated the necessary requirements of financial sustainability?;
- (iii) have there been changes in the local housing market such that suitable alternative accommodation is now available?.

Policy H18 states that residential development is only acceptable in the Green Belt if the dwelling is required to satisfy a proven need in terms of the efficient running of the enterprise, security and long term viability. That no other dwellings or buildings capable of conversion, are available which could satisfactorily accommodate the need and the proposal is satisfactorily sited on, or in relation to, the enterprise and wherever possible and practical should be sited within a settlement or existing group of buildings.

### **Existing Agricultural Use**

As previously stated the applicant has spent considerable amounts of money in relation to equipment, buildings, land and stock. The enterprise on which the planning consent for temporary accommodation, namely the breeding and rearing of pigs, is clearly in existence and the agricultural unit is now well established. The applicants Pig Movement Record Book

shows that the relevant livestock have been present in increasing numbers on the unit since the autumn of 2007.

### **Assessment against Policy Criteria**

PPG2 advises that new buildings, subject to a list of exceptions, are inappropriate development in the Green Belt. Although buildings for agriculture are exceptions, a dwelling, even one for an agricultural worker, should not be considered as such a building. The proposal therefore amounts to inappropriate development in the Green Belt. Substantial weight should be accorded to this. As a new building, it will erode the openness of the site and therefore additional weight should be given to this harm. The impact on the visual amenities of the Green Belt is considered in the "impact on the appearance of the countryside" section of this report.

Inappropriate development should only be granted in very special circumstances. Those circumstances will only exist if the identified harm is outweighed by other considerations. The key question for Members in assessing whether very special circumstances exist should be to consider with there is a genuine need for the dwelling that could outweigh the harm to the green belt that has been identified. In making this judgment the assessment against the functional and financial tests in PPS7 is paramount.

PPS7 requires that a new permanent dwelling should only be permitted to support existing activities on well-established units. Existing functional need relating to a full time worker the test of functional need relates firstly to "*established existing needs*", and secondly to the need for the "*essential*" ready availability of labour at most times to ensure the proper functioning of a relevant enterprise. This is not intended as an absolute test but one which relates to the particular operational circumstances of an individual enterprise. The needs of particular enterprises can vary both between enterprises of different types and between enterprises of a similar type on different units. Examples of the circumstances which might give rise to a requirement for the ready availability of worker are given in para 4 to Annex A and include cases where:

"---animals or agricultural processes require essential care at short notice."

"---to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems".

Any livestock enterprise gives rise to supervisory demands arising from:

- (a) the general welfare of the animals involved;
- (b) the management of housed stock.

The applicant is required to demonstrate that it is essential for a full time worker to reside on the site or within the vicinity. The applicant has made substantial investment in land, buildings, equipment and stock. It is accepted that there is no evidence other than that of a genuine and substantive effort to develop a sustainable enterprise on the holding.

According to the agricultural appraisal produced by Reading Agricultural Consultants as to whether it is essential for the proper functioning of an enterprise for one or more workers to

be readily available at most times. The need to respond to animals requiring essential care at short notice is cited as an example of such a circumstance. National guidance goes on to state; however, that the protection of livestock from theft or injury will not be sufficient in itself to justify agricultural accommodation, although it may contribute on animal welfare grounds.

Another important consideration is the Governments guidance to the farming community relating to animal welfare. The Guidance emphasises the responsibility of those looking after animals to meet five basic needs, which includes freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behavior. The applicant goes on to state that any livestock unit should not be increased in size or established unless it is reasonably certain the stockman in charge will be able to safeguard the welfare of the individual animals.

The system of production at Rushey Hey Farm utilises the existing loose boxes as farrowing facilities for pregnant sows, which occupy them for about a week prior to giving birth, through a weaning and recovery period of up to five weeks. The young offspring are housed or transferred to open grazing. The older offspring and dry sows utilize the open grazing. The objective of the system is to manage the breeding cycles of the sows such that small batches of piglets are produced at regular intervals which can be weaned and reared in age related groups passing through the buildings and onto the land. There will, therefore, be no period in the year when there are no pigs about to farrow or having farrowed or young housed progeny on site.

Once the progeny are weaned they enter the second phase of operations, namely their rearing to the appropriate weight and condition prior to slaughter. It is acknowledged that the management of the breeding cycle, safeguarding the welfare of the farrowing sows, the protection of litters of newly born piglets and securing the well being of housed offspring are critical components of the stockman's role.

According to PPS 7 Annex A it is necessary to establish whether it is 'essential' for the proper functioning of the enterprise for one or more workers to be readily available at most times at the site of the proposed dwelling. It is accepted that there is a functional need for the worker to reside on the site in order to safeguard the welfare of the sows and her offspring. For example, it is an intrinsic role of the stockman's responsibility to regularly check on sows once they have given birth and when the piglets are being weaned. This is to make sure that morality is reduced, for example, making sure the sow doesn't inadvertently crush her young or some sows can react adversely to their litters. For these reasons it is important that a stockman is readily available.

These were the circumstances which led the local planning authority to accept that the scale and nature of the intended pig enterprise was such that the availability of the key stockman would be critical to its being realised and succeeding. Only if the current circumstances did not reflect the anticipated growth in scale of the enterprise would it be appropriate to review that conclusion. The applicant contends that this is not the case.

The applicant states that at the time of the temporary planning permission there were only three breeding sows on the unit and it was proposed to grow this core stock to 16 over a three-year period. There are currently 14 female animals in the breeding herd; 10 mature

sows and 4 immature animals. The business is not, however, at the end of the Business Plan period by which time there will be 12 mature sows and a further 4 immature animals. Therefore, the stocking of the enterprise is progressing in accordance with the Business Plan.

The Business Plan which was previously accepted by the Local Planning Authority predicated that the expectation that the agricultural activity involved would occupy just less than a full time worker, but that the additional capacity would be taken up with the value added activity associated with the marketing and sale of produce. It is considered that the essential functional need for the ready availability of a worker remains, and increases in stock numbers and the management of the enterprise generates a sufficient requirement for a full time worker.

### **Other Suitable Properties within the Locality**

It is noted that in granting planning permission for the temporary agricultural workers dwelling, the Local Planning Authority accepted that no alternative accommodation existed on the holding, and that residential opportunities in the immediate locality were limited. The applicant still contends that this is the case.

The area around the holding has a number of existing residential properties, which theoretically could provide a suitable base for the proper management of the holding in terms of having a worker being able to readily access the site. The case officer has conducted a search of right move and Zoopla and dwellings in the locality are being marketed at prices in excess of £500,000, which is more than quadruple the estimated cost of £100,000 to build the proposed dwelling. It is considered that the applicant has demonstrated that the agricultural workers dwelling cannot be accommodated within the locality.

According to GIS the nearest settlements of Astbury and Congleton are approximately 2 to 4kms from the holding and are accessed by a network of narrow lanes. It is accepted that the close supervision of livestock outside of normal working hours would not be practical from these locations. Overall, it is considered that there are no alternative properties within the locality, which could be afforded by the applicant and properties in Astbury and Congleton are too remote from the application and cannot be easily accessed. As such it is considered that the application satisfies the functional test of PPS 7 Annex A.

### **Financial Test**

The applicant is required to demonstrate that the agricultural activity has been established for three years, profitable for one year and has a clear prospect of remaining financially sound. The applicant has submitted a financial statement from Williams Cooper Accountants. The interim account for the year 6<sup>th</sup> April 2011 to 5<sup>th</sup> March 2012 (These are the latest set of accounts and are interim because it is not the end of the financial year) shows that the NET profit so far this year is £31, 332 and the NET profit for the year ending 5<sup>th</sup> April 2011 was £18,158. Furthermore, according to the agricultural appraisal by RAC states that in the first year of business the farm made a modest profit of approximately £7,000. The applicant is required to demonstrate that the agricultural activity which generates the need for the dwelling has been established for three years, which they have done. In order to fully accord with the criteria of PPS 7 Annex A the applicant should submit profit/loss and trading accounts which have been produced by either a certified/chartered accountant. The applicant has submitted

detailed accounts which appear to be a true reflection and include fixed assets, current assets, current liabilities, capital account, administrative expenses – including insurance, repairs and renewals bank charges etc.

Guidance from the former MAFF on the topic indicated that a financially sound business should be able to provide a reasonable return on all the inputs used which in the case of agriculture would include land, labour and capital. The methodology assumes that a minimum return to the land would be a value equivalent to the rental income attainable from the land; that the minimum agricultural wage (currently £14,000 to £15,000) would provide a reasonable return to labour; and that a reasonable return to capital employed in the agricultural sector would be 2.5%.

According to the summary of the accounts, the business has made a profit of £7,000 (2010), £18,158 (2011) and £31,332 (to date). According to the submitted agricultural appraisal the projected build cost of the proposed dwelling will be in the region of £100,000 and it is accepted that the farm business can support the cost on the projected profitability of the business. Overall, it is considered that sufficient information has been provided to show that the enterprise has been planned on a sound financial basis and as a result the proposal is in accordance with the financial test of PPS 7 Annex A.

## **Design**

The main issue in terms of the design is the size, bulk and mass of the proposed dwelling and its siting. Policy H18 states *'the proposal is satisfactorily sited on, or in relation to, the enterprise and wherever possible and practical should be sited within a settlement or existing group of buildings'* and policy GR2 (Design) which states that *'the proposal is sympathetic to the character, appearance and form of the site and the surrounding area'*.

PPS1 states that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

The footprint of the proposed 2 storey detached dwellinghouse is roughly rectilinear in shape (with some single storey elements located on the north eastern and south eastern elevations). The proposal measures approximately 8.2m deep by 13.3m long (at the widest points) and is 4m high to the eaves and 7.1m high to the apex of the pitched roof and will incorporate one chimney on the gable to give the property a vertical emphasis. On the south east elevation there will be a small single storey outrigger incorporating a small pitched roof porch, which helps makes the property appear less stolid. According to the submitted plans the proposed agricultural workers dwelling will be constructed out of facing brick, rendered at first floor level and under a concrete tile roof, details of which will be secured by condition, if planning permission is approved. It is considered that the scale and bulk of the property will not appear overtly prominent in this isolated position and will not appear overly visible at both short and long ranges. Overall, it is considered that the design of the property of a traditional cottage appearance in keeping with its location and the proposal accords with policy GR2 (Design).

There are numerous windows on the various elevations which help to maintain the brick to glazing ratio. The majority of the windows have lintel and cill details, which help to improve the character and appearance of the building. The windows are all of a similar design, scale, and proportion and will not appear as alien or obtrusive features. The windows on the whole retain the visual hierarchy with larger ones at ground floor level and smaller ones at first floor level. The proposal incorporates a number of small pitched roof dormer windows (three on the front elevation and two on the rear elevation), which help to break the massing of the building.

Internally the majority of the accommodation will be at ground floor level and will comprise of lounge, office, cloakroom, utility room, hall and kitchen/breakfast room. The first floor accommodation will comprise 3no. bedrooms one with en-suite and a bathroom.

There are no policies within the Congleton Local Plan referring to a size restriction for a new agricultural worker's dwelling. The plan directs users to the requirements within Annex A of PPS 7 when assessing the size of an agricultural worker's dwelling, which states that an '*agricultural dwelling should be of a size commensurate with the established functional requirement*'. According to the submitted plans the total floor area of the proposed agricultural workers dwelling measures approximately 149msq. It is considered that the proposed dwellinghouse is not overtly large in relation to the size of the holding and the proposal is in accordance with guidance advocated within PPS 7.

#### *Detached Garage*

The proposed detached double garage will be located to the north of the applicants property and will measure approximately 6m wide by 6m deep and is 2.4m high to the eaves and 5.1m high to the highest part of the roof. The garage will incorporate a hipped roof design, which will help to reduce its overall bulk and massing. It is considered given the location of the garage set well back into the residential curtilage the proposed structure will not appear overly obtrusive.

The footprint of the proposed structure is primarily rectangular in form and the total footprint of the building is approximately 36sqm. It is considered that the scale and massing of the proposal is in keeping with the host property and the area. The proposed garage will be constructed out of timber under a slate roof. The proposed garage will be open faced on three sides. Whilst encouraging good design, PPS 1 says that planning authorities should not attempt to impose architectural styles and particular tastes, or be unnecessarily prescriptive. In this case, the case officer is satisfied that the proposal represents an acceptable design solution in the context of existing development.

#### **Impact on the appearance of the countryside**

According to PPS 7 'Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings' (PPS 7 Annex A). It is acknowledged that the proposed dwelling will be visible from Oak Lane. The proposed agricultural workers dwelling will be located in the middle of the application site adjacent to a field boundary. The proposed garage block will be located to the north west of the agricultural workers dwelling. The existing poly tunnel will be removed and the agricultural workers dwelling will be sited upon it. There will be two parcels of grassed area located to the north west of the garage block and south east of the proposed agricultural workers dwelling. It

is not considered that the residential curtilage as proposed is excessive and the location does not spread the built development further into the open countryside. PPS 7 clearly states that the 'Countryside must be protected for its own sake'.

The proposed development will be visible from a number of short and long distance views and the proposal would appear detached from other properties in the locality. It is accepted that the proposed built development could not be constructed on the land adjacent to the north east as this is used for by the applicant for agricultural purposes. The case officer noted that to the north of the application site is a modern portal frame barn and as such the proposal will not appear as an wholly isolated feature. It is considered that the proposal consolidates the built development and the proposal will not detract from the character and appearance of the Green Belt.

### **Impact on Residential Amenity**

The impact upon the residential amenity of nearby residential properties is also a consideration in particular Well Cottage, which is located to the north of the application site. There is a distance in excess of 240m separating the proposed agricultural workers dwelling and Well Cottage. Therefore, given the separation distances involved the proposed development will have a marginal impact on the residential amenities of the occupiers of this dwelling. Furthermore, there is a mature hedgerow which will help to screen the proposal and mitigate against any negative externalities. The effect on residents of other houses nearby would be negligible and as such the proposal is considered to comply with policy GR6.

### **Highways**

As previously stated the proposed agricultural workers dwelling will have two off road car parking spaces which are located to the north of the proposed dwellinghouse. According to the Local Plan the proposed dwelling will require a maximum of two car parking spaces; therefore, the proposal is in accordance with this policy. The case officer considers that there is sufficient space for vehicles to manoeuvre and access/egress the site in a forward gear. Colleagues in Highways have been consulted regarding the application and they do not have any objections subject to a condition relating to access arrangements. It is considered that there is insufficient justification to warrant a refusal on highway safety grounds and sustain it at any subsequent Appeal.

### **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and

- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

It was noted that there was a pond in close proximity to the application site and as such the proposal could have a detrimental impact on Great Crested Newts. However, the Councils ecologist has been consulted and states *‘that there does not appear to be any direct habitat links between the pond and the proposed development site and the pond is shaded which may reduce its suitability for Great Crested Newts. Considering the small nature of the development and the relatively limited value of the habitat lost I do not feel that a survey is justified under PPS9 in this instance’*. Consequently, it is considered that the proposal accords the policies in the Local Plan and advice advocated within PPS 9.

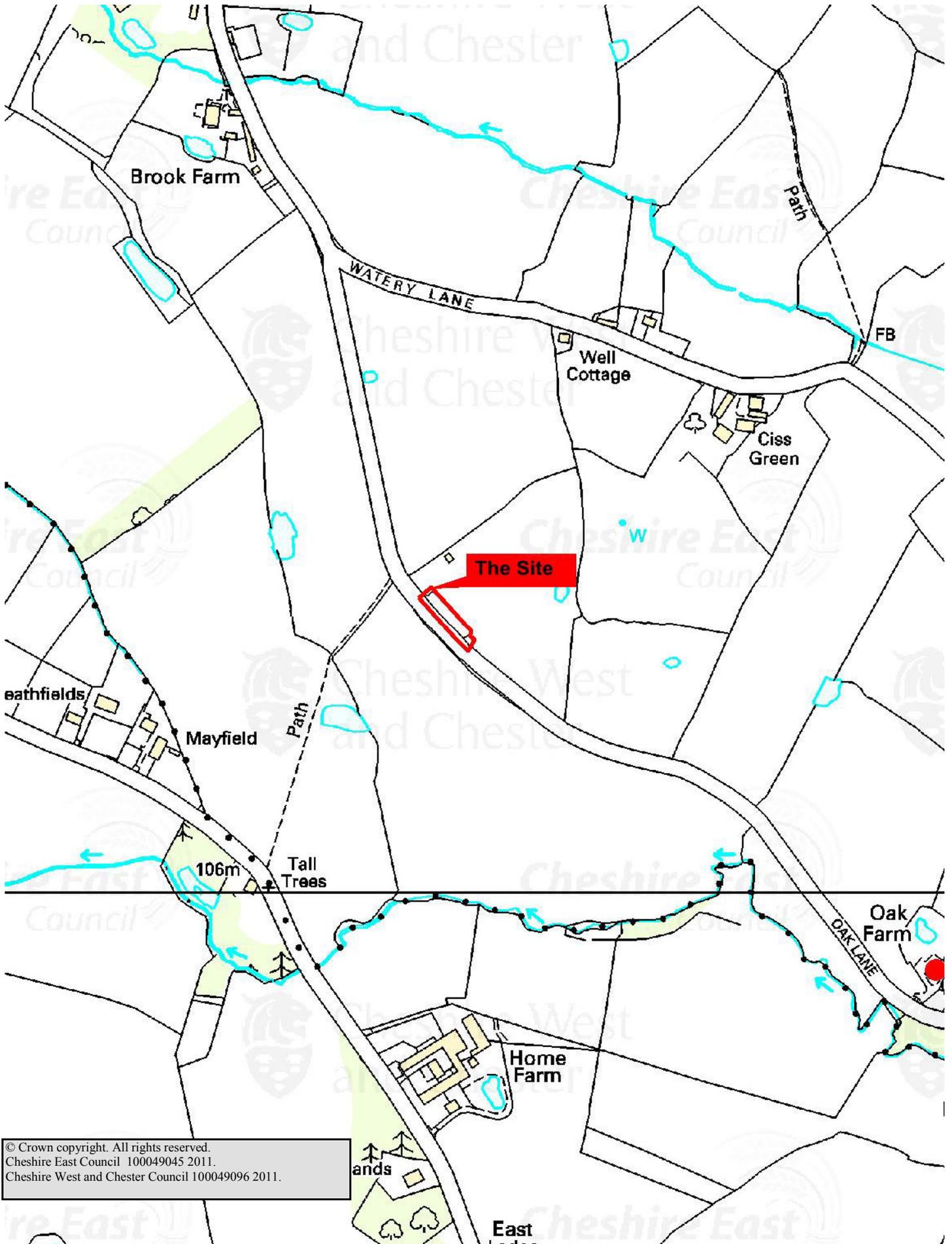
## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposal represents inappropriate development in the Green Belt which will erode the openness of the green belt, although the visual impact is limited. The applicant has demonstrated why a dwelling is necessary for the functioning of the farm enterprise and has justified why a location in the Green Belt is essential. It is therefore considered that the very special circumstances to justify inappropriate development exist in this case. In addition the proposals as conditioned will not have an adverse impact on highway safety or residential

amenity. The proposals therefore accord with policies GR1 (General Criteria), GR2 (Design), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), PS7 (Greenbelt), H18 (Dwellings Associated with Rural Enterprises) and H19 (Agricultural Occupancy Conditions) of the Congleton Borough Local Plan First Review 2005.

**Approve subject to conditions:**

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Landscaping Submitted**
- 5. Landscaping Implemented**
- 6. Boundary Treatment**
- 7. Surfacing Materials**
- 8. Drainage**
- 9. Remove PD Rights**
- 10. Agricultural Worker**
- 11. Land Contamination**
- 12. Car Parking Spaces**
- 13. Timber Windows/Door**



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