

**Application No:** 12/0721M

**Location:** MANOR FARM, SEVEN SISTERS LANE, OLLERTON

**Proposal:** DEMOLITION OF 3 EQUESTRIAN AND AGRICULTURAL BUILDINGS AND CONSTRUCTION OF A NEW BUILDING PROVIDING EQUESTRIAN FACILITIES AND A AGRICULTURAL BUILDING

**Applicant:** A CALLWOOD

**Expiry Date:** 23 MAY 2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES**

- Impact upon the Green Belt
- Impact on Protected Species
- Impact on Listed Buildings
- Highway Safety
- Amenity

**REASON FOR REPORT**

The application has been referred to the Northern Planning Committee as the proposal is for a small scale major development (the floor area of the proposed building is approx 2770 sq. m).

**DESCRIPTION OF SITE AND CONTEXT**

The application site is known as Manor Farm which comprises a Grade II listed building and curtilage listed barn and three modern agricultural buildings. The site is accessed via a track taken from Seven Sisters Lane which is located outside of the village of Ollerton within the designated Green Belt.

## **DETAILS OF PROPOSAL**

The proposals relates to the demolition of the existing equestrian/ agricultural buildings (the retention of the curtilage listed building) and the construction of a replacement building in agricultural and equestrian use measuring 67.9m x 42.7m reaching a height of 8.4m.

## **RELEVANT HISTORY**

99/1789P retention of manege, access track, hardstanding, canopy over storage area and change of use of agricultural building to stable block approved with conditions 3/11/99

It should be noted that a separate (retrospective) application relating to the importation of inert waste to even out the levels across the site has been submitted however this has not as yet been determined.

## **POLICIES**

### **Regional Planning Policy**

As part of its stated commitment to protecting the environment the Government decided to carry out an environmental assessment of the revocation of the existing regional strategies, on a voluntary basis. It is the Government's clear policy intention to revoke existing regional strategies outside London, but this is subject to the outcome of environmental assessments and will not be undertaken until the Secretary of State and Parliament have had the opportunity to consider the findings of the assessments.

The regional strategy whose revocation is proposed is the *North West of England Plan Regional Spatial Strategy to 2021*, published in September 2008. The environmental report on the revocation of the North West of England Plan was undertaken on 20 January 2012. As the abolition of the RSS is imminent, the policies within the RSS are given limited weight. In any event, the policies are listed below:

#### *North West of England Plan Regional Spatial Strategy to 2021*

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase

Policy DP 6 Marry Opportunity and Need

Policy DP 7 Promote Environmental Quality

Policy DP 8 Mainstreaming Rural Issues

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas  
Policy RDF 4 Green Belts  
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision  
Policy RT 2 Managing Travel Demand

### **Local Plan Policy**

The policies within the Macclesfield Local Plan 2004 have been 'saved' by the Secretary of State prior to the production of the Cheshire East Local Plan.  
Para 215 of the NPPF indicates that relevant policies in existing plans will be given weight according to their degree of consistency with the NPPF.

The following policies are relevant:

NE11 Nature Conservation  
BE1 Design  
GC1 New Buildings  
DC1 New building  
DC2 Extensions and alterations  
DC3 Amenity  
DC6 Circulation and access  
DC8 Landscaping  
DC9 Tree protection  
DC13 Noise  
DC28 Agricultural Buildings  
DC32 Equestrian facilities  
DC37 Landscaping

### **Other Material Considerations**

National Planning Policy Framework  
Equestrian Strategy

### **CONSULTATIONS**

**Manchester Airport** – no objections

**Ollerton Parish Council**- We also understand that following your own site visit the positioning of the new proposed building has been moved a little nearer to the Farmhouse. We felt that the proposals were very reasonable and would make the dual running of the farm business and the equestrian facility more practical and safer for all concerned. The Applicant made it very clear to us that he wants to retain the existing listed buildings in their present form making them as useful as possible.

We have not received any objections from neighbours and are pleased to support the two applications

**English Heritage**- no objections

**The Strategic Highways Manager – no objections**

## **OTHER REPRESENTATIONS**

None

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted to accompany the application:

Design and Access Statement  
Ecological Survey  
Heritage Statement  
Agricultural Valuers Report

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposals relate to the demolition of three existing buildings on the site, one is in agricultural use, one is in equestrian use and the other is in mixed use for both purposes. There is a further building on the site which is curtilage listed which contains equestrian facilities however whilst the facilities within this building are to be replaced, it is not proposed to demolish this building.

The Framework indicates that the replacement of an existing building in the same use which is not materially larger is an appropriate form of development within the Green Belt. The key issue is a) whether the demolition of three buildings and the construction of a replacement building represents the replacement of a building in the same use b) if the replacement building is materially larger and if so c) do very special circumstances exist which justifies the development and also d) the impact on the openness of the Green Belt.

These issues are considered below.

### Replacement Building

Whilst the building is considered a replacement building it is not replacing one building but three and whilst would be in mixed use rather than just one use, it is considered that this is in the spirit of the meaning of para 89 and would therefore represent an appropriate form of development (provided that the new building is not materially larger than the buildings it replaces).

### Materially Larger

The determination of whether a building is materially large is a matter of fact and degree and it is considered necessary to consider the agricultural element, the equestrian element and the building as a whole.

### *Agricultural Element*

The existing agricultural buildings are utilised for the storage of hay and agricultural equipment. The applicant has submitted a report which indicates that dairy farming at the site ceased in 2001 due to foot and mouth however cereal growing continued along with diversification into equestrian activities. The applicant farms approximately 120 acres which is utilised for grazing of horses (equestrian use not agriculture) and producing hay and haylage to serve on farm equestrian clients and farmers and horse owners within a 20mile radius. 30 acres is devoted to cereal growing, grain being stored on site following harvest for sale throughout the year and straw being baled stored and sold to farmers throughout the year. In addition 150 acres is rented from other farms, and a further 150 acres of combined cereal straw is purchased from other farmers for re-sale. Until 2010 the applicant rented 70 acres of land in Over Peover including a storage facility:- whilst the land and storage facility is no longer available, the applicant has rented an alternative site but without a storage building.

The report indicates that a secure covered storage required for machinery as the Existing storage facilities in poor condition traditional building unsuited to modern farming practices. The report estimates that a floor area of 1590 sq. m is required for the existing needs of the business. The building would provide 1630 sq. m which is only 40 sq. m over what is necessary. Whilst the existing agricultural floorspace at the site is 950.48 sq. m and the proposed floorspace is therefore approximately a 60% increase over this figure, The Framework indicates that a new building for agricultural purposes would represent an appropriate form of development therefore, this increase would be an appropriate form of development within the Green Belt.

### *Equestrian Element*

There are 42 stables on site (approximately 8 more have been added in the last 2 years however these are not exempt form enforcement action and therefore do not represent a fallback position):- 14 are within the traditional brick and slate building with a further 10 in a separate building and 18 within the mixed use building. The equestrian element of the existing business received consent in 1999 and, with the exception noted above, is lawful.

The proposals relate to the construction of lean –to elements attached to a central section to be utilised for agricultural storage:- the building would contain 42 stables and a floor area of 1140 sq. m. This is below the existing floor area of 1282.67 sq. m. As such, the number of stables is a like for like replacement and the proposals represent a slight reduction in equestrian floorspace. It is duly noted that the proportions of the stables do not reflect the guidance within the Equestrian Strategy SPG. This stipulates a maximum height of 3.4m whereas the proposed lean-to elements would have an eaves height of 3.8m. That said, this is to ensure that the proposals take into consideration the welfare of the horse and minimise the impact upon the openness of the Green Belt. It should however be noted that a) the eaves height is only marginally above that stipulated within the equestrian strategy b) the benefit to the openness of the Green Belt by reducing the height of these elements of the building would be negligible owing to the overall size of the building and c) the configuration of the existing buildings results in eaves and ridge heights which already breach the guidance within the Equestrian Strategy. Turning to the size of the stables, these are marginally longer than the

figures stipulated within the Equestrian Strategy. That said, these dimensions are minimum figures and the proposed dimensions are shorter in length than a number of the existing stables and the building would contain a mix of stable sizes to ensure the facilities cater for a range of different horses. On that basis, it is considered that the equestrian element would not be materially larger than the buildings to be replaced.

#### *Overall Impact of the Proposed Building*

The equestrian element is broadly a like for like replacement of the floorspace and heights/proportions, and is therefore considered not to represent a materially larger component and the increase in respect of the agricultural floor area is an appropriate form of development given that The Framework notes that a new build element in this regard would be appropriate

Turning to proportions, the building would be longer and wider than the existing buildings as it is consolidating the footprints of the existing buildings within one larger building. The height of the existing is 7.2m and this would be increased to 8.4m. In the context of the existing buildings on the site and the relative height of modern agricultural buildings it is not considered that the increase in height is material.

#### Openness and Visual Impact

It should also be noted that the existing conditions at the site are unsightly due to machinery and other agricultural equipment being stored in the open air and the provision of a number of storage containers which are used as tack rooms and have been used in this capacity for over four years and are therefore highly likely to be lawful. If this would then be stored in the proposed building, there would be a benefit to the openness of the Green Belt. This could be secured via condition in the event of approval.

Consolidating the floorspace within one building would improve the setting of the listed building and the openness of the Green Belt.

The proposals therefore represent an acceptable form of development within the Green Belt subject to conditions securing the improvements to the setting of the site as noted above and requiring the removal of the existing buildings.

#### **Protected Species**

The existing ponds are potentially suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

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.”

Para 118 and 119 of the Framework advises LPAs that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered. In addition it indicates if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

The Framework encourages the use of planning conditions or obligations where appropriate. 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.

The protected species survey indicates that there would be no impact upon Bats, Great Crested Newts, Barn Owls and Nesting Birds. The Council’s ecologist has indicated that as no evidence of protected species, except breeding birds, was recorded during the survey and provided that a condition requiring a details bird survey is attached to any permission granted, there would be no significant ecological issues associated with the proposed development.

It is therefore considered that the proposals as conditioned would accord with policy NE11 and guidance within the Framework.

### **Listed Building Considerations**

The farmhouse is Grade II listed constructed circa 1670 and the two storey brick barn is curtilage listed. That said, this building appears to be a later addition although the architectural character and quality of the brickwork indicates that this is a traditional Cheshire brick barn constructed in the later part of the 18<sup>th</sup> century. It is nonetheless a heritage asset in

its own right as in terms of listed building legislation the barn has the same level of protection as the farmhouse.

The buildings to be demolished are not attached to either listed building and were added after 1945 and therefore listed building consent is not required for the demolition of the buildings. In addition, these buildings are not significant to the setting of the listed building whilst significance derives not only from a heritage asset's physical presence but also from its setting, these are modern agricultural buildings constructed of corrugated zinc panels and steel frames which are utilitarian and unattractive and these do not contribute towards the significance of the setting of the building. The significance of the setting of the listed building relates to its relationship with the public vantage points along Seven Sisters Lane and the historic relationship with its curtilage barn and the historic use of the site as a farm. The Heritage Statement correctly identifies the significance of the heritage assets and indicates that the removal of the modern structures would have a beneficial effect on the setting of the listed farmhouse and the traditional group. The positioning of the new replacement farm/equestrian building would simplify the layout and by avoiding a close overbearing relationship with the traditional brick barn (that exists at present) and would therefore have a beneficial impact compared to the existing structures. It is considered that the significance of the setting to the listed buildings would be improved, and would therefore accord with guidance within the Framework.

Whilst there are concerns that providing replacement facilities for the accommodation within the existing traditional Cheshire brick barn could undermine the long term retention of the building if it is to be left vacant, the applicant has submitted a pre-application enquiry expressing an interest in converting the building to alternative uses. It is therefore considered that as there is an intention to secure an alternative use for the building, and given that the building is no longer suitable for it to be continued to be utilised for agricultural or equestrian purposes, that the construction of a replacement building would not significantly undermine the long term retention of this building.

### **Highway Safety**

The access arrangements are to remain as existing and the plans submitted demonstrate that there is sufficient space for vehicles to maneuver and exit the site in a forward gear within the confines of the site. The floorspace of the equestrian element would remain similar and it is considered that the resultant increase in vehicles resulting from the increased agricultural floorspace would not have an adverse impact upon highway safety. In this regard it should be noted that there are no objections from the Strategic Highways Manager.

The proposals would therefore not raise any concerns in respect of highway safety.

### **Amenity**

The isolated nature of the location and the proximity of neighbours negate amenity issues.

### **Design Standards**

The existing buildings are utilitarian in appearance, unattractive and make no positive contribution to the setting of the listed buildings. The replacement building is large and would

be a modern agricultural building however this building would match the functional requirements of modern farming practices unlike the existing buildings, and by consolidating the existing floorspace of the buildings the setting of the listed building and the openness of the Green Belt would be improved by reducing clutter.

Subject to a condition requiring details of materials, it is considered that the proposed building would be in keeping with the rural nature of the surroundings.

### **Other Matters**

There are a number of hedgerows and small trees located in close proximity to the proposed building however these do not make a significant contribution to the character of the site and the loss of these hedgerows and trees would not have an adverse impact upon the character of the area. It is however considered appropriate to condition the submission of a landscaping scheme to ensure that the setting of the building is improved.

There are a number of discrepancies within the submission however this has been taken into consideration and has not affected the recommendation on the application.

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

As noted above, it is considered that the proposed replacement building represents an inappropriate form of development within the Green Belt but very special circumstances have been put forward which justify this. In addition the proposals would not have an adverse impact upon heritage assets, protected species, highway safety, amenity, trees and represent an appropriate design in keeping with the purpose the building would serve. As such it is considered that the proposals would accord with policies NE11, BE1, GC1, DC1, DC2, DC3, DC6, DC8, DC9, DC13, DC28, DC32 and DC37 of the Macclesfield Local Plan 2004 and guidance within the Framework.

A recommendation of approval is therefore made subject to the following conditions:-

1. submission of details of materials
2. submission of landscaping scheme
3. landscaping implementation
4. removal of existing buildings and storage containers
5. ground level details
6. uses as specified in application
7. further surveys if works to take place during bird breeding season
8. removal within three months of use ceasing

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