

Application No: 12/1073N
Location: TOP END FARM, BARTHOMLEY ROAD, BARTHOMLEY, CHESHIRE,
CW2 5NT
Proposal: RETENTION OF EXTENSIONS TO AGRICULTURAL BUILDINGS
Applicant: MR MARK ABELL
Expiry Date: 11-May-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Principle of Development
- Impact on Character, Appearance and Openness of Green Belt
- Impact on Amenity of adjacent properties
- Impact on Highway Safety

1. REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee at the discretion of the Head of Development due to the sensitive issues surrounding the site. The application was deferred from the last meeting to allow consideration of additional information received in respect of the application and to allow consultation with nearby properties.

2. DESCRIPTION OF SITE AND CONTEXT

The application site forms a farm complex located within the Green Belt as defined by the Local Plan Proposals Map. The site comprises a mixture of traditional brick and more modern portal framed buildings. The site is accessed via a track from Barthomley Road which is also the route of a Public Right of Way along its length (Crewe Green Footpath 3). To the north of the farm complex is a railway line.

Several operations are being carried out at the site including a beef cattle farm, agricultural fertiliser spreading operation, and a concrete panel making process. Not all processes and buildings on the site are authorised.

3. DETAILS OF PROPOSAL

This application seeks the retention of unauthorised extensions to the buildings at Top End Farm. This application seeks retention of:

- An extension of two attached buildings to their eastern elevation comprising 12m x 42.6m with a total footprint of 511.2m² and volume of 4058.52m³
- An extension to the western elevation of one of the buildings comprising 18.2m x 6.5m with a total footprint of 118.3m² and a volume of 650.65m³

The unauthorised extensions represent a 38.5% increase above the size of the authorised buildings to which they are attached.

4. RELEVANT HISTORY

11/2209N – Certificate of Lawfulness Approved for Use of Farm for the Storage, Blending and Adaption of Fertilisers for Sale 13th January 2012.

10/4960N – Retrospective planning application withdrawn for a Change of Use from Agricultural Use (Beef Farming) to a Concrete Panel Business on 23rd December 2010.

P07/1104 – Planning permission approved for Agricultural Building for Storage and use as Workshop, open topped Crop Storage on 16th November 2007.

P06/0450 – Consent approved for Erection of Agricultural Silage Building Relocated from Limes Farm on 2nd June 2006.

P95/0052 – The Local Planning Authority did not object to the erection of an agricultural building subject to a landscaping scheme in 2005.

P94/0981 – The Local Planning Authority objected to the erection of an agricultural building in 2004.

5. POLICIES

National Planning Policy

National Planning Policy Framework (2012)

Local Plan Policy

NE.1 Development in the Green Belt

NE.14 Agricultural Buildings Requiring Planning Permission

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.5 Infrastructure

6. CONSULTATIONS (External to Planning)

Environmental Health – No objection subject to building only being used for purpose outlined in report

Environment Agency – No objection (falls outside remit)

7. VIEWS OF THE PARISH COUNCIL

None received at time of writing report

8. OTHER REPRESENTATIONS

Two Petitions each containing 15 names objecting to proposed scheme. The salient points being:

- Extensions not needed for farming activity as they are currently used for concrete manufacturing process,
- Huge expansion of buildings over the years and unauthorised activity,
- The farm has more space than it is reasonably expected to need,
- Unsightly buildings,
- Greenbelt land,
- Barthomley Lane is narrow and is unsuitable for largescale activities at Top End Farm,
- Grass verges have been destroyed,
- Risk of landslide and crack in railway bridge,
- Households impacted by noise, vibration and dust.
- Unauthorised extensions represent a 50% increase in buildings
- Previous buildings were not needed or required for agriculture as used for concrete panel making operation
- Land at Alsager, Noel End Farm, and Arclid in different ownership
- No field numbers for Mow Cop site
- Herd of 500 cattle would use 150 tons of gypsum and 200 tons of straw per annum. Balance is more likely to be associated with the business use of RMA Cattle Bedding Services
- Land for potato is sub let to a large producer who rents land in many locations, concern that Top End Farm is to become a regional storage centre which would have big impact on traffic
- 2000 tons of potatoes would require more than 100 acres. The maximum capacity at Top End Farm is 750 tons
- 1000 head herd would require 820 acres of pasture (re NVZ legislation). Maximum capacity, assuming 750 ton production of potatoes is 168 head of cattle.
- Feed would be 168 tons and this can be in the open crop storage site
- Proposed operations can be easily accommodated in existing buildings.

Objection received from neighbour citing e-mails from Cheshire East Council Highways. The Highways e-mails state that:

“Slow moving vehicles existing from the main access, as there is poor forward visibility for approaching vehicles, Congestion in terms of size of vehicles in relation to road widths, Mud and debris on highway, Verge Damage, Kerb Damage, Dust, Pollution, Operational hours,

Vehicle numbers. The road also has a weight restriction for access only, which means that any large vehicle gaining entry to Top End Farm (for a business without planning consent), will technically be breaking the weight restriction” and second e-mail reading,

“After reviewing the photographs on the CD you’ve provided, I agree that the intensification at Top End Farm in terms of vehicular movements in relation the fabrication business is causing major problems in and around this area and is detrimental in terms of highways safety.

For the highways authority to support an application for the fabrication of concrete panelling at this site, vehicle numbers in relation to the business would have to be set and the operational hours restricted. The access into the site would have to be constructed to an adoptable standard to reduce the amount of debris coming onto the adopted highway with passing bays provided along the lane.

Turning movements will need to be demonstrated at the junction of Barthomley Road and Butterton Lane as the pictures provided clearly show HGV’s having to cross the verge and kerbed junction when exiting right”

9. APPLICANT’S SUPPORTING INFORMATION

Design & Access Statement

Additional Information (dated May 2012)

10. OFFICER APPRAISAL

Principle of development

The National Planning Policy Framework requires consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy within the Local Plan.

In general terms within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development in its Core Principles through, inter alia, proactively driving and supporting sustainable economic development, while seeking good design and a good standard of amenity, and also protecting Green Belts and recognising the intrinsic character and beauty of the countryside.

In addition paragraph 28 states that support should be given to economic growth in rural areas by adopting a positive approach for sustainable new development to promote a strong rural economy. In particular by promoting the development and diversification of agricultural and other land based rural businesses.

Section 9 of the NPPF identifies that the aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt is its openness and permanence. The NPPF identifies that inappropriate development is harmful and should not be approved except in very special circumstances. Very special circumstances only exist where

the harm is outweighed by other considerations. New buildings in the Green Belt are inappropriate with the exception of, inter alia, buildings for agriculture and forestry.

Policy NE.1 also identifies that development in the Green Belt is inappropriate unless it is for agriculture and forestry, amongst others. This Policy is therefore in accordance with the NPPF in this respect. Policy NE.14 is supportive of the creation of agricultural buildings which are justified, designed appropriately, take into consideration the impact on the landscape and also do not adversely affect the amenity of surrounding uses. It is therefore considered that this Policy also conforms with the principle of sustainable development contained within the NPPF and should be afforded significant weight in the consideration of this application. An unjustified building which is not essential to the agricultural operation or the viability of the operation must be considered to be inappropriate development.

Justification for Development

The application seeks the retention of unauthorised extensions to buildings at the Top End Farm complex. The existing operations at the farm are said to be cattle farming and an ancillary agricultural fertiliser business. However, also included at the site is an unauthorised operation of concrete panel making. The original buildings, of which the extensions are the subject of this application, were constructed as agricultural buildings however in the main have not been used for those authorised purposes and have also been extended. Enforcement action has been taken against the unauthorised concrete panel making facility and extensions; it is understood that an agreement is in place for this operation to vacate the premises by the end of September 2012. However, the retention of the extensions requires regularisation through the approval of a planning application. When this application was initially taken to Southern Planning Committee the justification for the retention of the extensions was extremely limited.

It appears that there was no agricultural demand for the use of the buildings for their lawful purpose following their construction, hence the introduction of an unauthorised industrial use. Consideration needs to be given to the existing and proposed business operations to justify the retention of these extensions as being essential development to the agricultural operation. The unauthorised extensions that are the subject of this application represent a 38.5% increase in footprint to the existing buildings (not the 11% asserted by the applicant) and represent a significant increase over the existing building.

The additional information now submitted outlines a business plan for the site following the removal of the unauthorised activities at the site.

The existing business operations at the farm comprise a mixed operation of rearing beef cattle, the growing of crops for animal feed and bedding, and the growing of potatoes. In more detail this comprises:

- A cattle herd on the farm ranges of 350 to 650 head, with space within the existing sheds for 140 head of cattle.
- Growing of grass for hay, barley, fodder beet, turnip and waste potatoes. Further feed is bought at harvest and stored in the buildings. Further dry feed is also brought in and stored at the site.
- Storage is also required for bedding of 300tonnes of straw and 1000 tonnes of gypsum

- Potatoes are grown on the farm but stored and marketed off site. 2000 tonnes are grown annually.
- One building on the site is also used for agricultural fertiliser, this, at its current level is ancillary to the primary agricultural operation.

It is the applicant's intention to increase the beef operations on the site. Calves will be bought and reared from an earlier age and fed in the farm buildings. Calves can then be put on the farm fields before finally being brought into the buildings for fattening in the last few months, as at present. The handling of additional younger stock will require additional building space. This will take place within one of the extended building which are the subject of this application for the rearing of up to 300 younger calves. There is insufficient space within the existing buildings to do this and there are general health and welfare issues. In addition this would require additional space for feed and bedding.

The extended buildings would also be used for the storage of potatoes which are also grown on the farm. Further to the additional feed and bedding demands of the operation the farm also requires workshop space and storage space for equipment and machinery. It was for these reasons that the extended buildings were permitted initially.

The submitted information identifies that the farm comprises some 250 acres. Further to this, there is an additional 114 acres of land which is owned or rented and helps support the farming enterprise at the site. All of this land is subject to a claim for the single farm payment.

The submitted information identifies that the unauthorised extensions would be used for the purposes of agriculture, which is the lawful use of the site. The proposed extensions would accommodate the additional housing required for an extended beef farming operation, while also provide for storage space required for feed and bedding, along with potatoes which are not stored at the site. The NPPF encourages the promotion of the development of agricultural businesses.

Questions have been raised through representations received about the figures used to support the application. It is stated that the level of gypsum and straw suggested is greater than what would actually be required for the proposed herd and therefore would be used in association with a business use at the site. It is also stated that the maximum potato production at the farm is approximately 750 tonnes. Finally it is also stated that a herd of 1000 head would require 820 acres of pasture and the maximum capacity for the beef operation would be 168 head of cattle (assuming 750 tonnes of potatoes). It is also stated that some of the other land referred to is not part of the enterprise.

While there may be some questions raised over the figures submitted it should be acknowledged that the existing buildings have consent for agricultural operations for storage and workshop purposes. An increase in agricultural operations at the farm, through an increase in head of cattle, storage for potatoes, storage for the additional bedding and feed, along with the necessary storage of machinery and workshop space would require additional floorspace. In addition, the application has been supported by a letter from a vet which states that the older buildings are not suitable for the housing of younger animals. The newer buildings are more suitable as the ventilation and air space available per calf is much greater and more efficient. The letter also identifies that the extra space available will allow for the expansion of the beef

unit and facilitate better all round welfare and productivity of the animals. In the light of this it is considered that there is justification for the retention of the buildings for agricultural purposes.

With regard to expansion of business operations a condition can be attached to any approval that these extensions are used strictly for the purposes of agricultural activities at Top End Farm and for no other commercial operation.

It should be noted that the silage clamp has also been extended and this does not form part of this application. Regularisation of this is also required.

Impact on Character, Appearance and Openness of Green Belt

Agricultural operations within the Green Belt are appropriate. It is now considered that the retention of these extensions have been justified to support the expansion of the agricultural operations at the site.

In terms of their impact on the Green Belt, the two main extensions are sited on the courtyard side of the building. As such these would be seen in the context of the existing authorised buildings on the site. Their impact on the wider openness of the Green Belt is therefore limited.

A lean to extension is sited to the rear of the buildings. This is a much smaller and subservient addition to the building to which it is attached. The extension is also seen in the context of the farming complex, and again therefore its impact on the openness of the green belt is limited.

The external appearance of the extensions are agricultural in nature, with the larger extensions matching the appearance and design of the host building. The external appearance of the buildings is considered to be appropriate to its rural location and for the agricultural nature of the operation.

Impact on the Amenity of adjacent properties

The nearest non-farm residential property is sited 230m to the west of the farming complex opposite the access drive to the farm. This property is of sufficient distance away from the application proposals not to be affected by loss of daylight or overbearing. While there may be an increase of farm traffic to and from the site this is the established/authorised use of the complex which is appropriate to its rural location and it would be unreasonable to refuse the application on noise and disturbance grounds.

Concern has been raised with regards to dust generated from the site. It is not clear whether this is created from the authorised farm traffic or traffic relating to the unauthorised activities at the site. No objections have been received from Environmental Health with regard to the application proposals.

Impact on Highway Safety

There would be no alterations to the site access which is considered to be satisfactory for the existing authorised use.

It should also be noted that there could be a significant change in the nature of the agricultural operation which falls under the definition of agriculture which could change the frequency and type of vehicles visiting the site. In such circumstances the LPA would have no control over this.

Those comments made by Cheshire East Councils Highways Authority by way of e-mail and which have been used as objection to this agricultural operation are not relevant. Those comments relate to a business use and not authorised agricultural use of the site. While there may potentially be an increase in farming traffic to and from the site this would be related to the established use.

Formal comments from the Strategic Highways Manager are still outstanding and an update will be provided at Committee.

11. CONCLUSIONS

The application proposals are for the retention of unauthorised extensions to an agricultural building on a farming complex which is located within the Green Belt. A business plan has been submitted to demonstrate that the proposed buildings will be required to support the expansion of, and provide better livestock accommodation, at this rural enterprise. Therefore the proposed development is considered to be appropriate development within the Green Belt. The buildings are sited so that they would not cause undue harm on the openness of the Green Belt or the reasons for including the land within the Green Belt. In the light of this the proposal would represent an sustainable form of development. The proposals are therefore in compliance with Policies NE.1 and NE.14 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.

12. RECOMMENDATIONS

APPROVE with conditions

1) Plans

2) The extensions hereby permitted shall be used strictly for the purposes of agricultural operations at Top End Farm and shall not be used for any other non agricultural business operation.

3) Once buildings cease to be required for the purposes of agriculture the buildings shall be removed and land returned to previous condition

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