

Planning Reference No:	09/0259/FUL
Application Address:	Betchton Cottage Farm, Cappers Lane, Betchton
Proposal:	Retention of Hardcore Area for the storage of waste disposal skips as an extension to the existing skip hire business
Applicant:	Mr Thomas Gardiner
Application Type:	Full
Registered:	18-Feb-09
Grid Reference:	37904 35863
Ward:	Sandbach East and Rode
Expiry Date:	15 th April 2009
Date Report Prepared:	6 th April 2009
Constraints:	Within Open Countryside as defined in the Congleton Borough Local Plan First Review. Within an area of Grade 2 Agricultural Land.

SUMMARY RECOMMENDATION:

The development has a detrimental effect on the character and appearance of the surrounding open countryside contrary to policies DP1, DP4, DP7, RDF2 and W3 of the North West Regional Spatial Strategy, policies GR1, GR2, GR5 and E5 of the Congleton Borough Local Plan First Review and it involves the loss of Grade 2 Agricultural Land contrary to national planning policy guidance set out at paragraph 28 of PPS7.

MAIN ISSUES:

- Whether the visual effect on the character and appearance of the locality is acceptable
- Whether the loss of Grade 2 Agricultural Land is justifiable

1. REASON FOR REPORT

The application is referred to Committee at the request of a Councillor under the Congleton Borough Council constitution prior to 1st April 2009. The Councillor considers that the application is worthy of support, the visual impact is mitigated to a significant degree by hedgerow screening, it relates to a business that performs a useful function within the local economy and if there are any conflicts with planning policies, consideration for the local economy would outweigh those conflicts.

2. DESCRIPTION OF SITE AND CONTEXT

Part of a field on the south west side of the A533 Cappers Lane from Sandbach to Rode Heath between the applicant's property, Betchton Cottage Farm, and Betchton Garage.

3. DETAILS OF PROPOSAL

The application seeks planning permission retrospectively for an area of hardcore measuring 45 metres by 25 metres on part of a field alongside Cappers Lane, Betchton.

The hardcore was laid in September of last year and has subsequently been used for the parking of skip lorries, storage of skips and storage of a variety of other items including vintage agricultural machinery, vehicle parts, timber, building materials, etc.

4. RELEVANT HISTORY

On this site:

07/1220/FUL - Application for change of use from agriculture to storage of skips and skip wagons. Withdrawn 15th November 2007.

08/1563/AGR- Prior determination application for proposed new building for animal feed, hay, straw and farm machinery. Declared invalid due to insufficient evidence that the proposed building is 'reasonably necessary for the purposes of agriculture' 30th September 2008.

On the adjacent yard to the south east:

8/5465/3 - Change of use of shed from general farm store shed to haulage, merchenting and warehousing of agricultural produce in accordance with established use for which certificate is concurrently being applied for. Granted 4th October 1977.

8/5466/5 - Certificate of Established Use granted for haulage, merchenting and storage of agricultural produce. Issued 11th October 1977.

8/15652/3 - Garaging of vehicles and storage of waste disposal skips subject to a Legal Agreement surrendering (i) the immunity from enforcement action afforded by the 1977 EUC and (ii) the existing use rights conferred by the 1977 planning permission. Granted 5th December 1985.

08/2061/CPE - Certificate of Lawful Existing Use for use of land for parking of vehicles and storage of waste disposal skips in connection with skip hire business. Issued 17th February 2009.

5. POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles

DP4 – Making the Best Use of Existing Resources and Infrastructure

DP7 – Promote Environmental Quality

RDF2 – Rural Areas

W3 – Supply of Employment Land

Local Plan Policy

GR1 – New Development

GR2 – Design

GR5 – Landscape Character

E5 – Employment Development in the Open Countryside

Other Material Considerations

PPS7 – paragraph 28 – Best and most versatile agricultural land

6. CONSULTATIONS (External to Planning)

Highways – no objection.

Environmental Health – no observations.

English Nature – no comment.

7. VIEWS OF THE PARISH / TOWN COUNCIL

None received at time of report preparation.

8. OTHER REPRESENTATIONS

One letter has been received from the occupier of a property on the outskirts of Sandbach 1½ miles from the site. The writer has no objection to the application, the site is well maintained and screened, it adjoins a garage business and large caravan storage site, it is a case of infill and it would be discrimination to turn this application down. It is good to see a business prospering in this time of recession and should be encouraged.

9. APPLICANT'S SUPPORTING INFORMATION:

The applicant's agent has submitted a Planning Design and Access Statement with the application. The agent states that the business has been in existence at Betchton Cottage Farm for over 28 years. A certificate of lawful existing use or development was issued in February 2009 for the operation of the skip hire business, garaging of vehicles and storage of skips at the Farm.

Following Mr Beech's death in September 2006 the business was bought and operated by the applicant, Mr T Gardiner. For the last 2 years he has endeavoured to build up the business that had latterly been run down. It is now thriving and, with the demise of a local competitor Mr Gardiner is already experiencing an increase in trade. He anticipates that this will be maintained and increased as a result of which there is significant pressure on space for skips and vehicles in the existing yard. The applicant has a licence from VOSA to operate four 17 tonne skip lorries from the site but at present he operates two lorries together with one 7.5 tonne and one 3.5 tonne skip lorries. He intends to purchase two additional lorries and employ two additional drivers bringing the total numbers employed from 4 to 6 full time employees which will intensify the pressure on storage space within the existing yard. The business has approximately 120 skips one third of which are kept on site at any one time. Sufficient space must be kept within the existing yard for vehicles to load and unload skips, manoeuvre and use the existing garage building for maintenance. The storage of skips in the yard is difficult without the use of additional land and Mr Gardiner's expansion of the business cannot be met within the existing curtilage.

In terms of the principle of development, the agent refers to policy E5 of the Congleton Borough Local Plan First Review which covers employment development in the open countryside and states that the expansion of an existing business will be permitted subject to compliance with certain criteria, and policy RDF2 of the North West of England Plan Regional Spatial Strategy. The agent argues that as the business is already in existence in

this location, the development is necessary to sustain that business and the development satisfies relevant criteria consequently it is acceptable in principle.

In terms of the effect on the environment, the agent refers to policies DP1 and DP7 of the North West of England Plan Regional Spatial Strategy and policies GR1, GR2 and GR5 of the CBLPFR. The agent explains that the site measures 45 metres in length by 25 metres in width, it is between the applicant's existing yard and Betchton Motors to the northwest, it is screened by hedgerows from the adjacent highway and on two other sides, these hedgerows could be supplemented if necessary, the site would be used only for storage of skips up to 2 metres in height, vehicles would be parked within the existing yard and hours of operation would be between 08.00 – 17.00 hours on Mondays to Fridays, 08.00 hours to 15.00 hours on Saturdays and only exceptionally on Sundays consequently there would be no adverse effect on the amenities of any residential properties.

In terms of the effect on agricultural land the agent accepts that the hardcore has been laid on Grade 2 Agricultural Land but argues that the area concerned is not significant being only 1125 square metres in size and being between two commercial enterprises. The larger area of agricultural land in the applicant's ownership to the southwest will be retained as grazing land. Although PPS7 is concerned about the loss of significant areas of agricultural land the agent argues that the loss of this small area will not compromise the overall availability and quality of Grade 2 agricultural Land in the locality. The benefits to the existing business outweigh the loss of such a modest area of grazing land.

10. OFFICER APPRAISAL

Principle of Development

The site is within the Open Countryside as defined in the Congleton Borough Local Plan First Review where policy E5 states that proposals for employment development will only be permitted *inter alia* for the expansion or redevelopment of an existing business and provided that the following criteria are satisfied:

- (A) the proposal is for a business enterprise appropriate to a rural area or is essential to the continuation of operations which are already on site and there are no suitable existing buildings which could be reused;
- (B) [not relevant]
- (C) [not relevant]
- (D) the proposal complies with policy GR1, and
- (E) the proposal accords with other relevant Local Plan policies.

Paragraph 6.31 of the explanatory text states that,

A prime objective of the Local Plan is to concentrate development within the urban areas and to avoid encroachment into land in the open countryside beyond that which has already been identified. It is however recognised that existing firms in rural locations should be allowed to expand where such expansion can be accommodated satisfactorily and is environmentally acceptable.

Policy GR1 of the Local Plan states that all new development will be expected to be of a high standard to conserve or enhance the character of the surrounding area and not detract from its environmental quality and have regard to the principles of sustainable development.

Policy GR2 covers Design and states that,

Planning permission for development will only be granted where the proposal satisfies the following design criteria:

(l) the proposal is sympathetic to the character, appearance and form of the site and surrounding area in terms of *[inter alia]* the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Policy GR5 refers to landscape character and states that,

Development will be permitted only where it respects or enhances the landscape character of the area. Development will not be permitted which, in the opinion of the Borough Council, would be likely to impact adversely on the landscape character of such areas, or would unacceptably obscure views or unacceptably lessen the visual impact of significant landmarks or landscape features when viewed from areas generally accessible to the public, as a result of the location, design or landscaping of the proposal.

Turning to the North West Regional Spatial Strategy, the underpinning principles set out at policy DP1 *inter alia* aim to

- make best use of existing resources and infrastructure and
- promote environmental quality.

Policy DP4 enlarges further on making the best use of existing resources and infrastructure, it advocates the prudent and efficient management of natural and man-made resources and it sets out a sequential approach to the development of land first using existing buildings and previously developed land within settlements, secondly using other suitable infill opportunities within settlements and thirdly using other land where this is well related to housing, jobs, other services and infrastructure.

Policy DP7 seeks to Promote Environmental Quality especially by understanding and respecting the character and distinctiveness of places and landscapes, maintaining and enhancing the tranquillity of open countryside and rural areas.

Policy RDF2 aims to enhance the value of the rural areas within the region, concentrating development in Key Service Centres and Local Service Centres. In the open countryside new development will be allowed exceptionally where it,

- has an essential requirement for a rural location, which cannot be accommodated elsewhere
- is needed to sustain existing businesses
- provides for exceptional needs for affordable housing
- is an extension of an existing building, or
- involves the appropriate change of use of an existing building.

Paragraph 5.11 of the RSS states that,

Proposals that seek to diversify and expand existing rural businesses in areas that are lagging economically should be regarded positively as long as they demonstrate the

potential to help build and maintain sustainable communities and are sensitive towards the local environment.

Policy W3 refers to the supply of employment land. Paragraph 6.10 refers in particular to rural areas and states that 'agriculture will continue to play an important role in the rural economy, and is also important in relation to landscape management and ecological protection and enhancement but the need for agricultural diversification is pressing... Priority should be given to economic activity that has strong links with the area in question, for example food and drink processing, tourism and leisure; the conservation of natural, cultural and historic resources; and businesses that are ancillary to farming and forestry.'

Whilst the use of the hardcore surface within the adjacent field may represent the expansion of a business that has existed historically in this location for many years it is not accepted that this is 'appropriate to a rural area'. The competitors business referred to by the applicant's agent that has recently ceased trading was located on an industrial estate within Sandbach. This represents a much more suitable location for such a business.

Furthermore, as the business involves the storage of skips and parking of skip lorries which are taller than many vehicles and often have a colourful livery, there is concern about the detrimental effect that it may have upon the character and appearance of the surrounding locality. The applicant's agent has suggested that only skips would be stored on the hardcore area up to a height of 2 metres however experience over that last 6 months whilst the business has been using this area without the benefit of planning permission indicates that the area would be used for parking of skip lorries, that skips would be 'stacked' and a wide variety of other items would be stored on the land including a curtain-side container full of vintage machinery, vehicle parts and building materials having no connection whatsoever with the business.

It is recognised that there is a reasonable hedgerow along the highway boundary and additional screen planting could be provided however dense planting belts can also appear alien in the open countryside.

Overall it is not considered that the development makes best use of resources (RSS policy DP4), promote environmental quality (RSS policy DP7), enhance the value of the rural environment (RSS policy RDF2) or represent diversification of the rural economy as envisaged by RSS policy W3. Furthermore the development does not accord with policies GR1, GR2, GR5 or E5 of the Local Plan.

Moreover, the site is within an area shown on the Agricultural Land Classification map as Grade 2 (extract enclosed). Paragraph 28 of Planning Policy Statement 7 states that the presence of best and most versatile agricultural land (grades 1, 2 and 3a) should be taken into account alongside other sustainability considerations when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality except where this would be inconsistent with other sustainability considerations.

It is not considered that the expansion of the business onto part of the adjacent field is 'essential' to its continued existence or that the creation of just 2 additional jobs is sufficient to justify the loss of good quality agricultural land involved.

It will be noted that in November 2007 the same applicant applied for planning permission for change of use of a considerably larger portion of the same field to storage of skips and skip wagons amounting to an area of 45 metres by 60 metres and including provision for a future building measuring 23 metres by 14 metres. Following discussions with Planning Officers, that application was withdrawn but (as explained above) the applicant subsequently went ahead, laid hardcore and began to use the land for storage of skips and skip wagons without planning permission.

In August of last year the same applicant submitted an agricultural notification application under the Town and Country Planning (General Permitted Development) Order for a new building measuring 22 metres by 13 metres on part of the field now occupied by the hardcore. The building was described as being for storage of hay/straw and agricultural machinery. The agent was advised that the application was invalid as there was insufficient evidence that the proposed building was 'reasonably required for the purposes of agriculture' within the agricultural holding which comprises in total only just over 6 hectares of land.

This does however suggest that if permission was granted for the hardcore area, this would encourage further application(s) for further development of the field that might then prove difficult to resist thereby resulting in a cumulative loss of agricultural land.

As such the application is also considered to be contrary to advice set out in paragraph 28 of PPS7 regarding the protection of best and most versatile agricultural land.

Highways

The Highway Engineer has raised no objection.

Amenity

It is not considered that there are any amenity issues.

11. CONCLUSIONS

The development has a detrimental effect on the character and appearance of the surrounding open countryside contrary to policies DP1, DP4, DP7, RDF2 and W3 of the North West Regional Spatial Strategy, policies GR1, GR2, GR5 and E5 of the Congleton Borough Local Plan First Review and it involves the loss of Grade 2 Agricultural Land contrary to national planning policy guidance set out at paragraph 28 of PPS7.

12. RECOMMENDATION

REFUSE for the following reasons:

1. The development has a detrimental effect on the character and appearance of the surrounding open countryside contrary to policies DP1, DP4, DP7, RDF2 and W3 of the North West Regional Spatial Strategy, policies GR1, GR2, GR5 and E5 of the Congleton Borough Local Plan First Review and it involves the loss of Grade 2 Agricultural Land contrary to national planning policy guidance set out at paragraph 28 of PPS7.

LOCATION PLANS:

