

Application No: 13/3915C

Location: CRESSWELL FARM, CHELLS HILL, CHURCH LAWTON, ST7 3RL

Proposal: Erection of essential rural workers dwelling (retrospective) for head herdsman (resubmission)

Applicant: Mr David Moss

Expiry Date: 18-Dec-2013

**SUMMARY RECOMMENDATION: Refuse.**

**MAIN ISSUES:**

Principle of the Development

Design

Amenity of Neighbouring Properties

Highway Safety

Ecology

Landscape and Trees

Impact on the Green Belt

**REASON FOR REFERRAL**

**The application has been referred to as it has been called in by Councillor John Wray on the grounds that:**

- 1. The dwelling is for an agricultural worker and as such there is a presumption in favour of this application as an exception.*
- 2. It has become retrospective now only because of some additional works to the original specification to create a more comfortable dwelling by the provision of a modest extension.*
- 3. The improvements to specification are not out of keeping or excessive.*

**DESCRIPTION AND SITE CONTEXT**

The application site is located on the eastern side of Chells Hill, which is designated as being within the South Cheshire Green Belt. The main farm house is sited at the end of the access road from Chells Hill, with several buildings associated with the farming enterprise in close proximity. The site is largely screened from public view by hedgerows and trees.

The building has been largely completed but has not been constructed in accordance with the previously approved plans.

## **DETAILS OF PROPOSAL**

The proposal is therefore a retrospective application for an agricultural workers dwelling at Chells Hill Farm. The dwelling benefits from 4 bedrooms, a family bathroom, kitchen/dining room, living room, farm office and boot room with shower. It has a large two storey element to the rear that did not form part of the approved plans.

## **RELEVANT HISTORY**

10/2731C	2011	Outline approval for agricultural workers dwelling
11/1492C	2011	Reserved matters approval for agricultural workers dwelling
13/3115C	2013	Withdrawn application for agricultural workers dwelling

## **POLICIES**

### **National Guidance**

National Planning Policy Framework (March 2012)

### **Congleton Local Plan 2005**

H6 – Residential Development in the Open Countryside and Green Belt  
H18 – Dwellings Associated with Rural Enterprises  
NR1 – Trees and Woodlands  
NR3 – Habitats  
PS8 – Open Countryside  
GR1 – New Development  
GR2 – Design  
GR6 – Amenity and Health  
GR9 – Accessibility, Servicing and Parking Provision

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

### **Environmental Protection:**

None received at the time of report writing.

### **Highways:**

None received at the time of report writing.

## **VIEWS OF TOWN COUNCIL**

None received at the time of report writing.

## **OTHER REPRESENTATIONS**

None received at the time of report writing.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the South Cheshire Green Belt where Policy PS7 states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;
- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

Policy H18 deals specifically with dwellings associated with rural enterprises, it requires that there is a proven financial and functional need for the dwelling and this was established when the outline application (10/2731C) was approved in 2011.

The siting of a dwelling for an agricultural worker is therefore considered to be acceptable in principle.

### **Design, Scale and impact on the Green Belt**

The National Planning Policy Framework (NPPF) in paragraph 88 states that:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.’ Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

Having regard to this dwelling, outline consent was granted in 2011, with only access determined at that stage. Appearance, landscaping, layout and scale being reserved matters. However, the design and access statement submitted with the application made clear in paragraph 2.21 of the Design and Access Statement, that *“The exact size of the dwelling will be established with a reserved matters application, however it will be of a modest scale suitable to accommodate an essential worker and his/her family.”*

In order to ensure that this agricultural workers dwelling remained of a modest scale and did not become a large dwelling inappropriate to this Green Belt location, permitted development rights were removed when the outline consent was granted.

On 19<sup>th</sup> July 2011, reserved matters consent was issued for the remaining matters. When this application was first submitted the plans showed a two storey element to the front of the dwelling, very similar in size to that which has been constructed to the rear of the dwelling, subject of this retrospective application. Following extensive negotiations, the proposed dwelling was reduced in size, removing this two storey element. This was done because officers advised that the proposed building would be considered to be too large for an agricultural workers dwelling in the Green Belt and would be recommended for refusal.

Subsequently amended plans were submitted showing a dwelling of a size that was considered to be acceptable and the application was approved.

It was brought to the Council's attention in July 2012 that the dwelling had not been constructed in accordance with the approved plans and Enforcement Officers carried out a visit to the site. Subsequently a retrospective application was submitted (13/3115C) and following discussions with officers, this was withdrawn as the applicant was advised that it would be likely to be refused. Advice was also given to the effect that if the dwelling was modified and the rear additions removed, the proposal would be considered to be acceptable.

On 17<sup>th</sup> September 2013 the current application was received. It puts forward the proposal with none of the additional elements removed. The proposal is considered to be excessive in size for the needs of the end user and to be harmful to the Green Belt. It is therefore considered to be inappropriate development in the Green Belt and the harm is not outweighed by other considerations. The proposal would therefore be contrary to national and local policy.

### **Amenity**

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking.

The nearest residential property is the main farm house and due to its siting the new dwelling would have no adverse impact its residential amenities. As a result it is considered that the proposal does not have such a detrimental impact upon residential amenity that would warrant the refusal of this planning application.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

### **Highways**

The Strategic Highways Manager has raised no objection to this proposal and given that there is an existing access with good visibility, it is not considered that the proposed development raises any highway safety/parking implications.

The proposal is therefore considered to be acceptable in terms of highway safety and in accordance with Policy GR9 of the adopted local plan.

## **Landscape and Trees**

The proposal would retain the existing hedges and proposes the use of post and rail fencing and hedging plants on the boundaries of the domestic curtilage of the dwelling. This should be secured by condition should the application be approved.

## **CONCLUSIONS AND REASONS FOR THE DECISION**

The principle of allowing an agricultural workers dwelling on this site has been established and the Council do not dispute that there is a functional need and that the business is financially capable of supporting the full time worker that would occupy it.

Extensive negotiations were held with the applicant when the reserved matters application was submitted in order to ensure that a dwelling of a smaller size than was proposed was approved.

Following the involvement of Enforcement the applicant was given the opportunity to reduce the size of the dwelling to something that would be similar to that which was proposed.

The dwelling is excessive in size for the needs of the end user and causes harm to the Green Belt by virtue of the fact that it is inappropriate development that is not outweighed by any very special circumstances.

**RECOMMENDATION:** Refuse for the following reason:

1. The dwelling, by virtue of its scale and massing would be inappropriate development that would cause harm to the Green Belt. Although there is an accepted need for the dwelling to house an agricultural worker, no very special circumstances have been demonstrated for the dwelling to be of such an excessive size. The proposal is therefore contrary to the requirements of paragraph 88 of the National Planning Policy Framework.

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Southern Area Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Southern Area Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

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