

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 27th May 2009
Report of: John Knight, Head of Planning and Policy
Title: Retention of Hardcore Area for the Storage of Waste Disposal Skips as an Extension to the Existing Skip Hire Business at Betchton Cottage Farm, Cappers Lane, Betchton for Mr. Thomas Gardiner.

1.0 Purpose of Report

- 1.1 To consider the planning application 09/0259/FUL

2.0 Decision Required

- 2.1 To grant or refuse planning permission.

3.0 Background

- 3.1 At the meeting on the 14th May 2009 the Southern Planning Committee resolved that they were minded to grant planning permission in respect of this application contrary to officer recommendation.
- 3.2 Under the adopted Terms of Reference, applications involving a significant departure from policy, which a Planning Committee is minded to approve, must be referred to Strategic Planning Board.
- 3.3 The proposal is considered to be a significant departure because it involves the expansion of a business into open countryside which is inappropriate within the rural area and 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.
- 3.4 Planning policy would be significantly undermined by the proposal because if permission was granted for the hardcore area, this would encourage applications for further development of the field and for other similar businesses elsewhere in the rural area, which might then prove difficult to resist, thereby resulting in a cumulative loss of agricultural land to the detriment of the character and appearance of the open countryside.

- 3.5 The full circumstances surrounding the case and reasoning behind the recommendation of the Head of Planning and Policy to refuse the application are set out in the attached planning report.

4.0 Area Committee Observations

- 4.1 The Committee's reasons for recommending approval, contrary to Policy E5 and officer recommendation, were:-

- The application relates to an existing business which has operated for many years, without generating complaints from the local community.
- The hardstanding which has been formed on the site will have permanently degraded the quality of the agricultural land on which it has been laid. It cannot therefore be returned to agricultural production and its appearance will degenerate rather than improve.
- There is an absence of harm in terms of visual impact and highway safety. The site is well screened by existing hedges and is located alongside the existing skip hire site, commercial garage and caravan storage operation.

- 4.2 In the opinion of the Southern Planning Committee these are material planning considerations which should outweigh the policy presumption against this proposal.

5.0 Officer Response

- 5.0 The existing business may have been established for many years but this was within the adjacent yard area, a visually and physically separate planning unit, not on part of the larger field as now 'proposed'. It was also established largely as a result of unauthorised development which became immune from enforcement action rather than planning permissions being granted.

- 5.1 The agricultural land could be restored at this stage, as has been the case on other sites within the Borough where enforcement action has been taken. However, if permission was granted it would become more consolidated and this would make restoration more difficult and unlikely, which provides further justification to refuse this application.

- 5.2 The site may be screened to some extent by the hedge but nevertheless skips, skip lorries, the container and other items were more visible during the winter. Furthermore, the fact that an inappropriate development, within the open countryside, is not visible is insufficient justification, in itself for approval. The key issue in the consideration of this application is the acceptability in principle of a skip hire use in the open countryside.

- 5.3 The business attracted complaints from residents and Smallwood Parish Council when it was operating from a different site at

Beechcroft, Newcastle Road, Smallwood, and spread out across the adjacent field without planning permission, where activities included the storage of scrap vehicles. Although the applicant always denied that they were operating the business from the site correspondence and Parish Council Minutes within the public domain, evidence the levels of complaints that were generated.

- 5.4 Whilst the committee considered this business to be well run and tidy, there would be nothing to prevent its sale to another operator who may be less conscientious. Therefore these individual circumstances relating to the current operator, in line with advice in PPS1, should be afforded limited weight as a material consideration.

6.0 Options

- 6.1 To endorse the recommendation of the Head of Planning and Policy to refuse the application for the reasons set out in the Committee Report.
- 6.2 To endorse the recommendation of the Southern Planning Committee to approve the application for the reasons set out above.

6.0 Recommendation

- 6.1 The officer recommendation as set out in the planning report still stands.

7.0 Financial Implications

- 7.1 Potential for costs to be incurred in defending an Appeal against refusal.

8.0 Legal Implications

- 8.1 The applicant may appeal against a refusal and the likely outcome of that is discussed below.

9.0 Risk Assessment

- 8.1 Refusal of the application carries the risk of an Appeal against the decision by the applicant. However, in view of the strong policy presumption against this development, it is considered that the Appeal is unlikely to be successful.
- 8.2 Approval of the application would generate an undesirable precedent which would make future applications for the establishment and expansion of businesses which are inappropriate within the rural area difficult to resist.

For further information:

Portfolio Holder: Councillor Jamie Macrae
Officer: Ben Haywood – Principal Planning Officer

Tel No: 01270 537089
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

- *North West of England Plan: Regional Spatial Strategy to 2021*
- *Adopted Congleton Borough Local Plan First Review*
- *PPS7:Sustainable Development in Rural Areas*

Documents are available for inspection at:

- *Westfields, Sandbach*