

Application No: 18/3654N

Location: Jubilee Farm, CHORLTON LANE, CHORLTON, CW2 5NF

Proposal: Certificate of Appropriate Alternative Development

Applicant: Mr & Mrs S Williams

Expiry Date: 26-Oct-2018

SUMMARY RECOMMENDATION:

This Application is for a Certificate of Appropriate Alternative Development, under Section 17 of Part III of the Land Compensation Act 1961 (as amended by the Localism Act) at Jubilee Farm, Chorlton Lane, Crewe.

The application has been submitted following the Department of Transport's acceptance of a Blight Notice and thus to compulsorily purchase the property and land to develop it as part of the High Speed Two Infrastructure project (HS2). The applicant has suggested that two of the buildings on the site, could be converted to one residential dwelling as an appropriate alternative development.

The site is within the Open Countryside where only development which is essential for agriculture is permitted, with the exception (inter alia) 'for the re-use of existing rural buildings where the building is permanent'. It is considered that the buildings are suitable for conversion.

It is concluded that the proposal is in general accordance with the relevant policies of the Development Plan, and is therefore considered to be acceptable.

RECOMMENDATION

Issue a positive certificate

DESCRIPTION OF SITE AND CONTEXT

The application site relates to 2no ancillary outbuildings within the residential curtilage of Jubilee Farm. One of the buildings is a traditional brick single storey stable and the other is a more modern garage building which is one and half storeys.

The application site is situated within the Open Countryside, adjacent to an area designated as Housing Allocation (Wychwood Park). The site lies adjacent to a railway line to the east.

DETAILS OF PROPOSAL

An application for a Certificate of Appropriate Development (CAAD) under Section 17 of the Land and Compensation Act 1961 has been made for residential development at Jubilee Farm. The supporting information suggests that the two outbuildings could be converted to one residential unit with a small extension to link the buildings.

The application has been submitted following the Department of Transport's acceptance of a Blight Notice and thus to compulsorily purchase the property and land to develop it as part of the High Speed Two Infrastructure project (HS2).

In accordance with the Land Compensation Act, the Local Planning Authority (LPA) is required to certify the alternative development (if any) for which planning permission would have been granted in a hypothetical terms of a "no scheme" world. In order, *'if it were not proposed to be acquired by an authority possessing compulsory purchase powers'*. In this case, if the land in question had not been acquired by HS2, would planning permission be granted for the development.

The LPA must consider the application against the planning considerations relevant at the date when the interest in land was acquired by an authority with its compulsory purchase powers. In this case, the relevant date is 23rd May 2018.

Planning History

P93/0651 – Two storey extension – approved 8th September 1993

P97/0372 - Replacement garage/store for domestic use. – approved with conditions 2nd July 1997

POLICIES

The certificate is assessed against the situation as it stood at the date when the acquisition process began, 23rd May 2018.

National Policy

National Planning Policy Framework (2012) – now superseded
National Planning Practice Guidance

Cheshire East Local Plan Strategy

PG 6 - Open Countryside
SD 1 – Sustainable Development in Cheshire East
SD 2 - Sustainable Development

SE 1 – Design
SE 2 – Efficient Use of Land
SE 3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 7 – The Historic Environment
SE 12 – Pollution, Land Contamination and Land Instability
SE 13 – Flood risk and water management
EG 2 - Rural economy
IN 1 - Infrastructure
Appendix C: Parking Standards

Saved Policies of the Crewe and Nantwich Replacement Local Plan 2011

RES.5 Housing in the Open Countryside,
RES.11 Improvements and alteration to existing dwellings,
BE.1 Amenity,
BE.3 Access and Parking,
BE.4 Drainage, Utilities and Resources,
BE.6 Development on Potentially Contaminated Land,
NE.5 Nature Conservation and Habitats,
NE.9 Protected Species,
NE.13 Rural Diversification,
NE.15 Re-use and adaptation of rural building for a commercial, Industrial or Recreational use,
NE.16 Re-use and adaption of a rural building for residential use,
NE.20 Flood Prevention.

Wybunbury Combined Parishes Neighbourhood Plan – Regulation 7

No weight to be given

Material Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010

CONSULTATIONS (External to Planning)

Cadent Gas- No objections

Environmental Health- No objections, subject to conditions for Electric Vehicle Infrastructure and an informative for contaminated land

HS2 - It should also be noted that HS2 Ltd has received and accepted a Blight Notice for the above property. Notwithstanding the above, in the event the local authority is minded to grant the application for a certificate, as the acquiring authority HS2 Ltd reserves the right to appeal against the certificate under S18 of the Land Compensation Act 1961 to the Upper Tribunal (Lands Chamber).

Highways – No objections

HSE – Do not advise against

REPRESENTATIONS – none received at time of writing this report.

OFFICER APPRAISAL

The Certificate is to provide the landowner with a basis for a valuation of the land in the event that the land and buildings had not been acquired. The Land Compensation Act 1961(as amended) provides procedures for assessing compensation for the compulsory purchase of land.

Applications must be decided against the background of a hypothetical "no scheme" world. This means that, in determining the market value, the decision must take into account whether or not the suggested development is acceptable in the "no scheme". The decision maker must disregard the purpose for which the land is required.

The key issues in considering the application for the Certificate of Alternative Appropriate Development relates to broader matters of planning policy, access, ecology and other potential constraints on development.

Planning Policy Considerations

On the 23rd May 2018 (the date the Blight Notice was received) the former National Planning Policy Framework (2012) was in place.

The development plan policies of the Cheshire East Local Plan Strategy and saved Policies of the Crewe and Nantwich Local Plan were still relevant as noted above.

The Wybunbury Combined Parishes Neighbourhood Plan has no weight as it is only at Regulation 7 status.

Principle of development

The proposal site is situated within the open countryside where Policy PG 6 of the Cheshire East Local Plan Strategy (CELPs) stipulates that only development which is essential for agriculture and other uses appropriate to a rural area will be permitted.

'With the exception of (inter alia)..

3ii – for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration rebuilding or extension'

The NPPF (2012) supports sustainable development in rural areas, where it will enhance or maintain the vitality of rural communities. Paragraph 55 states that

'Local Planning Authorities should avoid new isolated homes in the countryside unless there

are special circumstances such as; (inter alia)...where the development would re-use redundant or dis-used buildings and lead to an enhancement to the immediate setting’.

Saved Policy NE.16 of the Crewe and Nantwich Local Plan advises that planning permission will not be granted to re-use and adapt a rural building for residential purposes unless it meets a number of criteria. As some of the policy requirements of Policy NE.16 regarding the residential re-use of rural buildings are not referred to in the NPPF (e.g. commercial use first, then residential and the ability to convert some rural buildings under Part 3 Class Q of the GPDO), those parts of the policy are no longer directly relevant for the purposes of this assessment.

The relevant criteria are;

- The building is permanent and substantial and of sound construction,...and (capable) of re-use without major or complete reconstruction;
- The form, bulk and general design of the building is in keeping with the surroundings;
- Conversion respects the local building styles and materials
- Highways impact is limited
- Sufficient parking
- Suitable boundary treatment proposed

The buildings which this certificate relates to are ancillary buildings within the curtilage of Jubilee Farm house. The stable building is a traditional simple single storey brick constructed building. The structural report states that there is some cracking and movement but these are of a minor nature and can easily be repaired as part of a conversion. The existing garage building is of a more modern appearance and is one and a half storeys in height. The structural report states that the building is in good condition and can be converted without any major works being undertaken.

Both buildings appear to be of permanent and substantial construction and capable of conversion without any major reconstruction. However, the proposal also includes a small extension which would connect both buildings to create one residential unit. Policy PG 6 states that extension would not normally be permitted, as the buildings should be capable of conversion to a dwelling without much alteration. However in this instance the two buildings are in very close proximity to one another. Although the garage building could be capable of conversion to a small one/two bedroom dwelling on its own, due to the close proximity of the stable building and its size it is reasonable to incorporate it within the scheme for 1no dwelling. Therefore the inclusion of this building with a link would be acceptable given the relatively limited nature of the extension which would be required, presumable a small glazed link.

Therefore it is considered that the residential re-use of these buildings is acceptable in principle subject to its impact upon the intrinsic character of the countryside, its design, impact upon local amenity, highway safety and impact upon protected species.

Design Standards

As noted above, the buildings appear to be suitable for conversion and subject to the link section being lightweight in its appearance, e.g. glazed, the proposal is acceptable in principle. The indicative plans submitted show the majority of the existing openings of the building retained in situ, with only one new rooflight required for conversion. The design would

appear to be in keeping with the plain and traditional appearance of the existing rural buildings and is therefore acceptable.

Amenity

The proposal would be sited adjacent to the existing farmhouse. The buildings are at right angles to each other, with a separation distance of 10m and therefore there would be no direct overlooking. The nature of rural building conversion schemes does allow for a lower private amenity than normally permitted as buildings tend to be in quite close proximity to one another. The position of principal windows can be designed to limit and overlooking of private amenity space.

There appears to be sufficient space to create a suitable private amenity space for both units and therefore the proposal is considered to be acceptable in terms of private amenity.

The building is in close proximity to the railway line and therefore it is likely that noise attenuation may be required to ensure the amenity of the future occupier is safeguarded. This can be conditioned.

Highways

The Strategic Highways Officer has considered the proposal, and notes that it will result in a minimal uplift in traffic and use of access onto Chorlton Lane, and Chorlton Lane is a lightly trafficked unclassified road. There have been no recorded traffic accidents at the access over the last 3 years. Sufficient parking is available within the site. Therefore there are no objections to the proposal in highway safety terms.

Ecology

Bats

The proposed development may result in the disturbance of, or have an adverse impact upon roosting bats. Consequently, a bat survey will be required since all bats are European Protected Species and as such are a material consideration.

Survey work, should be carried out by a suitably qualified and appropriately licensed surveyor, using appropriate methodology, during optimal times of year. If any bats are found to be present, a scheme for their conservation and mitigation, to the satisfaction of the Council should be submitted. It should also be noted that if bats are present, the developer will need a licence from Natural England to develop the site irrespective of whether planning consent is given.

In accordance with the current legal circular the survey work to establish the presence or absence of a protected Species such as bats, should be carried out prior to any planning consent being granted. This application does not grant permission however as Protected Species surveys cannot be conditioned a report was requested and has now been submitted. An update from the Council's Ecologist will be provided as an update.

Other Uses

Whilst the certificate only makes reference to residential development, other uses should also be considered under the certificate.

Some commercial uses of the buildings could be policy compliant, e.g. office use; however it is likely to be unsuitable in terms of amenity impact, given the close proximity of the buildings to Jubilee Farm.

It is not considered that any other uses would be acceptable given the close proximity of the building to Jubilee Farm.

Other Matters

Reasonably Foreseeable Policies

There were no other reasonably foreseeable policies emerging at the time of acquisition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is therefore considered that the proposed conversion of the two rural buildings to one dwelling in the open countryside is acceptable and inline with Local and National Planning Policy.

The recommendation is to issue a positive certificate for residential development subject to conditions.

RECOMMENDATION

Issue a Positive Certificate for conversion to 1 dwelling subject to conditions:-

- 1. Materials – Prior submission of facing, roofing and fenestration details**
- 2. Restoration and repair only (other than extension)**
- 3. New windows and doors to be timber**
- 4. Detailed window plans**
- 5. Roof lights – conservation style**
- 6. Rainwater goods**
- 7. Removal of PD**
- 8. Landscaping (details) to be submitted and approved**
- 9. Landscaping (implementation)**
- 10. Boundary treatment to be submitted and approved**
- 11. Bird nesting**
- 12. Bird boxes**
- 13. Drainage strategy**
- 14. Electric Vehicle infrastructure**
- 15. Noise Attenuation**

