

Application No: 20/2445M

Location: LAND to the North West of MARTHALL LANE, KNUTSFORD

Proposal: Retrospective application for agricultural livestock and produce stores

Applicant: Mr & Mrs Brighthouse

Expiry Date: 30-Sep-2020

### **SUMMARY**

It is considered that the proposal is environmentally, socially and economically sustainable and would accord with the development plan and the Framework.

The principle of the agricultural development is acceptable and no significant adverse impacts arising from this retrospective application have been identified.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **REASON FOR REPORT**

The application was initially referred to Committee on the basis of the size of the site being over 2 hectares. The applicant has since clarified the site is less than 2 hectares. However, the application is still being referred to the Planning Committee by the Head of Planning given the local interest in the proposal.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site lies within the Green Belt land north of Marthall Lane with Mount Pleasant Farm, Warford Grange Farm and Pedley House Farm all well to the east respectively. Access is obtained via the existing farm road from the existing entrance on Marthall Lane. The length of the farm road is approximately 400 metres.

### **DETAILS OF PROPOSAL**

This is a retrospective application for agricultural livestock and produce stores. The agent has informed that the applicants assumed that the buildings would be Permitted Development and as such did not require planning permission.

There are two buildings on site that are used to provide sufficient accommodation for the sheep along with associated machinery, feed and bedding. There is an ancillary office space within one building and also a laboratory used for breeding and other staff welfare accommodation.

## **PLANNING HISTORY**

17/3005M - Agricultural determination for an agricultural storage unit – Withdrawn  
06.07.2017

## **POLICIES**

### **Cheshire East Borough Local Plan**

MP1 – Sustainable Development  
PG3 – Green Belt  
SD1 - Sustainable Development  
SD2 - Sustainable Development Principles  
SE3 - Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees Hedgerows and Woodland  
EG2 - Rural Economy

### **Macclesfield Borough Local Plan Saved**

DC3 – Amenity  
DC6 – Circulation and Access  
DC9 – Tree Protection  
DC28 – Agricultural Buildings  
GC1 – Green Belt  
NE11 – Nature Conservation

### **Other Material Considerations**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance

The Ollerton with Marthall Neighbourhood Plan is at Regulation 7 stage where a Neighbourhood Area has been designated. There are no current policies to have regard to.

## **CONSULTATIONS (External to Planning)**

**Strategic Transport** – No objections

**Environmental Protection** – No objections subject to informative

**Flood Risk** - No objections subject to informative

**Ollerton and Marthall Parish Council** - The application is located within the Green Belt where development is subject to stricter control and the policy focus is on preserving the openness of space, setting and rural character. Ollerton and Marthall is washed over by the Green Belt and careful consideration should be afforded to maintain the openness of space and avoid harm caused by inappropriate development.

The Parish Council are concerned that there is an increased number of agricultural sheds being erected within the area with the intention to later seek retrospective planning permission. This is happening as it is believed that the council will not take action once a building is complete. However the Parish Council is working with Cheshire East regarding this practise in order that genuine cases are not disadvantaged.

The Parish Council have strong reservations regarding this site and the surrounding area that originally formed Mount Pleasant Farm. All of the buildings within this area have already been converted to dwellings and the remaining barns which belong to Ryecroft Stud, are also about to be converted (app 20/3194M). Ryecroft Stud (Company No. 08628987) never actually traded and after only three years was closed. There are continued activities around this site which are not connected with farming but more to do with construction. The main concern is that the long term intentions of this site and buildings is not for agricultural use.

When studying the agricultural report it can be seen that there are overwhelming concerns regarding how successful it can be. Given the proposed number of sheep to be kept is unrealistic; this proposal is at the very least, overly ambitious with regard to the number of sheep that 70 acres could sustain. Furthermore 20 to 30 acres will need to be utilised for the production of haylage, which they intend to produce. This will leave a small amount of land for the livestock and we struggle to understand how they intend to achieve such high levels of animal welfare with the remaining land.

The PC cannot support this application because the information provided and our knowledge of the site and the applicant leads us to only one conclusion, that this is not a genuine case to release further Green Belt land in what is becoming an overly developed area. There are no special circumstances to justify a further building in this vicinity.

## **REPRESENTATIONS**

**3 letters of support** have been received for the application as embracing and implementing new technology is the way forward to enable sustainability of this rural area. Health and Safety and Animal Welfare makes priority and the best possible standards are of the utmost importance. It blends into the surroundings with the appearance being agricultural, akin to others in the area and of a necessary size to support the acreage it needs to serve. It has also added to the biodiversity of the area as it has significantly increased planting of hedges and trees and created areas for the natural habitat to thrive. The rural community need sustainable development to survive. This agricultural application is of a nature and scale befitting the land, its surroundings, and to secure its financial viability and it is very important that this area has a continuing farming culture.

*This is a summary and full details on CEC website.*

## **OFFICER APPRAISAL**

### **Green Belt**

The application site lies within the Green Belt, where both national and local policies restrict the types of development which may be carried out. Development not falling within one of the listed exceptions is, by definition, inappropriate and should not be granted except in very special circumstances. One of these exceptions set out within NPPF and CELPS policy PG 3 is for buildings for agriculture and forestry. It therefore needs to be established whether the buildings would be for the purposes of agriculture.

The supporting information explains that Brighthouse Farms Ltd farms approximately 70 acres of agricultural land in Marthall. It is understood that since the submission the applicants have further expanded the farming enterprise with the rental of an additional 70 acres of land in the area. The proposed development relates to the breeding of Poll Dorset sheep, which involves artificial insemination in order to improve the breed quality of the livestock via genetic evaluation using estimated breeding values. The business runs approximately 750 head of sheep.

Shed A is primarily used for the housing and handling of the sheep and the size is:-

Length – 48.8 m

Width – 24.4 m

Eaves – 5.5 m

Ridge – 8.9 m

Area – 1191 m<sup>2</sup>

Shed B is primarily used for the storage of produce and machinery as well as the facilities and laboratory and the size is:-

Length – 48.8 m  
Width – 12.2 m  
Eaves – 5.5 m  
Ridge – 7.2 m  
Area – 595 m<sup>2</sup>

The supporting information regarding this modern scientific farming facility that has been put forward by the applicant outlines the requirements for the buildings and justifies the size in terms of the agricultural operations taking place on the site and associated equipment and machinery. It also demonstrates that the buildings are required to ensure the long-term future and sustainability of the agricultural enterprise.

The buildings whilst sizeable structures are partially open fronted and clearly read as agricultural buildings. The hardstanding areas are also considerable in size but again have been justified with reference to the operations and manoeuvring taking place within the site together with the storage of haylage on a required hard surface.

On the evidence provided, it is considered that the buildings are required for the purposes of agriculture on the land. As such a consideration of its impact on openness is not necessary as that string of policy is not engaged.

The buildings are only considered acceptable as it has been demonstrated that there is a clear agricultural need. Officers sought clarification on the uses in building, that being the size of the office space and domestic facilities. It has thus been clarified that the office facility will also function as a meeting room as it is expected that meetings will be taking place to promote the breeding and to demonstrate to farmer groups the improvements that are being made and this is considered acceptable. The overall design and form would also preclude its suitability for many other uses. A condition is recommended restricting the use of the buildings to agricultural purposes only.

The development/farm employs a total of 5 staff

Farm Manager	1	
Flock Manager	1	
Farm workers		
(Animal and grassland)	2	(1 being Student Trainee).
Accounts and PAYE	1	

and is thus admirably compliant with policy EG2 that encourages *“the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practises.”*

## **Design**

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELP policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

The design is that of cladding of a mix of juniper green box profile sheeting and juniper green vented wall cladding but traditional rural livestock sheds and are considered in character with the rural area thus complies with the above policies of the CELPS and the Green Belt location. The buildings blend well and are positioned sympathetically to the landscape.

## **Amenity**

Saved policy DC 3 requires that new development should not significantly injure the amenities of adjoining or nearby residential property or sensitive land uses due to loss of privacy, overbearing effect, loss of sunlight or daylight, or other forms of disturbance and nuisance.

It is considered that it is an appropriately designed development is proposed and would not have a detrimental impact on the impact upon the living conditions of neighbouring residents due to the seclusion of the site and its significant distance from the nearest house. Therefore, it accords with policy DC3 of the MBLP.

## **Highways**

Saved MBLP policy DC6 relates to circulation and access. It sets out the circulation and access criteria for new development. This includes amongst other matters, the provision of adequate visibility splays, manoeuvring vehicles and emergency vehicles.

The farm buildings are set well back from the public highway. The areas of hardstanding will provide adequate parking and turning areas within the site, even for larger vehicles. The Highways Officer is satisfied that there are no material highway implications associated with the proposal, which is accessed from an un-adopted private road. No significant highway safety issues are raised, and the proposal is considered to comply with policy DC6 of the MBLP.

## **Trees**

CELPS policy SE 5 relates to Trees, Hedgerows and Woodland. It seeks to protect trees, hedgerows and woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character of historic character of the surrounding area.

Saved MBLP policy DC9 seeks to protect trees and woodlands, worthy of formal protection, from development unless certain circumstances apply.

The Forestry Officer has confirmed that this retrospective application has been supported by a tree survey which demonstrates that the construction of the sheds has occurred outside the root protection areas of the mature trees on the site. The supporting information suggests that no tree or hedgerow removals have taken place during the construction of the building and that enhancements have been implemented in the form of new planting of native species as indicated on the submitted landscape layout.

There appear to be no significant arboriculture implications arising from this application and therefore no significant tree issues are raised in accordance with policy SE 5 of the CELPS and DC9 of the MBLP.

### **Landscape**

CELPS policy SE 4 relates to Landscape. Amongst other matters, all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness in both rural and urban landscapes.

As noted above the proposal is an agricultural development of a form that is typical for such a use, and in an area where other similar agricultural enterprises exist. It is considered that the proposal raises no significant landscape concerns in this context. The Landscape Officer has made comments regarding the access road and soils. The access road is historic and as the development is acceptable in principle therefore the soil issue would not be a direct planning consideration. Landscaping conditions are suggested but on balance it is considered that the submitted landscape plan is sufficient given the natural cover that exists in the vicinity of the site.

### **Nature Conservation**

CELPS policy SE 3 deals with biodiversity and geodiversity. It seeks to protect areas of high biodiversity and geodiversity. It also requires all development to aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity.

The applicant has submitted photographic evidence of a breeding bird scheme in the form of features suitable for breeding swifts. The Nature Conservation Officer requests a condition requiring that the features should be permanently retained, unless otherwise agreed in writing by the Local Planning Authority to safeguard protected species and secure an enhancement for biodiversity in accordance with the NPPF and policy SE 3 of the CELPS. No further ecological issues are raised.

### **Public Right of Way**

A public footpath crosses the site (the access road) to the east of the buildings. Comments from The PROW unit are awaited and will be reported as an update.

## COMMENTS ON REPRESENTATIONS

The points of objection of the Parish Council that have been received have been noted and addressed by the main body of the report and no justification by way of VSC's is considered necessary. It is considered that this retrospective application does represent acceptable development enshrined by policy. It is noted that there is support from nearby residents.

## CONCLUSIONS AND REASON(S) FOR THE DECISION

As agricultural development within the Green Belt, the proposal is not an inappropriate form of development. The issues raised in representation have been duly considered however the proposals are considered to comply with National and Local Policy. It is considered to comply with policy PG3 of the Cheshire East Local Plan Strategy, saved policies GC1 and DC28 of the Macclesfield Borough Local Plan and the NPPF.

Policy MP1 of the CELPS states that *“Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”*

Accordingly, the application is recommended for approval subject to conditions.

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

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A06EX - Materials as application
3. A11LS - Implementation of landscaping scheme submitted with application
4. To be used solely for the purposes of agriculture
5. Retention of breeding bird features



