

Application No: 20/1620M
Location: Canalside Farm, Wood Lane East, Adlington, SK10 4PH
Proposal: Change of use of land to a petting farm, including a residential lodge, cafe and car parking.
Applicant: Karina Boland
Expiry Date: 24-Feb-2021

SUMMARY

It is considered that insufficient information has been submitted to assess the full impact of the change of use upon the Green Belt. However, the proposals for the car park and the café are inappropriate forms of development in the Green Belt that reduce openness and encroach into the countryside. Substantial weight is afforded to any harm to the Green Belt in accordance with paragraph 144 of the NPPF. In addition, the car park is considered to result in less than substantial harm to the Macclesfield Canal Conservation Area.

The absence of sufficient information also does not allow the full impact of the proposed development upon designated heritage assets and local character, and trees to be assessed. In addition, no information has been provided by the applicant to describe the significance of any heritage assets affected, as required by paragraph 189 of the NPPF.

Collectively these matters carry substantial weight against the proposal.

Balanced against this harm is the applicant's proposal that the site will be used to support educational and therapeutic needs, host school visits and explore potential for an apprenticeship for animal husbandry. Whilst these matters may provide some social public benefit to such groups, no evidence of any arrangements or agreements with educational, medical or social bodies has been provided to substantiate these aims. Therefore, they attract very limited weight in the overall balance.

Accordingly it is considered that the identified harm to the Green Belt, the harm to the conservation area and the lack of information is not outweighed by these other considerations / public benefits. Accordingly the proposal is contrary to policies PG 3 of the CELPS and GC1 of the MBLP relating to the Green Belt, policies SE 1, SD 2, SE 5 and SE 7 relating to the character of the local area / conservation area, as well as associated paragraphs of the NPPF.

The application is therefore recommended for refusal

SUMMARY RECOMMENDATION

Refuse

REASON FOR REPORT

The application is to be presented at Northern Planning Committee at the request of Cllr Michael Beanland for the following reasons:

- “1. Detrimental impact on residential amenity*
- 2. Detrimental impact on highway safety*
- 3. Detrimental impact on the Macclesfield Canal Conservation Area*
- 4. Detrimental to the setting of the listed canal bridge*
- 5. Proposal is not in accordance with Saved Policy GC1 Macclesfield Borough Local Plan*
- 6. Proposal is not in accordance with Policies PG3, PG6 and SE7 of the Cheshire East Local Plan”*

APPLICANTS SUBMISSION

The applicant has submitted:
Plans

A planning policy statement

A supporting statement from the applicants

A supporting letter from a vet

DESCRIPTION OF SITE AND CONTEXT

The site lies within the Green Belt approximately 100m to the south east of the junction of Wood Lane South, Wood Lane West and Wood Lane East. It is a linear site between the Middlewood Way and the Macclesfield Canal. There is an existing stone bridge over the Canal to the east of the site, which is a listed structure.

The site has an existing access onto Wood Lane East close to the bridge over the Middlewood Way. This access is close to the entrance onto the Middlewood Way on the opposite side of the road and also the access to a building known as Lyme Breeze, used a wedding venue. Lyme View Marina lies to the north east of the site and the Miners Arms to the north west.

There is a row of residential dwellings running along Wood Lane South which back on to the Middlewood Way which is parallel to the western edge of the site.

There are some existing stable buildings on the site, a shipping container and a number of other structures appear to have been recently constructed including a stable building, animal shelters and fencing. The land has been divided up with the wooden fencing into differing pens containing various animals including rabbits, pigs, goats, donkeys, rare breed sheep, geese, alpacas and ponies. A stone track runs through the centre of the site.

DETAILS OF PROPOSAL

The application seeks full planning permission to change the use of the land from agricultural land to use as a petting farm, with public access. They

propose to utilise the site to support educational and therapeutic needs, host school visits and they see potential for an apprenticeship for animal husbandry.

The proposal includes a timber building measuring 6m by 6m for use as a café associated with the petting farm. Also, a car parking area to accommodate 25 cars which would be adjacent to the existing access onto Wood Lane East.

The application originally included a residential timber chalet building however this has been removed from the application.

It is proposed to open the site daily between 10.00am - 6.00pm in the summer months and daily between 10.00am to 4.00pm in the winter.

RELEVANT HISTORY

15/2956M Three timber-built stables and associated tack room and yard and external lighting - Not determined

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG3 Green Belt

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SE1 Design

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The historic environment

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk

Appendix C – Parking Standards

Macclesfield Borough Local Plan (MBLP)

DC3 Protection of the amenities of nearby residential properties

DC6 Safe and convenient access for vehicles, special needs groups and pedestrians

DC8 Landscaping

DC9 Tree protection

DC35 Materials and Finishes
DC36 Road layouts and circulation
DC37 Landscaping in housing developments
DC63 Contaminated Land
GC1 New buildings in the Green Belt
NE1 ASCV
NE11 Nature conservation interests

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)

CONSULTATIONS (External to Planning)

Head of Strategic Transport - No objection

Environmental Health - No objection subject to conditions relating to opening hours, electric vehicle infrastructure and contamination

Flood risk team - Comments awaited

Canals and River Trust - No objection

PROW – No objection

Adlington Parish Council - Object to the proposal and recommends refusal for the following reasons:

- the proposed development will cause harm to the openness of the Greenbelt and Conservation Area.
- Access to the Marina will be impeded by cars parked along the road as well as the increase in traffic in the vicinity.
- Concerns that the area of land was insufficient for the number of animals proposed to be kept on the site.
- The proposed number of animals to be kept on-site does not justify a residential property on the site.
- Insufficient information in the application, in particular how animal waste would be removed from the site and how a water supply would be provided, also that a newt survey and tree survey are not included with the application.

OTHER REPRESENTATIONS

64 objections have been received which raise the following concerns:

- Site is very close to the main thoroughfare for pedestrians, dog walkers, joggers, horse riders & cyclists to the Middlewood Way and the canal & businesses located at the marina

- The access is a narrow road without footpaths and is not wide enough for two vehicles to pass and creates congestion
- further congestion would arise causing traffic to 'back up' over the bridge and across the nearby 4-way junction with Woods Lane. And will cause 'bottle necks'.
- the only water supply for the animals & washroom facilities for the existing site is served via small pipes leading from a local residence some 100 yards
- It will impact upon local wildlife.
- The proposal is a means of achieving long term goal of a house
- The plot has grown over the last few months and makes a mockery of planning regulations.
- Allowing a residential lodge could provide a footprint to construct a more permanent residential home on green belt land.
- There are currently 3 planning applications before Council all within a close radius to the four lanes junction.
- There would be increased traffic volumes and noise disturbance, particularly at weekends and Bank Holidays.
- Details are unclear in the application
- Opening hours are 7 days a week virtually dusk to dawn therefore no respite here for local residents
- The field is now being referred to as a "farm"
- The nearby junction and the sharp bend on Wood Lane already regarded as a danger to pedestrians, cyclists, horse riders and motorists. Creating a visitor attraction would result in more undue risks to the public. Parking is already a problem.
- Already suffering from noise issues from the animals
- Some of the proposed animals are alien to the existing climate and ground conditions pertaining to this site i.e. wet land
- There is no mention of how many breeds and individuals could be located on this site but there are already sheep, alpacas, chickens, donkeys and turkeys
- The position and shape of the site is far from ideal, with the only access situated on the bend of a narrow road with no footpath provision
- Is parking provisions proposed sufficient and where would any overflow go?
- In addition to visitor traffic, there will probably also be trade delivery vehicles bringing supplies and removing waste
- The site is an existing nuisance to neighbours along Wood Lane South with animal and generator noise from the site
- A well-designed and suitably sited petting zoo may be good for both animals and visitors but not here
- Queries about animal welfare no sign of food or water
- There is no licence or food standard rating

- The land is frequently flooded and unsuitable for animals
- External artificial lighting in a sensitive location
- Smell from the animals waste the food of the café for car fumes from bins, feed, wet straw etc
- Overlooking of our private property resulting in loss of privacy.
- Loss of existing views will adversely affect the residential amenities.
- Fear of crime.
- Previous nuisance of parties held in lockdown.
- No attempt made by applicant to connect with the local residents
- Devaluation of neighbouring properties
- Minimum needs of water services and power are not fully available
- No mention of management of waste-water run -off into the stream on the site which flows across to the houses on Wood Lane South.
- Possibility for double yellow lines and for it to be monitored needs to be part of the agreement if it is approved that happens.
- 200 boats at Marina
- How would emergency services access the site if there is congestion
- This site was a previous green field with no established infrastructure.
- Significant development has already been undertaken without planning approval being
- The land doesn't drain well as it is clay based so it will get water-logged.
- Contrary to local and national policy
- Will altering view from countryside to carpark.
- Loss of privacy resulting from overlooking from the visitors to this site,
- Impact from vehicle fumes and noise and headlights
- Limited information in planning application
- Conflicting information re opening hours 8. Additional traffic will be brought to the area through the quiet back lanes and no doubt would park on the already congested side roads around this area.
- Impact on ecology and woodland
- A nice idea but this is absolutely the wrong place.
- Already problems anti- social parking
- There is a connection between this land with Four Lane End Farm
- Detrimental impact and Macclesfield canal conservation area
- Detrimental to the setting of the listed canal bridge
- Site entrance is on a blind bend.
- Highway safety was a relevant factor in an Inspector's decision to refuse an appeal arising from 16/2615M, which related to a proposed vehicular access on nearby Wood Lane South (appeal decision dated 28 July 2017, paragraphs 13 to 20 and 24 to 25 – harm to highway safety
- There is a hardstanding track for over 100 metres into the heart of the site which appears to have no permission

OFFICER APPRAISAL

Principle of Development / Green Belt

The NPPF states at para 143 that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.

Para 144 states *“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 resulting from the proposal, is clearly outweighed by other considerations”*.

Para 145 states *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include...
...b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

Para 146. States *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.”* Included within this list of other forms of development are:

“b) engineering operations;”

And

“e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);”

Policy PG3 of CELP reflects the NPPF and states *“Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy”*.

In principle, the change of use of the land to a petting farm could be considered not to be inappropriate development due to the proposal being for a form of outdoor recreation. However, as noted above material changes of use should preserve openness and not conflict with the purposes of including land within it. The buildings and structures that currently exist on the site do not have planning permission and are not included within the current application, and are not shown on the plans. The works appear to be ongoing therefore it is possible that further buildings and structures will appear on the land, which all need to be considered as part of the application. It is therefore considered that there is insufficient information to be able to assess the full impact of the change of use upon the Green Belt.

However, details of the proposed café building have been provided. This is considered to be inappropriate development in the Green Belt as it is not listed as one of the permitted exceptions in paragraph 145 of the NPPF,

policy PG 3 CELPS or policy GC1 of the MBLP. The café building would also result in some loss of openness and encroachment into the countryside, although given its modest scale this would be relatively limited. The applicant's agent has suggested that the café could be the subject of a condition which ties it to being ancillary to the petting farm only. However, it is considered that such a condition would not be enforceable due to the location of the petting farm close to the Middlewood Way, Macclesfield Canal and the marina. It would in all likelihood attract customers in the locality as a destination in its own right.

The car parking area is also considered to be inappropriate development due to it not preserving openness because of the increased area of hardstanding, the presence of parked cars and the associated intensification of use arising from it. It is a large area suitable for 25 cars and it is located close to the existing access and therefore clearly visible to the public. There will therefore be a visual and spatial loss of openness. The agent has offered to reduce the size of the car park, but this in turn could cause issues of highway safety, in an area which currently suffers from on street parking problems.

Very special circumstances

No very special circumstances have been submitted to overcome the inappropriateness of the development, and none are known to exist. Therefore, the application is contrary Green Belt policies as set out in paragraphs 145 and 146 of the NPPF, policy PG3 of CELPS and saved policy GC1 of MBLP.

Highways and parking

CELPS policy CO 1 deals with Sustainable Travel and Transport. It seeks to encourage a shift away from car travel to public transport, cycling and walking.

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.

Access to the site is taken from an un-adopted private road (Wood Lane East), and therefore CEC Highways are not responsible for its maintenance. At its junction with the adopted highway (i.e. Wood Lane North, Wood Lane South and Wood Lane West), lateral visibility to the right (along Wood Lane North) for drivers of vehicles emerging from Wood Lane East is poor.

It is noted that, Wood Lane East provides access to Lyme View Marina and two farms, notwithstanding this, there have been no reported personal injury accidents recorded at the junction in the last five years (2015 – 2019).

This is likely due to the unusual layout of the junction, which gives right of way to traffic emerging from Wood Lane East, over traffic approaching from the right (from Wood Lane North). Bearing this in mind, it is not considered that

traffic generation associated with the proposal, which will largely take place outside of the morning and evening commuter peak periods, would have a material impact on the safe operation of the junction or wider highway network.

It is noted that the proposal includes a 25 space car park, which is likely to be sufficient to accommodate car parking demand under normal circumstances; however, given the distance between the site and the adopted highway network (approximately 100 metres) any overspill parking during periods of high demand would be likely to take place on the Wood Lane East, which is a private road.

In terms of sustainable travel, the site is located in a semi-rural setting, which would likely attract trips by walkers and cyclists. It is also noted that there are bus stops located on Wood Lane West near to the junction referred to above, which may make travel to and from the site attractive for some visitors and staff. It is thus concluded that the site is reasonably well placed to encourage trips by walking, cycling and public transport.

There are no other material highway considerations associated with this proposal. The Head of Strategic Transport has no objection to the proposal.

It is therefore considered that the proposal would comply with saved policy DC6 of MBLP and policy CO1 of the CELPS.

Design / Heritage

This property lies within the Macclesfield Conservation Area and a Grade II listed canal bridge lies adjacent to the eastern boundary of the site.

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.

CELPS Policy SD 2 Sustainable Development Principles notes that all development will be expected to respect, and where possible enhance, the significance of heritage assets, including their wider settings.

Policy SE 7 notes that the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal.

Only plans and elevations showing the car park and the café building have been submitted. The applicant has confirmed that no external lighting is proposed. The café is a timber structure, and relatively small scale, and as such is not considered to be unduly out of keeping with its rural setting.

Whilst the Conservation officer has not raised any concerns regarding the proposal in terms of its impact upon the setting of the listed bridge or the conservation area, the car park will be situated on hardstanding, which will have an urbanising affect on this rural area, particularly when vehicles are parked upon it. The car park is located close to the entrance and will be clearly visible from Wood Lane East. The car park is not considered to reflect the local character of this rural conservation area, and results in less than substantial harm to this designated heritage asset. Paragraph 196 of the NPPF states that where a proposal results in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is discussed further below.

No information has been provided relating to the other structures on the site that are clearly key aspects of the proposed use, and again insufficient information has been submitted to be able to assess the full impact upon designated heritage assets and local character. It is also noted that no information has been provided to describe the significance of any heritage assets affected, as required by paragraph 189 of the NPPF.

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.

Saved policy DC38 sets out guideline separation distances for new residential development, including minimum distances between windows, to ensure adequate space, light and privacy.

There are dwelling houses on Wood Lane South which back onto the Middlewood Way. This linear cycle and walkway is situated between the application site and the dwellings. There is some landscaping interspersed along the northern boundary of the site which provides degree of screening.

The use of the land for animals is something to be expected in the countryside and along with a degree of noise or smell associated with such animals. However, the proposed car parking would introduce different source of noise in a location where there has previously been none.

The Middlewood Way lies between the application site and the adjacent properties, which in itself, will create a degree of disturbance. The nearest dwelling closest to the northern end of the car park would be over 30m away site. With most others being approximately 60m away. There are trees along the western boundary of the site and domestic landscaping within many of the houses on Wood Lane South. Given the proposed opening hours and the existing landscaping it is considered that any impact resulting from the car park would be acceptable as there is unlikely to be any loss of privacy and

any resultant noise would be limited by the hours of opening. Other noises associated with animals is to be expected in such countryside location.

It is considered that the proposal would comply with saved policies DC3 and DC38 of 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.

There are trees and hedgerows along the boundary with the Middlewood Way, and on the banking leading down to the path, which do make a positive contribution to the character and visual amenity of the area. The proposed car park comes very close to these trees, but no details have been provided to show the impact of the proposal upon them. Comments are awaited from the arboricultural officer, however it is anticipated that insufficient information has been provided to be able to assess the full impact of the proposal upon these trees.

Flood Risk

No risk of flooding is anticipated on the site, as it lies above the Middlewood way on its western boundary and other than the car parking area the land would remain open grazing land. Should the application be approved car park surfacing could be conditioned to be porous. Comments are awaited from LLFA.

Ecology

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.

There are no ecological implications resulting from the development. It is therefore considered to comply with policy SE 3 of CELPS subject to conditions relation to the protection of breeding birds and the incorporation of features suitable for use by breeding birds in the new development.

PLANNING BALANCE AND CONCLUSION

It is considered that insufficient information has been submitted to assess the full impact of the change of use upon the Green Belt. However, the proposals for the car park and the café are inappropriate forms of development in the Green Belt that reduce openness and encroach into the countryside. Substantial weight is afforded to any harm to the Green Belt in accordance with paragraph 144 of the NPPF. In addition, the car park is considered to

result in less than substantial harm to the Macclesfield Canal Conservation Area.

The absence of sufficient information also does not allow the full impact of the proposed development upon designated heritage assets and local character, and trees to be assessed. In addition, no information has been provided by the applicant to describe the significance of any heritage assets affected, as required by paragraph 189 of the NPPF.

Collectively these matters carry substantial weight against the proposal.

Balanced against this harm is the applicant's proposal that the site will be used to support educational and therapeutic needs, host school visits and explore potential for an apprenticeship for animal husbandry. Whilst these matters may provide some social public benefit to such groups, no evidence of any arrangements or agreements with educational, medical or social bodies has been provided to substantiate these aims. Therefore, they attract very limited weight in the overall balance.

Accordingly it is considered that the identified harm to the Green Belt, the harm to the conservation area and the lack of information is not outweighed by these other considerations / public benefits. Accordingly the proposal is contrary to policies PG 3 of the CELPS and GC1 of the MBLP relating to the Green Belt, policies SE 1, SD 2, SE 5 and SE 7 relating to the character of the local area / conservation area, as well as associated paragraphs of the NPPF. The application is therefore recommended for refusal for the following reasons:

- 1. Insufficient information has been submitted in order to determine whether the proposed change of use is inappropriate in principle, however, the proposed café and car park are inappropriate development in the Green Belt, and very special circumstances have not been demonstrated. The proposal is therefore contrary to policies PG 3 of the CELPS, GC1 of the MBLP and the Green Belt chapter of the NPPF.**
- 2. Insufficient information has been submitted to allow the full impact of the proposal upon designated heritage assets, local character and trees and hedgerows to be assessed. However, the proposed car park is not considered to reflect the local character of this rural conservation area, and results in less than substantial harm to this designated heritage asset. The identified public benefits do not outweigh this harm. The proposal is therefore contrary to policies SE 1, SD 2, SE 5 and SE 7 of the CELPS.**

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 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.

N

