

Application No: 20/4020M

Location: Meadowbrook Farm, SPODE GREEN LANE, LITTLE BOLLINGTON, WA14 3QX

Proposal: Change of use from agriculture to mixed-use agriculture and equestrian. Construction of stables and associated storage buildings (retrospective)

Applicant: The George Leech Trust

Expiry Date: 24-Dec-2021

SUMMARY

The proposal is for the retrospective change of use of the 11.4ha site from agriculture to equestrian. The application also seeks retrospective planning permission for various buildings on the site including stables, associated storage and an electricity meter building.

The proposed change of use is found to be an acceptable form of development in the Green Belt; and subject to revisions to the scheme during the course of the application, the associated buildings are found to be appropriate facilities for outdoor sport and recreation, therefore appropriate in the Green Belt.

The impact on character, appearance, residential amenity, highways, heritage and public rights of way and flood risk are considered to be acceptable and all concerns raised by consultees have been addressed to their satisfaction.

Accordingly, the proposed development is found to be in accordance with the development plan and is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to conditions

DESCRIPTION OF SITE AND CONTEXT:

The application relates to an 11.4ha parcel of land located in the designated Green Belt. The site is currently subdivided into various sections as laid out with hedgerows, timber post and rail fencing and temporary electric tape fencing with several horses housed throughout. Various buildings and structures are found within the site including timber horse shelters, GRP trailers and shipping containers. The surrounding land use is predominantly agricultural, with some sporadic residential development.

The application site also contains an enclosed dog exercise area which is subject to a separate retrospective planning application (20/0596M); however, at the time of writing this use remains unlawful.

DESCRIPTION OF PROPOSAL:

The application seeks retrospective planning permission for the change of use of the site from agricultural to mixed-use agriculture and equestrian and for the associated buildings and structures. The site contains various buildings, some of which are established as being lawful and these are excluded from the application. For clarity, the buildings and structures this application seeks retrospective approval for are those shown on the *Proposed Site Plan (revised)* received by the Local Planning Authority on 8-December-2021. This include a timber horse shelter (Building G), stables (Building H), a feed store (Building L) and an electricity meter room (Building K).

The proposal has been revised during the course of the application. Various other buildings and structures, including GRP trailers and other inappropriate storage buildings, have been omitted from the scheme.

It must also be noted that there are various other buildings, structures and containers on the site which are deemed to be lawful due to the period of time in which they have been present on the site (more than four years). These do not form part of this application.

RELEVANT POLICIES:

National Planning Policy

Cheshire East Local Plan Strategy (CELPS)

PG 2 Settlement Hierarchy
MP 1 Presumption in Favour of Sustainable Development
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
PG 3 Green Belt
SE 1 Design
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
Appendix C Parking Standards

Saved Macclesfield Borough Local Plan Policies (MBLP)

GC1 Green Belt – New Buildings
DC3 Amenity
DC6 Circulation & Access
DC32 Equestrian Facilities

Other Material Policy Considerations

National Planning Policy Framework (2021)

Equestrian Facilities – Supplementary Planning Guidance (2005)

Little Bollington Neighbourhood Development Plan

Regulation 16 Stage – however, due to a procedural error, the Little Bollington neighbourhood plan has been withdrawn. Once the procedural error is corrected, the plan will be resubmitted for further consultation.

RELEVANT PLANNING HISTORY:

20/0596M – pending decision

Change of use of land and associated barn/field shelter from horse grazing to dog adventure field/dog exercise area

20/4660M – pending decision

Certificate of lawful existing use for rolled stone hardstanding

CONSULTATIONS

Environmental Protection (CEC):

- No objection, subject to various informatives for the applicant's information

Flood Risk (CEC):

- Given the scale of retrospective development, I would have no objections on flood risk grounds.
- Due regard should be given to those areas which are susceptible to surface water flooding identified in the FRA referenced in a similar application in the interest of avoiding any risk of flood damage to the timber buildings.

Highways (CEC):

- No material highway implications
- The site uses an existing access and farm track
- No issues regarding car parking
- Accordingly, the Head of Strategic Transport has no objection to the planning application.

Public Rights of Way (CEC):

- Identified public footpaths adjacent the application site
- Unlikely the proposal would affect the PRow
- Advice provided for the applicant's information

Historic England:

- No comments to provide on this application

National Trust:

- Object to the proposed development
- Inappropriate development in the Green Belt
- Detract from the character and appearance of the local landscape
- Harm the setting of designated heritage assets at the Dunham Massey Estate

Natural England:

- Generic advice provided regarding impacts and opportunities of development

REPRESENTATIONS:

A total of 20 representations have been made by members of the public, 19 of which object to the proposed development. The objections are summarised as below:

- Green Belt land should be protected
- There has never been a farm called "Meadowbrook Farm" on Spode Green Lane
- Limited demand for equestrian facilities in the area
- Spode Green Lane is a single track country lane
- The lane has become much busier since the land being used as a DIY livery yard and dog exercise area
- Historic of vehicle accidents on Spode Green Lane
- Not all neighbours notified
- "Foot in the door" to further development of the site
- Visual landscape harm
- Harmful to character of the countryside
- Horses have been kept on the land for years
- Containers, horse boxes and caravans come and go all the time
- Adjacent dog exercise field will produce faeces which is a danger to equestrian and agricultural animals
- Neighbours went to considerable expense to gain planning approval for sympathetic stables so the same should apply
- Local area not suitable for equestrian activities / exercise
- Harm to the adjacent Dunham Massey estate
- Unclear as to why and which buildings are proposed and which are lawfully existing
- Proposed meter room on a concrete base is excessive
- Inconsistent with Little Bollington Neighbourhood Development Plan
- Buildings marked as moveable, however in reality they stay in situ
- Surrounding roads regularly flood
- Approval would set a precedent
- Horse waste disposal requires further consideration

- Hours of operation unclear
- Lack of flood risk and drainage detail

One representation was received from a member of the public, supporting the proposal. The comments made are summarised as below:

- Shelters are custom built to provide shelter for horses
- Young, elderly and horses with health issues on the site
- Shelters are on metal skids and are therefore not permanent
- In keeping with the environment
- Without the income from the horse occupation, there would be no way the trust could maintain the land which could potentially become unkempt and an eyesore and a target for development, occupation by travellers etc
- Tranches of Green Belt land are being sold to developers i.e. the M56 service station plan

OFFICER APPRAISAL

Principle of Development – Green Belt

The application site is located within the Green Belt. Paragraph 149 of the NPPF states that the construction of new buildings and development in the Green Belt shall be regarded as inappropriate. Paragraphs 149 and 150 of the NPPF list a number of exceptions to this, which are broadly reflected at a local level in Policy PG 3 of the CELPS.

One of the exceptions listed in paragraph 149 and PG 3 is for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Another exception listed in paragraph 150 and PG 3 is for material changes in the use of land, such as changes of use for outdoor sport or recreation. This is subject to the condition that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

Saved policy GC1 also deals with new buildings in the Green Belt and allows for essential facilities for outdoor sport and recreation, subject to the same conditions set out above. However, it is acknowledged that this policy requires facilities to be 'essential', rather than 'appropriate' as stated within the NPPF and the more up to date local plan, therefore reducing the weight this policy carries.

The adopted Equestrian Facilities SPG supports saved policy DC32 and sets out a number of criteria, which must be met for equestrian facilities to be allowed in the Green Belt and countryside. Amongst other matters, it states that the facilities should be small scale.

The proposal involves two key elements for consideration, firstly the change of use from agriculture to mixed-use agriculture and equestrian and secondly the provision of various associated buildings and structures.

Exception e) under NPPF paragraph 150 allows for material changes in use of land, with a specific mention of outdoor sport and recreation. The proposed recreational use of the land for equestrian purposes is supported in the Green Belt by this exception, provided the new use would preserve openness and would not conflict with the purposes of including land within the Green Belt.

In terms of the operational development that the application seeks approval for, the timber shelter (Building 'G'), stable (Building 'H') and feed store extension (Building 'L') are be considered to be appropriate facilities in relation to the equestrian use of the land due to their suitable scale and appearance. In the context of the larger site, they would not appear excessive, nor would they result in visual harm to the wider area.

The application also seeks consent for an electricity meter room (Building 'K'). Whilst this is not strictly considered to an appropriate facility for the equestrian use of the site, therefore failing to comply with exception e), it would replace an existing electricity meter building which was constructed in 2016. Being of an almost identical scale to the existing structure, the proposed Building 'K' would therefore meet exception d) as a replacement building which would not be materially larger, under NPPF paragraph 149 and is also considered to be an appropriate form of development in the Green Belt.

The application as originally submitted did also seek consent for two GRP storage containers which are already positioned on the site (Building 'C' and Building 'P'). These buildings were not considered to be appropriate for outdoor sport and recreation given their excessive size. Following discussions with the agent acting on behalf of the applicant, the proposed GRP structures have been omitted from the scheme and are no longer proposed on the plans as revised.

Accordingly, the proposed change of use and the associated operational development on the application site is considered to be appropriate development in the Green Belt.

Character, Design & Landscape

CELPS policy SE 1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing quality, distinctiveness and character of settlements.

Amongst other criteria, CELPS policy SD 2 also expects all development to contribute positively to an area's character and identity in terms of height, scale, materials, design features, massing and relationship with the wider landscape.

Policy SE 4 of the CELPS expects all development to conserve landscape character and quality, and where possible enhance the features that contribute to local distinctiveness.

The proposed timber stable, shelter and storage buildings are all found to be of an appropriate appearance given the relatively small scale and use of materials typically expected for such small-scale equestrian buildings within the rural setting. They would not appear unduly prominent or harmful to the character of the surrounding countryside.

Considering the replacement electricity meter building, this would be of a similar scale and form to the existing structure, however, would be finished in a green render coat, therefore contributing to a reduced visual impact over and above the existing building. Whilst the utilitarian appearance of this building would not generally be considered to respect local character, it would still offer some minor visual improvement.

In addition to the timber stables and electricity meter building, various GRP storage structures were also proposed as part of the original submission. In addition to the Green Belt concerns those buildings presented, they were also found to have an adverse impact on the character and appearance of the local area and wider landscape. Following discussions with the agent, the GRP buildings have been omitted from the proposed plans to address those concerns.

Accordingly, the buildings proposed are found to be appropriate in terms of character, design and landscape impact. The proposal would comply with policies SD 2, SE 1, SE 4 and saved policy DC32 which require, amongst other things, that development contributes positively to an area's character and identity.

Amenity

Policy DC3 of the MBLP seeks to protect the amenities of adjoining or nearby residential properties due to the potential development impact on loss of privacy, loss of light, noise and traffic generation. The objectives of MBLP policy DC38 also seek to safeguard residential amenities in respect of light, privacy and space between buildings.

The nearest neighbouring properties to the application site are located adjacent the site's eastern boundary. The nature of the equestrian use raises no amenity concerns due to the low intensity of activity it would generate. Further this, none of the buildings proposed pose any adverse harm to the occupiers of the nearest residential properties by reason of loss of light, overbearing impact or noise.

As such, no concerns are raised with respect of residential amenity and the proposed development is considered to accord with saved policy DC3.

Highways

CEC Highways were consulted on the application and confirm that there are no material highway implications associated with the proposal. The use of the existing access from Spode Green Lane would be acceptable and no concerns are raised with respect to car parking. Accordingly, the Strategic Infrastructure Manager has no objection to the planning application.

Flood Risk

The application site is within Flood Zone 1 and covers an area greater than 1ha. Accordingly, a flood risk assessment is usually required. The application was not supported by a flood risk assessment upon submission, however an assessment prepared for a separate application within a smaller parcel of land within the application site (20/0596M) has been provided for consideration. The detail of information required is generally expected to be proportionate to the scale and intensity of development proposed.

Upon further review by the Lead Local Flood Authority (LLFA), the proposed development is considered to be acceptable in principle due to the relatively small scale of the development proposed, being limited to a small number of timber structures.

For this reason, it is considered that the proposed use of the site for a mixed-use of agriculture and equestrian would not increase flood risk on the site, or elsewhere.

Heritage

The Dunham Massey estate lies to the north of the application site, part of which is a Grade II* listed park and garden. Concerns have been raised by the National Trust with respect to the potential adverse impact the development could have on the heritage asset.

The Council's Heritage Conservation Officers were consulted on the proposal and do not consider the change of use and associated stable and storage buildings would impact the significance of the identified heritage asset. No objection has been received from a heritage conservation perspective.

It is also noted that Historic England were consulted on the application, however confirmed they do not wish to provide comments for this type of application.

Public Rights of Way (PRoW)

The local public footpath network follows the south-eastern boundaries of the site (Little Bollington FP2 and FP3). The Council's PRoW Officers have reviewed the proposal and consider the proposed development is unlikely to impact the adjacent public footpaths, and therefore offer no objection.

Other Considerations

As established above, the proposal would represent an appropriate form of development in the Green Belt. Impacts on character, appearance, amenity, highways, heritage, flood risk and public rights of way are generally considered to be acceptable.

The agent has stated that the site has been subject to recent thefts, resulting in loss of valuable equipment and therefore the proposed secure storage is necessary to prevent this in the future. Some limited weight in support of the application can be afforded to this consideration.

CONCLUSIONS AND RECOMMENDATION

The proposed change of use of the site from agriculture to equestrian is acceptable in principle. However, it has not been demonstrated that the operational development associated with the equestrian use would be appropriate facilities for outdoor sport and recreation and therefore the proposal would represent an inappropriate form of development in the Green Belt. Additional harm is found by reason of harm to openness, poor quality design adverse visual impacts. Insufficient information has been provided to allow the flood risk and drainage impacts of the development to be assessed. For these reasons, the application is recommended for refusal.

Recommendation: Approve Subject to Conditions

Due to the retrospective nature of the proposed development, a limited number of conditions are required in this case:

1. The development hereby approved shall be carried out in total accordance with the approved plans numbered Location Plan (unnumbered) received by the Local Planning Authority on 26-October-2020, JL/10/02a received by the Local Planning Authority on 01-December-2020, JL/10/01A (Buildings G, H and L) received by the Local Planning Authority on 15-September-2021, and the revised site plan (un-numbered) received by the Local Planning Authority on 8th December 2021, except where varied by other conditions of this permission.

Reason: For the avoidance of doubt and to specify the plans to which the permission relates.

2. The materials to be used shall be in strict accordance with those specified on the approved plans unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building/structure is acceptable.

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 Chair of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

