

Application No: 21/4883M

Location: New Mount Pleasant, MARTHALL LANE, MARTHALL, WA16 7SS

Proposal: Planning application for proposed general purpose agricultural sheep housing building

Applicant: Mr Brighouse, BRIGHOUSE FARMS LTD C/O harvey hughes

Expiry Date: 22-Apr-2022

SUMMARY

The proposal is for a "*general purpose agricultural sheep housing building*". The application site is located within the Green Belt where the construction of new buildings is considered to be inappropriate. However, as the building is for agriculture it would meet one of the listed exceptions to inappropriate development. The supporting information submitted to the Council has demonstrated the need for the building in allowing for appropriate management techniques in the interests of both the agricultural business and the welfare of the farm's sheep flocks.

Impacts on character, design, residential amenity, ecology, trees, flood risk and highways are found to be acceptable and no concerns have been raised by the relevant consultees.

SUMMARY RECOMMENDATION

Approve Subject to Conditions

REASON FOR REPORT

The application has been called-in to be determined by the Northern Planning Committee by Cllr Asquith for the following reasons:

"I make this request on behalf of Marthall Parish Council. They comment:

The prospect of this application being made was brought to the attention of the Northern Planning Committee earlier this year when application 20/2445M was called before the committee.

Specifically the statement "...in anticipation of the barns in this application eventually becoming a house, land has already been drained cleared and levelled to create more barns... barns with an exclusive nameplate and driveway."

The driveway and land in this application was shown in the video created in April 2021, <https://youtu.be/3iSrNfzi9vg?t=209> and links to this video sent to committee members, so

confident were the Parish Council that this application (for yet another barn) would be made, and that ultimately it would become yet another house.

Our objection to that earlier application revolved around the fact this site has suffered a reduction in available farmland to approximately 40 acres. Over 74 acres has been lost to buildings footpaths roadways and gardens and increasing residential floorspace from around 412 m² to approximately 9110 m² (an overall increase of over 2200%) and the demolition of around 20 barns and outbuildings on a constant building site for over 10 years to create what has become a collection of very, very large houses.

The Parish Council object to the application on the following grounds:

CUMULATIVE IMPACT- there has been building on this site for over 10 years, over 64% of the farming land on this site has already been lost to residential development.

NO FARMING ACTIVITY - unless the applicant is living in the barns, there is no farmhouse left on the site and no accommodation for the business of farming. It wouldn't be safe or practical to have sheep in a barn so far from any habitation.

LACK OF LAND - We are concerned that the recent enormous barns erected (which had nearly 1,800m² of floorspace and acres of hardstanding and car parking) were disproportionate to the limited land left on the site. To add yet another barn in another location is unquestionably disproportionate.

HOUSING - We question why all these barns being built or proposed need driveways, electric gates, name plates and fancy walls. Since the application for barns in 20/2445M alerted Planning Committee members to the potential of those barns becoming yet more houses, at the very least this barn should have the same restrictions (the Planning Committee placed on the 20/2445M) placed upon it. Namely that in the event they are no longer needed for the purposes of farming, the barn is demolished and the site returned to arable land, with no permission for building yet another residential property, and should the applicant seek to overturn this conditions then the request to overturn them be brought back before Planning Committee."

DESCRIPTION OF SITE AND CONTEXT

The application relates to a parcel of agricultural land accessed from a private track which is taken from Marthall Lane to the south. Surrounding land use is predominantly open agricultural fields with a cluster of residential properties to the south-west. The application site lies within the designated Green Belt. Ground levels across the site vary with higher banked areas to the south and west, with the remainder of the site (where the building would be located) at a lower level. The site is bound by hedgerows with some further tree cover on the northern boundary.

DESCRIPTION OF PROPOSAL

The application proposes a "*general purpose agricultural sheep housing building*". The building would be positioned along the site's eastern boundary perpendicular to the existing hedgerow and would measure 30m x 18m with a maximum height of 6.3m. External materials would consist of corrugated fibre cement sheets for the roof and box profile sheeting for walls, finished

in juniper green colour. The application also proposes an area of rolled stone hardstanding adjacent to the building.

RELEVANT POLICIES:

Cheshire East Local Plan Strategy (CELPS)

MP 1 Presumption in Favour of Sustainable Development
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
PG 2 Settlement Hierarchy
PG 3 Green Belt
SE 1 Design
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
EG 2 Rural Economy

Saved Macclesfield Borough Local Plan Policies (MBLP)

DC3 Design – Amenity
DC6 Design – Circulation and Access
DC9 Tree Protection
GC1 Green Belt – New Buildings

Other Material Planning Considerations

National Planning Policy Framework (2021)

Ollerton with Marthall Neighbourhood Plan

Note: Whilst a draft version of the Ollerton with Marthall Neighbourhood Plan has been published on the Parish Council's website, it has not yet formally progressed through the Regulation 14 consultation stage. Accordingly, no weight can be given to the draft plan at this time.

RELEVANT PLANNING HISTORY

There is no planning history that directly relates to the same parcel of land as this current application. However, the below applications are of some relevance as they relate to other parcels of land within the same ownership / agricultural unit.

20/2445M – approved – July 2021

Retrospective application for agricultural livestock and produce stores

17/3005M – withdrawn – July 2017

Agricultural determination for an agricultural storage unit

CONSULTATION

Environmental Protection (CEC):

- No objection
- Recommended informatives for the applicant / developer's attention

Highways (CEC):

- No objection
- There are no highway implications associated with this proposal, which is located some distance from the adopted highway network; furthermore, use of the existing farm access to Marthall Lane to serve the site is acceptable.

Lead Local Flood Authority (CEC):

- No objections in principle
- Information and recommendations provided for the applicant / developer's attention

Natural England:

- No objection
- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on Midlands Meres and Mosses Phase 1 Ramsar, Tatton Meres Site of Special Scientific Interest (SSSI) and The Mere SSSI and has no objection
- Therefore do not request a HRA be produced

Public Rights of Way (CEC):

- Application site is adjacent to a public bridleway (Marthall No. 5)
- Unlikely that the proposal would affect the PRow
- Recommended informative for the applicant / developer's attention

REPRESENTATIONS

Ollerton with 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 application is within our ward boundary and we have a good historical knowledge of this site.

The prospect of this application being made was brought to the attention of the Northern Planning Committee earlier this year when application 20/2445M was called before the committee.

Specifically, the statement "...in anticipation of the barns in this application (20/2445M) eventually becoming a house, land has already been drained cleared and levelled to create more barns... barns with an exclusive nameplate and driveway."

The driveway and land in this application was shown in the video created in April 2021, <https://youtu.be/3iSrNfzi9vg?t=209> and links to this video sent to committee members, so confident were the Parish Council that this application (for yet another barn) would be made, and that ultimately it would become yet another house. Indeed, the video shows the elaborate driveway to this site, along with blank stone nameplate within its walls, ready for a future name.

Our objection to that earlier application (20/2445M) revolved around the fact this site has suffered a reduction in available farmland to approximately just 40 acres. Over 74 acres has been lost to buildings footpaths roadways and gardens and increasing residential floorspace from around just 412 m² to approximately 9110 m² (an overall increase of over 2200%) and the demolition of around 20 barns and outbuildings on a constant building site for over 10 years to create what has become a collection of very, very large houses.

The Parish Council object to the application on the following grounds

MANIPULATION OF THE PLANNING SYSTEM - The applicant's primary business is property development, which is self-evident from both the 10s of houses the applicant is currently constructing both within this site and the parish as a whole, not counting the development this site has suffered over recent years. It has been a constant process of "Knock down barns for houses, build new barns for some 'business' which never trades or submits accounts, convert 'business barns' into houses and repeat" for many, many years. The applicant also intentionally built the barn in application 20/2445M without planning permission, to later seek retrospective permission, given they had just recently converted a barn and wanted to allow time between the applications. They felt comfortable doing this on this occasion due to the barn not being visible from the road.

CUMULATIVE IMPACT - there has been building on this site for over 10 years, over 64% of the farming land on this site has already been lost to residential development.

NO FARMING ACTIVITY - unless the applicant is living in the barns in application (20/2445M), there is no farmhouse left on the site and no accommodation for the business of farming. It wouldn't be safe or practical to have sheep in a barn so far from any habitation and so far from the main barns in which the applicant isn't living.

LACK OF LAND - We are concerned that the recent enormous barns erected (which had nearly 1,800m² of floorspace and acres of hardstanding and car parking) were disproportionate to the limited land left on the site. To add yet another barn in another location is unquestionably disproportionate. The applicant has stated that he has 750 head of sheep. whilst the size of the barns may reflect that, that number of sheep have not been seen nor is there enough land to justify the existing barns, never mind the barns in this application. The applicant has recently started renting land adjacent to this site, but renting land isn't justification for barns of this size and can't be included in any calculations.

HOUSING - We question why all these barns being built or proposed need driveways, electric gates, name plates and fancy walls. Since the application for barns in 20/2445M alerted Planning Committee members to the potential of those barns becoming yet more houses, at the very least this barn should have the same restrictions (the Planning Committee placed on the 20/2445M) placed upon it. Namely that in the event they are no longer needed for the purposes of farming, the proposed barn is demolished, and the site returned to arable land, with no permission for building yet another residential property, and should the applicant seek to overturn this conditions then the request to overturn them be brought back before Planning Committee.

We the Parish Council cannot support this application, and we request that the application is refused"

Comments were received from 5 members of public supporting the proposed development for the following reasons (summarised):

- Minimal impact in terms of scale and design
- Additional planting increases local biodiversity
- Keeping sheep flocks separate has significant long term health benefits
- Enables biosecurity measures for the flock and store lambs
- Enables the farm business to run in a practical and sustainable way
- Good quality housing and safe living conditions for the animals
- Local farmers should be supported
- Lack of suitable buildings at present

OFFICER APPRAISAL

Green Belt

The application property 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 Framework list a number of exceptions to this, which are also reflected at a local level in CELPS policy PG 3. Those exceptions under paragraph 149 are:

- a) buildings for agriculture and forestry;*
- 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;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

In this case, the application proposes a new building which is designed for the housing of store sheep in association with the applicant's farming business. Therefore, the proposed works would be appropriate in principle under exception a).

The application is supported by a *Justification Report / Design & Access Statement* which demonstrates the need for the proposed building. The business, Brighthouse Farms Ltd farms approximately 28ha of agricultural land in Marthall which is cropped to grassland and used for hay / haylage production. The business also maintains two flocks of sheep, one flock of Poll Dorset and one flock of store sheep.

The applicant's business currently has two agricultural buildings at a separate site in Marthall that are used to house the pedigree Poll Dorset flock, however at present there are no suitable facilities in place to allow the store sheep flock to be housed away from that flock. The supporting information sets out the importance of housing the two flocks away from each other as an appropriate management technique to limit the transmission of potential disease, such as Maedi Visna (MV) and parasites.

A letter has been provided by the applicant's vet which confirms the rearing of the store lambs is an essential part of the business. The vet letter explains that MV can be widespread amongst British flocks and if present it causes significant economic loss through wasting disease, progressive pneumonia and the subsequent increased culling of breeding stock. The farm's pedigree flock of Poll Dorset is enrolled on the *Scottish Agricultural Collage (SRUC) Maedi Visna Caprine Arthritis Encephalitis Accreditation* scheme to prove that the flock is free from disease through strict biosecurity measures (such as the flock separation proposed) and testing.

The vet letter confirms that the proposed separation of the application building relative to existing sheep store buildings is vital to prevent the aerosol spread of the virus. The letter also confirms that the proposed shed is of an appropriate size to finish up to 400 stock lambs per year as well as providing housing for store lambs over winter and any animals requiring veterinary treatment. The building has also been designed to house a sheep race for routine and veterinary procedures for the store flock as this cannot be shared with the accredited pedigree flock.

The supporting information sets out the building size requirement to meet the farming business's needs:

Description	Area Requirement
General Housing	300m ²
Isolation Area	157m ²
Handling Area	90m ²
Emergency/Sick Pen	10m ²
TOTAL AREA REQUIREMENT = 557m²	

The building will provide good living conditions for the sheep during winter months to enable growth rates to be maintained and therefore allow the store lambs to be sold earlier in the season to take advantage of higher prices due to low supply. This would be beneficial to the farming business.

In the interests of animal welfare, the proposed building would allow the sheep to be housed in accordance with the DEFRA code of recommendations for sheep welfare, and the higher standards set out in the RSPCA Welfare Standards for Sheep.

The building would also contain an isolation area, handling area and emergency / sick pen, the size and need of which have all been sufficiently justified in the supporting information.

The application also proposes an area of rolled stone hardstanding adjacent to the building. A supplementary letter was provided by the applicant during the course of the application which provided further reasoning for the associated area of hardstanding. The letter explains that the location and size of the hardstanding has been designed to provide safe, convenient and efficient storage of wrapped haylage and to provide the necessary space to manoeuvre large machinery and vehicles used for unloading straw and bedding and the animals themselves. The haylage bales are stacked at a maximum height of three bales to prevent damage which in turn can cause mould growth, so the area of hardstanding has been designed to accommodate such storage arrangements to support the farm's policy of maintaining a haylage stock of 1.5 to mitigate against the potential for a poor season, stock damage or need to permanently house animals.

Comments provided by the Parish Council regarding the proposed and future use of the building are noted. The LPA should consider the merits of the proposed development against the policies of the adopted development plan. How the building may or may not be used in the future is not a consideration for the Council to make in the determination of this application. In this case, the applicant has demonstrated that there is a clear functional need for the proposed building as discussed above. Any subsequent alterations to the building or changes of use would be subject to the relevant planning legislation and / or policy at the time of application.

Accordingly, the proposed sheep housing building and associated hardstanding have been demonstrated to be for the purposes of agriculture and are therefore considered to be an appropriate form of development in the Green Belt in accordance with policy PG 3 of the CELPS and the provisions of the NPPF.

Character and Appearance

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 environment.

The overall scale of the building is considered to be wholly appropriate and is of a size typically expected with the rural Cheshire landscape. Similarly, the juniper green coloured box profile and fibre cement sheet cladding provides an appropriate finish as expected for an agricultural building of this type.

The building and area of hardstanding would be partially screened by existing earth banks to the south and west which would reduce wider landscape impact. In addition, new planting has

already been placed around the site boundary to form new hedgerow which once established, will offer further landscape mitigation.

Accordingly, no concerns are raised with the design of the proposed building which would result in no significant impacts on the character of the wider landscape.

Amenity

Saved 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 nearest neighbouring residential properties are located in excess of 200m from the proposed development. By reason of the relatively large separation distance, no concerns are raised in relation to amenity when considering privacy, daylight, overbearing impacts, noise or traffic generation.

Environmental Protection Officers were consulted on the proposal and raise no objections.

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

Nature Conservation

SSSI Impact Zone

The application site falls within Natural England's SSSI impact zone for Tatton Meres SSSI, a Phase 1 Ramsar, Midlands Meres and Mosses site. In these locations, Natural England ask that they are consulted on any development for agriculture that could generate air pollution, including buildings for livestock with a floorspace greater than 500m².

Based on the plans and details submitted, Natural England does not consider the proposed development would have significant adverse impacts on the designated nature conservation interests. A Habitats Regulations Assessment (HRA) is therefore not required in this case.

Ecological Enhancement

CELPS policy SE 3 requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. The Nature Conservation Officer therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Trees

A number of trees are located on the site's northern boundary with the adjacent parcel of land. No concerns are raised with the position and design of the agricultural building relative to trees along the boundary. The application proposes no increase in hardstanding over and above the

existing extent seen on site adjacent to the trees and therefore no concerns are raised with this regard.

On balance, given the absence of any formal TPO protection and the relatively low visual amenity value of the trees, no further information is required and the development is not considered to generate any significant arboricultural implications.

Highways

Cheshire East Highways have reviewed the proposal and raise no objections. There are no highway implications associated with this proposal, which is located some distance from the adopted highway network; furthermore, use of the existing farm access to Marthall Lane to serve the site is acceptable.

Other Matters

The application site is adjacent to public bridleway Marthall No. 5 as recorded on the Definitive Map. The PRoW Unit consider it unlikely that the proposal would affect the public right of way. Information has been provided to be added as an informative to the decision notice for the applicant / developer's attention.

Concerns have been raised by the Parish Council regarding the site's vehicular access with particular reference made to the stone walls. The entrance walls / gate pillars do not form part of this application and therefore an assessment of them has not been carried out. The approval of this application would not grant consent for those built features. A separate planning application would be required, if found to be necessary.

Some low surface water risk has been identified on the site. The Council's Flood Risk Officers were consulted on the application who raise no objection in principle. A number of informatives have been recommended by the Flood Risk Officer relating to CEC Byelaws, infiltration testing and alterations to watercourses.

CONCLUSIONS AND RECOMMENDATION

The proposed re-use of the building as a dwellinghouse is appropriate development in the Green Belt and accords with the relevant policies of the development plan. The proposed extension would be a proportionate addition to the building. The application for planning permission is accordingly recommended for approval, subject to the following conditions.

1. 3-Year Commencement
2. Development in Accordance with Approved Plans
3. Materials as per Application
4. Ecological Enhancement

Recommendation: Approve Subject to Conditions

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.

