

Application No: 21/2866M

Location: HIGHER KINDERFIELDS FARM, HOLLIN LANE, SUTTON, SK11 0NN

Proposal: Replacement of existing rural buildings with 5 accessible tourist units.

Applicant: Mr Mike Eardly

Expiry Date: 10-Jun-2022

**SUMMARY:**

The application seeks Planning Permission for a replacement building for use as tourist accommodation.

There is insufficient information to satisfy the Local Planning Authority that the building currently constructed on site can be reasonably assumed to conform with the 2017 Planning Permission for a replacement garage and store.

However, it is considered however that the proposed building is of a similar size and position to the building which has been historically located on this part of the farmstead, in order for the proposals to be assessed under CELPS PG6(3)(iii) insofar as it relates to the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

That being said, the application proposals, as currently designed, would have an adverse impact on the appearance of the countryside. This harmful effect would be compounded by the fact that a larger site would be used in connection with the building, meaning that the proposed access and parking areas, and other outdoor areas would be likely to take on a suburban character and appearance through, for example, residential-style landscaping and the placing of domestic paraphernalia.

As currently submitted, the proposals are not considered to provide the required level of detail to fully evaluate the amenity implications to both the main farmhouse and the nearest residential properties.

Any economic and tourism benefits are of limited to moderate weight in favour of the proposal. As such, the harm to the Countryside policy is not clearly outweighed by the other considerations identified.

**SUMMARY RECOMMENDATION:**

Refuse Planning Permission

## **REASON FOR REPORT:**

The application has been referred to the Northern Planning Committee at the request of Cllr Andrew Gregory (*Sutton Ward*) for the following reasons: -

1. *“The development is in an area of Open Countryside within the Peak Park Fringe and is considered to be an unwelcome development in what is an area of outstanding natural beauty;*
2. *There are concerns as to the increase in traffic along a stretch of Hollin Lane which is already busy with visitors to the nearby public house, the Ryles Arms;*
3. *Hollin Lane has long stretches of road without any pavement and a walk from the site to Sutton village will involve long walks along an unlit road;*
4. *The design of the buildings, with the use of metal cladding is not in keeping with the locality and represents a reduction in the amenity in the local area. The remaining buildings are constructed of stone;*
5. *The development is unneighbourly due to its close proximity to the building next to it and represents an over intensification of the site, being a traditional farm;*
6. *The present drive entrance is narrow and the entrance and exit of some 9 vehicles (there are 9 parking spaces) represents a further danger to all road users; and*
7. *There is no evidence that there is a need for additional tourism in the area. The camping site has a restricted permission for a limited number of weeks each year and therefore the link between the need for the units and the camping use is not sustainable.”*

## **PROPOSAL:**

This application seeks Planning Permission for a replacement building for use as tourist accommodation.

Three units are located on the lower ground floor, with two above. The two above units have interconnecting doors so that they can be let flexibly to a family group or individuals.

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

The application site is known as ‘Higher Kinderfields Farm’, in Sutton. The application site comprises a dwelling and outbuilding accessed from Hollin Lane. The house is a three-bedroomed detached two-storey stone-built farmhouse. The site has a gated drive with parking to the front and hardstanding to the rear of the main property. There is a large lawned garden to the front and south of the house, with a paddock beyond.

The application relates to a former outbuilding/garage that sits to the west (rear) of the main farmhouse.

The land noticeably falls from Hollin Lane through the site, and then quite steeply beyond the site boundary down towards a small brook to the west.

The site is located within Countryside Beyond the Green Belt and is also within an Area of Special County Value.

### **RELEVANT HISTORY/BACKGROUND:**

Planning permission was granted for the demolition of an existing garage and its replacement with a garage in a similar location and of a similar scale on 6 October 2017, under planning reference 17/4021M.

The garage was granted on the basis that it would be used for some domestic storage, but also for the stationing of an agricultural engineering vehicle associated with the applicant's agricultural business.

It is noted that during the determination of that approval, revised plans were secured to amend the location of the entrance facing onto the hardstanding (as per the original garage) as opposed to the open countryside beyond the built-up area of the site.

This replacement building was to be relocated further back from the hardstanding area and the main farmhouse to allow a more convenient access for a vehicle. This new access would be in the form of a ramp down to a new lower floor level, as an increased volume was needed to store larger vehicles.

### **POLICIES:**

#### **Cheshire East Local Plan Strategy (CELPS):**

- MP1 Presumption in favour of sustainable development
  - PG1 Overall Development Strategy
  - PG2 Settlement hierarchy
  - PG3 Green Belt
  - PG6 Open Countryside
  - EG2 Rural Economy
  - EG4 Tourism
  - SC3 Health and Wellbeing
  - SD1 Sustainable development in Cheshire East
  - SD2 Sustainable development principles
  - SE1 Design
  - SE3 Biodiversity and geodiversity
  - SE4 The Landscape
  - SE5 Trees, Hedgerows and Woodland
  - SE15 Peak District National Fringe
  - CO1 Sustainable travel and transport
  - CO3 Digital connections
  - CO4 Travel plans and transport assessments
- Appendix C – Parking Standards

#### **Saved policies of Macclesfield Borough Local Plan (MBLP):**

RT8 Access to Countryside  
GC1 The Green Belt  
NE1 Area of Special County Value  
NE3 Landscape  
NE11 Nature Conservation  
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  
DC38 Space, light and Privacy

**Other Material Considerations:**

National Planning Policy Framework (The Framework)

National Planning Practice Guidance

Cheshire East Design Guide

Revised Publication Draft Site Allocations and Development Policies Document (SADPD):

**CONSULTATIONS (External to Planning):**

Sutton Parish Council:

Sutton Parish Council object to this application for the following reasons: -

1. The proposal is for a significant change to the current use of the building, which only four years ago was granted planning permission to be a workshop/garage, which would support the development of an agricultural related business;
2. The current application is a proposal to support the development of a tourist business. There are many aspects of planning regulations with regard to design, appearance and materials, visual amenity, traffic generation etc that need to be considered for this proposed development in an Area of Special County Value;
3. The application is an over intensification of the site with nine more parking spaces;
4. Due to its close proximity to nearby property the Council feels it would be unneighbourly;
5. With more traffic using the driveway on to the lane, this creates more traffic emerging onto a country lane along with traffic entering and exiting the camp site which is only 100yds along the roadway;
6. The barn, which is going to be converted, had permission in 2017 and with that in mind it should not then be converted for residential;
7. The materials to be used in the conversion are cladding and metal windows. Although the present barn is metal cladding it is not in common with the surrounding buildings which are stone. Therefore, making a more residential building rather than an agricultural workshop the materials used should be more in line with a property of this sort;
8. The extra sewage would have to be adequately dealt with as the property is on a septic tank;
9. The Parish Council is concerned that the plot is already partly converted;
10. We are concerned that the extra hardstanding for parking etc may result in increased run off of water into the watercourse, in storm conditions, and therefore have an adverse impact on properties downstream; and

11. This should not be considered as a Class Q application, (conversion of former agricultural buildings) as it has not been used as such nor has it been in use prior to 2013 (as far as the Parish Council are aware).

Environmental Protection:

No objections, subject to conditions.

Highways:

No objections.

Lead Local Flood Authority (LLFA):

No objections, subject to Informatives.

**REPRESENTATIONS:**

The application has been duly advertised by means of direct neighbour notification letters and site notice.

Five letters of representation have been received and their comments can be summarised as follows: -

- Adverse implications to future agricultural opportunities;
- Adverse implications to existing residential amenity;
- Adverse implications to existing residential enjoyment;
- Visual appearance of the land;
- Conflicts with highway safety;
- Does not conform with development control policy;
- The building does not conform with current planning approval;
- Abuse of the planning system;
- Does not add anything to the economy of the area;
- The ecology of the area;
- A tiny area of countryside making it urban; and
- Site notice was located too far from the application site.

A letter of objection has also been received from Andrew Ellis Planning Consultants Ltd, on behalf of four local residents and their comments can be summarised as follows: -

- CELP Policy PG6 states that Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The proposal does not satisfy any of these requirements and cannot be regarded as an exception under Part 3 of the Policy;
- The construction of new build holiday accommodation is a flagrant and deliberate breach of planning control;
- The expansion of the existing tourist facility would lead to an intensification in the use of the site causing further noise and disturbance for neighbouring residents;
- The existing access is unsuitable to cater for the additional traffic that would be created by the holiday lets and this would be detrimental to the interests of highway safety; and

- The proposal fails to satisfy the requirements set out in Policies RUR8 and RUR13 of the Draft Site Allocations and Development Plan Document which is now at Main Modifications Stage.

#### **OFFICER APPRAISAL:**

#### **The Principle of Development:**

CELPS Policy PG6 (Open Countryside) states that “*within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.*”

However, CELPS Policy PG6(3) provides six exemptions, two of which are as follows:

- PG6(3)(ii) for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; and
- PG6(3)(iii) for the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

An assessment of the planning history on the site was undertaken by the Case Officer. Members should note that the measurements and calculations listed below were taken from the submitted and approved plans held on the Council’s Planning Register.

#### The Original Building:

The original building was an irregular quadrangle measuring between 15.6m (front) and 15.8m (rear) long and 4.7m wide on the south-side elevation and 8m wide on the north-side elevation. The building was 3.3m high at the front and 3m at the rear, with a nearly flat roof. This created approximately 100m<sup>2</sup> of floorspace or 1,430m<sup>3</sup> of volume within the building. It was constructed of black metal cladding (including roof and doors) with perspex sheet windows. The building was sited perpendicular at 4.7m from the rear of the farmhouse.

#### The 2017 Approved Building:

The approved building was rectangular measuring 15.2m long and 6.8m wide. The building was between 4.1m and 4.5m high from the front (east), and 5.6m high from the rear (west), as it was dug into the ground. It has a single 8 degree pitched roof. This created approximately 103m<sup>2</sup> of floorspace, but 4,755m<sup>3</sup> of volume. It was to be constructed of black metal cladding, with a roller shutter door to the front accessed via a ramp. The replacement garage also had no windows. The building was to be sited parallel 7.2m from the rear of the farmhouse.

The Council therefore approved a materially larger building in 2017, by reason of increased volume. This increase in volume was created by a cut and fill exercise which made a new lower floor level, with access ramp as stated above.

#### The Current Building:

The current building as constructed is rectangular, measuring 15.2m long and 7.2m wide. The building is 4m high from the front (east), and 5.7m high from the rear (west), as the ground has been dug away. It has a single 9 degree pitched roof. This has created approximately 109m<sup>2</sup> of floorspace, and 4,687m<sup>3</sup> of volume. It has been constructed of black metal cladding. It has one large window and one door in the east elevation, two full height windows in the side elevation (north and south) and six floor to ceiling window (and doors) to west elevation. The building has been sited parallel 11.3m from the rear of the farmhouse.

#### Reuse of an Existing Building:

The application was submitted as a change of use of the existing garage building. However, following a review of the planning history and the proposed plans, it does not appear that the structure currently built conforms with the 2017 Planning Permission in that its size, location, roof design, fenestration and construction do not correspond to the approved plans. The application has therefore been amended accordingly.

#### Replacement of an Existing Building:

CELPS Policy PG6(3)(iii) does allow for the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

It is acknowledged that the current building has been relocated even further from the rear of the existing farmhouse, although this relocation is parallel, it goes beyond the 2017 approved building relocation by some 4 metres in distance.

It is accepted that there was, and for a considerable amount of time, a building in a similar position and with external massing to that of both the 2017 Planning Permission and the current building.

In the absence of any other evidence, it appears that the current building replaced the original building on site, and it is not considered that the 2017 approved building has been implemented in accordance with the approved plans. However, this is still a material consideration.

Overall, it is considered that the proposal can be assessed as replacement building and therefore an assessment must be made as to whether the building that has been constructed is materially larger.

#### Materially Larger:

What constitutes 'materially larger' is not defined in the Framework or the Development Plan Policies as regards replacement buildings. Every application must of course be assessed on its own merits and an assessment must first be made in relation to all dimensions of size of the existing and proposed buildings.

It is accepted that the Council approved a materially larger replacement building in 2017. It is also accepted that the proposed building is not materially larger than the 2017 permission in overall volume. The insertion of an additional usable floor does increase the floor area. The height of the proposed building, when viewed from the context of the farmstead is very similar to the original and the 2017 permission.

Overall, and on balance it is considered that the proposed building is not material larger than the one it replaces (i.e. the 2017 consent), as there is no materially greater impact on the openness of the countryside.

#### Conclusions on the Principle of Development:

There is insufficient information to satisfy the Local Planning Authority that the building currently constructed on site can be reasonably assumed to conform with the 2017 Planning Permission for a replacement garage and store. The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings.

However, it is considered that the proposed building is of a similar size and position to the building which has been historically located on this part of the farmstead, in order for the proposals to be assessed under CELPS PG6(3)(iii) as a replacement building. It is concluded that the replacement building is not materially larger than the buildings they replaced.

#### **Impact on the Rural Character of the Countryside:**

CELPS Policy SE4 states that “The high quality of the built and natural environment is recognised as a significant characteristic of the Borough. 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 of both rural and urban landscapes.”

The previous building, whilst in poor condition, was essentially rural in nature and quite unobtrusive in the landscape, due to its simple design, external materials, and low eaves. In contrast, the proposed building would, by virtue of the insertion of large amount of glazing within the building, result in it being more prominent.

Moreover, the introduction of a building used for tourism, would in itself markedly change the character and appearance of the site from one that is at present quite typical of countryside to one that is overtly residential in nature. This harmful effect would be compounded by virtue of the fact that a larger site would be used in connection with the building, meaning that the proposed access and parking areas, and other outdoor areas would take on a suburban character and appearance through, for example, residential-style landscaping and the placing of domestic paraphernalia. The imposition of planning conditions would be unlikely to be effective in preventing this harmful effect and the proposal is therefore contrary to CELPS Policies PG6 (Open Countryside) and SE4 (The Landscape).

#### **Living Conditions:**

Saved MBLP Policy DC3 states that development proposals should not significantly injure the amenities of adjoining or nearby residential properties through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation. Saved MBLP Policy DC38 sets out guidelines of space between buildings.

Paragraph 185 of the Framework establishes in summary, that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and identify and protect areas of tranquillity which have remained relatively undisturbed from noise.

#### Noise and Disturbance:

The Planning Practice Guidance, in line with the explanatory note of the Noise Policy Statement for England, identifies factors which influence whether noise could be a concern such as the source and absolute level of the noise together with the time of day it occurs, and for non-continuous sources of noise, the number of noise events and the frequency and pattern of occurrence of the noise.

As stated above, the building is located just over 11m from the main farmhouse. It is also located just over 21m from the neighbouring property known as 'Kindersfield Edge'.

The application seeks to use the existing farm access to serve the proposal.

It is considered that there would be a loss of amenity to Kindersfield Edge by way of noise and disturbance through increased comings and goings to the proposed tourist units. However, it is considered that this loss of amenity is not significant enough to warrant a reason for refusal on its own. This is because of the nature of the proposed use of the building, and the nature of the existing arrangements.

The relationship between the tourist units and the main farm house would normally not give cause for concern. This is because of the nature of farm diversification. A condition could be normally imposed on a permission of this nature to ensure that the building and use are not severed from the main use of the farm and farmstead.

However, the Case Officer has become aware that the main farm house is currently for sale, and the particulars state that *"the grazing land to the side and at the rear is not being sold with the property, likewise the building to the rear for which our clients are awaiting planning permission to create holiday accommodation which will use a separate access drive."*

Given the nature of the use, the onus is upon the applicants to demonstrate that the introduction of the new sound sources do not create a negative impact upon residential amenity or quality of life, and shall not cause an increase in the ambient background noise level at the boundary of the nearest residential property.

This could possibly be addressed by way of a 'Noise Management Plan' condition if Members were minded to approve the application. However, noise management may not be acceptable on its own unless there is on-site presence to control noise.

It is considered that the Council cannot reasonably impose a condition requiring that the proposed building remains in the same planning unit as the farmstead and is not severed, as it would be unreasonable as this is the applicant's stated intention. As such, approval of the development would be contrary to CELPS Policy SE12, saved MBLP Policy DC3 and paragraphs 185 and 187 of the NPPF.

### Lighting:

Prior to its installation, the details of the location, height, design, and luminance of any external lighting could be controlled via a sustainable worded condition. This could ensure that the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties.

### Contamination:

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. The application area has a history of workshop use and therefore the land may be contaminated. No information relating to land contamination has been submitted in support of the planning application. Therefore, if Members were minded to support the application, conditions would be required to secure a Risk Assessment, Remediation Strategy in the event that any unforeseen contamination is discovered.

### Air Quality:

This scheme itself is of a small scale, and as such would not require an Air Quality Impact Assessment, but there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. The cumulative impact of developments is likely to make the situation worse, unless managed. Therefore, if Members were minded to support the application, a condition to secure Electrical Vehicle Infrastructure would be required.

### **Highway Safety, Access and Parking:**

CELPs Policy CO1 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.

The proposed change of use would not be expected to result in a material change in the volume of traffic generated by the site; therefore, there are no grounds for refusal based on sustainability. The commuter peak hour and daily traffic generation associated with the change of use, would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

The proposal for use of the existing farm access to serve the proposal is acceptable. It is noted that lateral visibility associated with the existing site access, along Hollin Lane, does not appear to conform to current design guidance. However, this is a modest proposal and its daily traffic generating potential will likely be seasonal and limited. It is also noted that there have been no reported Personal Injury Accidents in this location during the last four-year period of data availability (2017 to 2020). This is not considered to be a sustainable reason for refusal.

There is sufficient space set aside within the site to accommodate car parking demand expected to be associated with the proposal.

The Head of Strategic Transport has raised no objection to the planning application and as such it accords with CELPS Policy CO1 and Saved MBLP Policy DC6.

### **Tourism:**

CELPS Policy EG2 supports developments that create or extend rural based tourist attractions, visitor facilities and recreational uses. CELPS Policy EG4 seeks to *“protect and enhance the unique features of Cheshire East that attract visitors to the area”*.

It is acknowledged that the site is within walking/cycling of the village settlements of Sutton and Langley where there are a range of local pubs, community facilities and local shops. It is also within a 5-minute walk of the Ryles Arms and a short drive to other nearby pubs. There are numerous public/designated footpaths running close to the site giving access to open countryside and the Peak Park fringes.

It is accepted that the scheme would boost tourism and the rural economy, benefits which are given due weight. It is evident that the locality would be suitable for a tourism use and the proposal would enable access to the countryside for the purposes of recreation. This is also reflected in the Framework which states that Local Planning Authorities should plan positively to enhance the beneficial use of the countryside such as looking for opportunities to provide access and recreation. This is given moderate weight in favour of the scheme.

### **Other Material Considerations:**

There are no ecological or arboriculture issues in relation to this planning application.

### **Flood Risk and Drainage:**

If Members were minded to approve the application, then an Informative could be suggested, reminding the applicant that if any alterations to ordinary watercourses are proposed, the developer will be required to obtain formal consent under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority. An additional Informative could also be suggested as that an appropriate drainage strategy that follows the hierarchy of drainage is set out in Part H of the Building Regulations.

### **BALANCE OF ISSUES AND CONCLUSION:**

The application seeks Planning Permission for the replacement of existing rural buildings for use as tourist accommodation.

There is insufficient information to satisfy the Local Planning Authority that the building currently constructed on site can be reasonably assumed to conform with a previous 2017 Planning Permission for a replacement garage and store. The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings.

However, it is considered that the proposed building is of a similar size and position to the building which has been historically located on this part of the farmstead. The proposals have

been assessed under CELPS PG6(3)(iii) insofar as it relates to the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

That being said, the application proposals, as currently designed, would have an adverse impact on the appearance of the countryside. This is because the introduction of a building used for tourism, would markedly change the character and appearance of the site from one that is at present quite typical of countryside to one that is overtly residential in nature. This harmful effect would be compounded by virtue of the fact that a larger site would be used in connection with the building, meaning that the proposed access and parking areas, and other outdoor areas would take on a suburban character and appearance through, for example, residential-style landscaping and the placing of domestic paraphernalia. The imposition of planning conditions would be unlikely to be effective in preventing this.

Further harm, albeit minor would be caused to the appearance of the countryside, as the previous building, whilst in poor condition, was essentially rural in nature and quite unobtrusive in the landscape, due to its simple design, external materials, and low eaves. In contrast, the proposed building would, by virtue of the insertion of large amount of glazing within the building, result in it being more prominent.

As currently submitted, the proposals are not considered to provide the required level of detail to fully evaluate the amenity implications to both the main farmhouse and the nearest residential properties. The application therefore fails to comply with CELPS Policy SE12, Saved MBLP Policy DC3 and paragraphs 185 and 187 of the NPPF, in that it fails to effectively integrate with and adversely affects the amenities of adjoining and nearby residential property, through noise and disturbance.

Any economic and tourism benefits are of limited to moderate weight in favour of the proposal. As such, the harm to the countryside policy is not clearly outweighed by the other considerations identified and as such the proposal fails to adhere to the Local and National policies outlined above.

## **RECOMMENDATION:**

**It is recommended that the application for planning permission be refused for the following reasons: -**

- 1. The proposed development, by reason of its design and use, would detract from the rural character and appearance of the area within which it is located by virtue of the fact that a larger site would be used in connection with the building, meaning that the proposed access and parking areas, and other outdoor areas would be quite likely to take on a suburban character and appearance. The approval of the development would therefore be contrary to CELPS Policies PG6 (Open Countryside) and SE4 (The Landscape), thereby causing harm to the objectives of those policies.**
- 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on residential amenity. In particular, adequate information of the proposed use, as operated, would cause unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of the main farmhouse and nearby residential properties. The approval of**

**the development would therefore be contrary to CELPS Policy SE12, Saved MBLP Policy DC3 and Paragraph 185 and 187 of the NPPF.**

*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.*

