

Application No: 21/3983M

Location: Land at Saltersley Hall Farm, Saltersley Lane, Wilmslow, SK9 5LS

Proposal: Change of use of land for 12 holiday lodges.

Applicant: Mr Terence Cummins

Expiry Date: 23-Mar-2023

## **SUMMARY**

The application proposals represent inappropriate development in the Green Belt.

Paragraph 148 of the NPPF states that '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.'

The fact that the proposals represent inappropriate development in the Green Belt in conjunction with the conclusions that the development would also result in a substantial harmful impact upon the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, carry substantial weight, as set-out within policy.

Significant weight is placed on the location of the proposed development which is considered to harm the setting of the listed building.

Significant weight is also attributed to the ecology harm that would be created due to the risks posed in relation to Great Crested Newts present on site. There are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policy.

Limited to moderate weight is afforded to the design harm that would be created by introducing a built development in this rural location which would result in a harmful urbanising effect. This is only afforded limited to moderate weight when considered in conjunction with the soft landscaping proposed.

No concerns are noted with regards to highway safety matters, trees, contamination, flood risk or drainage, Manchester Airport or subject to conditions where appropriate.

In consideration of whether there are any Very Special Circumstances that could clearly outweigh the abovementioned harm cumulatively:

Significant weight is afforded to the economic benefits of the scheme with regards to job creation as a result of the proposed tourist accommodation, the short-term jobs that would be created during construction period and tourist spending in the area. Limited weight is afforded to both the social benefits and environmental benefits of the scheme which are the location of accommodation within the countryside and additional landscaping and planting.

Overall, paragraph 148 of the NPPF is clear that, in the Green Belt, Very Special Circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations.

The benefits identified are not deemed to clearly outweigh the combined harm to the Green Belt and the other harm identified. As a result, Very Special Circumstances have not been demonstrated.

The application is subsequently recommended for refusal.

### **SUMMARY RECOMMENDATION**

REFUSE

### **REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee because the site area is 3 hectares and in line with the Council's Constitution it requires a Committee decision.

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

The site comprises existing fields forming part of Saltersley Hall Farm, Mobberley. The site is located to the north west of the farm house itself, a Grade II listed building, which is accessed from Burleyhurst Lane.

The site is bound to the south by a fence line and continuation of pastoral fields and to the north, east and west by hedgerows. Two ponds and mature trees are located within the centre of the site. The fields have previously been the subject of imported material to form made ground.

The site lies within the countryside and Green Belt, with the town of Wilmslow located to the east and Mobberley to the south west. Part of the site forms part of a Local Wildlife Side

(Saltersley Hall Farm LWS). Lindow common, a site of special scientific interest, is located 1.6km to the south east of the site and Manchester airport approx. 2.1km to the north.

Mobberley public rights of way FP45, FP52, FP53 and FP58 run to the north, east and south of the site.

The site is located within flood zone 1 and generally within in an area at very low risk from surface water flooding, with several small areas within high-risk areas (topographic low spots within the site).

## **DESCRIPTION OF PROPOSAL**

This application seeks the change of use of the land for the siting of 12 holiday lodges. The proposed lodges would be 3 bedroomed with a footprint of 18m x 6.3m, height of 4.2m with a pitched roof and walls clad in zinc and timber, with an external raised timber deck.

The submitted site plans shows the site laid out with an access road running around the site perimeter with lodges positioned around the centre, with the existing ponds and a new pond surrounded by existing trees. Each lodge would have a private driveway from the access road with parking for 3 cars and additional hardstanding around the lodge.

The following plans and documents accompany the application;

- Planning application statement;
- Lodge designs
- Updated Heritage statements
- Landscape and visual assessment
- Landscape strategy
- Ecological Report
- Topographical survey
- Revised arboricultural information

Additional information was submitted during the course of the application to address concerns raised by the planning officer and consultees, including revised lodge designs, landscape and visual assessment, updated heritage assessments, topographical surveys, arboricultural information, ecological surveys. Revised plans were received latterly during the course of the application to slightly amend the red line area.

## **RELEVANT HISTORY**

18/5735M - Proposed new entrance gates and curved stone walls to either side  
Approved with conditions / 12-Feb-2019

19/3422M – Restoration & improvement of land for agriculture -Approved with conditions / 11-Dec-2019

20/1586M - Restoration & improvement of land for agriculture - phase 2.- Refused / 23-Mar-2021

21/4791M - Certificate of lawful proposed development of the siting of a mobile home within the residential curtilage - Pending

22/4894M - Agricultural determination for an agricultural produce and machinery storage building to provide functional covered storage facilities. - Determination - refusal (stage 2) / 09-Jan-2023

## **RELEVANT PLANNING POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Cheshire East Local Plan Strategy 2010-2030 – Adopted July 2017**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG 3 Green Belt  
PG6 Open Countryside  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
EG 2 Rural Economy  
EG 4 Tourism  
SC1 Leisure and Recreation  
SC3 Health and Well-being  
SE1 Design  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport

### **Cheshire East Site Allocations and Development Policies Document (SADPD)- Adopted December 2022**

PG9 Settlement Boundaries  
HER1 Heritage assets  
HER 4 Listed Buildings  
GEN1 Design principles  
RUR 2 Farm Diversification  
RUR 6 Outdoor sport, leisure and recreation outside of settlement boundaries  
RUR 8 Visitor Accommodation outside of Settlement Boundaries  
RUR 9 Caravan and Camping Sites  
ENV 1 Ecological Network  
ENV2 Ecological implementation  
ENV 3 Landscape character

ENV5 Landscaping  
ENV6 Trees, hedgerows and woodland implementation  
ENV7 Climate Change  
ENV12 Air quality  
ENV 13 Aircraft noise  
ENV14 Light pollution  
ENV15 New development and existing uses  
ENV16 Surface water management and flood risk  
ENV17 Protecting water resources  
HOU 12 Amenity  
INF1 Cycleways, bridleways and footpaths  
INF3 Highways safety and access  
INF6 Protection of existing and proposed infrastructure  
INF9 Utilities

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)  
National Planning Policy Guidance  
Cheshire East Design Guide

The Mobberley NDP area was designated on 8<sup>th</sup> Nov 2021, although there is no made Neighbourhood Plan at this time.

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

**Strategic Highways** – No objections.

**Environmental Protection (CEC)** – Updated comments.

Contaminated Land – No objection. Recommend that full contaminated land condition should be placed on the decision notice, if approved.

Amenity – No comments

Air Quality – No comments.

**Lead Local Flood Authority** – No objections in principle.

**Manchester Airport** – No objection subject to conditions regarding

- landscaping (to prevent creation of dense canopy and new roosting habitat)
- submission of a Bird hazard management plan for the ponds on site to prevent ponds becoming habitat
- Capping of horizontal lighting so not upward light spill,
- No reflective materials or solar to be added to the building,

Informatives recommending regarding light spill and crane permits.

**United Utilities**- Recommendations on drainage.

**Mobberley Parish Council** – Objection. The proposal is over development on the green belt, this will have a major impact on the openness of the green belt. Request call in.

### **REPRESENTATIONS**

25 letters of representation have been received, including neighbours and local residents' groups, objecting to the proposal on the following grounds:

#### Principle

- Inappropriate in the Green Belt
- Proposals would easily be turned into year round residential accommodation
- Destruction of the Greenbelt
- Local area does not have facilities to cope with more building
- Little difference between holiday lodges and bungalows
- Loss of countryside
- There is enough tourist accommodation in Manchester
- Dangerous precedent
- Loss of openness in the Greenbelt
- No very special circumstances to justify presumption against inappropriate development
- Unsustainable location for development, all journeys would need to be car
- Nearest bus stop is over 1 mile and rail much further,
- No shops within walking distance
- Local roads do not have footways or lighting
- Proposals do not conform to any listed green belt exceptions
- Lodges are clearly not caravans and as they are not designed to be towed
- Lodges have permanent sewerage disposal and waste water treatment and permanent service supplies
- Site is not accessible by footpaths
- Proposal would contribute nothing to fabric of rural community
- Keeping land for food production would have a bigger social impact for the benefit of all
- Does not comply with the NPPF.
- Arguments that this will benefit the rural economy are weak
- Development would seriously detract from the recreational value the area has become valuable for
- Enjoyment of public rights of way will be jeopardised if this development goes ahead.

#### Visual Amenity

- Major impact on open agricultural aspect of Burleyhurst lane
- Views from rights of way would be seriously impacted
- Site is now clearly very visible from public vantage points due to the land raising undertaken
- It would ruin views
- Public footpaths are very close
- The new access gives the look of a theme park
- Character and appearance of this area of greenbelt is severely compromise
- The whole concept of a holiday park is alien to the landscape
- It will not contribute to the area character and identity reinforcing local distinctiveness.

#### Heritage

- Any development would detract from the historical significant of the listed buildings
- Conclusions within HIA are disputed and objectionable

#### Highways

- The site is rural and would require more traffic to get anywhere
- Additional traffic on minor but busy road
- Increase in unnecessary traffic
- No pavement on Burleyhurst road and additional traffic from development would put road users (cyclists, pedestrians and riders) all at a greater risk
- The site is not accessible

#### Ecology

- Site is on edge of Lindow Moss Peat Bogs and Rossmere lake
- Detrimental to wildlife habitat
- Proximity to cut-over peat bog which is due to be restored
- No ecological enhancement or biodiversity net gain
- Disturbance to wildlife

#### Flooding

- Extra building will only add to existing flooding issues
- Neighbouring land floods due to the previous tipping and change to the topography of the land
- Indigenous peat has been removed and more permeable materials laid in its place

#### Environmental

- Light pollution
- Noise pollution from development detrimental to wildlife and neighbours
- Disturbance during construction
- Waste previously tipped here must be hazardous and require removal prior to any lodges being built
- Loss of agricultural land
- Concerns about contamination raised by EH are concerning
- Hydrogeological equilibrium of the area has been materially and adversely affected
- Neighbouring property is now flooded frequently due to unauthorised level changes
- The site is sensitive adjacent Lindow moss, the burial site of Lindow man, and being adjacent a Grade II listed building.

#### Amenity

- Additional development may disturb elderly residents
- Additional coming and goings to the site

#### Other

- Insufficient consultation
- The applicant has previously played scant regard to planning regulation by tipping building rubble for so called drainage so it could be used for livestock
- Applicant is determined to commercialise the site
- A previous application was for a travellers site
- Proposals have no regard for people living in this rural location
- Application Is invalid
- Approval would allow the unauthorised tipping to become lawful
- Stability of the tipped land is questionable
- Planning have ignored previous breaches at the site

- Economic benefits cannot be guaranteed
- The agricultural site has been decimated
- LPA and EA have failed to take decisive action
- Land improvement previously approved was not successful and not for agriculture
- Ground levels are now much higher than original levels and alter the original views to the listed house
- Significant levels of pollution in terms of noise and dust /mud and noise occurring for long periods of time during unauthorised land levels works
- Listed building on site is in serious disrepair
- The scheme is conceived as a self-contained entity in complete isolation from the surrounding countryside.
- There are no arrangements in place for the separate storage and collection of recyclable waste.

## **OFFICER APPRAISAL**

### **Green Belt**

The application site is located within the Green Belt as identified in the Cheshire East Local Plan.

The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, as the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 149 of the NPPF advises that the construction of new buildings in the Green Belt is inappropriate. CELPS Policy PG3 confirms that planning permission will not be granted for inappropriate development, except in very special circumstances, in line with the NPPF.

Paragraph 149 lists exceptions to this, none of which are relevant to this assessment, whilst paragraph 150 advises the 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. The following exception is relevant to this application:

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

The proposed siting of 12 holiday lodges and associated facilities would introduce built form into an area otherwise free from built development. The development would clearly erode the open nature of the site both visually and spatially and would therefore fail to preserve the openness of the Greenbelt. The development would also comprise encroachment into the countryside and would therefore conflict with one of the 5 purposes of including land within it.

As such the proposals would not meet any of the exceptions outlined at para 149 of the NPPF and would be regarded as inappropriate development in the Green Belt.

### **Rural Economy**

CELPS policy EG2 provides support for rural based tourist attractions and visitor facilities. This is provided that the development:



- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and
- Does not conflict with Policies PG 3, PG 4, PG 6, PG 7, SE 3, SE 4, SE 5, SE 6, and SE 7 of the Local Plan Strategy.

Similarly, SADPD policy RUR 8 advises that certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside.

No evidence has been submitted to demonstrate that there is either a clear need for accommodation in this location, or that this cannot be met elsewhere. Furthermore, the policy requires accordance with other policies in the development plan, including CELPS Policy PG 3 'Green Belt' and the relevant paragraphs of the NPPF. As detailed above, compliance with Green Belt policies in this case will require very special circumstances to be demonstrated. This is covered further below.

## Heritage

Saltersley Hall Farm and outbuildings are Grade II listed buildings, accessed from Burleyhurst Lane.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

The NPPF also makes clear in paragraph 199 that great weight should be given to the conservation of designated heritage assets and their setting. Historic England's Good Practice Advice Note 3: The Setting of Heritage Assets, notes, '*a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*'

CELPS Policy SE7 supports proposals which do not cause harm to or better reveal the significance of heritage assets. SADPD policy HER 4 requires, amongst other things, that proposals pay special attention to the desirability of preserving or enhancing the character or appearance of any area; and take into account established townscape and landscape character or the area and its wider setting. Where a proposal would lead to less than substantial harm to the significance of a listed building, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable alternative use.

The Grade II listed Saltersley Hall Farm lies in an isolated location within the Green Belt. The listing protection also extends to any pre-1948 outbuildings within the grounds of the farmhouse and therefore the 19th century barn range is also considered to be covered. When approaching from Burleyhurst Lane the barn range lies in the foreground with the main hall to the north-east. Access to the farm was previously from the north with the current track being a more recent

addition, however the setting has continuously been one of open fields to the west (the site) with Lindow common to the east.

The setting of the listed farm group is informed by the isolated location, with undeveloped open fields between the farm and main road, providing a clear link to the historic farmstead's agricultural setting and provides the foreground to the listed dwelling and barns when approaching the historic group. The Council's Conservation officer considers that the setting of the buildings is of high importance to the heritage assets' significance in conjunction with its architectural and historic interest.

The proposed 12 lodges with associated hard landscaping and access tracks across the site, and the additional tree planting would place development between the main road and the hall/barns imposing on views across the open land to the from both Burleyhurst Lane and the public footpaths to the north and south of the site. The change of use of the open land/field and installation of lodges and hard landscaping and planting would erode the historic relationship between the landscape and historic buildings. The main approach to the listed building would look across to modern lodges and elements of hard landscaping rather than open fields.

Additional landscaping information and updated heritage assessments were submitted during the course of the application. The submitted updated heritage assessment disputes the interruption of views from the access track to the listed building, advising that it is a private access track and therefore has no public views and that the fields between the development site and house would be a buffer zone. The report concludes there would be *'no adverse impact upon the views from the footpath which principally capture the special interest, significance and setting of the listed building as experienced in the public realm. These views will continue to illustrate the rural surroundings within which the listed building was historically – and still is – sited. There will be no loss of significance as a result'*.

The Council's Conservation officer disagrees with this conclusion, and considers the development will impact the wider setting of the listed farm group which is informed by the isolated location, with what has always been open fields between the farm and main road, providing a clear link to the historic farmstead's agricultural setting. The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) advises- *"Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number."*

The alteration of the open agricultural land with occasional clusters of trees, to a re-designed landscape with modern lodges would disrupt the established open agricultural character which contributes positively to the setting of the listed buildings.

As such the proposed change of use would cause harm to the significance and setting of the listed buildings and although this harm would be less than substantial it should not be viewed as minor or unimportant.

Paragraph 202 of the NPPF and policy HER 4 of the SADPD require proposals that lead to less than substantial harm to the significance of a designated heritage asset, to have that harm

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The benefits arising from the development are identified and considered within the concluding paragraphs of this report.

## **Design / Character**

Paragraph 130 of the NPPF seeks to ensure that, amongst other things, developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit.

Policy SE1 of the CELPS sets out the design criteria for new development and 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 the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS further details the design matters that should be considered, including; height, scale, form and grouping of development, choice of materials, external design features, massing of development and the balance between built form and green/public spaces. Furthermore, development will be expected to respect and where possible, enhance the significance of heritage assets, including their wider settings.

SADPD Policy GEN 1 requires proposals to create high quality development reflecting local character and design and creating a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development and reflecting local character.

The site lies within the countryside and Greenbelt and is within a rural location characterised by open fields and sporadic development.

The proposals would introduce lodges and areas of hardstanding into an area otherwise free from built development. The proposed lodges would be surrounded with hard landscaped access roads and each lodge would be set within a plot separated from the wider site with a boundary hedge creating what would appear to be its own private curtilage for each lodge. Within each plot would be the lodge with raised decking, a patio area, 3 parking spaces, an additional area for turning and/or further parking, a driveway and surrounding garden areas. As a whole, it is considered that the site would appear as a small residential estate.

The proposals would irreversibly alter the existing open and rural character of the site introducing urbanising features. Although a substantial scheme of landscaping mitigation is proposed, particularly around the site edges in the form of woodland planting, this would take decades to establish to a point where it is an effective screen. Furthermore, in order to be an appropriate landscape scheme for this area, this would need to comprise native deciduous trees which would offer sparse leaf coverage and screening during winter months. It is also noted that the boundary hedgerow is shown to be relatively tall in the applicant's LVIA images, but other images of the site show it to be much lower, demonstrating that when maintained it allows views into the site.

The lodges would be constructed from a mix of timber and zinc cladding and would be of a contemporary appearance with a large area of hard landscaping surrounding it. The additional raised decking and parking areas further urbanise the site. Whilst it is not unusual to see caravans within the countryside, the proposed lodges are considered to be of substantial design, form and appearance, spread over a wide area and will include an internal network of roads and parking areas. This is at odds with the countryside location and would appear obtrusive and detrimental to the character of the countryside and Green Belt which this site forms a part.

The proposals are therefore considered to result in harm to the character and appearance of the area and are contrary to the requirements of policies SE1 and SD2 of the Cheshire East Local Plan and policy GEN 1 of the Site Allocations and Development Policies document in this regard.

## **Landscape**

Policy SE4 of the CELPS seeks to conserve the landscape character and quality and 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. Policy SD2 advises that development should respect and, where possible, enhance the landscape character of the area.

Policy ENV3 of the SADPD outlined that development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, as described in the Cheshire East Landscape Character Assessment (2018) taking into account any cumulative effects alongside any existing, planned or committed development. Policy ENV5 of the SADPD sets out what should be included in landscaping plans.

The site lies within landscape character type (LCT) 7: Lower Wooded farmland and Landscape character area (LCA)7b: Ringway as identified in the Cheshire East Landscape Character Assessment.

LCT 7 Lower Wooded Farmland covers a large area and is characterised as a gently rolling landscape with similarities to the Cheshire Plain. The key characteristics are described as:

The overall vision and landscape strategy for this landscape type is as follows:

*'...a traditional working landscape which retains its strong rural character. Important natural and cultural heritage features are conserved and any new land uses or development is sympathetic to existing landscape/settlement form and character. The overall strategy for this landscape is to conserve the woodland and trees which give the landscape its wooded character, the valued semi-natural habitats and heritage features and the rural character which has been lost in places due to suburbanisation and the presence of major transport corridors.'*

At present, the site is open and undeveloped. There is a mature, intact hedgerow along the Burleyhurst Lane boundary, and mature trees and hedgerows along the north-eastern and south-western boundaries. A mature hedgerow with trees runs up the middle of the site dividing the site in two. The south-eastern boundary closest to Saltersley Hall Farm is open. There are two ponds close to the central hedgerow and a third depression in the south-western area with a mature oak tree in close proximity.

The submitted proposed landscape strategy (drawing M560.08) shows that all mature trees, hedges and ponds would be retained and that a new large pond is proposed. Woodland belts of around 10 to 15 metres in width, including larger standard trees are proposed around the site boundaries. On the south-eastern boundary a wider belt comprising woodland blocks with meadow areas of around 35 metres overall width is proposed. This would provide screening from Saltersley Hall located 300 metres to the south-east.

An agricultural access road is also proposed through this area to the land to the south-east. The twelve proposed holiday lodges are sited away from the site boundaries and are located within garden plots separated by hedges with trees. Each lodge would have a private drive off the access roads around the site periphery and a hardstanding area including three parking spaces. As proposed, the lodges would be partially clad in zinc which has the potential to be reflective. Conditions could secure this detail.

The submission includes a Landscape and Visual Appraisal which concludes ; *“The development would form an adverse change to the landscape character of the site. However, the nature of the flat landform along with frequent trees and woodlands contributing to wooded horizons would limit the effects on landscape character. The proximity of the site to Manchester Airport and Burleyhurst Lane already reduces the sense of remoteness and tranquility. Large residential parks set within a flat or gently undulating wooded landscape, are an existing landscape characteristic.”*

*“..Overall the development would form a negligible adverse change to the wider landscape character. The new development, whilst locally visible would form a small and barely perceptible element of views from the majority of receptors with the exception of the very short section of Burleyhurst Lane as it passes the site; Burleyhurst Farm, Saltersley Hall Farm & Barns; and sections of PROW FP45 & FP80 immediately adjacent to these properties and FP57 where the lodges would be more visible on completion of development. However, landscape mitigation in the form of generous belts and areas of woodland around the boundaries of the site, retention of existing trees on site and the introduction of new hedgerow and tree planting would reinforce screening. As new planting matures it will provide layers of vegetation at various heights, resulting in a treed horizon and heavily filter or screen the proposed lodges in views even at a very local level”.*

It is acknowledged that there are already three lodge-type residential parks within 1.5km of the site which do introduce a suburban character to the landscape. The Councils Landscape officer advises that this development would further the cumulative effects of an additional suburban feature into the local landscape. The LVA states that intermittent aircraft noise and traffic on Burleyhurst Lane reduces the remoteness and tranquillity of the area. The potential increase in noise and activity associated with a holiday park could further reduce the peaceful character of the locality. Light spill from the lodges, vehicles and site lighting could also adversely affect the night-time character of the local landscape.

The proposed lodges would be visible above the boundary hedgerows and between the mature trees, particularly in the winter months and, as concluded by the Councils Landscape officer, would have adverse effects on local receptors. It is noted that it would appear there have been recent changes to landform and levels. In addition to the PROW listed in the LVA summary (FP45, FP57, FP80), the development would also be visible from FP53 to the north-east of the site and FP58 to the north-west of Burleyhurst Lane.

The Council's Landscape officer concludes that in the medium to longer-term when the perimeter planting has grown to semi-maturity, the site would be screened or filtered and the development would be unlikely to have any significant adverse landscape or visual effects. The landscape officer notes that the success of screening would depend on good ground conditions, management and maintenance. However, as noted above the landscaping scheme proposed would need to comprise of areas of woodland and wooded belts of appropriate native species mix to be appropriate in this location to comply with local plan policy SE4. This would take a significant period of time to establish and be effective.

The Council's landscape officer has objected to the site entrance works that were originally proposed but which were subsequently removed from this application.

Whilst the landscape officer's comments are noted regarding the effectiveness of the landscape scheme in the longer term, the concerns highlighted above regarding the impact upon the character and appearance of the area remain, given the considerable time it will take for the proposed landscaping to integrate the development into local environment.

## **Trees**

CELPs Policy SE5 seeks to ensure the sustainable management of trees, woodland and hedgerows including provision of new planting to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity. Furthermore, the planting and sustainable growth of large trees within new development as part of a structured landscape scheme is encouraged in order to retain and improve tree canopy cover within the borough as a whole. Similarly SADPD policy ENV 6 requires proposals to retain and protect trees, woodland and hedgerows. Proposals should include measures to secure the long term maintenance of newly planted trees.

The application site is located within open countryside and benefits from established hedgerows and trees within and adjacent to the site boundary and which are visible from Burleyhurst Lane. The site is not within a Conservation Area and no Tree Preservation Orders are present on the site.

The application has been supported by an Arboricultural Implications Assessment by Mulberry (MTM0058.AIA.01) dated 9/9/2021. The survey has identified 9 individual and 11 groups of moderate quality B Category trees, and 4 individual and 4 groups of moderate quality B Category trees and 1 hedgerow.

The AIA states that all trees and hedgerows on the site can be retained without any impacts. The application has also been supported by an Arboricultural Method Statement 2021 and Tree Protection Plans which make provision for protection methods to be adhered to during the duration of any construction period.

The Council's Arboricultural officer has confirmed that there are no objections to the proposals subject to conditions requiring compliance with the submitted AIA, method statement and method statement plan.

## **Amenity**

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its relationship to neighbouring properties. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

SADPD Policy HOU 13 (table 8.2) and the Cheshire East Design Guide set out the standards for space between buildings and the requirement to include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development. This is required to maintain an adequate standard of privacy and amenity between residential properties and provide appropriate amenity space for future occupants.

The closest neighbouring residential properties to the application site are the some 50m from the site boundary to the north east and over 200m to the south west. Given how far away all of these residential properties are to the site it is not deemed that the development would result in any unacceptable neighbouring impacts in terms of loss of privacy, light or overbearing impacts.

Hedging is proposed between each lodge to provide some screening. Each lodge is provided with its own outdoor space although it is noted that the lodges would not be occupied as permanent private dwellings but holiday accommodation where occupation is expected to be short term.

Residents are concerned about the potential for increased noise and disturbance and general activity from the site. The use will generate additional movements to and from the site from occupants of the lodges, and people servicing the site. However, the proposed use of the site for 12 holiday lodges is relatively low density and is not considered to result in a significant increase in noise to the area. The extant agricultural use would generate a certain level of comings and goings from farm related traffic.

It is therefore considered that the proposals comply with the principles of CELPS policy SE1, SADPD policies HOU 12 and 13 and advice within the Cheshire East Design Guide in this regard.

### **Highways/Accessibility**

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations.

SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet

the requirements of servicing and emergency vehicles. Development traffic should be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, incorporating measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities.

The highway officer has not raised any objections to the proposals.

The site is located within a rural location whereby visitors would be reliant on private vehicles for transport. Other than by public rights of way, which are rural unlit footways, the site is not easily accessible on foot from the nearby settlements of Wilmslow or Mobberley nor is the site located close to public transport links which are available in the neighbouring towns. As such visitors would be reliant on private vehicles as a means of transport. However, it is accepted that the rural, isolated location of the site is likely to be what attracts visitors to it.

There are no alterations to the existing access. The proposals allow for the parking of up to 3 cars per lodge, which would adequately serve the 3 bed lodges and complies with Appendix C of the CELPS. There would be no adverse impact on the safety or operation of the adjacent highway. The proposals are considered to comply with CELPS Appendix C: Parking Standards and SADPD policy INF 3, and Policy CO1 of the CELPS.

## **Flooding and Drainage**

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

Representations have raised concerns over flood risk at the site potentially affecting neighbouring properties.

The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources according to the Flood Map for Planning.

United Utilities and the Local Lead Flood Authority have commented on the application and raised no objections to the proposals on the basis that surface water and foul water is drained and managed within the site.

It is considered that conditions could appropriately deal with drainage design and management at the site and that the proposals accord with policy SE13 of the CELPS and the NPPF in this regard.

## **Contamination**

CELPS policy SE12 seeks to ensure that all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. In most cases, development will only be deemed acceptable where it can be



demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated, if necessary.

The application is for a proposed use that would be vulnerable to the presence of contamination. The Council's Environmental health officer has acknowledged that 'material of unknown origin' has been placed on the development site following approval of 19/3422M, an application for agricultural improvement. Conditions requiring chemical testing of imported material attached to that consent were not discharged. It is therefore considered necessary to require full contamination conditions including a preliminary risk assessment and an informative regarding the duty to adhere to other legislation regarding contamination.

It is therefore considered that subject to such conditions the proposed development would comply with Policy SE12 of CELP and the NPPF in this regard.

### **Agricultural Land Quality**

Policy SD1 of the CELPS states that development should, wherever possible (and amongst other matters), protect the best and most versatile agricultural land. Policy SD2 of the CELPS states that all development will be expected to avoid the permanent loss of areas of agricultural land quality 1, 2 or 3a, unless the strategic need overrides these issues.

Paragraph 174 of the NPPF states that planning decisions should contribute and enhance the natural and local environment by recognising the benefits of (amongst other matters) best and most versatile agricultural land. Agricultural land falling within classes 1-3a are classed as 'Best and Most Versatile' BMV.

According to the 2010 Natural England Land Classification Map for the North West Region, the site falls within land which is Grade 4 'poor' quality.

According to a more up-to-date (2017) map produced by Natural England, which considers the likelihood of parcels of land being Best and Most Versatile, the map shows that the site as being of moderate likelihood of BMV.

In light of the above and comments from Environmental health regarding the importation of material at the site, it not considered that the site would comprise BMV Land.

### **Ecology and Biodiversity**

Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This is echoed within SADPD policy ENV 2.

#### Impact on SSSI

Lindow Common is located approximately 1.6km to the south-east of the Site. The SSSI represent one of the few remained areas of lowland heath in Cheshire and comprises of both wet and dry heath, bod, open water and scattered scrub and woodland. The submitted ecology survey advises that non of the designated features of the SSI are found in abundance of the site, with large expanses of farmland in the land intervening the site and the SSSI.

The application site falls within the boundary of Saltersley Hall Farm Local Wildlife Site (LWS). Sites such as this receive protection through Local Plan Core Strategy Policy SE3. The LWS was selected due to the presence of a number of features including:

- Grassland Habitats
- Ponds
- Woodland
- Arable
- Great Crested Newts

Of these features, no woodland or arable habitat is present within the red line of the application site. Whilst grassland habitats are present these are not of sufficient value to meet current Local Wildlife Site selection criteria. Therefore, of the features for which the LWS was selected; Ponds and Great Crested newts occur within the red line of the application.

### Ponds

The landscaping detail describes the existing pond as being 'graded to meet existing levels'. However, in order to minimise the adverse impacts of the proposed development upon the features for which the LWS was selected, the Council's ecologist recommends that the development proposals are amended to ensure that the existing ponds are retained in an unaltered form as part of the proposed development. This could be secured via a landscaping condition.

### Great Crested Newts

Surveys in 2019 have confirmed the continued presence of great crested newts at the ponds on site, although no information is available on the size of the population present. In the absence of up to date survey information it must be assumed that the ponds continue to support a 'good' population as defined by the LWS selection criteria.

As Great Crested Newts (a European Protected Species) have been recorded on site and are likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range

In order to address the impacts of the proposed development on this species the applicant has expressed an intention to enter the development into Natural England's District Level licencing scheme for the species. The Council's Ecologist advises that entry of the development into the licencing scheme would be sufficient to maintain the favourable conservation status of the species as required by the Habitats Regulations although a copy of the countersigned Impact Assessment and Conservation Payment Certificate needs to be submitted to Natural England as evidence that the development is eligible to join the licencing scheme prior to the

determination of the application. The applicant has not provided evidence at the time of writing that this has been done. Entry into the district level licencing scheme would address the legal protection of great crested newts, and the proposed pond on site would be sufficient to address the impacts of the proposed development upon great crested newts. Detailed designs of the pond could be secured via condition.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

In terms of the Habitat Regulations tests:

- The proposed development is not in the overriding public interest, unless other material considerations can be identified to outweigh the harm to the Green Belt, the heritage assets and the character and appearance of the area.
- There are no known alternative forms of development that would not have a similar impact upon protected species as the current proposal.
- No evidence has been provided to show eligibility for the mitigation to be delivered through Natural England’s District Level Licencing (DLL) scheme and an amendment to the landscaping scheme. No mitigation is therefore presented. Therefore it has not been demonstrated that there will be no detriment to the maintenance of the species population at favourable conservation status in its natural range

The application proposals are deemed to fail the requirements of the Habitat Regulations which in turn, means that it’s unlikely that Natural England would grant a protected species licence if and after Planning Permission has been granted.

As the development would have a significant adverse impact on habitats or species and no mitigation is proposed the development is considered to be contrary to policy SE3 of the CELPS and SE2 of the SADPD.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition, the hedgerow on site would be likely to be of sufficient value to qualify as a feature of the Local Wildlife Site. The existing hedgerow is to remain on site. Conditions to secure the safeguarding of the hedgerow would be required in the event that planning consent was granted.

### Bats

Whilst the application site offers limited opportunities for roosting bats and no bats were recorded within the submitted ecological survey on the site, bats are likely to commute and forage around the site to some extent. It is noted that boundary hedgerows will remain and therefore the foraging and commuting potential intact. The Council’s Ecologist advises that to

avoid any adverse impacts on bats resulting from any lighting associated with the development, conditions can secure any lighting detail.

### Badger

No evidence of badger activity was recorded on site during the submitted survey although the species is known to occur in this broad locality. As the status of badgers on site can change in a short time-scale if planning consent is granted, a condition should be attached which requires the submission of an updated badger survey prior to the commencement of development.

### Nesting Birds

The ecology survey concludes that the bare ground/ephemeral vegetation habitat predominant across the site is considered to be common and widespread and offers limited foraging potential for a number of bird species but negligible nesting opportunities for the species. A condition requiring construction/demolition and/or vegetation clearance works to avoid nesting season is required.

### Non-Native Invasive Plant Species

Japanese knotweed and Himalayan Balsam are present and a condition should be attached which requires the submission of a method statement for the control of these species on site.

### Biodiversity Net Gain

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. The Councils Ecologist advises either an ecological enhancement strategy is submitted prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The development when considered against the Habitat Regulations is deemed to fail the tests in relation to Great Crested Newts.

As the development would have a significant adverse impact on habitats or species and in the absence of a mitigation scheme, the proposals are deemed to be contrary to Policy SE3 of the CELPS and Policy ENV 2 of the SADPD in this regard.

## **Manchester Airport**

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

They have concluded that they have no objections, subject to a number of conditions including submission/approval of a bird hazard management plan (BHMP), submission/approval of a landscaping scheme, that there are no reflective materials or solar panels installed on the buildings, and that all exterior lighting be capped at the horizontal so not to cause upward light spill.

Informatives are required regarding light spill and crane permits.

It is recommended these be included in the event of approval.

### **Other Matters Raised by Representations**

A number of representations refer to potential unauthorised development and waste tipping and level changes at the site which are the subject of an ongoing enforcement investigation.

Residents have also raised concerns about the state of the listed building (Saltersely hall farm). However, this falls outside of the red line area and is not a matter for this application.

### **Very Special Circumstances**

Further to the assessment of the principle of development above, Paragraph 147 of the NPPF advises *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

Para 148 continues *'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'*.

It has already been established that the application proposals represent inappropriate development in the Green Belt. Furthermore, additional Green Belt harm would be deemed to be created with regards to a significant impact on openness and through encroachment. As stated in para 148 of the NPPF, this harm is to be afforded substantial weight.

Other harm arising from the application proposals, with regards to the harm to the setting of the listed building, has also been identified and set out in the report, together with harm to the character and appearance of the area and protected species.

As such, any considerations in favour of the proposed development would need to be, either individually or cumulatively, of sufficient magnitude to clearly outweigh all of this harm identified in order for Very Special Circumstances to exist.

In order for very special circumstances to apply, they need to be specific to this particular development proposal. Following the objectives for sustainable development set out in paragraph 8 in the NPPF, each principle shall be addressed in turn:

#### Economic benefits

The proposals would result in the creation of local job opportunities during construction as well as knock-on economic benefits realised either for the duration of the construction period or longer-term jobs on the site and through business rates/taxes.

The development would support the local economy through the provision of overnight accommodation and support to the supply chain and the associated spending on local visitor attractions and shops/services to a limited degree.

#### Social benefits

The proposals would provide accommodation close to public rights of way and would enable visitors access to the countryside.

### Environmental benefits

The application identifies the countryside location as the 'selling point' alongside the proximity to public rights of way nearby visitor attractions.

With regards to landscaping, additional landscaping is proposed which is recognised could be viewed as an environmental benefit, albeit minor in the context of the wider scheme.

The proposals do not have a detrimental impact upon neighbouring amenity, trees, hedgerows, or highway safety. However, these are not considered to represent stand-alone 'benefits', but requirements of the application proposals to adhere to policy requirements.

### **Conclusion / Planning Balance**

The application proposals represent inappropriate development in the Green Belt. Paragraph 148 of the NPPF states that '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.'

The fact that the proposals represent inappropriate development in the Green Belt, which result in a substantial harmful impact upon the openness of the Green Belt and conflict with the purpose of safeguarding the countryside from encroachment, carry substantial weight, as set-out within policy.

Significant weight is also placed on the location of the proposed development which is harmful to the setting of the nearby listed building. Limited to moderate weight is afforded to the harm to the character and appearance of the area that would be created by introducing a large volume of development in this rural location which would result in a harmful urbanising effect. This is only afforded limited to moderate weight when considered in conjunction with the landscape considerations, given the soft landscaping propose, and the time it will take to mature.

Significant weight is also attributed to the ecology harm that would be created due to the risks posed in relation to Great Crested Newts present on site, without established mitigation. There are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policies.

No concerns are raised with regards to highway safety matters, trees, flood risk or drainage, public rights of way, Manchester Airport or subject to conditions where appropriate.

In consideration of whether there are any Very Special Circumstances that could clearly outweigh the abovementioned harm cumulatively. Only moderate weight can be afforded to the economic benefits of the scheme with regards to the job creation, and visitor spending, due to the small number of units proposed. Limited weight is afforded to both the social benefits and environmental benefits of the scheme which are the location of accommodation within the countryside and additional landscaping and planting.

Overall, paragraph 148 of the NPPF is clear that, in the Green Belt, Very Special Circumstances cannot exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by the other considerations. As highlighted above, although the benefits are acknowledged, overall they are not deemed to clearly outweigh the combined harm to the Green Belt and the other harm identified. As a result, Very Special Circumstances have not been demonstrated.

The application is therefore recommended for refusal.

## **RECOMMENDATIONS**

### **REFUSE for the following reasons:**

1. The proposed development would represent inappropriate development, which reduces openness and encroaches into the countryside. It is not deemed that other material considerations exist to clearly outweigh the harm to the Green Belt and the other harm identified. The development would therefore be contrary to Policy PG3 of the Cheshire East Local Plan Strategy and section 13 of the National Planning Policy Framework.
2. The proposed development would cause less than substantial harm to the significance and setting of the listed buildings, and any identified public benefits do not outweigh this harm. The scheme would therefore fail to accord with policies SD2, SE1 and SE7 of the Cheshire East Local Plan Strategy, HER1 and HER4 of the Site Allocations and Development Policies Document and Chapter 16 of the National Planning Policy Framework in terms of conserving and enhancing the historic environment.
3. The proposed development by virtue of its siting, design and layout would introduce urbanising features into the local area, which would not be mitigated by proposed landscaping that would take considerable time to become effective. The proposal therefore results in harm to the character and appearance of the area in conflict with policies SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy, and GEN1 of the Site Allocations and Development Policies Document.
4. The proposed development would have a significant adverse impact Great Crested Newts, a protected species, and no formal scheme of mitigation has been presented with the application. The proposals are therefore contrary to Policy SE3 of the Cheshire East Local Plan Strategy and Policy ENV 2 of the Site Allocations and Development Policies Document. The proposed development also fails the tests of The Conservation of Habitats and Species Regulations 2017.

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives 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.*

