

Application No: 23/1174M

Location: Dawson Farm, BUXTON ROAD, BOSLEY, SK11 0PX

Proposal: Demolition of existing agricultural buildings and dwellinghouse, and construction of new replacement dwellinghouse with associated renewables and landscaping.

Applicant: Mr Alan Budden, Eco Design Consultants

Expiry Date: 12-Apr-2024

## **SUMMARY**

The application site lies within the Open Countryside within the Peak Park Fringe Local Landscape Designation Area.

The application proposals would result in a replacement dwelling that is materially larger than the buildings it replaces. In addition, the proposals are considered to result in undue harm to the rural character of the countryside by virtue of the scale, siting, size and design and the extent of land to be reprofiled to accommodate the dwelling which would have a disruptive and adverse effect of the visual qualities of the existing landscape character.

The proposals would result in environmental harm that would be created due to the risks posed in relation to Bats 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 policy relating to ecology.

No concerns are raised with regard to heritage, amenity, highway safety, trees, flood risk or drainage, contamination, loss of best or most versatile agricultural land and airport safeguarding or subject to conditions where appropriate.

In consideration of the benefits of the proposals limited weight is afforded to the economic benefits of the scheme with regards to the job creation through the construction period and the social benefits of the scheme which are the location of accommodation within the countryside.

Significant weight is afforded to the environmental benefits of the scheme which would be the sustainability credentials of the dwellings Passivhaus premium construction, the renewable energy generating solar panels and the positive contributions to biodiversity through planting and rewilding and the resulting net gain.

Overall, as highlighted above, although the environmental benefits are compelling, the benefits overall identified are not deemed to outweigh the combined harm to the visual qualities of the

surrounding open countryside, the unsustainable location of the site, the harm to protected species and the in principle open countryside harm.

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 3.6 hectares, in line with the terms of the Council's Constitution.

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

The site comprises 3.6 hectares of land and buildings which form Dawsons Farm located within Bosley, to the northeast of Congleton. The farmstead is within an agricultural holding of around 36ha grazed by dairy cattle and accessed via a long track, (from the A54), which slopes upwards in a northerly direction leading to the brick farmhouse, brick barns and outbuildings and a range of modern agricultural buildings and sheds, totalling 9 buildings in all.

The existing farmhouse sits at the northern end of the site. It is a two-storey building with a brick exterior, although parts have been rendered, with a stone slate roof. There is a single storey pitched roof outbuilding on the rear elevation, with a lean-to on the west gable, with this having a corrugated sheet roof and an open porch on the front elevation.

The agricultural buildings are located to the south and east of the house and can be separated into two groups. Firstly, there are two traditional barns close to the house. The one to the south is a traditional brick barn with a stone slate roof, with a single storey outshot on the south elevation; this barn is to be retained in the proposed development for a bat roost. The second barn is a single storey building that runs north south to the east of the access road. The northern part of this is brick-built, with a blue clay tile roof, but the southern section is a later extension in a different, more modern brick and with a lower pitched roof clad with metal corrugated sheets. In addition to these buildings are several modern agricultural buildings and structures, built in a variety of materials, but primarily blockwork, grey brick, and metal and timber cladding located to the south and southeast of the farmhouse.

Within the site land falls to the west and south and rises to the north and east, with a steep rise to the northeast to Sutton Common. There are no public rights of way close to the site with Bosley public right of way FP9 running approximately 200m away to the west. The site occupies an isolated position with scattered farmsteads in the surrounding area being over 600m from the site.

The application site benefits from established trees and boundary hedgerows across the site although none of these are afforded protection by a Tree Preservation Order and the site is not located within a Conservation Area.

A habitat action plan woodland area lies immediately to the east of the site with a very small section falling within the red line.

The site lies within the Open Countryside and within the Peak Park Fringe Local Landscape Designation Area. None of the buildings on site are listed and there are no nature designations on the site although it does fall within Natural England's SSSI impact risk zones.

The site is located within floodzone 1 and generally within in an area at very low risk from surface water flooding, with several small areas within high-risk areas to the north of the existing buildings.

## **DESCRIPTION OF PROPOSAL**

This application seeks the demolition of the farmhouse and agricultural buildings on site and replacement with a partially subterranean "Passivhaus plus" dwelling which is a design standard whereby more energy is produced than required to operate the building. The dwelling will be set into the hillside on the north, east and western elevation, with the south facing elevation being open and constructed from stone and glazing with first floor balconies.

Accommodation will be provided over 3 floors with 9 ensuite bedrooms, guest suite and living accommodation at ground and first floor and vehicle and cycle parking and plant at second floor level.

The proposals also include the provision of 760 ground mounted solar panels (covering an area of approximately 4158sqm) located to the eastern section of the site to serve the dwelling. A landscaping scheme is provided which includes a new pond, orchard and rewilding around the site.

The following plans and documents accompany the application:

- Planning statement;
- Preliminary ecological assessment
- Bat roosting survey
- Biodiversity Net Gain Plan
- Biodiversity Net Gain Calculator
- Habitats Regulations Assessment
- Hydrology report including flood risk assessment
- Landscape and Visual Appraisal Report
- LVIA Supporting graphics
- Landscape Architect site plan
- Arboriculturist Tree Constraints Plans
- Arboriculturist Tree Schedule
- Arboricultural Impact Assessment
- Ground investigation report

Additional biodiversity net gain data and more detailed site plans and sections were submitted during the course of the application to address queries from officers.

## **RELEVANT HISTORY**

14/5931M - Variation of condition on application 13/2314M (Erection of 1no. 50kW wind turbine including associated infrastructure, access track and ancillary kiosk at land east of Dawson Farm, Buxton Road, Bosley, Macclesfield SK11 0PX) - Not decided / 05-May-2016

13/2314M - Erection of an Endurance 50kw wind turbine and associated infrastructure, including a kiosk and access track. - Refused / 23-Dec-2013. Allowed on appeal.

76825P - Agricultural workers dwelling - Not decided / 17-Mar-1994

## **RELEVANT PLANNING POLICY**

### **Cheshire East Local Plan Strategy 2010-2030 (CELPS)**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG6 Open Countryside  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SC3 Health and Well-being  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE8 Renewable and Low Carbon energy  
SE 9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
SE 15 Peak District National Park Fringe  
CO1 Sustainable Travel and Transport

### **Cheshire East Site Allocations and Development Policies Document (SADPD)**

HER1 Heritage assets  
HER 7 Non designated Heritage Assets  
GEN1 Design principles  
RUR 5 Best and Most Versatile Agricultural Land  
RUR 12 Residential Curtilages outside of settlement boundaries  
RUR 13 Replacement Buildings outside of settlement boundaries  
ENV 1 Ecological Network  
ENV 2 Ecological implementation  
ENV 3 Landscape character  
ENV 5 Landscaping  
ENV 6 Trees, hedgerows and woodland implementation  
ENV 7 Climate Change

ENV 10 Solar Energy  
ENV 12 Air quality  
ENV 14 Light pollution  
ENV 16 Surface water management and flood risk  
ENV 17 Protecting water resources  
HOU 8 Space Accessibility and wheelchair housing standards  
HOU 12 Amenity  
HOU 13 Residential Standards  
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

**No made Neighbourhood Plan.**

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

**Environment Agency** – No objection in principle.

**Natural England**- No objection. The proposed development will not have significant adverse impacts on designated sites.

**Peak Park National Park Planning Authority** – No comments received.

**Strategic Highways** – No objections.

### **Environmental Protection (CEC)**

Contaminated Land – No objection. Recommend that contaminated land, soil importation and unreported contamination conditions should be placed on the decision notice, if approved.

Amenity – Recommend informatives regarding dust and hours of construction.

Air Quality – Recommend condition relating to EV charging.

**Local Lead Flood Authority** – No objections in principle subject to condition requiring surface water drainage condition.

**Manchester Airport** – No objection.

**Bosley Parish Council** – Support of this well considered aesthetically pleasing sympathetic application with little visual impact. However, lane is in poor condition. Due to the size and layout the property could lend themselves to a variety of commercial uses and a condition should prevent this.

### **REPRESENTATIONS**

None received.

## OFFICER APPRAISAL

### Principle of development

The site is with the open countryside and is located within the Peak Park Fringe Local Landscape Designation.

The proposals seek to demolish all existing buildings on the site (other than the two-storey brick barn) and replace with one single dwelling to the west and a large array of ground mounted solar panels to the east of the site.

CELPS policy PG6 Open Countryside sets out the main policy criteria for development in the open countryside. 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. Exceptions may be made for a number of developments including

*“iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace”.*

This policy also advises that acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

SADPD policy RUR13 states that the replacement of existing buildings in the open countryside will only be permitted where the replacement building:

- i. is not materially larger than the existing building; and
- ii. would not unduly harm the rural character of the countryside, by virtue of prominence, scale, bulk or visual intrusion.

When considering whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint will be taken into account. Increases in overall building height and development extending notably beyond the existing footprint in particular have the potential to be materially larger.

When assessing the net increase in floorspace between the existing building and the replacement building as part of the consideration of whether a proposal is materially larger, floorspace from any detached outbuildings in the curtilage will only be taken into account where the buildings to be replaced can sensibly be considered together in comparison with what is proposed to replace them.

Building	Floorspace	Increase
Existing farmhouse	237.2sqm	
Proposed dwelling	4788sqm	1918%

In consideration of the proposals against policy RUR 13, 1.i. requires that the replacement building is not materially larger than the existing building. Clearly, the proposed building is significantly and overwhelming larger than the existing farmhouse, representing a 1918% increase in floor space alone.

A comparison of all buildings, including the agricultural buildings and farmhouse on site are included below.

<b>Building</b>	<b>Floorspace</b>	<b>% Increase over existing</b>	<b>Max height</b>
Building 1	132sqm		4.3m
Building 2	158sqm		4.5m
Existing Farmhouse	237.2sqm		6.9m
Building 4	620sqm		6.4m
Building 5	102sqm		5.4m
Building 6	360sqm		6.7m
Building 7	308sqm		7.3m
Building 8	1249sqm		5.7m
<b>EXISTING TOTAL</b>	3166.2sqm		
Proposed dwelling	4788sqm	51%	9.8m
Solar panels	4158sqm	31%	3.4m
<b>PROPOSED TOTAL</b>	8946sqm	182%	

The proposals still extend notably beyond the existing combined floorspace of existing buildings and therefore would be considered materially larger. The table above also shows the significant height difference between the buildings on site and the proposed dwelling which would be 2.5m greater in height than the tallest existing agricultural building on site.

It is noted that the proposed dwelling is set into the ground and partially subterranean utilising existing land levels and re-grading the land to reduce the prominence of the new dwelling from long range views. However, submitted details show approximately 3750m<sup>2</sup> of land to be excavated and around 10070m<sup>2</sup> to be filled which amounts to massive engineering works to accommodate the property. The scale of this new dwelling is enormous and from the southern elevation, which is the most exposed elevation, presents a two-storey elevation of some 59m in width, and height of 9.8m. This is a vast expanse of masonry and glazing with balcony, and hard landscaped garden area to the west and south which will further increase the apparent scale of the new building.

The Town and Country planning act definition of a building includes any structure of erection. The solar panels would cover an area of approx. 4158m<sup>2</sup> and have a maximum height of 3.5m and would be considered as an additional building on the site which extends over and above the total area of the site covered by buildings presently. This further demonstrates the sheer scale of development considered materially larger on this site.

It is also noted that the red line area extends significantly beyond the established curtilage of the farmhouse and also beyond the farm buildings including a significant area of land to the west of the site. SADPD policy RUR 12 advises that proposals for the extension of residential gardens or curtilages involving the material change of use of land will only be permitted where the proposal will not cause unacceptable harm to the amenity, character and appearance of the surrounding area or the open countryside, either on its own or cumulatively with other development.

The proposals would represent a significant increase the curtilage of the dwelling on this site introducing built form and associated gardens further to the west in an area completely free from any development or domestic use. As such this would have a significant impact on the character and appearance of the site to the detriment of the rugged character of the open countryside.

Overall, proposed dwelling and solar array is materially larger than the existing buildings on site. Furthermore, by virtue of the scale, bulk and visual intrusion of the development within the site, is considered to result in harm to the rural character of the countryside. The proposals would therefore fail to comply with policies PG6 of the CELPS and policies RUR 12 and RUR 13 of the SADPD.

## **Heritage**

Paragraph 195 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The buildings on site are of a traditional form and appearance and appear on the tithe maps (1885-1889). A heritage assessment accompanies the application which evaluates the heritage value of the buildings and concludes that the existing buildings do not meet the criteria to qualify as non-designated heritage assets. The conservation officer agrees with this conclusion, and as such no significant heritage concerns are raised.

## **Character, Form and Design**

Paragraph 84 of the NPPF advises that decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (e) the design is of exceptional quality, in that it:
  - It is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and



- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

Paragraph 135 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. Policy RUR 13 requires that whilst not being materially larger, development must not also unduly harm the rural character of the countryside, by virtue of prominence, scale, bulk or visual intrusion.

The proposals will result in the removal of all buildings, except a two-storey brick barn, and replacement with a single contemporary 3-storey house built to Passivhaus Premium standard (which is a building design standard for an energy efficient building which uses minimal space heating or cooling and that will produce considerably more energy than it uses and be a net contributor). This is in addition to the solar panels proposed.

The house would be located in a depression on a south facing slope to the west of the site, with engineering works to recontour the land to accommodate the dwelling extending to just over 1 hectare. The southern elevation would present a two-storey curved glass and masonry elevation up to 9.8m in height with an overall width of 59m. The two-storey western elevation is 9.8m at the highest point with an overall width of 28m.

To the east where the site plateaus, a large agricultural shed would be cleared for a photovoltaic array which would cover an overall area of 4158m<sup>2</sup>. The panels would vary in height from 1.3m to 3.4m. The dwelling would be so energy efficient during the summer months that much of the energy generated by the PV array would be fed to the national grid. However, during the winter months there would be an energy deficiency and the panels would not fulfil the energy needs of the house alone. This gives some indication of the scale of the house and its energy needs despite the Passivhaus premium standard construction.

The application is accompanied by a detailed design and access statement and it is clear that a very thorough process has been undertaken to develop the proposals.

The Councils Design Officer considered that the siting of the dwelling into the landscape results in an effectively single aspect dwelling with a gritstone clad elevation and earth covered roof. The design officer concludes that the dwelling is inobtrusive to the point of being almost invisible from all vantage points.

However, although partially under a grass bank, the north elevation presents a gritstone wall of approximately 70m with a large vehicle access and 3 entrance doors, and ventilation grilles. To the north of this will be an access drive which slopes down to the front of the dwelling with an area for parking and turning cut away. The western elevation is also partially visible and consequently this is not considered to be a single aspect dwelling.

Although the physical presence of the proposal in the wider context of the surrounding area would be mitigated by surrounding topography and vegetation and thus any harm to the character and appearance of the surrounding area would be limited, due to its sheer scale the proposed building would be an incongruous and overly dominant addition to the site. Overall, the dwelling would be a significant scale and would be prominent within the site and an uncharacteristic building when compared to the existing traditional farmstead. The dwelling would not be in keeping with the vernacular and would present a bland and austere northern elevation resembling a service access rather than the entrance point to a dwelling. The southern elevation by virtue of its scale and with the evenly spaced gritstone clad pillars, regular openings and glazing patterns has the appearance of a hotel rather than single dwelling. The proposals would alter the open and rural character of the site introducing urbanising features and a heavily landscaped development which, although would not easily visible from longer range views, would enclose the western section of the site introducing this large dwelling and garden in an otherwise open area.

Although buildings will be removed the barn to the retained is not insignificant in size. The removal of buildings would be replaced by the large expanse of solar panels to the east (760 in total) which would extend into areas that are not covered by buildings and would therefore encroach into open countryside beyond the confines of the existing farm buildings. Although the panels could be screened in order to be effective, at a maximum height of 3.4m this would need to be a significant height that would likely reduce the light to some of the panels and affect their efficacy. The solar panels would further urbanise the site. This is at odds with the countryside location and would appear obtrusive and detrimental to the character of the countryside to which this site forms a part.

The application draws focus on the improved openness as being a positive outcome of the removal of the buildings on site. Whilst not meeting the criteria for being a non-designated heritage asset the buildings are collectively a traditional farmstead characteristic of the open countryside. The loss of the traditional brick buildings on site is not considered to result in positive improvement of the site but would remove an established and functional farm and reconfigure the land to include a contemporary building, its access and garden area and a large-scale area of solar panels into an area otherwise free from built development. As noted above the curtilage extension would have a detrimental impact on the character and appearance of the surrounding open countryside.

Overall the proposals do not result in an exceptionally high quality development. Although the environmental credentials are commendable and contribute positively to the proposals, the development is not considered to reflect the highest standards of architecture, would not raise

rural design standards and would not enhance its immediate setting or be sensitive the defining characteristics of the local area.

The proposals would therefore fail the requirements of SADPD policy RUR 13, and GEN 1, CELPS Policy SE1 and SD2 and NPPF paragraphs 84 (e) and 135 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 the Peak Fringe Local Landscape Designation Area (LLDA) which recognises that the area is an extension of many of the special qualities associated with the nationally protected Peak Park landscapes. The naturally varied undulating landform and buildings of local materials add sense of place including stone walls, dispersed settlements, farms, and narrow winding lanes all feature in the summary of special qualities of the area. Most of the site lies within the Upland foot slopes Landscape character type.

The site currently comprises a series of traditional and non-traditional but typical farm buildings. The farmland is attractive and characteristic of the Peak Fringe Area with panoramic views within the site to the south and west over the Cheshire Plains.

The landscape appraisal accompanying the application concludes that overall, the magnitude of change is considered to be moderate adverse and not significant on completion of the development. The submitted appraisal finds no short, medium, or long-distance views are anticipated to be significantly adversely affected and thus all the views are not significant, and the proposed development will be an improvement on the existing as the visually intrusive cattle barns and outbuildings would be demolished and returned back in part to the rural landscape character. The only exception being the PV arrays which will occupy the footprint of the cattle barns but will be mitigated by boundary hedge and tree planting.

However, the proposals would result in the loss of a traditional Peak Fringe farmstead and the introduction of large-scale and uncharacteristic features within the designated landscape. The dwelling and the PV array would be prominent and uncharacteristic features in short-range views from within the landholding. The extensive earthworks required to accommodate the proposed dwelling would affect around one hectare of land and would result in the loss of mature trees and hedgerows, and a change in the landform. Although the application refers to some rewilding, this would take some time to establish and regenerate gradually changing the landscape character of the area.

The scale and form of the huge gritstone-clad dwelling would not be in keeping with the vernacular of the Peak Fringe and the architectural design would not be exceptional. The

development would contrast with the existing landscape context and would have an adverse effect on the character of the landscape.

The proposals would therefore be contrary to CELPS policy SE 4(3), and SD2 and SADPD policy ENV 3.

### **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.

Dawsons Farm is situated in a relatively isolated location with no immediate neighbouring properties. The nearest property is Sourbutts Farm approximately 500 metres to the southwest of the site. Given this distance and the siting and design of the proposed replacement dwelling, the proposal will not harm the amenities of any neighbouring properties.

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. Sufficient space exists within the site for parking and manoeuvring vehicles and based on the use agricultural use of the access, this is considered acceptable.

The site is within a rural location and would intensify the residential use on site which would be very reliant on the private vehicle. The site would not be considered to be a sustainable location for residential development.

There would be no adverse impact on the safety or operation of the adjacent highway.

## **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.. The site is not within a Conservation Area and no Tree Preservation Orders are present on the site.

The proposal has been supported by an Arboricultural Impact Assessment and has identified 9 individual and 1 woodland which are high quality A Category trees, 8 individual and 7 groups of moderate quality B category trees, 17 individual and 21 groups of low-quality C Category trees and 10 hedgerows. Of these, 1 high quality A Cat tree (T8), 1 moderate quality B Cat tree (T7), 4 individual and 2 groups of low-quality trees and 1 hedgerow (80 metres in length) are shown to be removed to accommodate the proposal.

Tree T5, an A Cat tree located close to existing structures to be retained, is sited adjacent to/the east of an area which will be affected by levels changes including extensive fill. The Council's arboricultural officer raises concerns that there is the potential for an additional high-quality tree to be lost and/or detrimentally impacted by development. However, this would be offset by the additional planting to the southwest of the dwelling.

As noted previously, the farm and existing natural landscape features are not highly visible from adjacent roads or public rights of way. As a result, the tree losses as proposed would be unlikely to have a significant impact on the wider amenity of the area. However, the loss of high and moderate quality trees to accommodate development is regrettable, especially where some of the trees are mature and could be described as a historic feature of the landscape character given that the schedule description and size of trees T7 and T8 correlate with tree positions on the 1875 Ordnance Survey maps of the area.

The Council's arboricultural officer is concerned that the ornamental tree and shrub species proposed in the indicative landscape strategy do not necessarily represent an enhancement/improvement given the rural nature of the site and that opportunities exist to reduce impacts on the existing landscape character and natural features of the site.

However, there is additional tree and hedgerow planting proposed and the provision for replacement planting of native species and high canopy trees could be secured via detailed landscaping condition on any approval.

### **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.

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, and the site is generally within a very low risk area for surface water flooding.

The Local Lead Flood Authority have commented on the application and raised no objections to the proposals on the basis that a surface water drainage scheme in line with the details which accompany the application is required by condition. The EA have raised no objections and direct the applicant to the wastewater drainage hierarchy.

As it is considered that conditions could appropriately deal with drainage design and management at the site, 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 Contaminated Land team has no objection subject to conditions regarding contamination and soil importation and informatives regarding the Environmental Protection Act 1990, dust and hours of construction.

In the event of an approval, details of lighting can be secured in the interests of the management of light pollution.

A condition has also been requested to secure the provision of Electric Vehicle Infrastructure, including a single Mode 3 compliant Electric Vehicle Charging Point (EVCP).

The amended Building Regulations, which came into force on 15 June 2022, require the installation of an EVCP. Planning decisions should not duplicate the function of other regulatory bodies or controls, and therefore as the development would be subject to the amended Building Regulations, it is not necessary to impose such a planning Condition.

It is therefore considered that subject to 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 either Grade 4 'poor' quality or Grade 5 'Very 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 consideration of both maps, the site is not understood to 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.

### Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones and the application is supported by a 'shadow' Assessment of Likely Significant Effects Habitat Regulations Assessment. The assessment concludes that the proposed development is not likely to result in a significant effect upon a European Designated Site. It is noted that Natural England raise no objections.

Ecological appraisals and assessment accompany the application.

### Ecological Network

The application site falls within both a Core Area and Restoration Area of the CEC ecological Network. SADPD policy ENV1 therefore applies to the determination of this application. This policy requires developments within core areas to increase the size, quality and quantity of priority habitat. In this instance this could be achieved through the proposed woodland planting and the retention and enhancement of the hedgerow network on site.

### Bats

Evidence of bat activity in the form of a number of minor roosts have been recorded within the buildings and a tree on site. The usage of the building by bats is likely to be limited to single or small numbers of animals of each species using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species concerned as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the retained barn building as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. The applicant has confirmed that tree ref: T2 (as identified in the bat survey reports) would be retained as part of the proposed development. The submitted bat report includes proposals to minimise the disturbance of T2 during the felling of adjacent trees. The submitted bat roost assessment considers that the proposed development will include maintaining existing habitat connectivity for bats and proposed habitat enhancement to create new connectivity and foraging habitats across the site.

As bats (a European Protected Species) have been recorded on site and are likely to be adversely affected by 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 of overriding public interest,
- There is no satisfactory alternative,
- the favourable conservation status of the species will be maintained.

In terms of the Habitat Regulations tests:

- The proposed development is not of overriding public interest, unless other material considerations can be identified to outweigh the harm to the character and appearance of the countryside and surrounding landscape,
- There are no known alternative forms of development that would not have a similar impact upon protected species as the current proposal.
- The proposed mitigation/compensation is acceptable and the Councils Ecologist considered that it is likely to maintain the favourable conservation status of the species of bat concerned. Planning conditions would be required to secure the implementation of the submitted bat mitigation and compensation measures detailed within the submitted ecological appraisal.

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 an adverse impact on a protected species, albeit a low level impact, and is not of overriding public interest the development fails the tests of the Habitats Regulations and is therefore considered to be contrary to policy SE3 of the CELPS and SE2 of the SADPD.

#### Potential Local Wildlife Site

The submitted ecological assessment refers to a Potential Local Wildlife Site (pLWS) being present on site, but no details of this are provided. The Council's ecologist along with Cheshire Wildlife trust advise that only a small part of the application site falls within the boundary of the



pLWS and no significant habitats are present where there is an overlap between the two Local Wildlife Site and the application site.

In the event that planning consent is granted a condition requiring the submission and implementation of a Construction and Environmental Management Plan informed by the applicant's Framework Biodiversity Net Gain Plan, is required to safeguard the pLWS during the construction phase.

#### Nesting birds

A number of bird species were recorded as nesting on site. Planning conditions can safeguard nesting birds and to ensure the incorporation of measures to provide replacement nesting opportunities could be included on any approval.

#### Hedgehog and Brown Hare

These two priority species may occur in the broad locality of the application site. The Council's Ecologist concludes that the proposed development is not likely to result in a significant impact upon them.

#### Amphibians/Reptiles

There are no ponds within the vicinity of the application site, so consequently amphibians are not reasonable likely to be affected by the proposed development.

In terms of Reptiles, no evidence of their presence was recorded during the desk-based assessment. The submitted ecological assessment however identifies the potential loss of habitat for these species. These species (if present) would also be at risk of being harmed during the construction stage. Provided suitable compensatory habitat is provided for any habitat unavoidably lost (as assessed by the Biodiversity Metric discussed below), the risk of reptiles being killed or injured during works could be addressed through the implementation of Reasonable Avoidance Measures secured by planning condition in the event of an approval.

#### Hedgerows

Native Hedgerows are a priority habitat and hence a material consideration. The current layout plans would result in the loss of a section of hedgerow with a corresponding loss of biodiversity. The biodiversity metric as submitted does however show an overall gain in hedgerow biodiversity as a result of 110m of native hedgerow planting being delivered on site.

#### Biodiversity Net gain/Ecological Network

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity and ENV2 requires developments to achieve a Biodiversity Net Gain.

A Framework Biodiversity Net Gain Plan and Biodiversity Metric Calculation accompanies the application and shows a net gain, this is achieved through on site habitat creation works and additional habitats delivered on land outside the redline of the application but within the wider farm holding.

A BNG Net Gain Plan has been provided and concludes that the combined on and offsite planting will deliver be a 15% and 20% net gain for habitats and hedgerows respectively.

However it is noted that it does not appear to factor in the loss of mature high-quality trees or show any of the trees to be retained.

### Ecology conclusion

The development when considered against the Habitat Regulations is deemed to fail the tests in relation to Bats. As the development would have a significant adverse impact on habitats or species, 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 and have raised no objections.

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

Bosley Parish Council have requested a condition which would prevent the use of the dwelling for subsequent commercial uses such as self-contained, self-catering accommodation, party houses, air B&B, small motel etc. Planning consent would not be currently required for the use of the proposed dwelling as an air B&B or self-catered holiday let.

Any other commercial use, such as a hotel/motel would require planning consent and would be considered on its merits.

### **Other Material Considerations**

The site occupies a rural location and is isolated in relation to neighbouring properties and nearby settlements with their associated shops and services. The proposals would result in a significant intensification in use given the significant increase in residential accommodation on site from the existing modest farmhouse to this colossal 9 bed dwelling. All the future occupants of the proposed dwelling would be heavily reliant on private vehicles due to its location which would be unsustainable. There is no evidence to demonstrate that a dwelling at the site would promote sustainable development by enhancing or maintaining the vitality of rural communities. It is also disappointing that the proposals would result in the loss of the fully functional beef and dairy farm, which would contribute to the local rural economy, and see its replacement with a private dwelling.

### **Conclusion / Planning Balance**

The application proposals would result in a replacement dwelling and solar panels that are materially larger than the buildings which they seek to replace and would result in the intensification of residential use within an isolated and unsustainable location. In addition, the proposals are considered to result in undue harm to the rural character of the countryside by virtue of the scale, siting, size and design and the extent of land to be reprofiled to accommodate the dwelling which would have a disruptive and adverse effective of the visual qualities of the existing landscape character.

The proposals would result in environmental harm that would be created due to the risks posed in relation to Bats 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. These matters collectively carry substantial weight against the proposal.

No concerns are noted with regards to highway safety matters, trees, flood risk or drainage, contamination, loss of best or most versatile agricultural land and airport safeguarding or subject to conditions where appropriate.

In consideration of the benefits of the proposals limited weight is afforded to the economic benefits of the scheme with regards to the job creation through the construction period, as this is a single dwelling only limited weight applies.

Moderate to significant weight is afforded to the environmental benefits of the scheme which include the sustainability credentials of the dwellings Passivhaus premium construction, the renewable energy generating solar panels and the positive contributions to biodiversity through planting and rewilding and the resulting net gain.

However, whilst the environmental benefits are compelling, the benefits overall are not deemed to outweigh the substantial combined harm to the visual qualities of the surrounding open countryside, the unsustainable location of the site, the adverse impact upon Bats and the in-principle harm of the buildings being materially larger than the buildings they replace.

The application is therefore recommended for refusal.

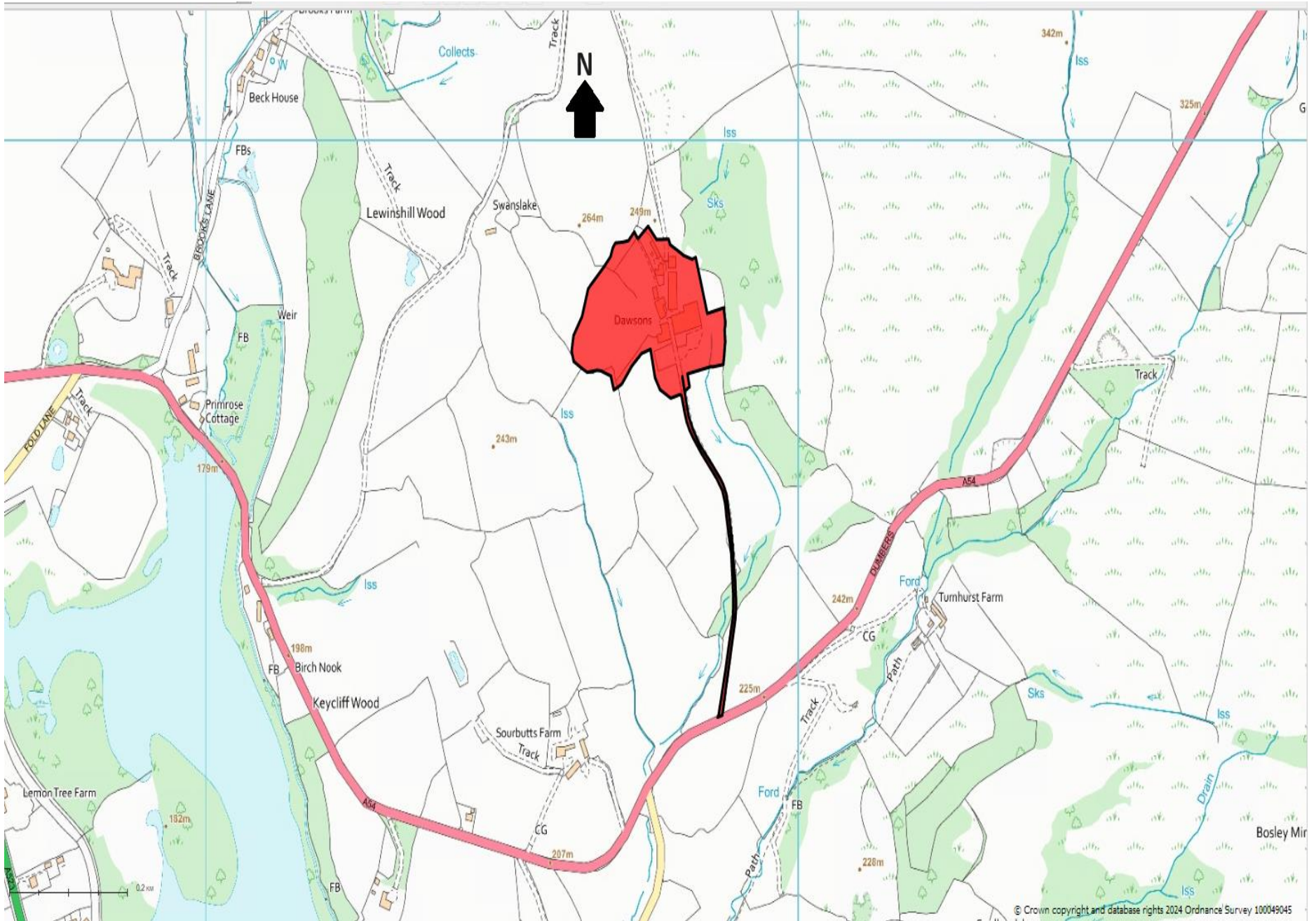
## **RECOMMENDATION**

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

- 1. The proposed development would by reason of its size, scale, siting and design result in a building which is materially larger than the buildings which it replaces. The proposals would therefore be contrary to policy PG6 of the Cheshire East Local Plan Strategy, and policy RUR 13 of the Site Allocations Development Plan Document.**
- 2. The proposed development, by reason of its size, scale, siting and design would form a visually obtrusive feature which would contrast with the existing landscape context and would have an adverse effect on the character of the surrounding landscape and the visual qualities of the Countryside within which it is located. The site would also result in the intensification of residential development in this isolated and unsustainable location. The proposed development would therefore not be sustainable development and is contrary to policies SE1 and SD2 of the Cheshire East Local Plan Strategy, Policies GEN1 and RUR 12 of the Site Allocations Development Plan Document and Paragraphs 84 and 135 of the National Planning Policy Framework.**
- 3. The proposed development would have a significant adverse impact Bats, a protected species, and the development is not of overriding public interest. The proposed development therefore fails the tests of The Conservation of Habitats and Species Regulations. 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.**

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*



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