

Application No: 25/1197/FUL  
Application Type: Full Planning  
Location: Dawson Farm Buxton Road, Bosley, Macclesfield, Cheshire East, 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: 16 January 2026

### **Summary**

The application has been submitted following the refusal of application reference 23/1174M which was not supported on the grounds that it would represent a materially larger replacement building in the Open Countryside, alongside design and landscape concerns. Due to the application being refused, a further reason for refusal was issued due to failure to accord with the Habitats Regulations.

As submitted, the application has made a meaningful reduction in the amount of built form proposed, now resulting in a net reduction in built form (as opposed to a net increase as previously proposed). Combined with the reduced visual impact the development would have on the rural character of the Open Countryside and Local Landscape Designation, the proposal is considered to comply with the relevant design and landscape policies of the Local Plan.

The proposed solar panel array has also been significantly reduced in scale compared to the previously refused scheme. The reduced scale of the solar panel array would still provide 100% of the proposed dwellinghouse's energy demand, with excess energy being returned to the grid for use elsewhere. This element of the proposal therefore carries significant positive weight with regard to renewable energy generation and energy security.

With regard to protected species, all other reasons for refusal are considered to have been adequately addressed. As such, the three Habitat Regulations tests have been met and the third reason for refusal on the previous application has also been addressed.

All other matters, including those relating to heritage, amenity, nature conservation, trees, highways, drainage and contamination are found to accord with the relevant policies of the local plan, subject to necessary conditions where needed.

### **Summary recommendation**

**APPROVE subject to following conditions**

## **1. REASON FOR REFERRAL**

1.1. The application is referred to the Northern Planning Committee due to the site area falling within the 1 – 4ha bracket (3.6 hectares) in accordance with the terms of the Council's Constitution.

1.2. The previous application for a similar development (23/1174M) was considered at Northern Planning Committee in April 2024 where a resolution was made to approve the application. As the resolution to approve represented a departure from the development plan, the application was subsequently referred to the Strategic Planning Board where the application was refused on the grounds of the replacement building being materially larger, the character and landscape impacts of the development, and the impact on bats.

## **2. DESCRIPTION OF SITE AND CONTEXT**

2.1. 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.

2.2. 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.

2.3. 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.

2.4. 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.

2.5. 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.

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

2.7. 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.

2.8. 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 to the north of the existing buildings.

### **3. DESCRIPTION OF PROPOSAL**

- 3.1. The application seeks planning permission for the “Demolition of existing agricultural buildings and dwellinghouse, and construction of new replacement dwellinghouse with associated renewables and landscaping”. The application is a resubmission of application ref 23/1174M which sought approval for a similar redevelopment of the site. Following this refusal, the proposal has been amended, with a key difference being a reduction in built form now resulting in a smaller dwellinghouse and a reduced number of solar panels compared to the previous scheme.
- 3.2. The proposed dwellinghouse would be subterranean and would provide accommodation over three floors. Bedrooms and living spaces would be located on ground and first floor levels with garaging, storage and plant on the second floor (accessed from the rear). The dwellinghouse would be built to the Passivhaus Premium standard.
- 3.3. The proposed development also includes the installation of a 260 solar panel array on a parcel of land to the east of the proposed dwellinghouse and existing building to be retained. This is a reduction from the 760 solar panels proposed as part of the previously refused application.
- 3.4. The following plans and documents accompany the application:

- Application Form
- Planning Statement
- Design and Access Statement
- Environmental Statement
- Existing and Proposed Plans
- Landscape and Visual Appraisal Report
- Photographs and Photomontages inc. Verified Views
- Preliminary Ecological Appraisal
- Habitats Regulations Assessment Report
- Bat Roost Assessment
- Biodiversity Net Gain Statement and Metric
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Report
- External Lighting Impact Assessment
- Arboricultural Impact Assessment

### **4. RELEVANT PLANNING HISTORY**

- 4.1. 76825P – not decided – March 1994  
Agricultural workers dwelling
- 4.2. 23/1174M – refused – April 2024  
Demolition of existing agricultural buildings and dwellinghouse, and construction of new replacement dwellinghouse with associated renewables and landscaping.

### **5. NATIONAL PLANNING POLICY**

- 5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

## **6. DEVELOPMENT PLAN POLICY**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

### **6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)**

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

MP 1 Presumption in favour of sustainable development  
PG 1 Overall Development Strategy  
PG 6 Open Countryside  
SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SC 3 Health and Well-being  
SE 1 Design  
SE 2 Efficient use of land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 Green Infrastructure  
SE 7 The Historic Environment  
SE 8 Renewable and Low Carbon energy  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land contamination and land instability  
SE 13 Flood risk and water management  
SE 15 Peak District National Park Fringe  
CO 1 Sustainable Travel and Transport

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

GEN 1 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  
HER 1 Heritage assets  
HER 7 Non designated Heritage Assets

HOU 8 Space Accessibility and wheelchair housing standards  
HOU 12 Amenity  
HOU 13 Residential Standards  
INF 1 Cycleways, bridleways and footpaths  
INF 3 Highways safety and access  
INF 6 Protection of existing and proposed infrastructure  
INF 9 Utilities

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

- 7.1. **Environmental Protection** – No objection, subject to conditions relating to the management of contaminated land before and during construction.
- 7.2. **Highways** – No objection. Access, car parking and highway impacts are considered to be acceptable.
- 7.3. **Lead Local Flood Authority** – No objection, subject to the development being carried out in accordance with the submitted FRA and Drainage Strategy.
- 7.4. **Bosley Parish Council** – “no objections or comments with respect to this application

## **8. REPRESENTATIONS**

- 8.1. One comment was received from a member of public, raising the following matters:
- No objection subject to impact on water supply
  - Potential impact of large dwelling on water to neighbouring bore hole

## **9. OFFICER APPRAISAL**

### **Principle of Development**

- 9.1. The site is within 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 a two-storey brick barn) and replace with one single dwelling to the west and an array of ground mounted solar panels to the east of the site. These two elements of the proposal are considered in turn, below.

### *Replacement Buildings*

- 9.2. 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”

- 9.3. 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 that the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

9.4. 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.

9.5. 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.

9.6. The below table provides a comparison of the existing and proposed amount of development. This includes all existing agricultural buildings sought for removal, with the proposed including the dwellinghouse and also Building 6 which is to be retained. A full breakdown of individual buildings is provided in the applicant's Planning Statement.

Existing GIA	Proposed GIA	% Difference
3,228m <sup>2</sup>	2,651m <sup>2</sup>	-18%

9.7. As set out above, the proposed redevelopment of the site would amount to an 18% reduction in built form when comparing existing and proposed floorspace across the site. This is a significant reduction when compared to the previously refused application which proposed a 33% increase. The proposed reduction in built form therefore contributes to the conclusion that the development would not be materially larger than existing.

9.8. It is also important to consider the impact on the rural character of the countryside, by virtue of prominence, scale, bulk or visual intrusion as required by policy RUR 13. By nature, the proposed subterranean dwellinghouse would be largely covered by earth which reduces its visual impact on the landscape. The application is supported by several verified view images showing a realistic comparison of the application site before and after the proposed development. These demonstrate that the impact of the proposed dwellinghouse on the wider rural landscape would be reduced when viewed alongside the existing cluster of buildings which are comparative much more exposed and visible from wider viewpoints.

9.9. Whilst agricultural buildings are commonplace within the rural landscape, the demolition of the majority of existing buildings would be a welcome enhancement to the site. Overall, the replacement of existing buildings with the proposed dwellinghouse would meet the relevant exception to development in the Open Countryside under policy PG 6 and RUR 13.

#### *Solar Panels*

9.10. The application also seeks planning permission for the construction of a solar array to the east of the site. The array would be formed of 260 individual PV structures.

9.11. When assessed against the exceptions set out in CELPS policy PG 6, the proposed solar panels would not comfortably fit within any of the exceptions to development in the Open Countryside.

9.12. However, the proposed solar panels would positively contribute to the provision of renewable sources of energy and associated environmental benefits of such developments. It is

important to take these matters into consideration in order to reach a balanced judgement on whether the benefits of the scheme outweigh the development's conflict with CELPS policy PG 6.

- 9.13. Policy SE 8 is the overarching Local Plan consideration for renewable and low carbon energy installations. It supports the development of such schemes due to the wider environmental, economic and social benefits they can deliver, subject to consideration of the potential impacts including landscape, habitats, residential amenity and air traffic.
- 9.14. Policy ENV 10 provides further policy guidance on solar installations, stating that where solar photovoltaics do not fall within permitted development, these will be encouraged where they do not conflict with other local planning policies, particularly in relation to the impact upon heritage assets, conservation areas and the principles set out in Policy SE 8.
- 9.15. In May 2019 Cheshire East Council committed to becoming a carbon neutral organisation by 2025. Due to the financial landscape of the council, this aim has been reset to 2027, however it remains to be one of the most ambitious targets in the country for carbon neutrality. A further pledge has also been made for the entire borough to achieve carbon neutral status by 2045.
- 9.16. At a national level, Chapter 14 of the NPPF sets out how development proposals should meet the challenges of climate change, flooding and coastal change. It states that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 168 states that local planning authorities should recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions
- 9.17. In this case, the proposed solar panel installation would provide 100% of the energy demand for the proposed dwellinghouse. It would also feed any excess energy into the grid, supporting the wider transition to renewable energy. Therefore, there would be no reliance on fossil fuels which represents a significant benefit to the proposed development as a whole. The Planning Statement advises that the household would use only electric vehicles and therefore the zero emission merits of the proposed development would extend to the occupier's mobility. Whilst the exclusive use of electric vehicles is not a determinative matter which could be secured via condition, it nevertheless demonstrates the wider benefits of the development.
- 9.18. The solar panels have been calculated to produce 97,708 kWh/a, exceeding the 120kWh per square meter of footprint area criteria for Passivhaus Premium. This is likely to save 20.2 tonnes of CO<sub>2</sub> per annum, which represents a significant environmental benefit.
- 9.19. The proposal is therefore considered to contribute to tackling the challenges of climate change through reduction of dependence on fossil fuels. The reduced reliance on fossil fuels would also assist in improving energy security.
- 9.20. Furthermore, the proposed development would not be a permanent fixture to the ground, being relatively straightforward to remove – therefore reducing the permanence of the development. Policy SE 8 advises that conditions are attached in the event of approval to secure the removal of the infrastructure and restoration of the land once the scheme is ready for decommissioning. A condition is therefore recommended to secure this.
- 9.21. Therefore, on balance the wider benefits associated with renewable energy production in this case would outweigh the identified conflict with Open Countryside policies.

## **Design, Character and Appearance**

- 9.22. Policy SD 2 of the CELPS states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of scale, materials and design features. Policy SE 1 of the CELPS details that development proposals should make a positive contribution to their surroundings in terms of a number of criteria. This includes ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of an area.
- 9.23. SADPD policy GEN 1 expands on this, expecting all development proposals to contribute positively to the borough's quality of place and local identity through appropriate character, appearance and form in terms of scale, height, density, layout, grouping, form, siting, good architecture, massing and materials.
- 9.24. 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.
- 9.25. 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.
- 9.26. 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. Pre-application discussion have also taken place with officers following the refusal of a previous application.
- 9.27. In refusing the previous application, a significant factor was the appearance of the dwelling:
- “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.”
- 9.28. The current application has undergone significant reductions in scale compared to the previously refused scheme. Large urbanising features and heavy hard landscaping has now been omitted, resulting a much more subdued appearance. The dwellinghouse as proposed now comfortably sits within the plot as a result of the reduced scale, mass and bulk. The Design Officer previously commented that the proposed dwelling would be unobtrusive to the point of being almost invisible from all vantage points. This is particularly relevant now that the scale of the proposal has been meaningfully reduced as part of this resubmission.
- 9.29. In terms of the solar panel array, these were previously found to be 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 number of solar panels has been reduced from 760 to 260 individual panels. Together with the significant weight attached to the environmental benefits of the array, the visual impact is outweighed by the positive enhancements the proposal would make to wider renewable energy and energy security considerations.



- 9.30. The curtilage extension was previously found to have a detrimental impact on the character and appearance of the surrounding open countryside. This has been addressed as part of the current proposal, with a much tighter and more appropriately sized curtilage being drawn around the proposed dwellinghouse.
- 9.31. For the above reasons, the proposed development is considered to have successfully addressed the previous reasons for refusal in relation to design, character and appearance. The proposal would accord with the relevant policies of the development plan.

## **Landscape**

- 9.32. Between them, CELPS policy SE 4 and SADPD policy ENV 3 recognise the high quality of the built and natural environment as a significant characteristic of the borough. It states that all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. All development is expected to incorporate appropriate landscaping which reflects the character of the area through appropriate design and management.
- 9.33. SADPD policy ENV 3 identifies Local Landscape Designations which represent the highest quality and most valued landscapes in the area of the borough covered by the Cheshire East Local Plan. In Local Landscape Designations, CELPS policy SE 4 and ENV 3 state that the Council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance and setting. Where development is considered to be acceptable in principle; measures will be sought to integrate it into the landscape character of the area. Where development may affect a local or national (i.e. Peak District National Park) designation a full understanding of the context, characteristics and significance should be provided.
- 9.34. SADPD policy ENV 5 states that where appropriate, development proposals must include and implement a landscape scheme. The proposed landscape scheme should respond sympathetically to the existing landscape and should enhance the quality, setting and layout design of the development. Landscape schemes should include satisfactory provision for the maintenance and aftercare of the scheme.
- 9.35. The site lies within the Peak Fringe Local Landscape Designation (LLD) 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.
- 9.36. 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.
- 9.37. In refusing the previous application, it was concluded that the scale and form of the gritstone-clad dwelling would not be in keeping with the vernacular of the Peak Fringe and the architectural design would not be exceptional. It was also found that the development would contrast with the existing landscape context and would have an adverse effect on the character of the landscape.
- 9.38. Whilst the application would still result in the loss of a cluster of buildings which form a traditional farmstead within the LLD, the proposed development has evolved in order to reduce its impact on the landscape to a degree which can now be considered acceptable.

- 9.39. The application has been submitted following pre-application discussions involving the Landscape Officer whereby reductions in scale have been a welcome amendment, in addition to greater detail provided in order to better understand the landscape visual impact.
- 9.40. Following pre-application discussions and amendments during the course of the application, the Landscape Officer advises that they have no objection to the proposed development. A number of conditions are recommended in order to control the landscape impact in terms of planting plans, details of earthworks, lighting as well as a 30 year management plan to ensure ongoing maintenance of the approved landscaping.

### **Heritage Conservation**

- 9.41. CELPS policy SE 7 seeks to enhance and conserve the borough's varied and extensive historic environment.
- 9.42. The buildings on site are of a traditional form and appearance and appear on the tithe maps (1885-1889). As concluded with the previous application at Dawsons Farm, the existing buildings do not meet the criteria to qualify as non-designated heritage assets. The Heritage Conservation Officer agreed with this conclusion, and as such no significant heritage concerns are raised.

### **Amenity**

- 9.43. Policy SE 1 of the CELPS expects all development to be designed to ensure an appropriate level of privacy for new and existing residential properties. Policy HOU 12 of the SADPD states that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development. HOU 13 sets out the minimum standards expected in order to achieve a suitable level of privacy and light.
- 9.44. 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.
- 9.45. With regard to living conditions for future occupiers, all habitable rooms (bedrooms, living rooms, dining rooms etc) would have windows in the southern elevation of the building enabling daylight to enter and a suitable outlook provided. Other rooms including a gym, cinema room, kitchen, games room, storage spaces and plant are located toward the rear of the building where the subterranean nature of the building would result in no natural daylight or outlook. However, it is not necessary for these rooms to have a source of daylight in order to provide suitable living conditions.
- 9.46. Accordingly, the proposed development is found to be acceptable with regard to amenity and living conditions.

### **Nature Conservation**

- 9.47. CELPS policy SD 1 expects all development to contribute to the protection and enhancement of the natural environment. CELPS policy SE 3 sets out criteria relating to biodiversity at a strategic level including matters relating to the impact on designated sites,

habitats and protected species. It expects all development to aim to positively contribute to the conservation and enhancement of biodiversity.

- 9.48. SADPD policy ENV 1 identifies the ecological network of the borough which includes core areas, corridors, stepping stones, restoration areas and the Meres and Mosses catchments. Depending on which component of the network a site forms part of, development proposals should increase the size, quality or quantity of habitat; improve connectivity, resilience and function of the network or minimise adverse impacts from pollution and disturbance. SADPD policy ENV 2 expects all development proposals to deliver a net gain in biodiversity in line with national policy and sets out the level of information a planning application is expected to include where there are likely to be biodiversity or geodiversity considerations.

#### *Statutory Nature Designated Sites*

- 9.49. It is advised that there is a reasonable likelihood that a Statutory Nature Designated Site, such as SSSI or SAC sites, will not be impacted by the proposed works.

#### *Biodiversity Net Gain (BNG)*

- 9.50. Mandatory Biodiversity Net Gain applies in this instance. The submitted biodiversity metric calculates a 36.47% habitat net gain, 30.10% hedgerow net gain and a 66.67% watercourse net gain. It is advised that the metric is suitable, and the proposed works adhere to the biodiversity gain and mitigation hierarchy. It is therefore advised that sufficient information regarding Biodiversity Net Gain has been submitted at this stage. The biodiversity gain condition must therefore be secured with any planning approval, which relates to the deemed gain condition.

- 9.51. The proposed habitat creation and enhancement measures are considered to be 'significant' and therefore a Habitat Creation Method Statement and Habitat Management and Monitoring Plan condition is required.

#### *Birds*

- 9.52. Nesting birds were recorded on site, which are protected under the Wildlife and Countryside Act 1981. A condition to safeguard breeding birds during nesting season is therefore recommended,

#### *Bats*

- 9.53. 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.

- 9.54. 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.

- 9.55. The nocturnal surveys are now ~2 years old for the most recent surveys. However, the extent of bat roosting on site is reasonably understood, with bat surveys covering two bat activity

seasons. It is advised that the extent of bats utilising the site has been established, and therefore a planning decision can be issued. However, a full suite of updated surveys may be required to apply for a Natural England protected species licence. This must be undertaken prior to the commencement of works.

9.56. Furthermore, if determination of the application is delayed for any reason past April 30th 2026 (i.e. into the next bat activity season) then a site visit will be required to update the appraisal of the buildings and advise whether any update nocturnal surveys are necessary to inform the application.

9.57. It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development the local 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:

- (i) The development is of overriding public interest,
- (ii) There are no suitable alternatives and
- (iii) The favourable conservation status of the species will be maintained.

9.58. With regard to the first test (i), the proposed development is recommended for approval. As such, it is acknowledged that the development accords with local and national planning policy and can therefore be considered to be of overriding public interest.

9.59. The second test (ii) requires consideration of alternatives. In this case, there are no alternatives presented which would be considered suitable.

9.60. Finally, with regard to the third test (iii), on the submitted Proposed Site Plan, tree 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 Nature Conservation Officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned and as such, test (iii) would be met.

9.61. Accordingly, all three tests are met and therefore Natural England would be likely to grant the relevant licence under the Habitat Regulations.

#### *Hedgehog and Brown Hare*

9.62. These two priority species may occur in the broad locality of the application site, but the proposed development is not likely to result in a significant impact upon them.

#### *Amphibians/Reptiles*

9.63. 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. The Nature Conservation Officer advises that the risk of reptiles being killed or injured during works could be addressed through the implementation of a Construction Environmental Management Plan. A condition is therefore recommended requiring a CEMP to be prepared.

### *Potential Local Wildlife Site (pLWS)*

- 9.64. The submitted ecological assessment refers to a Potential Local Wildlife Site (pLWS) being present on site, but no details of this are provided. Details of the potential Local Wildlife Site have been submitted by Cheshire Wildlife Trust and the Nature Conservation Officer advises 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.
- 9.65. In the event that planning consent is granted a condition requiring the submission and implementation of a CEMP to safeguard the pLWS during the construction phase.

### *Ecological Enhancements*

- 9.66. The Nature Conservation Officer advises that that the proposed bat boxes, bird boxes and habitat creation is considered to be suitable to provide ecological enhancements on site, in line with local policy ENV 1.

### **Trees**

- 9.67. CELPS policy SE 5 states that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted. SADPD policy ENV 6 expands on this, expecting proposals to retain and protect trees.
- 9.68. 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.
- 9.69. 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. 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.
- 9.70. A Tree Protection Plan has been prepared in support of the application. A condition is therefore recommended ensuring adherence to this plan during the demolition and construction phase.
- 9.71. Subject to the above matters being secured via condition, the proposed development would have an acceptable relationship with existing trees in accordance with policies SE 6 and ENV 6.

### **Flood Risk and Drainage**

- 9.72. CELPS policy SE 13 states that all planning applications for development at risk of flooding must be supported by an appropriate Flood Risk Assessment (FRA) to demonstrate that development proposals will not increase flood risk on site or elsewhere and opportunities to reduce the risk of flooding are sought, taking into account the impacts of Climate Change in line with the Cheshire East SFRA. New development will be required to include or contribute to flood mitigation, compensation and / or protection measures, where necessary, to manage flood risk associated with or caused by the development.

- 9.73. SE 13 continues to state that all developments, including changes to existing buildings, seek improvements to the current surface water drainage network and be designed to manage surface water. This should include appropriate sustainable drainage systems (SuDS) and green infrastructure to store, convey and treat surface water prior to discharge with the aim of achieving a reduction in the existing runoff rate, but must not result in an increase in runoff.
- 9.74. SADPD policy ENV 16 expands on this, setting out the criteria that development is expected to meet in relation to the management of flood risk and drainage, with SuDS being encouraged. It expects development proposals to clearly demonstrate how surface water runoff can be appropriately managed.
- 9.75. The LLFA initially objected to the proposed development due to the lack of a detailed drainage strategy. A detailed Flood Risk Assessment and Drainage Strategy was subsequently submitted during the course of the application.
- 9.76. The LLFA have reviewed the additional information and advise that their objection can be lifted subject to the development being carried out in accordance with the submitted details, and with a whole site maximum discharge rate not exceeding 5.9 l/s.

### **Contaminated Land**

- 9.77. CELPS policy SE 12 states that development for new housing or other environmentally sensitive development will not normally be permitted where existing air pollution, soil contamination, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.
- 9.78. Where a proposal may affect or be affected by contamination developers are required to provide a report which investigates the extent of the contamination and the possible affect it may have on the development and its future users, the natural and built environment. 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.
- 9.79. The Contaminated Land team advise they have no objection to the application. They advised that the application is for a proposed use that would be particularly vulnerable to the presence of contamination and residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. The application stie also has a history of agricultural use and therefore the land may be contaminated.
- 9.80. GEA report J22287 Rev1, Desk Study & Ground Investigation Report (November 2022) was submitted in support of the application. Environmental Protection Officers advise that the investigation was constrained by the buildings currently present on site and therefore those areas may be a source of potential contamination at the site.
- 9.81. An area of significant infill was identified on-site that may represent a ground gas risk to the proposed development. A ground gas risk assessment should therefore be undertaken.
- 9.82. The desk study identifies that pesticides, detergents and fuels may have been stored in quantity at the site. Areas of fuel and chemical storage should be targeted in any supplementary investigation.
- 9.83. The finalised position of the proposed development was unknown at the time of the report issue. Soils, including topsoil, in proposed garden areas and soft landscaping should be proved suitable for retention in a sensitive residential end-use.

9.84. Asbestos has also been identified at the site.

9.85. As such, and in accordance with paragraphs 187, 196 and 197 of the NPPF 2024, this Environmental Protection Officers recommend a number of conditions which must be adhered to in order to appropriately deal with the risk of contaminated land.

### **Highways**

9.86. Amongst several other matters, CELPS policy SD 1 states that all development proposals should provide safe access and sufficient car parking in accordance with adopted highway standards. SADPD policy INF 1 supplements this and expects all development to provide safe access to and from the site for all highway users and incorporate safe internal movement in the site.

9.87. Cheshire East Highways advise that the use of the existing farm access to the adopted highway network, in lieu of the existing agricultural use, is acceptable. There is sufficient space within the site for off-street car parking provision to be in accordance with CEC parking standards.

9.88. The commuter peak hour and daily traffic generation associated with the change of use, would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

9.89. Accordingly, the Head of Strategic Transport has no objection to the planning application.

### **Agricultural Land Quality**

9.90. 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.

9.91. 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.

9.92. 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.

9.93. 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.

9.94. In consideration of both maps, the site is not understood to comprise BMV Land.

### **Other Matters**

9.95. Comments were received from a member of public raising concern that the proposed dwellinghouse may impact access to water from their bore hole. This is not a material planning consideration. Any disputes between landowners with regard to private water supplies would be a civil matter.

9.96. The Safeguarding Authority for Manchester Airport has assessed the previous proposal and its potential to conflict aerodrome safeguarding criteria and advise that they have no objections. The same conclusion can be reached with the current reduced scheme.

## **10. PLANNING BALANCE/CONCLUSION**

10.1. The application has been submitted following the refusal of application reference 23/1174M which was not supported on the grounds that it would represent a materially larger replacement building in the Open Countryside, alongside design and landscape concerns. Due to the application being refused, a further reason for refusal was issued due to failure to accord with the Habitats Regulations.

10.2. As submitted, the application has made a meaningful reduction in the amount of built form proposed, now resulting in a net reduction in built form (as opposed to a net increase as previously proposed). Combined with the reduced visual impact the development would have on the rural character of the Open Countryside and Local Landscape Designation, the proposal is considered to comply with the relevant design and landscape policies of the Local Plan.

10.3. The proposed solar panel array has also been significantly reduced in scale compared to the previously refused scheme. The reduced scale of the solar panel array would still provide 100% of the proposed dwellinghouse's energy demand, with excess energy being returned to the grid for use elsewhere. This element of the proposal therefore carries significant positive weight with regard to renewable energy generation and energy security.

10.4. With regard to protected species, all other reasons for refusal are considered to have been adequately addressed. As such, the three Habitat Regulations tests have been met and the third reason for refusal on the previous application has also been addressed.

10.5. All other matters, including those relating to heritage, amenity, nature conservation, trees, highways, drainage and contamination are found to accord with the relevant policies of the local plan, subject to necessary conditions where needed.

10.6. Accordingly, the proposed development is recommended for approval.

## **11. RECOMMENDATION**

**Approve subject to following conditions:**

- 1. Three-year commencement**
- 2. Approved plans**
- 3. Materials samples to be submitted**
- 4. Biodiversity net gain plan to be submitted**
- 5. Habitat creation method statement to be submitted**
- 6. Nesting bird safeguarding measures**
- 7. Bat licence to be submitted**
- 8. Updated badger survey to be submitted**
- 9. Construction Ecological Management Plan (CEMP) to be submitted**
- 10. Ecological enhancement scheme to be submitted**
- 11. Detailed landscaping plans to be submitted**
- 12. Development in accordance with tree protection plan**
- 13. Development in accordance with drainage strategy**
- 14. Contamination investigation and remediation to be submitted**
- 15. Contamination verification report to be submitted**
- 16. Contamination of imported soils to be tested with results submitted**



- 17. Removal of solar panels following decommissioning**
- 18. Demolition of existing buildings prior to occupation**

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*



