

Application No: 11/1115M

Location: WINDMILL WOOD, CHELFORD ROAD, OLLERTON, KNUTSFORD, KNUTSFORD, CHESHIRE, WA16 8RX

Proposal: Proposed Erection of a Dwelling and Two Outbuildings in Association with the Management of Windmill Wood Including the Demolition of a Brick Built Warehouse, One Shed and Two Open Stores

Applicant: Mr & Mrs Panayi

Expiry Date: 13-May-2011

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon woodland / trees

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a 17 hectare piece of land located to the south of Chelford Road. The site contains a single storey warehouse building and a number of open sided structures. The remainder of the land is covered by woodland, which is also a Site of Biological Importance. Two public footpaths are located within the site, one which follows the northern site boundary and one which crosses north/south through the site. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish the existing warehouse, shed and two open stores and erect a new dwelling and two outbuildings in association with the management of Windmill Wood.

RELEVANT HISTORY

The site has an extensive planning history involving applications for a variety of residential and commercial developments.

The most recent and relevant applications are detailed below.

01/2130P – Certificate of lawfulness for a building used for the storage of shotgun cartridges and the storage/assembly of domestic appliances only. Positive Certificate 28.01.2002.

05/1416P – Change of use of land for use for paintball games, erection of 2 marquees, 2 tents, 3 shipping containers and 3 portable toilets. Refused 08.11.2005.

09/0544M – Demolition of existing commercial buildings, residential/ office annex and attached garage, and the erection of three detached environmentally sustainable dwellings and associated works. Refused 06.07.2009

POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP5 – Manage Travel Demand; reduce the need to travel and increase accessibility

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF4 – Green Belts

Local Plan Policy

NE7 – Woodlands

NE11 – Nature Conservation

NE13 – Nature Conservation

BE1 – Design Guidance

BE16 – Setting of Listed Buildings

GC1 – New Buildings

H1 – Phasing Policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Sites

DC1 – New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree protection

DC38 – Space, light and privacy

Other Material Considerations

PPG2: Green Belts

CONSULTATIONS (External to Planning)

Highways – No objections

Environmental Health – No objections subject to conditions

Public Rights of Way – No objections

Manchester Airport – No safeguarding objections

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council - Object on the grounds that the development does not meet the criteria and requirements for a residential development in a Green Belt area.

Plumley with Toft & Bexton Parish Council – Object on the grounds that the applicant has failed to demonstrate special circumstances that are sufficient to make an exception to the Green Belt planning policies. The applicant has also not shown that the business activity is such that it is sustainable, and able to support the development proposed.

Ollerton with Marthall Parish Council - Would like to see a secure future for the wood, properly managed. A dwelling, appropriate to the needs of the wood, sited in the right place and with all the accompanying machinery necessary for maintaining the wood, again in an appropriate place so as not to inconvenience the nearby residents would seem a satisfactory way forward. The applicants accept that any development would be subject to any necessary conditions. The Parish believes that the residents would also accept such a development as long as their concerns were taken on board and included in the plans.

OTHER REPRESENTATIONS

19 letters of representation have been received from a local residents and interested parties. 16 of these letters object to the proposal on the following grounds:

- Nothing gained for the community as a whole by building a large house.
- Detract from rural character and appearance of the area
- Insufficient details on woodland management submitted.
- Buildings erected without planning permission
- The development would set a precedent.
- Impact upon highway safety.
- Detrimental to natural habitat, wildlife and trees
- Contrary to Green Belt policies
- Any increase in number of septic tanks in the area is likely to exacerbate existing problems.
- No benefit to openness or from loss of commercial use if more larger buildings are proposed, and another business is created.
- Local Home Watch and Rural Watch reports supplied by the police have not identified any crimes taking place in the area of the woodland in recent times.
- Horses in neighbouring field are often affected by the noise from machinery.
- Applicants lived in neighbouring property (Kerfield Lodge) for over 30 years and during this time did the minimum of woodland management so that it has progressively deteriorated.
- Kerfield Lodge is now back on the market, and if purchased would avoid the need for a new dwelling in the Green Belt.

3 of the letters support the proposal noting that:

- The application will allow the forest to be continually maintained, to the benefit of the woodland and wildlife.
- Toft Church has received considerable cost saving support and assistance from the applicant in maintaining the grounds.
- Toft (Windmill) Wood is part of Knutsford's history.
- Present owner has managed the forest very successfully for 33 years.
- For many years members of the Scouting Association in the Knutsford District have used parts of Windmill Wood to practice.
- Without these facilities the scouts would have to travel considerable distances to practice outdoor scouting activities.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a design and access statement, a planning statement, a bat and barn owl survey, an arboricultural statement with woodland management plan and a PPS3 Housing self assessment checklist. The planning statement outlines the following:

- The proposed dwelling is not put forward as a forestry workers dwelling.
- The proposed storage building and wood cutting shed will be directly related to the management of Windmill Wood.
- A small business producing logs, planks, woodchips and sawdust will be created (Business plan appended to planning statement)
- Acknowledge that dwelling is inappropriate in the Green Belt
- Agreement with Council's Arboricultural Officer on the importance of Windmill Wood.
- Very special circumstances exist to justify the development, including: secure management of Windmill Wood over a 10 year period; loss of existing commercial use; and significant ecological enhancement.

Since the original submission, the applicant has also submitted details of the costings associated with the management plan, an e-mail of justification, and a summary of the High Court case *The Queen (on the application of Renaissance Habitat Ltd.) v West Berkshire District Council [2011] EWHC 242 Admin*, relating to section 106 agreements.

The e-mail justification outlines:

- The significant costs associated with the implementation of the management plan
- The only benefit to the applicants would be the dwelling
- The dwelling would enable permanent surveillance of the wood and high value machinery
- S106 agreement would provide the Council with greater control over the woodland and ensure ecological enhancement
- Dwelling to be sited in close proximity to commercial buildings associated with woodland management, which would reduce the buildings appeal to anyone not associated with the woodland.
- No lawful requirement for a s106 agreement to have any connection at all to a permission or a particular development.

OFFICER APPRAISAL

Design / character

With regard to the form and design of the buildings, the proposed storage building and wood cutting shed have a relatively characteristic appearance of modern farm buildings. The proposed dwelling is a dormer bungalow, with a large and dominant octagonal entrance structure, which does not appear to be entirely in keeping with the simple form of the other buildings or what would normally be expected on a forestry / agricultural site. However, as the buildings would not be unduly prominent from public vantage points, the impact upon the character of the area is not considered to be sufficient to justify a reason for refusal.

Notwithstanding this concern, due to the distance to and the extent of intervening vegetation, the proposal is not considered to have a significant impact upon the setting of the Listed Building on the adjacent site.

Amenity

The proposal will move the buildings that will house the wood processing operations closer to the dwellings on Manor Lane. However due to the purpose built nature of the buildings for wood processing it is considered to be likely that much of the activity will take place within the buildings, as opposed to outside, which is currently the case. Whilst the buildings will be constructed from “hit and miss” boarding to allow ventilation, the structures should serve to reduce noise levels to some degree. Also, having regard to the distance to and the existing relationship with, these neighbouring dwellings no significant amenity issues are raised.

Ecology

The application site is located within the Windmill Wood Site of Biological Importance. Local Plan policy NE13, which restricts development that would adversely affect the SBI, is applicable to the determination of this application. The Nature Conservation Officer has commented on the application and advises that the proposed buildings will not have a significantly adverse impact upon any habitats of nature conservation importance.

The application is supported by a woodland management plan, the implementation of which would be beneficial for the SBI. The management plan makes reference to the treatment of the on-site wetland however no detailed proposals have been provided. Furthermore, the management plan also specifies the use of herbicide, which may not be appropriate within the SBI.

Subject to the resolution of these matters the management plan could lead to an overall nature conservation enhancement. By leading to a nature conservation enhancement, the proposal would comply with the objectives of policy NE11 of the Local Plan, which seeks to conserve, enhance and interpret nature conservation interests.

Highways

The existing vehicular access from Chelford Road is to use to serve the proposed development, and parking for 5 vehicles will be provided within the site. The proposed access and parking arrangements are considered to be acceptable having regard to the existing use of the site, and the Strategic Highways Manager raises no objection to the proposal. No significant highways safety issues are therefore raised.

Trees / Woodland

The application follows pre-application discussion with the Council's Arboricultural Officer, and a Woodland Management Plan has been submitted, which sets out the way in which the woodland will be managed over the next 10 years.

The Council's Arboricultural Officer notes that the woodland has long been recognised as one of the most important woodlands in the area, in terms of its size and prominence and contribution to the local landscape in and around Knutsford. In addition he acknowledges that some parts of the woodland will enter into decline without long term management and intervention.

The submitted Management Plan sets out proposals for management of the woodland over a 10 year period with a series of management operations with the aim of improving the structure and species diversity of the woodland, eradicating invasive rhododendron, removal of neglected plantation stands, selective felling to enable the development of better specimens and recognition of veteran trees, re-stocking felled areas and improving species diversity in areas of Birch regeneration.

The Arboricultural Officer considers that the proposed Woodland Management Plan will provide an environmental benefit in the longer term by improving both the structure, species composition and biodiversity of the woodland, maintaining its prominence and importance within the local landscape. In this regard it is considered that the visual amenity of the woodland which forms part of the Green Belt will not be harmed.

By enhancing the existing woodland through the implementation of the management plan proposals, the proposal complies with the objectives of policy NE7 of the Local Plan, which outlines that the Council will seek to retain and enhance existing woodlands by woodland management.

Green Belt

The applicant's supporting statement confirms that the proposed storage shed and wood cutting building would be directly related to the management of Windmill Wood. The only wood processed and stored would be that generated from Windmill Wood itself. A small business operation would be set up producing logs, planks, woodchips and sawdust for sale off site, which would in turn help to fund the woodland management. It is agreed that the proposed buildings, which would be used for the purposes of forestry would not be inappropriate in the Green Belt.

Turning to the proposed dwelling, the applicant has confirmed that this is not being put forward as a forestry worker's dwelling. As a new dwelling, the proposal is therefore inappropriate development in the Green Belt. As noted in policy GC1 of the Local Plan, such development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt, and it is for the applicant to justify that the harm by reason of inappropriateness, and any other, harm is clearly outweighed by other considerations. Given that the dwelling is identified as an inappropriate form of development, even though the forestry buildings may not be defined as such, the proposal as a whole is an inappropriate form of development in the Green Belt.

In addition to the harm by reason of inappropriateness, it is considered that the proposal would also significantly reduce the openness of the Green Belt.

The existing buildings are all very low rise, with a maximum height of 4.3 metres. Their combined floor area amounts to approximately 382 square metres. By comparison, the proposed buildings are between 4.8 and 7.5 metres in height, with a total floor area of approximately 700 square metres or footprint of 542 square metres. Clearly the amount of built form on the site will significantly increase with this proposal. The preservation of openness is a primary aim of Green Belt policy, and again it is considered that substantial harm should be attached to developments that serve to reduce the openness of the Green Belt.

Very Special Circumstances

The applicants have put forward the following as very special circumstances to outweigh the identified harm:

1) The dwelling would secure the management of Windmill Wood.

The local importance of the woodland, which has been highlighted by the Council's Arboricultural Officer, is acknowledged, and the suggested long term management of the woodland, which is proposed to be secured by s106 agreement, is certainly a positive element of the proposal.

It is suggested in the supporting statement that the legal agreement would also ensure that no part of the site can be sold off separately to make certain that the dwelling remains in the same ownership as Windmill Wood. Additional information from the applicant has also highlighted the significant costs (approximately £30,000) that would be incurred during the lifetime of the woodland management plan (10 years), and that there should be some benefit to the applicant for such an investment.

However, it is not clear how or why the dwelling would secure the management of Windmill Wood as it is not being demonstrated that somebody needs to live on site to maintain the woodland. The planning statement outlines security issues including some theft and the discovery of a pitched tent within the woodland indicating some form of trespass. However, the existing building, which has been used for the storage of shotgun cartridges in the past could be used for secure storage, and CCTV could also be installed.

In the absence of any information to demonstrate that somebody needs to live on site to maintain the woodland, there is not considered to be a substantial link between a dwelling on the site and the woodland which would justify this inappropriate development in the Green Belt. The woodland could be managed by somebody living off site.

In this context, as no identifiable link between the dwelling and the woodland has been found, there is concern that any legal agreement that would be used to tie the dwelling and the woodland together would not meet the tests of circular 05/2005, notably that it would not be directly related to the proposed development.

If it is the dwelling that would secure the management of the woodland then it is considered that the application should be submitted as an occupational worker's dwelling and meet the financial, functional and other tests of Annexe A to PPS7.

2) Loss of existing commercial use and associated traffic.

It is suggested in the planning statement that due to the size of vehicles that could use the site if in commercial use, there would be a net benefit to openness with the proposed development. It is acknowledged that larger commercial vehicles could visit the site, however, this could still be the case with the current proposal as the by products from the woodland management will need to be transported from the site to their point of sale, which is to be off site. In addition, the temporary nature of vehicles visiting the site would not have such an impact upon openness as three substantial buildings, which are significantly greater than those they replace.

In terms of potential noise arising from a commercial use, it is anticipated that the main noise would arise from general comings and goings. With regard to the existing use of the site, a site visit, and submitted photographs have shown that there are a number of electric tools on site, particularly power saws, which would create significant levels of noise for prolonged periods. This practice would be expected to continue under the current proposal for the preparation of the wood for sale.

3) Ecological enhancement

Whilst it is acknowledged that a degree of ecological enhancement would be achieved through the management of the woodland, this simply demonstrates compliance with local plan policy NE11, and is not considered to amount to a very special circumstance in its own right.

The proposed package of measures is therefore not considered to amount to the required very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. The proposal is therefore considered to be contrary to policy GC1 of the Local Plan.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development represents inappropriate development in the Green Belt, which would also reduce openness. Whilst a package of benefits have been put forward as very special circumstances, for the reasons outlined within the report, these benefits are not considered to outweigh the harm caused by inappropriateness and by loss of openness. Accordingly a recommendation of refusal is made, for the following reason:

1. The proposal would reduce openness and is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Inappropriate development

