

Application No: 13/2867M

Location: Land West of Mag Lane, High Legh, WA16 0RT

Proposal: A Rural Education & Interpretation Centre including Agricultural store, Biodome, Visitor Building, Car Parking, Pathways and Landscaping.

Applicant: Mr David Fryer, David Fryer Management

Expiry Date: 17-Sep-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES:

- Principle of Development
- Design
- Sustainability
- Highway Safety and Traffic Generation
- Nature Conservation
- Trees

REASON FOR REPORT

The application was called-in by Councillor Wilkinson in response to concerns expressed by neighbours relating to highway safety, sustainability and appropriateness within the Green Belt.

DESCRIPTION OF SITE AND CONTEXT

The application site area edged in red measures approx 2.5ha and comprises a Greenfield site located within the designated North Cheshire Green Belt. The site is accessed from Mag Lane approximately 150m north of its junction with Warrington Road (A50) in High Legh. Mag Lane is an adopted highway measuring approximately 5m wide excluding verges. At the time of the officer's site visit, the site comprised short meadow grass grazed periodically by sheep bounded by hedgerows with a five bar field gate opening onto Mag Lane half way along the site's boundary to Mag Lane. The site backs onto an area of woodland to the west known as 'Little Oaks' and is surrounded by open fields to the north and south and on the opposite side

of Mag Lane to the east. The nearest buildings are those located along Warrington Road approximately 170m to the south.

DETAILS OF PROPOSAL

The proposals relate to a rural education & interpretation centre with visitor building. The overall concept for the site involves redeveloping existing grazing land for a combination of activities including agriculture, recreation and education. Two new buildings are proposed including a visitor centre and agricultural storage building. Other alterations to the site involve the laying of hardstanding for an area of car parking and engineering operations associated with the formation of ponds etc.

The visitor centre would measure 9.76m x 12.2m reaching a height of 2.5m to the top of the flat roof. The design includes a flat roof, bird box, wildflower planters and walls would be timber cladded.

The agricultural store building would measure 10m x 15m reaching a height of 4.6m to the ridge of the pitched roof. It would be constructed of wood cladding and insulated green sheets also with a bat box.

The above relates to the scheme as amended – originally bigger buildings were proposed along with additional animal sheltered and a bio dome. The total floor area would be 260 sq. m reduced from 861 sq. m.

Planning History

12/0587M Change Of Use From Agriculture To Pizza Farm Including A Two Storey Building Containing A Restaurant And Meeting Rooms For Educational Purposes, Agricultural Storage Building, Ticket Office, Landscaping, Pathways, Car Parking And Outdoor Adventure Park. The application was withdrawn prior to recommendation for refusal on 17.4.12.

12/4882M A Farming & Food Visitor Centre including Access, Car Parking, Pedestrian Routes, Visitor Centre, Bio-dome, Mobile Field Shelters and Landscaping. Refused 5.4.13.

POLICIES

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

Relevant policies within the Macclesfield Borough Local Plan (MBLP) are as follows:

- NE11 Nature Conservation
- BE1 Design Guidance
- GC1 Green Belt – New Buildings
- RT8 Access to Countryside
- RT13 Promotion of Tourism
- T4 Access for People with Restricted Mobility
- T5 Provision for Cyclists
- DC1 Design – New Build

DC2 Design – Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC7 Car Parking Standards
DC8 Landscaping Scheme
DC9 Tree Protection
DC13 Noise
DC28 Agricultural Buildings
DC33 Outdoor commercial recreation

Material Considerations

National Planning Policy Framework
Cheshire East Local Plan Draft Development Strategy
Ministerial Statement of 23 March 2011 on "Planning for Growth"
Circular 02/09
The Planning System – General Principles
Rural Issues Summary Document
Cheshire East Visitor Economy Strategic Framework

CONSULTATIONS (External to Planning)

Visitor Economy Officer – In summary, considers this attraction could make a positive contribution to the Cheshire East visitor economy. It fits with the strategic objective of growing the Cheshire East Visitor Economy as well as adding value to the wider economy.

Environmental Health – No objections

High Legh Parish Council – The buildings that are being proposed are designed to be sympathetic with the surroundings.

The project itself is something that fits in well with our rural farming community. The crops etc and animals are the sorts of things that we see all over the parish, so it is not out of place.

Express concerns regarding increased traffic, traffic flow along Mag Lane, impact on local roads, support for traffic management proposals. Concerns regarding precedent and requests that land revert to agriculture after use ceased.

We recognise the benefits that such an endeavour would bring to the Parish in terms of economic benefit, but also recognise the strength of opposition from local residents.

No comments were received from consultees on the amended scheme at the time of writing the report.

REPRESENTATIONS

Letter of objection received from 15 households - The Hay Barn, The Wheelwright's Cottage, Cherry Nurseries, Silent Valley Cottage, 3 Crabtree Barn, 5 Orchard Gardens, Broadheys

Farm, Deansgreen Cottage, Field House, Deansgreen House, 16 Euclid Avenue, Yew Tree House Farm, Great Oak Farm House, Swallows Rest and Old Farm on the following grounds:-

- Inappropriate development within the Green Belt
- Impact of visitors on highway safety
- Little demand for jobs in local area
- Increased litter
- Visual impact upon the landscape/ character of the area
- Not bringing anything new to the area
- Impact on existing agricultural business due to increased traffic
- Concerns regarding importation of produce and sustainability of the business
- Inaccuracies in submission
- Adequacy of existing drainage to deal with additional discharge
- Request light illumination validation test
- No very special circumstances

The following comments have been received from Great Oak Farm, 3 Crabtree Barn and Broadheys Farm in respect of the amended scheme:

- Inappropriate development in the Green Belt
- Not an agricultural use
- Highway safety
- Planning history/ lack of past precedent
- Concerns relating to reduction in employment figures

APPLICANTS SUPPORTING INFORMATION

A Tree Survey, Space Analysis Assessment, Planning Statement, BREEAM Pre-Assessment, Impact Assessment, Visual Impact Assessment, Education Statement, Design and Access Statement, Habitat Survey have been submitted in support of the application. Full copies of these documents are available to view on the Council's website.

A revised Business Plan, Planning Statement and Design & Access Statement have been submitted in support of the amended application. Full copies of these documents are available to view on the Council's website.

OFFICER APPRAISAL

Principle of Development

The site is a greenfield site used as pasture/ arable land and located within the designated North Cheshire Green Belt - Para 89 and 90 of The Framework indicate the types of development which are appropriate within the Green Belt. Provision of new buildings is inappropriate development within the Green Belt unless it is for one of the purposes listed. Policy GC1 within the MLP accords with this guidance and therefore full weight is given to this policy.

Amongst those appropriate uses listed include:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

Clearly, the agricultural storage building would fall within the former category therefore the issue of whether or not the proposals represent an appropriate form of development within the Green Belt hangs on whether or not the 'visitor centre' constitutes outdoor recreation.

Notwithstanding that some elements of proposals, in isolation, may be considered appropriate development within the Green Belt, the proposals must be considered in their entirety.

The description of development summarises the proposals as "A Rural Education & Interpretation Centre with Visitor Building. The proposed visitor centre would include facilities such as toilets, a ticket office, education room and box scheme sorting and packing area.

In the officers view, this is a tourism use- tourism uses are not listed as appropriate development within paras 89 & 90 within The Framework.

The proposals therefore represent an inappropriate form of development within the Green Belt. Para 88 of The Framework states that substantial weight should be given to *any* harm to the Green Belt.

The following additional harm has been identified:

Harm to the Green Belt: Openness

In addition to the harm by reason of inappropriateness which in itself attracts substantial weight, the proposals would also have an adverse impact upon the openness of the Green Belt.

The Framework places the emphasis on *any* harm to the Green Belt and does not require that such an impact has to be significantly adverse. Therefore the harm identified above and any other harm would need to be outweighed by other considerations.

It is duly acknowledged that the proposals represent a substantial reduction in terms of size and scale and buildings from the original submission and the extent of associated works such as the formation of car parking areas. It is also acknowledged that the landscape visual impact has been minimised. Notwithstanding the above, the proposed visitor centre and the associated activity on the site and the provision of parked vehicles on a field that is at present essentially open, could inevitably have an adverse impact upon the openness of the Green Belt.

Significant weight is attached to this consideration.

Harm to the Green Belt - Encroachment

Para 80 of the NPPF states that 'safeguarding the countryside from encroachment' is one of the purposes for including land within the Green Belt.

The construction of any inappropriate development which impacts upon openness in the Green Belt would also represent encroachment.

Significant weight is attached to this consideration.

In summary, the proposals represent an inappropriate form of development within the Green Belt which by definition is harmful and which in itself would attract substantial weight. In addition, the proposals would have an adverse impact upon the openness of the Green Belt in this location. The proposals would also conflict with one of the purposes of including land within the Green Belt and would have an adverse visual impact upon the landscape.

Very special circumstances are therefore required to justify proposals which are inappropriate within the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (Para 88 of The Framework). The onus is therefore on the applicant to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt identified above.

Very Special Circumstances

Contribution to Green Belt Objectives

It is duly noted that the development would make a contribution towards providing opportunities for outdoor recreation in the Green Belt and the promotion of Healthy Communities.

The creation of biodiversity and habitats in the Green Belt is also advocated by the NPPF.

This consideration carries moderate weight.

Educational Benefits

The Planning Statement considers that the educational benefits of the scheme would also contribute towards a case for very special circumstances. These educational benefits would be difficult to quantify, and difficult to control to ensure that they are delivered.

This consideration carries limited weight.

Design & Sustainability

The Planning Statement indicates that the design promotes high levels of sustainability and that this is a material consideration in favour of the proposals. The sustainability credentials of

the development are commendable (although significantly reduced when compared to the previous application), this would only carry limited weight given the unsustainable nature of the location.

Whilst the design is acceptable as an isolated consideration, it is not of such outstanding quality to represent a benefit of the proposals. No weight is attached to this consideration in representing very special circumstances.

Contribution Towards Other Strategies

It is duly acknowledged that this tourism enterprise would make a positive contribution towards rural tourism. The proposals would also accord with a number of other Council strategies and policy documents. However, the Development Plan is the starting point with the NPPF as a material consideration. Policies within the Development Plan carry weight according to their consistency with the NPPF. Therefore accordance with the NPPF is the main consideration.

This consideration carries limited weight.

Employment Benefits

The proposals would result in the creation of 4 FTE jobs. This is a factor in favour of the proposals.

This consideration carries moderate weight.

Lack of Alternative Sites Outside of the Green Belt

The submission indicates that this field which the applicant has purchased is the only site where this development can be accommodated. It is not considered that a lack of alternative sites would represent VSCs or contribute even moderate weight as a consideration. The Framework does not advocate a Sequential Test approach to development proposed in the Green Belt, and there is no defined need for the proposals identified within any Council produced document and if such a need were to exist, the designation of a site would need to go through a strategic planning process through the Local Plan allocations.

For the reasons noted above, no weight is attributed to the argument that there is no other site within Cheshire where this development could be accommodated which would be more appropriate in respect of its impact upon the Environment.

Conclusions on Green Belt Matters

The proposals therefore represent an inappropriate form of development within the Green Belt which in itself attracts substantial weight. The proposals would also have a significant impact upon the openness of the Green Belt which in itself attracts substantial weight. It is

also considered that the proposals would represent encroachment into the Green Belt, which in itself attracts substantial weight.

Para 88 of The Framework indicates that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. Moderate weight is attached to the benefits to the visitor and tourism economy and the benefits of job creation. Limited weight is also attached to factors such as education benefits and the contribution towards Green Belt objectives. No weight is given to those arguments relating to a lack of available alternative sites, sustainability or the design of the development. Whilst a number of seemingly ordinary factors can cumulatively represent very special circumstances, such factors need to clearly outweigh the harm to the Green Belt in order to represent very special circumstances. Given the level of harm identified and the moderate weight attached to the considerations put forward, it is considered that the combination of these factors would not represent very special circumstances justifying the development.

Design Standards & Landscape Impacts

Chapter 7 of The Framework indicates the importance of good design. Policies BE1, DC1, DC2, DC8 and DC28 within the MBLP are considered consistent with The Framework as they seek to reinforce local distinctiveness which is noted as an objective at para 60 of The Framework.

The field boundaries, whilst not reflecting existing field patterns, seek to replicate historic field patterns found in this location. The majority of the land would remain open and boundary treatment would comprise a sensitive mix of post and rail fencing and native species hedgerow which reflects the existing boundaries utilized in adjacent fields. The proposals include an extensive Landscape Masterplan including areas of new planting, a new orchard and sensitive use of surfacing materials. The proposed new buildings would be agricultural in appearance and the relative heights have been kept low to minimize the impact upon the landscape. The buildings would be seen against a backdrop of woodland areas although the later buildings by virtue of the amount of glazing/ visually permeable construction materials would have a greater visual impact upon the landscape.

Notwithstanding this, the proposals represent a high quality design which would not have a significant adverse visual impact upon its surroundings and has been designed as sensitively as possible. The areas of car parking whilst located to the front of the site would be obscured by the presence of the new hedgerow boundaries and tree/ shrub planting across the site.

The proposals would therefore respect local vernacular in accordance with policies policies BE1, DC1 and DC28 within the Local Plan and guidance at para 60 of The Framework.

Amenity

Para 17 of The Framework notes that securing a good standard of amenity for all existing and future occupants of land and buildings is a core principle underpinning the planning system. Policy DC3 within the MBLP is consistent with this core principle within The Framework and therefore carries significant weight. Policy DC3 seeks to protect residents from loss of privacy, overbearing effect, loss of sunlight/ daylight, noise, vibrations, smells, fumes etc, environmental pollution, hazardous substances and traffic generation.

Objections from neighbours have not expressed concerns relating to noise/ odour and Environmental Health have no objections to the proposals. On that basis, it is considered that the proposals do not raise any concerns in respect of amenity.

The proposals are in accordance with policy DC3 within the MBLP and guidance within para 17 of The Framework.

Highway Safety

It is duly acknowledged that Mag Lane is a narrow lane and that the proposed development would add additional traffic movements onto this road. Under the previous application, the Strategic Highways Manager did originally raise concerns in respect of the proposals however these issues were overcome. The development now proposed includes widening the existing point of access and a hard surfaced area for parking. The layout would enable vehicles to manoeuvre around the site and additional overspill car parking is shown on the submitted drawings.

The comments from neighbours are duly acknowledged, and whilst no comments from the Strategic Highways Manager were received at the time of writing the report, in light of the comments on the previous application and the pre-application discussions the applicant has had with the Strategic Highways Manager, it is not considered that a reason for refusal on highway safety grounds could be substantiated. The comments from the Strategic Highways Manager will be incorporated within the update report prior to the Committee meeting.

Trees

There are no protected trees on the site however there is an area of woodland to the west and a number of these trees overhang the site. In addition the site is bounded by native species hedgerow which would need to be assessed against the criteria within the Hedgerow Regulations 1997. Whilst such an assessment is not included within the Tree Survey, the Council's arboriculturalist does not consider the hedgerow at the front of the site which would be removed to facilitate the improvements proposed to the visibility splays to be important. Given that replacement hedgerow of native species is proposed together with improvements to the overall tree and hedgerow cover at the site, it is not considered that the proposals would have an adverse impact upon trees or hedgerows which make a positive contribution to the character of the area. The proposals would therefore accord with policies DC8 and DC9 within the MLP which are consistent with guidance within The Framework and therefore carry full weight.

A condition would be imposed to ensure that works are carried out in accordance with the supporting documents submitted.

Nature Conservation

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE11 seeks to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted. This policy is compliant with the NPPF.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this instance, the area of woodland to the west is a suitable habitat for bats and the ponds in adjacent fields are suitable habitats for Great Crested Newts. The Phase 1 Habitat Survey submitted with the application indicates that there was no evidence of protected species although mitigation is proposed, and in the event of approval, the Council's ecologist has recommended a condition in respect of mitigation.

As the proposals would not involve the disturbance, or deterioration or destruction of breeding sites or resting places, the proposals accord with the Habitat Regulations and policy NE11 which is consistent with guidance within The Framework and therefore carries full weight.

Other Matters

Neighbours have expressed concerns regarding drainage and it is considered appropriate to include a drainage condition to ensure no adverse impact upon the existing drainage infrastructure.

Concerns were also expressed regarding lighting which can have a harmful impact upon the landscape and neighbouring amenity. No external lighting is proposed as part of the application and given that external lighting could be erected, it is considered appropriate to restrict this via condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Green Belt policy strictly controls development and for inappropriate development to be approved there must be genuine very special circumstances to allow such a departure from the Development Plan. Those VSCs do not exist to justify the proposals which constitute inappropriate development within the Green Belt and which could be accommodated on a different site which does not raise the same policy objections. In addition to the policy objection to the scheme, it would also result in substantial harm to the Green Belt by reason of adverse impact on openness, encroachment and there would also be an adverse impact upon the landscape character of the Green Belt in this location. The proposals would therefore be contrary to policy GC1 within the MLP and guidance within The Framework.

It is therefore recommended that the application be REFUSED for this reason.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite advice and the submission of amended plans and the suggestion of alternatives, a satisfactory solution has not reached which would not result in the environmental harm identified above.

1. inappropriate development in the Green Belt

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