

Application No: 15/3897N

Location: CHAPEL FARM, AUDLEM ROAD, HATHERTON, CHESHIRE, CW5 7QT

Proposal: Variation of Condition 5 on Application P07/0365 to allow unit 3 to be occupied by an agricultural worker

Applicant: Mr John Roach

Expiry Date: 21-Oct-2015

SUMMARY

The development is considered to be acceptable in principle and the proposed variation of the condition would allow not raise any amenity, highways or design implications.

The proposal would comply with the above mentioned local policies contained within the Borough of Crewe and Nantwich Local Plan 2011 and the Cheshire East Local Plan Strategy – Submission Version as well the National Planning Policy Framework.

RECOMMENDATION – Approve with conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Clowes for the following reasons:

I have been asked to 'call-in' this application due to concerns raised by local residents and the Parish Council.

In summary, their concerns are as follows:-

A) Condition 5 (of P07/0365) states that the converted barns shall be used for holiday lets (Class 1) and NO other purpose whatsoever. (This including any other purposes in Class 3 which includes Dwelling Houses).

B) In the Applicant's Statement, it is stated that recent changes in Permitted Development Rights and Changes in Use Orders permit agricultural buildings to be changed to C3 use (Residential Dwelling House). However these buildings are no longer classified as Agricultural Buildings as they have already been converted to holiday accommodation (C1).

Therefore the recent changes in relation to 'agricultural buildings' are not applicable in this case.

C) The Barn Conversions are small holiday-let units situated around a small, constrained courtyard in close proximity to the Principal Dwelling (Chapel Farm Farmhouse) and adjacent agricultural buildings. They do not lend themselves for use as permanent residential dwellings with the regular on-site traffic movements and parking requirements that residential accommodation requires. (including the need for caravans and other farm vehicles to use the same courtyard to access adjacent buildings used for caravan and vehicle storage).

They do not offer any individual amenity space (garden/outdoor space).

These proposed residential properties would not satisfy conditions for sustainability as required under the NPPF. They would be reliant on car transport (there is a limited bus service that runs from Audlem to Nantwich past the Farm but this would not offer flexible transport for work or school and does not run after 6pm).

To change the classification of these buildings from C1 to C3 would create an inappropriate over-development of this constrained site.

D) Previous applications: 13/4214N Application to build Four Luxury Holiday Cabins on Land to the Rear of the Site. This application was refused in December 2013 and dismissed at Appeal (30.04.14).

Whilst this Appeal was dismissed on the basis that new build holiday properties would have 'an adverse impact on the Character and appearance of the area', the Appeal Inspector did concur that "I accept that visitor accommodation can be an appropriate use in a rural area" (Paragraph 9).

There is therefore concern that this application seeks to cease a legitimate diversification activity in an area where appropriate holiday lets are in limited supply.

E) It is requested that should this application go to Committee, that a site visit is arranged:-

i) to see the constraints of the site and the location of the Class 1 holiday let buildings.

ii) No documents regarding site layout and dimensions have been submitted with this application.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an L-shaped brick barn within the open countryside

The buildings lie within the farm complex.

Agricultural buildings lie immediately north and south of the barns, whilst the farm house lies immediately to the west. Agricultural fields lie to the east.

The agent confirms that the agricultural operations on the farm ceased in 1999.

Planning permission was granted on 2nd May 2007 for a barn conversion to holiday lets.

DETAILS OF PROPOSAL

This application proposes to vary Condition 5 to allow one unit to be used as an agricultural workers dwelling instead of being restricted to holiday lets. Dwellings and holiday let accommodation both fall within use class C3. Condition 5 states as follows:

‘The site premises shall be used for holiday lets only and for no other purpose whatsoever (including any other purposes in Class C3 (Dwelling house) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended.

Reason: The Local Planning Authority would wish to give further consideration to other uses within the specified class in this location in the interests of sustainable development at a working farm in the open countryside. In accordance with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.’

It should be noted that the description of development has been altered during the course of this application. The application originally proposed the removal of the condition.

RELEVANT HISTORY

P07/0365 – Barn conversion to holiday lets - Approved 02nd May 2007.

POLICIES

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside

Policy NE.2 - Open Countryside

Policy BE.1 – Amenity

Policy BE.2 - Design Standards

Policy BE.3 - Access and Parking

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 1 - Overall Development Strategy

Policy PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy SE 1 - Design

CONSIDERATIONS (External to Planning)

Environmental Health: No objection subject to a pre-commencement condition regarding contaminated land.

CEC Head of Strategic Infrastructure: The removal of condition 5 will not result in a substantial highway impact, a residential use for 5 units does not produce the level of traffic that would have a impact on the local road network. No highway objections are raised.

View of the Parish/Town Council: Object to the application. Concerns raised include the buildings identified as C1 on the plan are no longer classified as agricultural buildings as they have already been converted, the site is not appropriate for use for residential dwellings, there is no amenity space provided, the proposal does not represent sustainable development and the proposal would represent over-development of the site.

Other Representations:

No representations received at the time of writing.

OFFICER APPRAISAL

Principle of Development

The principle of the conversion has been established by the granting of planning permission P07/0365. This application does not represent an opportunity to re-examine the appropriateness of the conversion of the barns.

Condition 5

This application proposes to vary Condition 5 to allow one unit to be used as an agricultural workers dwelling instead of being restricted to holiday lets. Dwellings and holiday let accommodation both fall within use class C3.

As can be seen from the reason for the condition the justification for the restriction relates to the proximity to a working farm with reference to policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access).

The main implication is in terms of residential amenity and policy BE.1 this is main reason for the condition which states that *'the Local Planning Authority would wish to give further consideration to other uses within the specified class in this location in the interests of sustainable development at a working farm in the open countryside'*. The agent for the application has confirmed that the occupant of the unit is a farm worker and as a result there would not be any issue in terms of a farm worker living in close proximity to the existing farm buildings. As the variation of the condition would be acceptable and comply Policy BE.1 (Amenity).

In terms of the design of the development and Policy BE.2 there would be no alterations to the approved design and as a result the impact would be acceptable.

In terms of access and Policy BE.3 the head of Strategic Infrastructure has confirmed that he has no objection to the removal of the condition and the highways impact would be acceptable.

CONCLUSIONS

The development is considered to be acceptable in principle and the proposed variation of the condition would allow not raise any amenity, highways or design implications.

The proposal would comply with the above mentioned local policies contained within the Borough of Crewe and Nantwich Local Plan 2011 and the Cheshire East Local Plan Strategy – Submission Version as well the National Planning Policy Framework.

RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Units 1 and 2 shall be used for holiday lets only and no other purpose**
- 2. Unit 3 shall be restricted to an agricultural worker**
- 3. Retention of the visibility splays approved as part of application P07/0365**
- 4. Approved plans**
- 5. Retention of the approved car-parking**
- 6. Units 1 and 2 to be operated as an ancillary business to the farm operations at Chapel Farm**
- 7. Removal of permitted development rights – extensions and outbuildings**

