

Application No: 16/3464N

Location: LAND ADJACENT TO CHORLTON LANE, CHORLTON

Proposal: Change of use of land from agricultural to part agricultural and part keeping of horses. Retention of existing septic tank, stable and field shelter, dog kennel, chicken house and associated hard standing (retrospective)

Applicant: Ms Jones

Expiry Date: 02-Mar-2017

## **SUMMARY**

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, Policy NE.2 advises that within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal seeks to provide buildings/structures for mixed agricultural and private stabling which would be considered to be related to outdoor recreation therefore the use is considered to be acceptable in principle from a pure land use perspective.

The physical impacts of the proposal on the open countryside are considered to be limited as they are viewed against the backdrop of existing planting and their appearance is consistent with that of other buildings associated countryside.

## **RECOMMENDATION**

APPROVE

## **REASON FOR DEFERRAL**

Call in request from Cllr Clowes

## **DESCRIPTION OF SITE AND CONTEXT**

- Parcel of land sited off Chorlton Lane to the south of the Methodist Chapel

- Countryside location consisting of scattered residential properties and agricultural uses
- Fairly flat site
- Consists of timber buildings, low level fencing and gravel access track
- Railway sited to the western boundary of the site
- Site is predominantly enclosed by planting to the boundaries

## **DETAILS OF PROPOSAL**

The proposal seeks consent retrospectively for the change of use of land from agricultural to part agricultural and part keeping of horses. Retention of stables, dog kennel, chicken house, field shelter, septic tank and associated hard standing.

The proposal does not include the mess room/caravan and timber structure above the decking area.

## **RELEVANT HISTORY**

14/4466N – Storage building for farm machinery and fodder, staff welfare area, incubation room and egg room – refused for the following reason:

The proposed agricultural development is not considered to meet the requirements of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The land the subject of this application did not appear to be in active agricultural use as a trade or business at the time that the application was made and the site edged red appears to be under 5 hectares in area. The application forms provide insufficient information on the operation of an agricultural trade or business from this site and the size of the holding. Accordingly and on the basis of the information provided, full planning permission is required.

## **POLICIES**

### **Crewe & Nantwich Borough Council Local Plan Policy**

NE.2 – Open Countryside

NE.14 – Agricultural Buildings Requiring Planning Permission

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage

BE.2 – Design

RT.6 – Recreational uses in the Open Countryside

National Planning Policy Framework

### **Cheshire East Local Plan Strategy – Submission Version are:**

Policy SD 1 Sustainable Development in Cheshire East

Policy SD 2 Sustainable Development Principles

Policy SE 1 Design

Policy PG 5 Open Countryside

## **CONSULTATIONS**

### **Cllr Clowes – objection on the following grounds (initial objection to original proposal):**

- This site has only recently been vacated by an unlawful wood processing operation and no assessment has been made of what risk this material poses to grazing
- Mess room is being used for overnight accommodation
- Must not interfere with the Public Right of Way
- Fencing housing live stock should be in accordance with Network Rail guidelines
- Need to consider the impact on the HSE route
- Free access to the Network Rail footbridge must be maintained

### **Cllr Clowes – additional comments:**

Much of this application is for retrospective permission to actions already commenced on site (Indeed some have already been curtailed due to on-going enforcement activity by CEC).

In principle, the Parish Council have no issue with the request to use the land for appropriate agricultural/ equestrian purposes however this is the third application on this site for retrospective work (applications have repeatedly lagged behind work actually being enacted on the site).

The plans that you are looking at today are still incomplete and lacking in material detail (despite on-going liaison between the applicant (tenant) the landowner, planning officers and enforcement officers). I share the concerns of residents that you are being asked to approve an application that does not accurately reflect buildings / structures / activities already being carried out on site.

I would ask you to compare (for example) the diagram of the chicken shed included in your plans and on the CEC Planning website with that of the photographs taken 16 days ago.

Please ask yourselves; Are you approving a retrospective flimsy scaffold for netting (as per the photo) or a future substantial building for a poultry business? There is no detail to confirm what is being requested (the same is true of the dog kennel)

There is already a legal condition on this site prohibiting the use of the site for any 'residential purposes' (This has been substantiated by the CE Enforcement Officer, Mr Craig Wilshaw and the CE legal Team) - yet there remains a substantial mobile home that is inappropriate in scale and function to the agricultural/equestrian purposes identified in this application.

Please note the comments of the Parish Council in the 2nd call-in document. There is no issue with the land being used for equestrian/agricultural purposes but lack of any clear planning documents and failure to remove the mobile home will simply enable the continued abuse of this site, associated enforcement activity on the site and PROW (with the costs for CEC) and on-going loss of amenity for residents at Jubilee Farm and along Chorlton Lane and walkers on the PROW. (The livestock fence requested by Network rail has still not been constructed).

Therefore in the interests of clarity and consistency, I would ask that you defer your decision today until you have had the opportunity to conduct a site visit where you will be able to see first-hand the inconsistencies between this retrospective application and the 'actual' situation on site.

**Hough & Chorlton Parish Council – object on the following grounds (revised plans):**

- a dog kennel and run: This is already constructed and its size equates with the situation 'on the ground'.
- a "chicken house": Parish Councillors and residents are concerned about this building. The plan submitted gives no detail of its actual size or construction. The plan suggests a substantial building far exceeding the usual scale of a 'hen house' and one that is more in keeping with a larger scale poultry business. Photographs provided (12.02.2017) show that currently several small wooden hen houses are located INSIDE a temporary scaffold structure. Further clarity is required regarding the construction, size and purpose of the building described on the site plans BEFORE this application is determined.
- There is no clarification in the application, nor evidence on site that appropriate livestock-proof fencing has been constructed as requested by network rail.
- Large mobile home: The revised plan application is for the change of land use from agricultural to part agricultural and part keeping of horses, retention of existing septic tank, stable and field shelter, dog kennel, chicken house and associated hard-standing (retrospective). Residential use of the caravan is not permitted on this site, nor does this revised application include its use and so for the avoidance of doubt, this mobile home should be removed away from the site as a condition of this planning application.

**Public Rights of Way (Cheshire East)**

No objection however advisory noted offered to the applicant regarding the Public Right of Way

**HS2**

No objection however applicant advised to follow the progress of the HS2 route

**National Rail**

No objection however advisory noted offered to the applicant regarding protective fencing for livestock given the proximity to the railway, proximity to HS2 and access to the footbridge must remain unrestricted

**Mid Cheshire Foot Path Society**

No objection however advisory noted offered to the applicant regarding their obligation to keep the footpath clear at all times

**VIEWS OF THE PARISH / TOWN COUNCIL**

## **Hough and Chorlton Parish Council**

Following concerns raised:

- Overnight use of the mess room has occurred
- Further unauthorised works undertaken since the application was submitted
- Condition required to prevent overnight accommodation
- Further works on site should cease until the application has been considered

## **OTHER REPRESENTATIONS**

5 letters received regarding the following (original plans):

- Question the need for the septic tank
- Harm to character/appearance of the area
- Highway safety concerns
- Pedestrian safety
- History of inappropriate uses
- Mess room has appearance of a holiday home
- Site is contaminated
- Covenant on the land restricts the proposed use
- Impact to HS2

1 letter received regarding the following (amended plans)

- Unclear if the caravan/mess room forms part of the proposal as it is still on site
- The chicken shed, field shelter and shed are sited in a different location than as shown on the plan
- Plans refer to proposed development yet the application is retrospective
- Hardstanding and septic tank not required if caravan/mess room is not part of the proposal

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is located outside the settlement boundary and is within the open countryside as defined by the Local Plan. Within the open countryside Policy NE.2 advises that:

“only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted”

The proposal seeks to provide buildings/structures for mixed agricultural and private stabling which would be considered to be related to outdoor recreation therefore the use is considered to be acceptable in principle from a pure land use perspective.

However the use is also dependent on satisfying a number of criteria within policy RT.6 which seek to protect the character/appearance of the countryside, nature, safe access/adequate parking and accessed by variety of transport modes. These are assessed below.

### **Recreational use within the Open Countryside and agricultural buildings**

Policy RT.6 advises that development for recreational uses in the Open Countryside will be permitted provided that they do not harm the character or appearance of the countryside, do not create any additional highways issues and, in relation to new outbuildings, they should be positioned close to other existing buildings and should blend into the surrounding landscape.

Policy NE.14 advises that agricultural buildings will be allowed where it is ancillary to an agricultural purpose, satisfactory visual impact, adequate drainage, no traffic hazard is created, appropriate location, scale and type to not harm residential amenity and not of a design which makes it easy to convert to residential use.

In this instance the proposal seeks a mixed agricultural and recreational use. The agricultural element involves the keeping chickens with chicken shed measuring 6.4m by 9.5m and 2m high.

The recreational use involves the keeping of horses for private use and involves a stable measuring 3.6m by 12m and 3.2m high and field shelter measuring 5.3m by 4.1m and 3.1m high.

The buildings are sited close to an existing planting buffer which limits the visual prominence of the buildings when viewed from the wider setting and are therefore predominantly contained within the site. The proposals are visible from the road to the east, however they are viewed against the back drop of the existing planting which ensures that the visual impact upon the character or appearance of the landscape is limited.

Confirmation has also been received that the stables will be used for domestic use only and not in connection with any commercial use and this can be secured by condition. Therefore it is unlikely that the proposal for domestic use would result in any significant demand for travel to and from the site.

Given the limited area of the application site it is considered necessary to remove permitted development rights preventing the erection of further buildings/structure which would potentially result in a cramped visual appearance of this open countryside setting.

As a result, it is considered that the development would have only a limited impact upon the character and appearance of the open countryside due to the small scale level of development proposed and the screening provided by the boundary planting. The highway impacts would not be significant based on a non commercial use.

### **Design**

The buildings predominantly consist of timber finishes which are considered appropriate to the rural setting and would blend in with the wider countryside setting.

As a result the proposal would not result in any significant visual harm to the character/appearance of the area.

### **Amenity**

The nearest residential property is sited over 100m away to the south. This distance along with the boundary screening is considered significant to prevent any harm to living conditions.

The stables will not be used for any commercial purposes which can be secured by planning condition. Therefore the proposal is not considered to result in any significant harm through noise and disturbance.

Lighting can also be controlled by planning condition to prevent harm through light pollution.

As a result the proposal would not result in any significant harm to living conditions of the occupiers of neighbouring properties.

### **Other**

Representations have been received from neighbouring properties claiming that the mess room/caravan is being used for overnight accommodation. However the mess room/caravan has been removed from the plans and no longer forms part of the application.

Concerns have also been raised regarding previous unauthorised works on site. However the determination of the current application should be assessed on its own individual merits.

Officers also consider that the plans provided detail what is being proposed along with the material and appearance.

Finally, any fencing requested by Network Rail is not relevant to the determination of a planning application and would be dealt with under legislation separate from planning.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The development represents an appropriate use for the Open Countryside and would not impact upon its character and appearance. The proposal raises no concerns in relation to design, amenity, or highway safety. The proposal therefore complies with Policies NE.2 (Open Countryside), NE.14 (Agricultural Buildings Requiring Planning Permission), RT.6 (Recreational Uses in the Open Countryside), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions/Informatives:

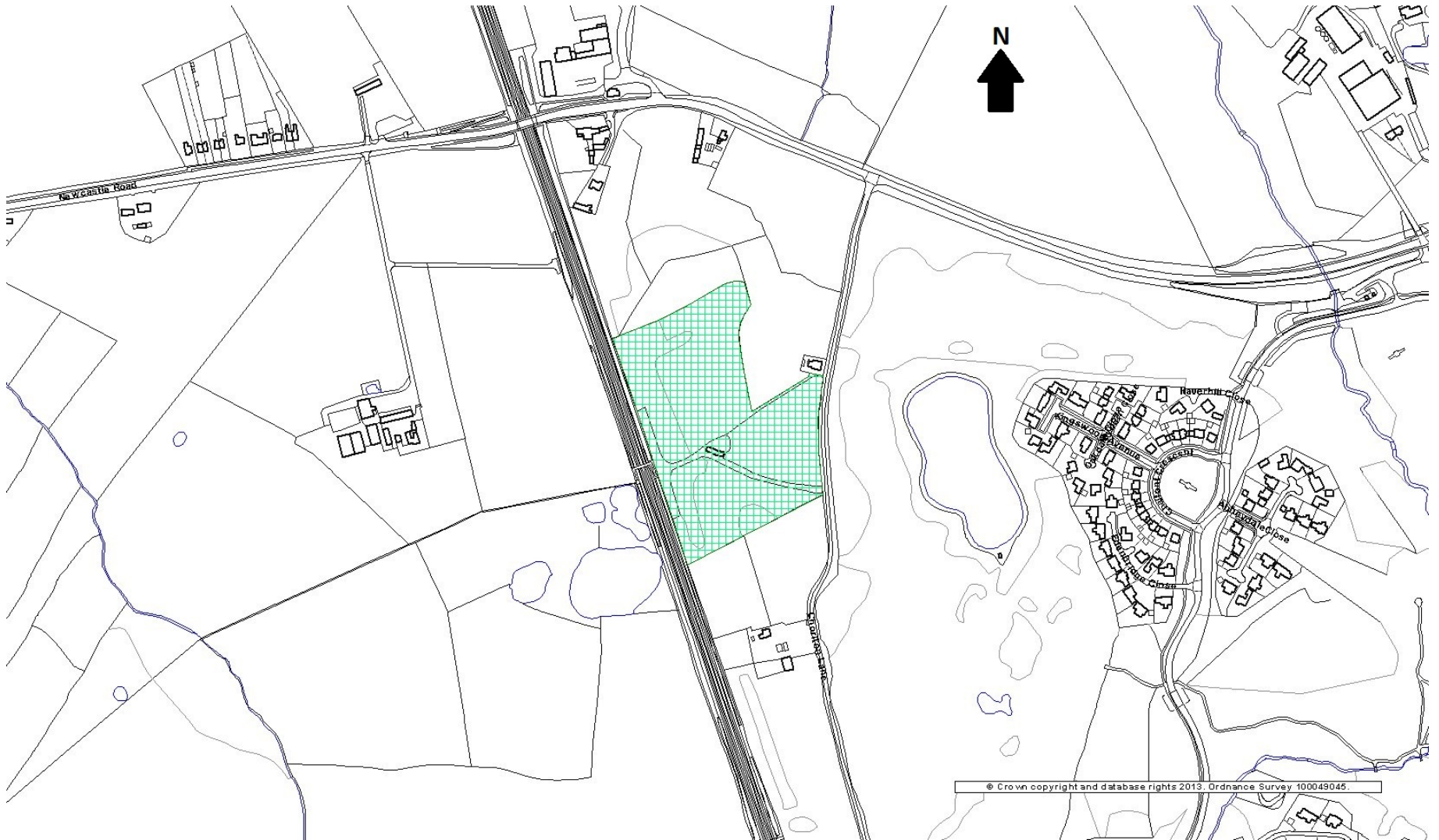
## **Conditions**

- 1. Commencement of development**
- 2. Approved Plans**
- 3. Materials**
- 4. No lighting**
- 5. Private use only**
- 6. Removal of permitted development rights for further buildings/structures**

## **Informatives**

- 1. Protection of Public Right of Way**
- 2. livestock proof fencing to be installed adjacent to the railway boundary to prevent livestock (horses) gaining access to the existing operational railway**
- 3. Access to the Network Rail footbridge must remain open and unblocked**
- 4. Contaminated land**
- 5. Working hours for construction**
- 6. Positive and proactive**

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



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