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Application No: 17/0163M

Location: WHITE PEAK ALPACA FARM, PADDOCK HILL LANE, MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7DB

Proposal: General purpose agricultural building to store machinery and produce (re-submission of 16/1388M)

Applicant: Mr A Hodgson

Expiry Date: 13-Mar-2017

## REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor (Cllr Macrae) for the following reason:

*The re-submission, the amended proposal, is unlikely to address the previous reasons for refusal, as also was 16/4953M. inc previous withdrawal of 16/5735M. With the history of the site and numerous planning appeals. I consider that this proposal would constitute un-neighbourly development and cause harm to policies DC3 and DC28 of the MBLP.*

### Summary

The presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated below and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval.

The NPPF, at para 14, requires development proposals that accord with the development plan to be permitted without delay and thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

The application raises no issues relating to design, residential amenity and is justified in terms of supporting the rural economy and rural tourism in Cheshire East.

### RECOMMENDATION

**APPROVE subject to conditions**

## PROPOSAL

This application seeks planning permission for the erection of a general purpose agricultural building within White Peak Alpaca Farm. This building would provide approximately 125m<sup>2</sup> storage and will provide storage for winter feed and storing machinery required for the running of the business. This development will assist in the successful operations and any future expansion of the enterprise.

The supporting statement outlines that the building will house “approximately 50 round bales, 2 quad bikes, hay making equipment, Topper, muck spreader, aerator, trailers and a telehandler”. The hay bales would require 3.5m<sup>2</sup> per bale (50 x 3.5m<sup>2</sup> = 175m<sup>2</sup>) and the agent has stated that the building would generally benefit bio security within the site.

The applicant has argued the proposed siting is most suitable to ensure the building remains within the cluster of existing buildings, and would not obscure the view of alpacas further down the field, or any of the grazing paddocks. An orchard is indicated to the rear of the building although no exact details have been submitted regarding this, and no orchard was observed on site. The applicant has suggested that it would be acceptable if this is suitably landscaped as an alternative, perhaps providing apple trees from which the Alpacas could feed.

The building would be single storey with a shallow gradient pitched roof finished in grey profiled sheeting. The elevations would be finished in Yorkshire boarding (and some concrete panels to the lower side elevations) and the front of the building would comprise three open-fronted bays with a 1.5m roof overhang. A small area of hardstanding would exist to the front of the building to allow vehicular access from the existing track.

The approximate dimensions of the building are shown below:

<b><i>Dimensions</i></b>	<b><i>Proposed</i></b>
Width	13.7m
Depth	9.1m
Height	4.8m
Eaves Height	3.6m
No. of bays	3
Floor Space	125m <sup>2</sup>

Full consultation has been carried out on the plans submitted with the application.

## **SITE DESCRIPTION**

The application site operates as an Alpaca Farm set in the North Cheshire Green Belt operated primarily by Adrian, and Joanna Hodgeson, who also live on the site at Cedar Lodge. The site comprises a modern agricultural building which the applicant has shown is used for storage of Alpaca fleeces, a small feed area, food store (mostly mincing apples and carrots), workshop and general equipment store, a small mill (for fleecing), a WC/office, a word-work area (for maintenance of the site), and a shop which sells Alpaca products. A dwelling has recently been built to the east of the agricultural building with clear views over the surrounding fields. It is understood that this has been tactically positioned to allow good visibility of pregnant alpacas and enable a quick response to any complications/abortions which may ensue.

The main farmland exists to the east of these buildings with other pockets of land to the south and further east, some of which is rented. It is understood that these areas of land are used for different purposes at different times of the year, for example, the separation of bull alpacas from females, calf alpacas, and pregnant alpacas. Some of the land is also used for making hay bales, which is used to feed the Alpacas.

The applicant has verbally confirmed that there are currently 65 Alpacas on the farm, although this is expected to increase by at least 35 during 2017, and likely another 30-40 the following year (2018). It is understood that the reduction in Alpacas was due to court proceedings over a right of way with some Alpacas sold to fund the legal costs. As of today, the enterprise is fairly diverse, with the alpacas fleeces weaved into sellable products (wool production), and animal husbandry. As concluded by the Case Officer for 16/1388m, and the Planning Inspector for 11/1803m (dated 15<sup>th</sup> March 2013), the enterprise is viable long term. Other animals kept on site include Wallabies (2 observed on site 21<sup>st</sup> February 2017), Geese, Ducks, and some Birds.

In the wider context, there are some residential units, the Plough and Flail Public House, and surrounding agricultural fields. Public footpaths do exist within the vicinity of the site. Land levels are largely consistent within the area and whilst there is some visibility to within the site from Paddock Hill Lane, there are no clear long distance perspectives of the site.

There is an extensive planning history to this site which is detailed below.

## **CONSTRAINTS**

Local Plan Green Belt  
Agricultural Land (Grade 3)

## **RELEVANT SITE HISTORY**

### **General Site History**

**05/1853P** – Proposed mobile home for an agricultural worker (outline) – Approved (28/09/05).

**05/2623P** – 1 no. mobile home – Approved (16/12/05)

**08/2046P** – Renewal of 05/2623P to allow retention of mobile home for occupation by an agricultural worker – Refused (16/12/05) for the following reason:

- 1. Insufficient information has been submitted with the application relating to the economic viability of the farming enterprise in order to adequately assess the impact of the proposed development having regard to the special justification required for new permanent dwellings in the Green Belt. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with policy DC23 of the Macclesfield Borough Local Plan, or the national advice contained within Annex A of PPS7: Sustainable Development in Rural Areas.*

**09/0256P** – Renew consent to retain dwelling (mobile home) resubmission of 08/2046P – Refused (20/05/09) for the following reasons:

- 1. The approval of the development proposed would be contrary to the provisions of the Development Control chapter(s) of the Macclesfield Borough Local Plan, in particular policies DC23 and would thereby cause harm to the objectives of those policies by virtue of the existence of another dwelling (Ivy Cottage) under the ownership of the applicant on land immediately adjacent to the application site. The existence of this dwelling indicates a lack of agricultural need. The proposal is similarly contrary to the national guidance contained within PPS7.*
- 2. The proposal 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 this policy. The development is similarly contrary to national policy guidance relating to development within the Green Belt.*

**09/2640m** – Creation of new access track (determination) – Approval not required (16/09/09).

**09/3006m** – Renew consent to retain dwelling – resubmission of application 09/0256P – Refused (18/01/10). Appeal (ref. APP/R0660/C/10/2119734) dismissed (16/07/10).

- 1. Inspector concluded that Very Special Circumstances do not exist, largely due to the financial requirements, which outweigh the harm to the Green Belt despite a functional need for the dwelling being demonstrated.*

**11/1803m** – Erection of a dwelling. Refused (02/05/12). Appeal (APP/R0660/A/12/2185055) allowed and costs also allowed.

- 1. Inspector concluded that considerations outweigh the harm to the Green Belt and Very Special Circumstances do exist. The proposed development is justified and accords with planning policy, namely the NPPF (2012) which is applicable to this appeal*

**12/0204m** – Installation on the S.E. corner of the agricultural barn at white peak alpacas, a 4kw array of 20 pv modules mounted on fixings appropriate to the existing roof covering. Approved (29/02/12)

**13/1587D** – Discharge of conditions on 11/1803m. Granted (30/08/13).

**Planning History relating to the proposed building**

**16/1388m** – General Purpose agricultural building to store machinery and produce. Refused (16/05/16) for the following reasons:

- 1. The proposed development, by virtue of its size, design and position relative to adjoining property, would be unduly dominant when viewed from adjoining property, causing an unacceptable loss of outlook and amenity to the detriment of the residential amenities of the occupiers of that property. The approval of the development would therefore be contrary to policies DC3 and DC28 of the Macclesfield Borough Local Plan and cause harm to the objectives of those policies.*

2. *The proposed development, by reason of its size, siting and design, would form a visually obtrusive feature which would detract from the rural character and appearance of the area within which it is located. The approval of the development would therefore be contrary to and Macclesfield Borough Local Plan policies CG1 and DC28 and policies SE4 and PG3 of the emerging Cheshire East Local Plan, thereby causing harm to the objectives of those policies.*

**16/4953m** - Prior notification of general purpose agricultural building. Refused (02/11/16) for the following reason:

1. *The proposed siting of the building would be prominent within the site and wider locality. This would therefore demonstrate harm to the appearance of the countryside.*

**16/5735m** - Prior notification of agricultural building for a general purpose agricultural building. Withdrawn 22/12/16 for the following reason

1. *Whilst the design, siting and external appearance was considered satisfactory, part of the building would be situated within 3km of the perimeter of an aerodrome. This would be contrary to Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 and therefore the scheme cannot be considered lawful.*

## **LOCAL AND NATIONAL POLICY**

### **Macclesfield Borough Local Plan (2004)**

DC1 (New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC7 (Car Parking)  
DC8 (Landscaping)  
DC28 (Agricultural Buildings)  
GC1 (New Buildings)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

Policy EG2 (Rural Economy)  
Policy PG1 (Overall Development Strategy)  
Policy PG2 (Settlement Hierarchy)  
Policy PG3 (Green Belt)  
Policy SD1 (Sustainable Development in Cheshire East)  
Policy SC2 (Sustainable Development Principles)  
Policy SE1 (Design)  
Policy SE2 (Efficient Use of Land)  
Policy SE4 (The Landscape)  
Appendix C (Parking Standards)

### **National Policy**

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7-9 (Achieving Sustainable Development)  
14 (Presumption in Favour of Sustainable Development)  
17 (Core Planning Principles)  
18-22 (Delivering a strong, competitive economy)  
28 (Supporting rural economy)  
79-92 (Protecting Green Belt land)  
109-11 (Conserving and Enhancing the Natural Environment)

The National Planning Practice Guidance (NPPG) (as updated online)

## **CONSULTATIONS**

### **Mobberley Parish Council:**

The applicant has already submitted a planning application and been refused and then gone on to submit 2 x determinations of which one again got refused and the other one went on to be withdrawn.

The location of the proposed building does not comply with DC28 in that it will significantly harm and detract from the visual character of the site and its surroundings. The proposal also results in a significant adverse impact upon the existing residential amenity of Fiveacres Farm, again in conflict with policy. The previous planning officer (16/1388M) stated that "It is considered that the proposed building should be no closer to this dwelling than the existing farm buildings, which are approximately 45 meters from the site boundary. By keeping any buildings to the established distance this would serve to maintain the level of amenity available to that property in compliance with policies DC3 and DC28 of the MBLP." This new application still does not comply with previous findings.

We also would like to bring to the council's attention that the plans are again misleading in that there is no such orchard as shown on their plan, presumably drawn to try and lessen the impact on the neighbouring residential property

This application should be recommended for refusal

*Noted. See appraisal.*

## **REPRESENTATIONS**

1 letter of objection has been received, summarised as follows:

- No justification for the works, or Very Special Circumstances submitted
- Harm to the openness of the Green Belt
- Applicants had 50 alpacas in 2003, 90 in 2008, and 100 by 2013. The current number of alpacas is 65. Applicants managed adequately when they had higher numbers.
- Supporting statement inaccurate

- Impact on residential amenity through noise, overlooking and losses of privacy due to the proximity to a residential use.
- Previous Officers report emphasised the need for the building to be positioned adjacent to the dwelling (some 45m from the boundary)
- Adverse impact on the appearance and setting of the countryside.
- Materials are unsympathetic
- No orchard exists
- Contrary to findings of inspector in relation to the dwelling
- Siting inappropriate

The full content of the above objections, and submitted photographs, can be viewed on the public file. These have been noted and considered in the determination of this application. The above objections are discussed in the appraisal.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Three site inspections have been carried out in September 2016, and on 28<sup>th</sup> October 2016, and 21<sup>st</sup> February 2017. Public consultation has been carried out in accordance with statutory requirements.

## **APPRAISAL**

### **Key Issues**

- Principle of development and justification;
- Design considerations
- Residential amenity
- Sustainability

### **Principle of Development and impact on the Green Belt**

As defined in the Macclesfield Borough Local Plan, the Councils Strategy for Green Belt and Countryside is *to support an attractive and healthy rural area and to protect the countryside for its own sake*. This will be achieved by:

*Meeting the needs of rural communities, and providing for the needs of agriculture and other activities appropriate to rural areas.*

This strategy fully accords with the NPPF (2012) which itself states at Section 3 (Supporting a prosperous rural economy), paragraph 28, that:

*Planning (policy) should support economic growth in rural areas to promote a strong rural economy. Plans (and decisions) should:*

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings*
- *Promote the development and diversification of agricultural and other land-based rural businesses.*

- *Support sustainable rural tourism that benefit businesses in rural area, communities and visitors, and which respect the character of the countryside.*

It is not the purpose of national policy to encourage significant incursions of built development into the Green Belt. However, it is a strong indication of the government's intention to support and strengthen rural enterprise. In assessing such developments, the LPA should take a proactive approach in reinforcing the Green Belt economy through supporting uses allowed within.

With regard to the above guidance and policy GC1 of the Macclesfield Borough Local Plan which explicitly states that agricultural buildings are not inappropriate in the Green Belt, the provision of an agricultural building at this site is acceptable in principle.

For reference the size comparison between the current proposal and 16/1388m is shown in the following table which highlights the reductions in scale made by the agent:

<b>Dimensions</b>	<b>16/1388m</b>	<b>Current Proposal</b>	<b>Difference</b>
Width	18.3m	13.7m	-4.6m
Depth	9.1m	9.1m	0
Height	6.0m	4.8m	-1.2m
Eaves Height	4.0m	3.6m	-0.4m
No. of bays	3	3	0
Floor Space	167m <sup>2</sup>	125m <sup>2</sup>	-42m <sup>2</sup>
Volume	832.1m <sup>3</sup>	523.6m <sup>3</sup>	-308.5m <sup>3</sup>

*As per the above calculations, the revised scheme represents a 37.1% reduction in volume when compared to the previous refusal (16/1388m)*

### **Justification and assessment of need**

White Peak Alpaca Farm has undergone considerable diversification, with the farm supporting rural tourism, and also the weaving and selling of alpaca fleeces. The existing building, as observed on site, is very full, comprising different ancillary uses in supporting the wider farm (outlined in the site description section). Whilst the number of Alpacas has fallen in recent years (from 100 in 2013, down to 65), this number is expected to rise again and the applicant has confirmed that they shall acquire at least 35 during 2017 taking the number back up to 100. It has also been clarified that the farm is likely to acquire more Alpacas in 2018 (up to 30-35).

During the period 2013-2017, farm diversification has been undertaken with Alpaca coats weaved within the mill. A Cheshire East Enforcement Officer also observed on site that previously when some hay bales were stored within the main building, this did not appear safe. It is not considered reasonable to suggest that the 50 hay bales should be stored within this building. This would significantly impact the efficient operation of the farm, preventing access to storage areas, feeding areas, fleecing areas, and areas to care for ill/injured Alpacas compromising the diversification of the farm, contrary to the NPPF. Some hay bales are presently stored on the field, but these are subject to adverse weather during winter and have been shown to mold/spoil.



The building size has been determined by the requirements of the farm with 50 hay bales to be stored (175m<sup>2</sup>), and associated farming machinery. The overall floor space would be 125m<sup>2</sup> although the required hay bales could be stored on top of each other to limit the bale space required. In the context of the site requirements, the buildings size is justified. The height of the building is also relatively low, with an eaves height of only 3.6m (maximum height 4.8m)

In respect of the location, the siting has been chosen so to maintain a cluster of buildings, minimise vehicle movements and maximise functionality. In respect of Green Belt policy, this is more appropriate, preventing further encroachment of buildings into the open countryside, and helping to maintain openness. The building would also be closely positioned to the existing access/area of hardstanding, thus preventing further hardstanding/accesses within the fields.

Alternative sites further down the field have been discussed with the applicant although these have been ruled out due to the potential to obscure visibility of the alpacas. This issue was afforded strong weight during the successful appeal for 11/1803m with the inspector highlighting that:

*“Alpacas can experience complicated/abnormal births with little or no prior warning of such an eventuality. Regular checks are therefore necessary to respond appropriately to any abnormal cases...post natal care is necessary during the hours immediately after birth. Labour for alpacas usually lasts between 5 to 20 minutes”*

It is understood that the design of the dwelling incorporated large east facing openings to allow clear visibility down the field in the interests of welfare of the alpacas and to facilitate a quick response to any birthing issues. With this in mind, it is agreed that an alternative siting of this building further down the field could be inappropriate. Whilst not suggesting that the occupiers would farm the Alpacas from the dwelling, its design does certainly offer benefits in terms of animal welfare.

Overall, it is considered that the provision of an agricultural building within the site, whilst supported by both national and local planning policy, is also justified both in its size and location. This has been assessed on-site and a clear need for this building has been established, which would support, and strengthen this rural enterprise.

### **Design assessment and effect on the character of the countryside**

The building comprises a traditional rural design. The form is of one agricultural with three open-bays to the front, a small overhang and a shallow pitched roof. At 4.8m (maximum height), the building is not excessive and would not be unduly dominant when viewed alongside the other buildings on site. Materials include pre-cast concrete panels (lower side elevations), with the prevailing material vertical Yorkshire boarding and grey profiled sheeting. This appearance would assimilate well within the countryside. The design is proportionate with the three open-bays further emphasising the agricultural nature.

A landscaping scheme will be conditioned as part of any approval ensuring that the area of land behind the rear elevation (north of the building) is to be suitably landscaped, perhaps

incorporating apple trees. This would soften the impact of the building from perspectives of Five Acres, and also public footpath FP47 to the north in accordance with policy DC28. Whilst visible from the street scene of Moor Lane, the building is relatively low in height and set some 67m east. Given the above, the building would be neither unduly prominent nor overbearing within the public realm. The visual impact on the countryside is not significantly harmful, and due to its proximity to the existing buildings on the farm, it would not be viewed in isolation. With regard to the above, the proposal would harmonise well with the landscape character and character of the site itself.

## **Residential amenity**

Policy DC28 stipulates that agricultural buildings '*should not result in significant adverse impact upon existing residential amenity*'.

DC38 which seeks to ensure a commensurate degree of light and privacy between buildings suggests that habitable rooms facing non habitable rooms should be separated by a gap of 14.0m. The proposed building would be set from any habitable windows by almost double this recommended figure, at 30m with a mature hedge intervening between the two. The proposal would fully accord with policy DC38. It is also noted that the main external amenity space of Five Acres exists to the east of the dwelling and subject to suitable landscaping behind the agricultural building, there would be no overbearing presence from the development.

No habitable rooms, or openings are to be inserted to the north (rear) elevation, and thus the agricultural building, which itself is non habitable, would not detract from any privacy levels presently enjoyed by the occupiers of Five Acres.

Whilst the building is to be sited to the south of Five Acres, the distance of 30m, coupled with low height of the building, would not lead to any significant losses of sunlight or daylight to habitable rooms within the south elevation. For similar reasons, the rear garden would not be impacted through losses of light.

Concerns have been raised about loss of outlook. This is not a material planning consideration, and as outlined above, there would not be a significant overbearing presence. Two rooms are positioned at 1<sup>st</sup> floor level within the south elevation of Five Acres. It is understood that these form from a bathroom (with balcony) to the RHS, a dressing room (central, set back) and the LHS window forms from a small ancillary room which extends from a bedroom. Neither of these are considered significant habitable rooms, and whilst some ambiguity remains over the use of the window to the LHS, this nonetheless is a secondary window within the bedroom. The ground floor windows do form from habitable rooms but these would have a very limited view of the building due to the mature hedge established along the boundary.

The development would not cause any significant noise or smell issues, environmental pollution nor the release of hazardous substances. The site would fully accord with policies DC3, DC28, and DC38

Some weight has been given to the previous refusal (16/1388m), yet for the reasons outlined above, and that the building has since been significantly reduced in size, the proposal is considered acceptable on amenity grounds.

### **Highway safety and Parking**

The development would not exacerbate any parking issues within the area, nor significantly generate additional trips to the site.

### **Flooding issues**

The site is not situated within an Environment Agency designated flood zone.

It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF.

### **Ecology and Nature Conservation**

There are no significant demolition works or other such works which could pose harm to any protected species or wider biodiversity. No trees are to be removed as part of the development.

### **Sustainability**

#### ***Environmental sustainability***

Taking into account the above sections the proposal is considered to represent an appropriate form of development in the context of the area, and one which would preserve the environmental merits and visual amenity of the immediate and wider locality and uphold the existing residential amenity in the area. As discussed above, a suitable design has been proposed which is modest, utilises sympathetic materials and would be visually contained within the farm. The scheme is deemed to be environmentally sustainable and would comply with both DC28 and DC3 of the Macclesfield Borough Local Plan.

#### ***Social sustainability***

The proposal would provide both social and educational benefits through tourism and educational visits to White Peak Alpaca Farm. These benefits could support local populations and the wider Cheshire East borough. Alpaca related products are also sold through the small shop within the main building which provide some, albeit small, ancillary retail offering to the local population.

#### ***Economic sustainability***

The proposed development would strengthen the rural economy in supporting a viable agricultural enterprise. Policy EG2 (Cheshire East Local Plan – Draft Submission version) emphasises the future need to support rural economies directing planning decisions to provide opportunities for rural based tourist attractions, and encourage the retention and expansion of existing business particularly through farm diversification. Whilst this scheme

itself would not represent diversification, the farm has diversified through weaving and selling of Alpaca related products, which further benefits the rural economy. Due weight has been given to the objections, however White Peak Alpaca farm is the type of agricultural business that should be supported by Cheshire East Council.

The NPPF states at paragraph 20 'to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century'. With this in mind, and in accordance with the emerging Cheshire East Local Plan, the proposal should be supported from an economic perspective.

## **Summary and Planning Balance**

The objections have been noted and considered, however the presumption in favour of sustainable development is a significant material consideration in the determination of this application. Taking into account the merits of the application, and compliance with both local and national planning policy, the proposal satisfies all aspects of sustainable development. In respect of the tests of Paragraph 14, the socio-economic benefits of the scheme significantly and demonstrably outweigh the minor impacts on the natural environment, which are not considered significantly adverse.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

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

## **RECOMMENDATION**

**Approve subject to conditions:**

- 1. Standard Time Limit (3 years)**
- 2. Development to be carried out in accordance with approved plans**
- 3. Materials in accordance with application**
- 4. Landscaping conditions (Scheme, Implementation)**

