

Application No: 17/1052M

Location: MERE HALL FARM, BUCKLOW HILL LANE, MERE, CHESHIRE, WA16 6LE

Proposal: Demolish poultry building. Erect replacement steel portal frame building to be used for business storage on a separate footprint

Applicant: Messrs Ian & Andrew Faulkner

Expiry Date: 26-Apr-2017

### **REASON FOR DEFERRAL**

This application was deferred from the Northern Planning Committee on 3<sup>rd</sup> May 2017 to allow the Planning Officer to enter into negotiations with the applicants, to explore options that have less impact on the Green Belt and for the applicant to carry out a sequential exercise in relation to alternative sites.

### **APPLICATIONS SUBMISSION SINCE DEFERRAL**

Following this meeting, the following information has been received:

- Detailed search document
- Further information regarding Black Magic Design
- Requirements of Black Magic Design
- Visuals of the development
- Vehicle movements plan
- Photographs of the existing site
- Warehouse Plan
- Applicants case of very special circumstances
- Revised Site Plan
- Revised elevations

The majority of the above information has only been received very recently. At the applicant's request, the application needs to be determined at the 16 August Northern Planning Committee.

An assessment of this information will be provided as an update prior to the meeting.

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**ORIGINAL REPORT (from 3 March Committee)**

## REASON FOR REFERRAL

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

*“If the Planning officer is minded to refuse application number 17/1052M, for a replacement building at Mere Hall Farm, then I wish to formally request for the application to be called in to Northern planning committee, because I believe there are very special circumstances of this case, which should be given substantial weight in determining the application.*

*A replacement building is acceptable in planning terms, if it is in the same use and it is not materially larger than the one it replaces. In this case, the building would be in the same use. It would be materially larger, in terms of its volume, because of an increase in height that is necessary, given the unusually low height of the two existing agricultural buildings on either side of the proposed building, it is not considered that the proposal would look out of context on the site, or impact on the wider area.*

*VSC have been demonstrated, that would outweigh any harm to Green Belt, or cause any harm to Green Belt Policy and in accordance with National Planning Policy Framework”.*

### Summary

The NPPF (2012) is clear in its aim to protect Green Belt land, stressing that the fundamental aim is to prevent urban sprawl by keeping land permanently open, with the essential characteristics being their openness and permanence.

The proposed replacement building would be materially larger than the one it replaces and would have a significantly detrimental impact on both openness and permanence. It is not considered that Very Special Circumstances have been suitably demonstrated, that would outweigh this harmful impact upon the North Cheshire Green Belt.

In respect of sustainability, the socio-economic benefits of the scheme are outweighed by the substantial environmental harm. Thusly this proposal goes before planning committee with a recommendation that the application be refused.

### RECOMMENDATION

**Refuse subject to reason**

## PROPOSAL

This application seeks planning permission for the demolition of a storage building (B8) (previously used as a poultry building, converted under 16/4275m, approved 26/10/16), and replacement with a larger B8 storage building. The building would sit in a similar siting albeit

set back slightly and reduced in width. Materials include Juniper Green Box Profile sheeting and grey roofing sheets. Small roof lights are indicated within the roof slopes and the building would be accessed via a large shutter door to the front elevation.

The Planning Statement submitted with the application clarifies that a larger storage building is “necessary to make the building useable because of the unusually low eaves (of the existing building), given its previous use as a poultry house”. Justifications are further provided within the statement including reductions in traffic movements to the site, and supporting of a successful business enterprise. These are discussed in the appraisal.

Black Magic Design (a manufacture of creative video technology) currently occupy 3 units and a warehouse at Mere Hall Farm, providing equipment / products which are sent worldwide.

The building dimensions are as follows:

	<i>Existing Building</i>	<i>Proposed Building</i>	<i>Difference</i>
Width	18.1m	15.2m	-2.9m
Length	27.5m	27.4m	-0.1m
Footprint	498m <sup>2</sup>	416m <sup>2</sup>	-82m <sup>2</sup>
Eaves Height	2.3m	5.4m	+3.1m
Max. Height	3.9m	7.5m	+3.6m
Volume	1543m <sup>3</sup>	2686m <sup>3</sup>	+1143m <sup>2</sup>

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

## **SITE DESCRIPTION**

The application site comprises a rural enterprise (Mere Hall Farm), and a business centre (Mere Hall Business Centre). The business centre is currently occupied by four tenants including Blackmagic Design, who are a provider of broadcasting television and film products. The farm currently grows 140 acres of arable crops including wheat, barley, oats and spring beans. A sizeable area of parking is provided within the site (serving the business centre), and a farmhouse is located near to the entrance.

In the wider context, the A556 highway improvement scheme intersects the land to the west of the site which has permanently closed Bucklow Hill Lane. The section of Bucklow Hill Lane outside the site is still publicly accessible and sits at a higher land level allowing views across the site, notably towards the agricultural buildings to the rear. Open fields are located west of the site with some low density residential development to the east. Other nearby uses include a petrol station, public house, hotel and garage, situated alongside Chester Road (formerly a main route between the M56 and M6 motorways). The area does, however, remain characterised by its open land, and scenic character, typical of Cheshire’s countryside.

Under planning ref. 16/4275m, a smaller agricultural building has been converted to B8 business use which is the subject of this application. This building sits in-between two larger buildings (both agricultural), one of which is open natured.

## **CONSTRAINTS**

Local Plan Green Belt  
Agricultural Land Grade 3

## **RELEVANT SITE HISTORY**

Various.

Of particular relevance:

16/4275m - Prior Approval for a Change of Use from an agricultural building to a flexible use for storage (B8). *Prior Approval not required (26/10/16).*

14/0764m – Prior notification of an agricultural steel portal building. *Prior Approval not required (17/03/14).*

12/1832m – Agricultural steel portal building. *Prior approval not required (01/06/12).*

11/3365m – COU from agricultural building to B8 storage use. *Approved with conditions (16/11/11).*

01/2949P – COU of farm buildings to Class B1 (Business Use) & demolition of modern farm building (revised scheme to Planning Consent 01/2128P). *Approved with conditions (23/01/02).*

61409P – Erection of poultry shed extension for the rearing of Poussins. *Approved (02/01/90).*

## **LOCAL AND NATIONAL POLICY**

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

BE1 – Design Guidance  
DC1 – New Build  
DC3 – Amenity  
DC6 – Circulation and Access  
DC8 - Landscaping  
GC1 – New buildings in the Green Belt  
GC3 – Visual Amenity in the Green Belt

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

Policy CO1 (Sustainable Travel and Transport)  
Policy EG1 (Economic Prosperity)  
Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG3 (Green Belt)  
Policy SD1 (Sustainable Development in Cheshire East)  
Policy SC2 (Sustainable Development Principles)  
Policy SE1 (Design)

Policy SE4 (The Landscape)  
Policy SE8 (Renewable and Low Carbon Energy)  
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 (Achieving Sustainable Development)  
14 (Presumption in Favour of Sustainable Development)  
17 (Core Planning Principles)  
Section 9, p79-92 (Protecting Green Belt Land)  
109-11 (Conserving and Enhancing the Natural Environment)

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

## **CONSULTATIONS**

### **Mere Parish Council:**

Members of Mere Parish Council have studied the plans have no objections.

*Noted.*

## **REPRESENTATIONS**

1 x letter of support has been received:

Having visited the applicants site and viewed the area for the planned building, as Ward Councillor, I discussed in detail the proposed application with both the applicant and the intended business user. When we have in our midst, successful and employer friendly businesses, needing to expand, to remain both competitive and forward thinking, then, providing they understand the boundaries of acceptance in accordance with the rules surrounding our Green belt, we should take into consideration their compliance and understanding and allow them the benefit to grow within those boundaries and within, to a certain extent, our Green belt. This is, in my opinion, an acceptable, appropriate and accommodating structure, which would be fully acceptable in the surroundings it would stand in and be of great benefit, to both business and potential increased employment in this particular area of Cheshire East. I ask that you take my comments on board, when considering this application. Thank you.

*Comments are noted. See appraisal.*

*Two site inspections have been carried out on 5<sup>th</sup> December 2016, and during March 2017. Public consultation has been carried out in accordance with statutory requirements.*

## **APPRAISAL**

## Key Issues

- Principle of development and impact on the Green Belt
- Design considerations
- Character of the area
- Sustainability
- Planning balance

## Principle of Development and impact on the Green Belt

The site is located within the Green Belt. Paragraph 89 of the National Planning Policy Framework states the following;

*89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In assessing whether a building is materially larger, case law has established that this can generally be quantified through increases in width, depth, footprint and volume. Whilst reductions in width and length are identified, the volume would be increased significantly by +1143m<sup>3</sup> (equating to a 74% increase over the existing building, one 1.75x larger) by virtue of the considerable increases in eaves height and subsequent roof height. Notwithstanding that the development would be highly visible from the street scene of Bucklow Hill Lane, harm to the Green Belt can be ascertained regardless of visibility and/or screening. The government is clear in their determination to keep land permanently open, and prevent urban sprawl. The visual dimension does, however, remain an important aspect in Green Belt policy and this can be assessed alongside volumetric calculations in determining the impact on openness (John Turner v Secretary of State & East Dorset District Council)..

With respect to the above calculations, it is clear that the replacement building would be one materially larger than the one it replaces and this larger built form would be visible within the surrounding rural landscape. With this in mind, the proposal is firstly deemed inappropriate with clear conflict identified with paragraph 89. The proposal would undermine the fundamental characteristics which contribute to the Green Belt, namely through its reductions in both openness and permanence.

As a result, paragraphs 87 and 88 of the NPPF are relevant and these state;

87. *As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
88. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to 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.*

The agent has partially recognised the inappropriate nature of the works, and outlined some, to their judgement, very special circumstances, as follows:

- A need for a larger, modern, secure building more suited to the business needs.
- Retention of an existing business that employs local people and forms part of a global organisation that has significant foreign investment opportunities. The proposal would safeguard the UK element in the foreseeable future. Given the economic uncertainty following 'Brexit', global companies such as Blackmagic should be encouraged to stay.
- The business sustains the existing agricultural business at Mere Hall Farm. The proposal supports rural diversification.
- The proposed scale would not be out of context with its surroundings
- The building would have a smaller footprint, and whilst higher, this would be less than the existing building.
- Minimal impact on the openness of the Green Belt

Other material considerations outlined by the agent include reductions in the number of vehicle movements into the site. This would be achieved by having a larger storage area to allow larger vehicles to deposit and pick up products as opposed to multiple trips using smaller vehicles. Improvements in appearance are also suggested through the use of more appropriate materials.

It can be noted that financial information has been provided during the consideration of this application which have been assessed and discussed with the applicant. This information cannot be included within the report, but has been taken into consideration in determining the viability of the business. For the purposes of assessing this application, the business is considered a viable enterprise.

Very Special Circumstances (VSCs) can be assessed by not a quantitative test, but a qualitative judgement as to the weight to be given to the particular factor for planning purposes. Such circumstances should be unique to each site and not easily replicated. Each factor can be given varying levels of weight, but they are not mutually exclusive, and may be considered collectively to construct a unique argument.

It is generally agreed that this business would benefit from further secure storage, larger in size. The products exported are valuable, range in size, and the building size is reasonably justified through the safe use of fork-lift trucks within the building and more efficient racking of products. Furthermore, by allowing larger shipments to be received/exported as opposed to smaller frequent trips made by air-freight, this would facilitate reductions in the businesses Carbon footprint. The site is located closely to the M56 and M6 motorways, and is reasonably close to major ports whereby large cargo could be transported by sea as opposed to air. The cargo could reach the site through articulated Lorries, of which the access to the site appeared suited for.

With this in mind, there are certain socio-economic benefits associated with the development. The scheme would demonstrably support the existing business. Minimal weight can be afforded to Britain's exit of the European Union. This is an ongoing process in the early stages, and details of negotiations, such as access to the Single Market are yet to be fully established. The LPA acknowledges the uncertainty of this period, but this cannot be considered a VSC. It could also be argued that should the LPA afford weight to this matter in relation to Mere Hall Farm, this would set a dangerous precedent and lead the Council to a weaker position in preventing similar development in the Green Belt when this specific VSC is likely to be applicable to numerous sites across the Borough. It may also be noted that the existing building is being used for storage purposes at present and is therefore adapt for some modest commercial storage. Arguments have been put forward that the increased size of the proposed building could facilitate a simpler agricultural conversion in the future should the commercial activities subside. This could, hypothetically, support the remaining agricultural activities on-site. Any such scenario, however, may or may not materialise and therefore cannot be afforded weight in determining this application.

The argument relating to the business supporting the agricultural aspect of Mere Hall Farm and rural diversification is not agreed with. The two different operations should not be mutually dependent and should be able to independently operate irrespective of each other. Some of the income from business rates may be re-invested into the agricultural aspect but again this is not a VSC to outweigh the harm to the Green Belt. National Policy encourages farm diversification to support rural enterprise but such diversification should be subordinate to the main agricultural use on-site and generally directs farmsteads to incorporate uses such as B&Bs, different branches of farming, some subservient industrial use, and other appropriate rural uses. In this case, the commercial aspect is arguably the more prominent use within the site, which itself is generally considered an inappropriate use in the Green Belt.

Questions are raised as to why this site specifically has been chosen. No sequential approach has been included within the application, outlining what/if any other sites have been considered. A site within the settlement boundary of Knutsford, or other nearby business parks would have had a much lesser impact on the Green Belt. Whilst the success of Blackmagic is noted, as so is the business' connection to local people (namely through



employment), any business which successfully establishes within the Green Belt should not have an automatic right to further expansion. Some farm diversification is encouraged by both national and local planning policy but the success of any commercial aspect cannot give weight to further encroachment/ development in the Green Belt in supporting this. Again this specific VSC outlined is likely to be applicable across numerous sites within the Borough and is not specific to this site.

The recent case of *John Turner v Secretary of State (CLG) & East Dorset Council* considered that the visual dimension of openness is an important aspect to consider alongside the increases in physical presence. With this in mind, the agent has suggested as a VSC that the building would sit sympathetically between the two larger agricultural buildings to each side and visually the proposal would preserve openness. Drawing No.2 highlights the respective roofscapes with the proposed building sitting below a line drawn between the two adjacent roof apex's. Perspectives from the east and west would be well screened by the adjacent buildings and mature vegetation/trees planted along the southern boundary presently limit views from a southern direction / Chester Road. Such screening can, however, only be afforded limited weight due to the semi-permanent nature of the vegetation. The main perspective of the development would, however, be provided from Bucklow Hill Lane, which whilst cut-off to the east (due to the A556 works) remains a key viewpoint over the farm and is within the public realm. The present poultry building is low in profile and fairly subordinate from the street scene. The replacement building, however, would extend vertically by a further 3.6m (+3.1m eaves height) which would significantly increase its physical presence from perspectives of the public realm. As such, the development would clearly have a negative impact on the perception of the Green Belt and associated visual amenities. The visual impact, alongside the calculated increase, would further diminish the openness and permanence of the countryside in this location. This VSC is therefore disputed.

Collectively, these circumstances would not amount to 'Very Special'. An assessment against the benefits of the scheme is not required. It is clear that the development is inappropriate and would undermine both the openness and permanence of the Green Belt, two of the most fundamental characteristics. In the absence of genuine VSCs, a reason for refusal is justified by a significant level of harm to the Green Belt.

NB, generally the LPA would seek to restrict such commercial development to within settlement boundaries, or business parks / sites allocated for such purposes. Due weight, is, however afforded to the Town and Country Planning (General Permitted Development) Order 2015 which does allow conversions of agricultural buildings and the re-use of rural buildings within the Green Belt. The B8 storage use has been allowed under 16/4275m.

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

The use of green cladding and grey roofing sheets would lend itself to a more rural construction type. Slight issues are raised with the large steel shutter doors which, whilst partly justified on security grounds would detract from any typical agricultural appearance. This would be viewed in direct contrast to the adjacent agricultural building (which is open-fronted) when perceived from Bucklow Hill Lane. Despite this road being cut-off by the A556, it remains particularly aesthetic-rural in character, namely the open-fields, simple Cheshire brick terrace to the end, and low open-fronted nature of Mere Hall Farm (set below the highway). The larger agricultural building has been erected behind the farm although this is

not viewed totally inappropriately within the countryside due to its open-fronted nature allowing perspectives of agricultural machinery.

The building would be set back further within the site (compared to the one it replaces) which does help, albeit only slightly, to soften its impact. It is also creates a larger gap to the business centre which could help to facilitate vehicle movements to the front of the building.

As per the above section, the main issue relates to the size of the building which would have a harmful impact on the perception of the countryside. The dominance of this building would be exacerbated given the low profile of Mere Hall Business Centre in the foreground. The impact is harmful to the countryside character, further undermining the characteristics of the Green Belt.

### **Highways impact**

There are two access points into Mere Hall Farm, (presumably one serving the farm, and the other the business centre). Access for larger vehicles would be sufficient for this development with medium-large sized vehicles, in addition to tractors, presently accessing the site this way.

### **Residential amenity**

The proposed building would be sited within fairly close proximity of main farmhouse on Mere Hall Farm (occupied by the owners of the site). The replacement building would be sited some 62m south east and its size and use is not considered to be significantly detrimental to residential amenity. The application states that deliveries would be reduced in frequency and this could arguably offer a slight benefit through less frequent noise disturbance.

### **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**

The existing commercial building is in active use. The demolition works and construction of a replacement building are not considered to pose harm to any protected species or wider biodiversity.

### **Sustainability**

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

Taking into account the above sections the proposal is considered to represent a harmful form of development to the Green Belt. The replacement building would be materially larger (1.75x larger) than the one it replaces and in accordance with paragraph 89 of the NPPF, this

development would be unacceptable in principle. The building, through its increased height, notably at eaves level, would result in a bulkier, taller, and subsequently more prominent building, which would collectively undermine the openness and permanence of the North Cheshire Green Belt. Further to this, the building would be very prominent from public space by virtue of Bucklow Hill Lane. The harm to the Green Belt can be identified both through the visual aspect, and the buildings 'materially larger' nature. This impact would amount to substantial harm contrary to the NPPF and policy GC1 of the Macclesfield Borough Local Plan. As per the above appraisal, no very special circumstances have been suitably demonstrated as to why this harm should be overlooked.

### ***Social sustainability***

As per the supporting statement the development would not provide further employment opportunities. The development would, however, support an existing high-tech industry within the countryside.

The Council does fully support the growth of existing businesses within the Borough, but strong weight must be afforded to the Green Belt. No sequential test has been adopted highlighting if other sites have been considered and why these have been discounted. Benefits of security, cost effectiveness, and convenience would not be significant in outweighing the harm to the Green Belt.

### ***Economic sustainability***

The proposed development would provide some economic benefits through the support of an existing business which has global trade links and some reductions in business transport costs. Support of the business could also ensure job security within the local area. Small benefits would also be available to the local workforce through construction contracts.

### **Summary and Planning Balance**

In weighing the merits of the scheme against the Green Belt harm, the development should not be approved. The irreversible and substantial Green Belt harm (environmental) is not outweighed by the arguments and merits (socio-economic) put forward within this application. The recommendation is therefore for refusal.

*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**

**Refuse subject to the following reason:**

- 1. The proposal would be inappropriate development as defined in paragraph 89 of the National Planning Policy Framework and very special circumstances have***

***not been suitably demonstrated to outweigh the clear harm to the openness and permanence of the Green Belt. As such the proposals are contrary to the requirements of Policy GC1 of the Macclesfield Borough Local Plan (2004) and the requirements set out in the National Planning Policy Framework (2012).***

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Plans
2. Time limit
3. Materials
4. Landscaping
5. Removal
6. Within 1m

