

Application No: 17/2211N

Location: WHITTAKERS GREEN FARM, PEWIT LANE, HUNSTERTON,
CHESHIRE, CW5 7PP

Proposal: Agricultural Building to Provide Grain Store (resubmission of 16/2930N)

Applicant: Mr F.H. Rushton

Expiry Date: 30-Nov-2017

Summary

The site is located in the open countryside. Agricultural buildings are permitted where they are required for and ancillary to the use of the land for agricultural purposes and essential to the agricultural operation, and maintain the economic viability of the holding. The building should also be satisfactorily sited and designed so as to have no detrimental impact on the character and appearance of the open countryside, the amenity or neighbouring properties and local highway network, protected species and conservation habitats.

The proposed development is acceptable in principle and would not have a significantly detrimental impact on the character and appearance of the open countryside. Furthermore, the siting and use would not result in an adverse impact on the amenities of neighbouring development or present any adverse impact on the local highway network. The proposal therefore complies with Policies SD1 and SD2 (Sustainable Development), SE1 (Design), BE.1 (Amenity), and PG6 (Open Countryside) of the Cheshire East Local Plan Strategy 2017; and policies BE.2 (Design Standards), and NE.14 (Agricultural Buildings Requiring Planning Permission) of the Borough of Crewe & Nantwich Replacement Local Plan 2011.

RECOMMENDATION:
Approve subject to conditions

CALL IN

The application has been called in to Committee by Cllr Clowes on behalf of Doddington and District Parish Council on the following grounds:

- 1) Both consented buildings had the same dimensions and were to store grain produced on the farm. The constructed building is 175m³ larger in volume and given it would have been on order prior to construction, this represents a deliberate intention to ignore the approved plans.
- 2) The adjacent green waste site (which is also operated by the applicant) has vehicle number restrictions (endorsed at appeal) to protect the amenity of local residents and ensure the safety and amenity of users of the PROW along the access track and through the site.
- 3) Historical concerns raised by highways officers regarding use of Pewit Lane by large green waste vehicles resulting in weight limits on vehicles and construction of passing bays. Subsequent appeals on the green waste site were dismissed due to the effects of increased vehicles on roads and villages in the area; and a subsequent dedicated access road for green waste vehicles was constructed which the vehicles are now required by condition to use. This proposal represents a new business venture immediately adjacent to the green waste site. The grain transportation will involve additional HGV traffic which will create additional detrimental impacts on surrounding lanes, residential amenity and the enjoyment of the Countryside by walkers using the Public right of way through this site. Appeal Inspectors have consistently stated that the '20 in and 20 out' vehicle movements to the site and on the access tracks must not be exceeded.
- 4) Cumulative impacts of the two neighbouring uses must be taken into account, and the current and future sustainability of the local highways network must be better understood. The Grain Store construction traffic using Pewit Lane caused congestion, damage to the verges, hedges and drainage ditches and use of the lane must be limited.
- 5) Concerns over the degradation of Bridgemere Lane, note that CEC highway engineers are conducting a highway safety assessment of the road.
- 6) Given the size of the farm holding and volume of dried grain able to be produced, the building is significantly larger than required and there is concern there will be third part grain imported which would significantly increase vehicle numbers.

DESCRIPTION OF SITE AND CONTEXT

The application site forms an agricultural field located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The farming enterprise is an arable operation and comprises a large area of fields. The application site itself is located off an existing track which accesses a Green Waste composting site which is immediately adjacent to the proposed building and is also operated by the applicant. A landscape bund is sited between the site and the green waste operation. A strip of landscaping is also located adjacent to the track to the east of the site.

DETAILS OF PROPOSAL

Permission was granted in November 2016 for an agricultural building for the storage and drying of grain (Ref: 16/2930N) and this was subsequently implemented. The building that has been constructed has different dimensions and design to that shown on the approved plans, being lower in height but larger in length and area. This application therefore seeks to regularise these amendments.

The building that has been constructed measures 36.5m in length and 20.4m in width. Two lean-to additions have been constructed on the southern and western elevation (the overall width with the 'lean-to' is 23m). The building has a height of 6.1m to the eaves and 8.8m to the ridge. The elevations are constructed from composite cladding and plastic coated single skin,

with the roof constructed from fibre cement roof sheets. The building incorporates four roller shutter doors at 5m by 5.2m and four personnel doors as well as vented roof and side vents, and roof lights. An external area of hardstanding adjoining the eastern elevation has also been constructed.

The building includes an internal boiler to dry the grain to be stored and an external flue of 10m height and 300mm diameter which would be situated to the south west of the building in one of the lean to structures. There is no change to the specification of the boiler from that approved under permission 16/2930N.

No change is proposed to the intended use of the building approved under 16/2930N, and the applicant advises that the new design/layout provides a more purpose built and efficient building for grain storage.

RELEVANT HISTORY

- 16/2930N – Agricultural building to provide grain store. Approved November 2016.
- 11/4249N – Agricultural building to provide grain store. Approved January 2012.

There is planning history on the agricultural holding itself with conversion of traditional buildings to dwellings, to fill in hollows/depressions in fields, also a long planning history relating to green waste composting site adjacent to application site.

POLICIES

Cheshire East Local Plan Strategy

SD 1	Sustainable Development in Cheshire East
SD 2	Sustainable Development Principles
SE 1	Design
EG1	Economic Prosperity
PG6	Open Countryside

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Crewe and Nantwich Borough Local Plan (CNLP)

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Parking and Access)
NE.14 (Agricultural Buildings Requiring Planning Permission)

National Planning Policy

National Planning Policy Framework
National Planning Practice Guide

CONSULTATIONS (External to Planning)

Highways: No objection

Environmental Health: No objection subject to conditions/informatives relating to hours of construction, contaminated land, air quality and permitting requirements.

Public Right of Way: No objections subject to informatives concerning the safe use of, condition and protection of footpath No. 22 Hunterston.

Doddington and District Parish Council: Object to the application. In addition to the matters raised in the call-in request, the Parish council would like the application refused on the following grounds (this is a summary; the full content of the objection can be viewed on the Council website).

- Building is larger than previous and includes a large amount of ancillary equipment which could have been accommodated easily within the original size building.
- Unsuitable location (evidence by long planning history on adjacent green waste site) and unsustainable location due to unsuitable highway network, highway safety and residential amenity.
- Potential for increased and larger vehicles. Cumulative effects of vehicles from green waste site and this proposal should be assessed in terms of impact on highway network and residential amenity.
- Pewit Lane is unsuitable for HGVs in terms of junction layout, visibility, carriageway width, and results in hazards for vulnerable road users due to poor visibility/carriageway width. Concerns over drainage and structural integrity of the bridge. Previous CEC highway engineer concerns and associated appeal decisions over green waste HGV traffic and subsequent requirement for the use of the dedicated access track for green waste vehicles is highlighted.
- Planning appeal decisions on the green waste site recognise the harm to residential amenity from the green waste vehicles.
- Importation of grain from outside the farm holding should be restricted.
- Plans are inaccurate and do not include access onto Pewit Lane or the link to the building. Changes to approved development were pre-planned and are significant.
- If approved, request conditions restricting grain importation, requiring use of dedicated green waste access track for vehicle movements, a cap number of vehicle movements on access track to current permitted limit (cumulative with green waste site movements), hours of vehicle movements and use of grain store to mirror those on green waste site and no vehicle movements on bank holidays, control spread of external lighting, replication of conditions from permission 16/2930N.

Hatherton and Walgherton Parish Council: Object to the application as it is considered to impact on the parish, particularly in regard to HGV movements along the narrow lanes to this site, which already cause considerable damage and danger to other road users. The Parish Council endorse the material planning grounds set out in detail in call in submission by the local ward councillor.

In addition to the proposed building appearing too large for storage/drying of grain produced solely within the farm, it was noted that the building seems structurally unsuitable for grain storage/drying.

OTHER REPRESENTATIONS

A summary of the representations received is outlined below. The full copy of all representations is available to view on our website.

Local ward member

- Strategic Highways views should be obtained; they are already considering how best to maintain Bridgemere Lane which is severely damaged by HGV traffic to the Green Waste Site and other vehicle movements.(Although little other HGV traffic is able to use this Lane beyond the Green Waste site due to a 7.5t weight restriction past Bridgemere Primary School.)
- Additional traffic generated by the Green Waste site along Pewit Lane was a significant reason for refusal in earlier applications - hence the need for dedicated access road and restrictions on vehicle movements.
- Given the existing insurmountable traffic issues in this highly rural location on fragile road infrastructure, the existing restrictions on green waste vehicle movements (verified by previous Appeal Inspectors) must apply to traffic from the grain store to ensure cumulatively the movements do not exceed the existing permitted levels on the green waste permission.
- Reference is made to the matters raised in the reasons for the Call-In request of this application.
- Concern over site layout. Clear land ownership plans are needed. The access point and gateway to the grain building on a spur from the access track should be shown on the plans.

Full copies of all representations can be viewed on the website.

OFFICER APPRAISAL

Principle

The principle of an agricultural building for the storage and drying of grain of similar design and dimensions and in the same location to this proposal has already been established by virtue of permission 16/2930N.

The circumstances relating to permission 16/2930N remains the same in that the application site is an existing farming enterprise relating to Whittakers Green Farm and the adjacent Foxes Bank site which forms part of the applicant's agricultural holding. The applicant states that there are no existing buildings on the holding that can provide for the drying and storage of grain. This proposal would provide this facility which is required to support an established agricultural operation and prevent the need to export the grain to an alternative facility to be dried. The provision of a grain store on the site would allow the farm to be more responsible to weather conditions to optimise the harvest, would provide financial benefits and reduce the carbon footprint in transporting the crop to be dried before being sold to the customer.

The proposal is therefore considered to be relevant to agriculture and justified, as required by Policy NE.14 (Agricultural Buildings Requiring Planning Permission) of CNBLP. The proposal should therefore be considered against the other criteria of Policy NE.14 and other Local Plan Policies.

The main issues therefore are the impact that the proposals would have on the character and appearance of the open countryside, the impact on the amenity of neighbouring properties, users of the public rights of way network and the local highway network.

Character, appearance and visual impacts

Policy NE.14 of CNLP and policy SE1 of CELP require new buildings to be satisfactorily sited and adopt a design which is sympathetic to the surrounding character of the area. Equally policy BE.1 (Amenity) of the CNLP requires new development to ensure there are no unduly detrimental effects on the amenity of nearby residents from visual intrusion. This is reflected in the provisions of the NPPF.

There is no change to the location of the building as approved under permissions 16/2930N and 11/4249N. The building is located at the southern extent of the agricultural holding adjacent to the existing green waste facility which comprises of a concrete yard with concrete bays, a temporary building and open windrows of compost surrounded on the northern boundary by an earth bund. The green waste site is considered to be a brownfield site. Whilst the proposed building would be isolated from the main farmhouse, its location directly adjacent to the green waste facility means that it is situated adjacent to the source of fuel for the proposed boiler and the proposal would be largely set against the backdrop of the waste site. It has previously been accepted that the siting of an agricultural building in this location would not cause significant detrimental harm on the character and appearance of the Open Countryside and the same conclusion is drawn in the case of this application.

Should the building be located in proximity to the main farmhouse, this would introduce an agricultural development in close proximity to other dwellings adjacent to the farmhouse which are outside of the ownership of the applicant. There is potential for adverse detrimental impacts on these sensitive receptors arising from this unless mitigation is adopted which could in turn affect the ability of the applicant to use the building for agriculture.

There are limited views of the building from public vantage points around the site. From footpath FP22 on the track towards the site, the existing vegetation provides some partial screening. From the south views of the building would be largely screened by the existing waste facility and the established line of mature trees which aligns the northern boundary of the green waste facility. To the west there are no public vantage points in the immediate vicinity (the closest being over 1km) and to the north there would be long distance partial views (approximately 380m) due to the vegetated field boundaries. The proposals would not be prominent in the streetscene or wider open countryside.

Given the distance to the nearest dwellings, and in view of the factors outlined above, no adverse visual impacts on the amenity of nearby residents are anticipated. A planning condition is recommended for the provision of a scheme of landscaping which would provide partial screening, especially for any long distance views to the north and west; equally a condition is

recommended requiring the building to be removed within 6 months of cessation of its use in order to prevent a proliferation of unused agricultural buildings.

Concern has been raised by objectors over the increase in size of the building. A similar design and size for the agricultural building has been considered appropriate by virtue of permissions 11/4249N and 16/2930N. The proposed building is 6.7m longer than previously approved under 16/2930N and slightly wider by 0.4m (3m wider with the inclusion of the lean to) and would result in an increase of 151m² in floorspace. The building is however lower in height by 1.9m. The proposal is considered to represent an appropriate scale of development on a farming unit in this location and the design and materials are typical of modern agricultural buildings in a rural area, reflecting similar architectural style of other agricultural buildings in the local area. The proposals are therefore considered acceptable in respect of its design and scale.

The proposal is therefore considered to accord with policy BE.1 and NE.14 of CNLP and policy SE1 of CELP.

Amenity

Policy BE.1 (Amenity) of the CNLP requires new development to ensure no unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

The impact of a new building for the storage and drying of grain on the amenity of sensitive receptors in this location has already been deemed acceptable by virtue of permissions 16/2930N and 11/4249N.

In respect of impacts from noise and disruption, given the distance to the nearest sensitive receptor, no adverse effects are anticipated and no objections are raised by the Environmental Protection Officer.

With respect to air quality, Policy SE12 of CELP states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy. The NPPF also makes it clear that local planning authorities (LPA) should focus on whether the development itself is an acceptable use of land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under the pollution control regimes, and LPA's should assume these regimes will operate effectively. In this regard, it is noted that the operation of the biomass boiler would be regulated by a permit under the Environmental Permitting Regulations.

When assessing the impact of a development on Local Air Quality, the Council has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

The Environmental Protection Officer notes that there is the potential for localised pollution associated with the proposed biomass boiler, particularly nitrogen dioxide and particulates. It is therefore essential that a sufficient stack height is achieved to provide adequate dispersal of

airborne pollutants. A Biomass information form has been submitted which has allowed a screening check of the minimum boiler stack to ensure adequate dispersion and the Environmental Protection Officer considers this to be acceptable subject to securing planning conditions in respect of stack height, controlling the fuel type, fuel storage, operation and maintenance procedures to ensure that public health is protected. Subject to imposition of these conditions and given that the biomass plant would be regulated by an Environmental Permit it is considered that this suite of controls would be sufficient to ensure there are no adverse impacts on air quality.

Impacts on highway and public rights of way

Concern has been raised by objectors, the parish council and the local ward member regarding the impacts of the vehicles transporting grain on the local highway network in terms of highway safety, capacity and adequacy of the rural lanes for large vehicles; and the cumulative impacts of traffic from this proposal alongside that generated by the adjacent green waste facility.

Particular concern is raised regarding the suitability of Pewit Lane and Bridgemere Lane to accommodate HGVs, along with the impacts on vulnerable road users especially the users of the public right of way which runs partly along Pewit Lane, and impact of HGVs passing Bridgemere School. Reference is made to similar concerns raised by local people and Inspectors at planning appeals for developments at the green waste facility, and objectors note that a dedicated access track now serves the green waste site. As such they consider that all vehicles generated by this proposal should be required to use the green waste access track. They also consider that restrictions should be imposed on the number of vehicle movements so that, when combined with the green waste facility, the total vehicle movements from both sites do not exceed the vehicle movement levels set on the current green waste permission.

Planning policy does not support proposals that would generate levels of traffic that could prejudice the safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses.

Unlike the green waste facility, this is not a commercial business and as such there are no restrictions on the number or type of vehicle movements generated by the farm at present. The proposals are unlikely to generate any increase in vehicle movements as the applicant does not propose to import grain or fuel from outside the farm holding. The number of movements could reduce as result of this proposal as HGVs would transport the dried grain which have greater capacity than the tractor/trailers currently used. The ability to dry grain would also allow the transportation of grain to be spread throughout the year, instead of intensive concentration of movements currently experienced during harvesting. The highways officer considers that there would be no highways impact as a result of the proposal; equally the public rights of way officer notes that the proposals would not affect the public right of way; however highlights that due care and consideration must be given to pedestrians by vehicular traffic when the building is in use.

The views of the objectors are noted, however it is considered that any restriction on the number of HGVs or routing of vehicles would be unreasonable and would not meet the 'tests' in the NPPF given that this is a grain store to serve an agricultural activity as opposed to a commercial operation, and for the reasons highlighted above. Equally with respect to vehicle routing, the existing vehicles transporting grain can use Pewit Lane without any restrictions on numbers or

vehicle size; and given that all green waste vehicles are required by planning condition to use the access track, there should be no opportunity for conflict on Pewit Lane with those transporting grain.

With respect to the suggestion of imposing a cumulative restriction on vehicle movements for both the green waste site and this proposal, this is not considered reasonable and is not considered to meet the 'tests' identified in the NPPF for the reasons outlined above; and given that there is no link between the two land uses aside from the use of wood to fuel the biomass boiler, and this is not a commercial business but an agricultural grain store serving a farm holding. It is also noted that the two previous permissions for the same type of development on this site were both granted without such a restriction imposed, and similarly other agricultural buildings in the authority have not had any such restriction imposed.

It is therefore considered that given the matters identified above, there would be no adverse highway impacts arising from this proposal and no new highway impacts over and above that generated by the farm holding at present. As such, the development would accord with the approach of planning policy.

Other matters

Concerns are raised that the capacity of the grain store is above that required for the output of the farm holding and could be used for third party grain imports which would significantly increase the number of vehicle movements to the farm holding. The applicant is not proposing to import grain from third parties. Whilst the proposed building is longer in length than was previously permitted, the height of the building is reduced and thus the overall volume of the building is also lower than previously permitted. The applicant also notes that the building would not be filled to capacity in order to provide sufficient air and circulation space required to dry the grain. The scale of the development is considered acceptable for an agricultural building of this nature and in this location.

With respect to impacts on nature conservation whilst the development is on open agricultural land, the Nature Conservation Officer advises that there are no significant ecological impacts and as such no mitigation is identified as necessary to address any impacts from this proposal.

Response to Observations

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report including the impact on the open countryside, highway safety and amenity. These issues have all been weighed in the planning balance.

A number of matters raised by objectors and the parish council concern planning appeal decisions and alleged breaches of planning control regarding the adjacent green waste facility operated by the applicant and not directly related to this planning application. As these are not related to the planning application under consideration they are not considered material planning considerations that should be given any weight in the determination of this application.

PLANNING BALANCE

Conclusion – The Planning Balance

The principle of an agricultural building for the storage and drying of grain in the open countryside is considered to be acceptable. The proposal is considered to be relevant to agriculture and justified, as required by CNBLP Policy NE.14 (Agricultural Buildings Requiring Planning Permission).

It has previously been accepted that the siting of an agricultural building in this location would not cause significant detrimental harm on the character and appearance of the Open Countryside and the same conclusion is drawn in the case of this application. The proposal is considered to represent an appropriate scale of development on a farming unit in this location and the design and materials are typical of modern agricultural buildings in a rural area, reflecting similar architectural style of other agricultural buildings in the local area.

In terms of economic sustainability the proposal would assist with the modernisation of an existing farm holding, providing some economic benefits. From an environmental and social perspective, given the distance to sensitive receptors, no adverse impacts are anticipated with respect to noise and disruption; and subject to conditions concerning the design and operation of the biomass boiler, adverse air quality impacts are not anticipated.

Whilst concerns about the impacts of HGVs transporting grain on the rural highway network, increased amenity issues with HGVs and impacts of HGVs on users of the public rights of way are noted, the proposal is for an agricultural building to store grain generated by the applicant's farm holding, with no commercial importation of grain proposed. There are no restrictions on the number or size of vehicles that can transport grain from the farm at present, and the ability to dry grain enables its transportation to be spread throughout the year, rather than at harvest time; thus the impacts on the highway network could be reduced. The suggestion by objectors of restricting vehicle numbers and routing, or tie vehicle numbers in with the restrictions on the adjacent green waste site planning permission are not considered to meet the test in the NPPF for the reasons identified above. Overall therefore no adverse impacts on the highway network and users of the public rights of way are anticipated to arise from the development of an agricultural building for the storage and drying of grain.

Overall as the impacts of the development are not considered to be significant and can be mitigated against with the use of planning conditions, the application is therefore considered to constitute a sustainable form of development and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions:

And the following conditions:

- 1. Development retained as per approved plans**
- 2. Materials as per submitted plans**
- 3. Restrict building to the storage of grain only**
- 4. Landscaping scheme to be submitted and approved**
- 5. Building to be removed within 6 months of cessation of use**

- 6. Stack height no less than 10m above ground and positioned as per submitted drawing**
- 7. Control over biomass boiler fuel type, fuel delivery and storage, operation and maintenance.**

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

