

Application No: 19/2223C

Location: HORSESHOE FARM, WARMINGHAM LANE, MOSTON, MIDDLEWICH, CHESHIRE, CW10 0HJ

Proposal: Construction of three timber stables, a tack room and associated hardstanding. Provision of fencing and resurfacing / realignment of track. Change of use of barn and existing hard-standing to commercial.

Applicant: Oliver Boswell

Expiry Date: 03-Jul-2019

SUMMARY

The proposal seeks permission for a stable, an access and the change of use of an existing 'barn' to a commercial B8 use. The proposed uses are considered to be acceptable within the open countryside and meet the policy criteria of PG 6 and EG 2 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework, which encourages sustainable economic development in rural areas, and policies REC 3 and LE1 of the Moston Neighbourhood Plan.

It is therefore considered that the proposed development is acceptable and appropriate uses within the Open Countryside, as conditioned; the proposal will not have a detrimental impact on neighbouring amenity, highway safety, or protected species. The proposal is therefore considered to be acceptable and is recommended for approval.

SUMMARY RECOMMENDATION

Approval subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr John Wray for the following reason;

'At the request of Moston PC. The track mentioned is a new Access road, not a realignment of an existing access track off Warmingham Lane which is a busy classified road. The laying of an area of hard standing is subject to an enforcement order no 18/0014e. The applicant was informed on 15-19 April to discontinue further works, but the tipping of unsorted building waste continued over the Easter weekend, creating a 12mx75m area adjacent to a water course. The change of use of the barn to an unspecified commercial use in this location is contrary to the local plan and the neighbourhood plan. The newly applied for stables, tack room etc, is to replace the barn mentioned above. This application is wholly misleading, inaccurate, and confusing and contrary to planning principles and so would be best fully discussed by the planning committee'.

PROPOSAL

Planning permission is sought for the construction of timber stable building with 3 bays for horses, a tack room and associated hardstanding, a new access (partly retrospective), and the change of use of an existing barn and existing hard-standing to commercial use, specified as B8 Storage and Distribution.

SITE DESCRIPTION

The application site is known as Horseshoe Farm, on Warmingham Lane, Moston. The application site sits to the north and adjacent to an authorised Travellers site. There is an existing agricultural building on the site which the application seeks to change the use of to a commercial use for the storage of motor vehicles.

The application site is situated within the open countryside largely within a field which is used for the grazing of horses.

At the time of the planning officers site visit, the new access off Warmingham Lane, into the site had already been formed with building rubble.

RELEVANT HISTORY

17/2398N - Change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building – Refused 12th December 2017; Allowed at appeal 17th December 2018

15/4290C – Construction of brick utility shed – Approved with conditions 14th December 2015

15/3801C - Construction of three timber stables, a tack room and associated hardstanding. Provision of children's play area. – approved with conditions 24th September 2015

14/2688C - Change of use of land to extend existing traveller caravan site and erection of day room/amenity building – Refused 28th July 2014

10/4977C - Extension of Existing Gypsy Caravan Site, Including Laying of Hardstandings, Stationing of 9 Caravans & Erection of 6 Utility Buildings – Refused 21st April 2011. Appeal Lodged. Appeal Withdrawn

09/3918C - Extension of Existing Gypsy Caravan Site Including Laying of Hardstanding, Stationing of 9 Caravans for Residential Purposes (Including 3 Static Caravans) Storage of 2 Touring Caravans, Erection of 9 Utility Buildings and Installation of Lighting – Refused 7th September 2010

07/0647/FUL - Proposed gypsy caravan site for 3 gypsy families together with 2 transit pitches, including the laying of a hard standing and erection of toilet blocks – Refused 6th February 2008. Appeal Lodged. Appeal Allowed

05/0235/FUL – Static Caravan for Security – Refused 19th May 2005

36153/3 Replace existing timber stables and barn with steel frame and block to include tack room, fodder and implement store, and toilet – Approved 1st September 2003

34471/3 - Removal of temporary conditions from applications 30970/6 & 30971/6 to make permanent – Approved 1st July 2002

31265/3 - Exercising of horses – approved with conditions 27th September 1999

30970/6 - Continued use of wooden sectional building providing two loose boxes – Approved 14th June 1999

26099/6 - Renewal of permission no 22907/3 for wooden sectional building providing two loose boxes – Approved 19th April 1994

22907/3 - Wooden sectional building providing two loose boxes – Approved 2nd January 1991

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework
National Planning Practice Guidance

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in favour of Sustainable Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

PG6 - Open Countryside

SE1 – Design

SE2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – Landscape

SE6 – Green Infrastructure

EG2 – Rural Economy

SC1 – Leisure and Recreation

Saved policies of the Congleton Local Plan

GR6 (Amenity and Health)

GR9 (Accessibility, Servicing and Parking Provision)

GR17 (Car Parking)

GR20 (Public Utilities)

PS8 (Open Countryside)

RC4 (Countryside Recreation Facilities)

RC5 (Equestrian Facilities)

Moston Neighbourhood Plan

(The Moston Neighbourhood Plan was made on 14th February 2019)

LCD1 Design and Landscape setting
LE1 Rural Employment,
LE2 Non Rural Employment
ENV2 Trees, Hedgerows and Watercourses.
REC3 Leisure and Countryside Pursuits

CONSULTATIONS

Environmental Health – No objections suggest consultation with the Environment Agency, subject to an informative for contaminated land

Environment Agency – No objections in principle to the development

Strategic Highways Officer – No objection subject an informative for a S184 licence

Health and Safety Executive – Does not cross any consultation zones

Cheshire Brine Subsidence Compensation Board - No comment to make

Moston Parish Council – Summary of Moston Parish Councils response. (Full comments available to view on the website).

- The application is partly retrospective,
- There was no existing access into the site or track through the site
- The access proposed is a new access onto the road and has been carried out without permission from CEC and included the removal of a section of hedgerow
- The creation of the access road was carried out after the Enforcement Team had required the applicant to stop works
- Additional stables are not required – permission was given under 15/3801C and not implemented
- Agricultural building (the barn) has permission under 8/36153/3 which consists of a stable, tack room, implement store, fodder store and toilet
- The site within the open countryside is unacceptable for commercial use. There is sufficient commercial buildings within the Middlewich area,
- There is no permission that provides for a parking area within the site, consequently 14 extra parking spaces are required including 10 Light Goods Vehicles, 2 Cars and 2 other larger vehicles,
- The site is within 20m of a water course and there is no details of how foul sewage will be disposed of,
- It is acknowledged that the barn is not within the Traveller site but is clearly linked to it, and there have been conditions imposed on the previous permissions restricting the site to have no commercial activity on it
- The building should be retained as a stable and therefore this would negate the need another stable on the site,
- The Moston PC therefore object to the proposal

Warmingham Parish Council – Summary of Warmingham Parish Councils response. (Full comments available to view on the website).

- The site is on the edge of Warmingham parish
- Warmingham Parish Council object to the planning application for development in the open countryside
- Work has already commenced in the form of tipping of waste concrete/rubble to create a new entrance from Warmingham Lane,
- Local knowledge suggests that there has never been a former track or gateway in this location
- The hedge was breached 2 years ago, with a mini digger left close by with a fractured hydraulic pipe dripping oil into the nearby ditch
- In March/April this year rubble was used to create the new access
- There is provision for stables within the barn
- Recent permission for a stable and hardstanding were given but only the hardstanding implemented, and then an application for a transit site was proposed – Concerns over a similar precedent being used again
- Commercial development is unsuitable rural area, Middlewich is a Key Service Centre with extensive mixed use or employment centres outlined within the Cheshire East Local Plan Strategy

REPRESENTATIONS – No representations received.

OFFICER ASSESSMENT

Principal of Development

The application site is situated within the Open countryside where, Policy PG6 states that only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure and essential works undertaken by public service authorities or statutory undertakers, is permitted, with some exceptions. Furthermore, Policy REC3 of the Moston Neighbourhood plan, states that Leisure and Countryside pursuits will be supported where they are *‘in appropriate locations where there is no significantly harmful impact on the surrounding landscape’*

The construction of a stable and use of the land for grazing horses is an equestrian use which is considered to be an appropriate use within a rural area and would fall under the accepted leisure and countryside pursuit policy of the MNP. Equestrian uses are a form of outdoor recreational use and therefore this element is in principal acceptable within the open countryside.

The proposed change of use of the existing agricultural building, ‘the Barn’ to a commercial use in the open countryside is also considered to be acceptable in principle under Policy PG6 (ii) which allows for the re-use of a existing rural building where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension. Furthermore, the NPPF (para 83) supports employment uses in the rural area, with the aim of creating a prosperous rural economy. Policy EG2 also allows for business uses outside the Principal Towns, Key Service Centres and Local Service Centres, where appropriate. The proposed development seeks the change of use of a substantial building with no external works, to Class B8 Storage and Distribution use, and is therefore permitted.

Furthermore, Policy LE1 of the Moston Neighbourhood Plan supports the development of small businesses where they compliment and enhance the rural landscape. The policy goes on to state support will also be given to businesses that wish to locate / relocate to redundant agricultural

premises or are part of a farm diversification scheme. Given the proposal will retain an existing rural building for re-use, it is considered that the proposal is in compliance with this policy.

The proposed access, although stated as being existing; appears to be a new access onto the highway and through the site; nevertheless, subject to the access being acceptable in Highway safety terms and surfaced appropriately it is considered to be acceptable in principle.

Therefore, it is considered that the proposed development is acceptable in principle subject to compliance with all other relevant policies within the Development Plan.

Recreational use within the Open Countryside

It is generally accepted that recreational uses in the Open Countryside are acceptable 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.

The proposed stable block would accommodate a three bay stable and tack room, in an 'L' shape. The building will be constructed in timber with a green mineral felt roof at single storey height. An area of hardstanding has been shown around the building which links to the new access road into the site. There is also an area of pasture land shown where the horses can graze. At the time of the Planning Officers site visit there was evidence of use of the wider field for the grazing of horses.

The proposed stable building and associated hardstanding are of a size and position which are considered to be acceptable for the use they propose and of a typical domestic size. The stable would be positioned adjacent to the existing barn which forms part of the application and is set back slightly from the road frontage. The building will be screened from the adjoining Warmingham Lane by the existing hedgerow, however, notwithstanding the current screening the hedgerow would afford, a stable building of the size proposed, is a typical domestic building within the rural street scene. It is therefore considered to be in a suitable location and would be viewed alongside the existing Horseshoe Farm site and adjoining farm to the north, Home Farm.

The proposed stable is therefore considered to be acceptable and would not have an adverse impact on the wider open countryside.

Commercial Use within the Open Countryside

The existing barn building is currently being used as a stable and storage building; the application seeks to use the building for commercial use, specified as B8 Storage and Distribution within the application form; in association with the applicants van business. The building will be solely used to store the vans before being sold on at a separate premise.

The building lies outside the area of a permitted Traveller Caravan site; and if permission were granted this would allow the applicants currently unauthorised storage of vehicles on the Traveller site to be lawfully stored within the existing building.

The proposal would use the new access from Warmingham Road, and includes an area of hardstanding around the building, which appears to partly exist, albeit currently covered in

vegetation. A B8 use is considered to be acceptable in principle in a rural location; and subject to restrictive conditions which restrict permitted development rights, so any further use would need an application the proposal would have no greater impact on the wider open countryside given the existing agricultural use of the building.

Amenity

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The closest neighbouring dwellinghouse is over 80m from the edge of the site and it is therefore considered unlikely that the development would have a significantly detrimental impact on neighbouring amenity.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections to the proposal.

Highways

The Strategic Highways Officer notes that the proposal is for a small B8 unit with off-road parking. The development is of small scale and will generate a small amount of vehicle movements.

Although it is unclear if there was an access on to Warmingham Road, or a track that ran through the site, the historic aerial photographs do appear to show a gap in the hedge on the northern boundary, which would have previously linked to the adjacent farmhouse to the north, Home Farm.

Nevertheless, the Strategic Highways Officer considers that the submitted plan shows the grass verge at the access to have a width of a few metres which allow for a suitable level of visibility. There is also sufficient parking and turning within the site. The Strategic Highways officer therefore considers that the proposed access to be acceptable and would not have detrimental impact on Highway safety.

Ecology

The council's ecologist has considered the application and it is not considered likely that the development will have an adverse impact on nature conservation or protected species in the area, subject to a condition for safeguarding nesting birds.

Other matters

It is noted that concerns have been raised regarding the potential contamination of a water course within the objections. The Environment Agency has been consulted on this matter and have raised no objections.

Moston Neighbourhood Plan Policy LCD2 relates to Dark Skies, and ensuring that new development does not have a detrimental impact on night time skies and reduces glare in road

safety terms. A condition will be attached to the permission to ensure that a lighting scheme is submitted for approval prior to its installation which will adhere to this policy and reduce the potential impact on the rural area in terms of light pollution in general.

Planning application 15/3801C has been implemented in the form of the hardstanding placed on the ground and the children's play area created. However the site where the stables were previously granted permission has now been permitted a change of use as part of the extended travellers site and forms the area now permitted for Transit provision of 8 caravans. Therefore, this stables part of the application can no longer be implemented.

The existing 'barn' building was permitted under application 36153/3. The use of the building has and does include use as a stable. However, as noted above, the aim of the application is to change the use of the building to make the storage and distribution of the vans on the site lawful and contained within the existing building, and therefore there is still a requirement to provide a stable building on the site for the existing horses.

Conditions

It is considered that conditions for a proposed landscaping which includes existing and proposed levels and details the proposed surfacing materials should be conditioned to ensure any impact on the countryside is mitigated for. Furthermore, conditions which would restrict the use of the Stables to domestic only will also be proposed.

Planning Balance

The proposal seeks permission for a stable, an access and the change of use of an existing 'barn' to a commercial B8 use. The proposed uses are considered to be acceptable within the open countryside and meet the policy criteria of PG 6 and EG 2 of the Cheshire East Local Plan Strategy and the National Planning Policy Framework, which encourages sustainable economic development in rural areas, and policies REC 3 and LE1 of the Moston Neighbourhood Plan.

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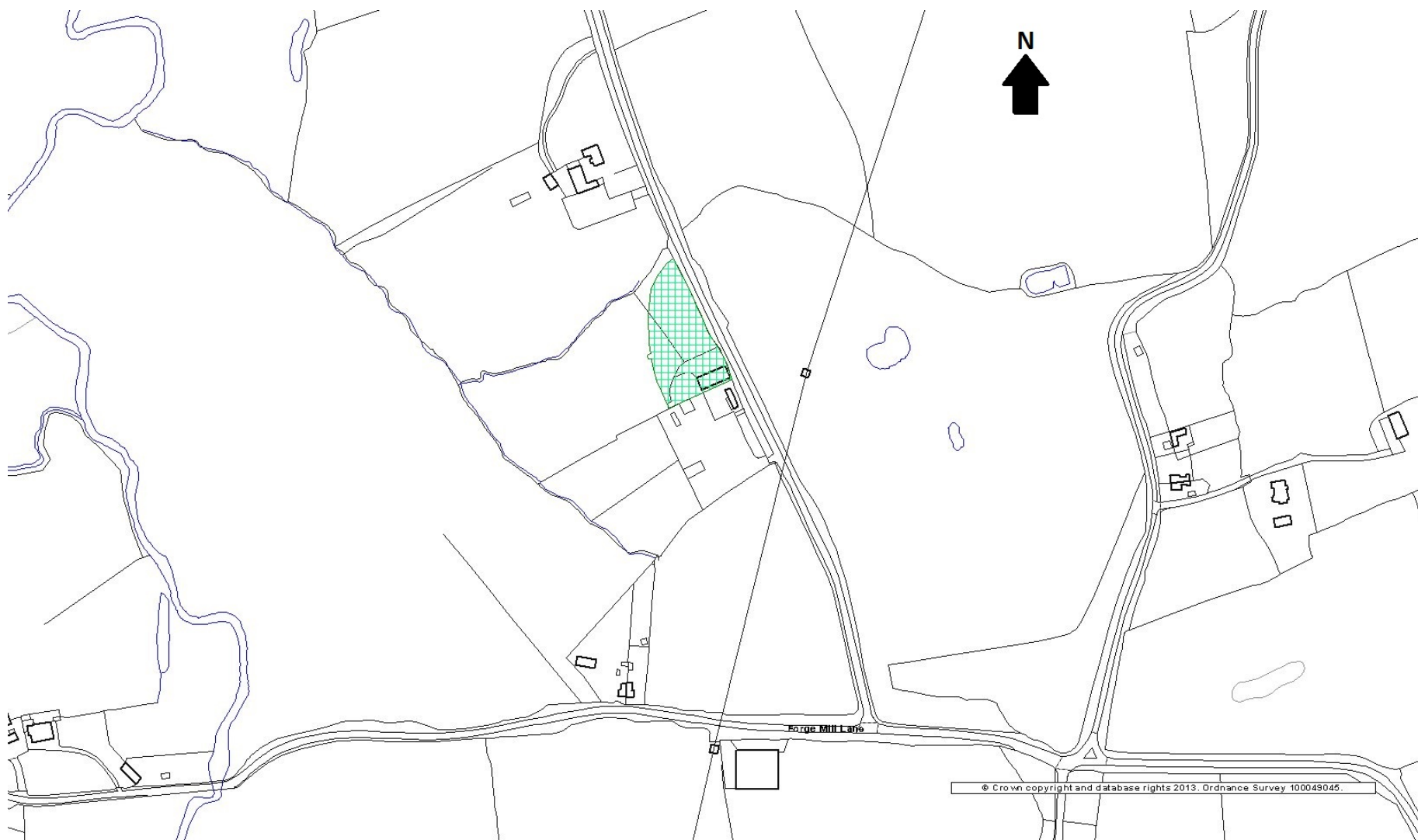
RECOMMENDATION

Approval subject to the following conditions

- 1) Standard 3 years**
- 2) Approved plans**
- 3) Hardstanding area to be limited to that shown on the approved plans**
- 4) Surfacing materials to be submitted**
- 5) Landscaping Scheme to include levels**
- 6) Landscaping Scheme to be implemented**
- 7) Stable for domestic use only – not commercial**
- 8) Foul Drainage scheme**
- 9) Surface water drainage scheme**

- 10) Breeding Birds**
- 11) B8 Storage and Distribution only – PD removed for any other changes**
- 12) No cars/vans or materials should be stored outside the curtilage of the B8 commercial building**
- 13) Lighting scheme to be submitted**

In order to give proper effect to the Southern Planning Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice



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