

Application No: 19/1532N

Location: Meridian Canal, WAYBUTT LANE, CHORLTON, CW2 5QA

Proposal: Change of use from welfare facilities for members of border fisheries to domestic for maintenance/security staff family.

Applicant: Michael Glover

Expiry Date: 23-May-2019

## SUMMARY

The application is a former ancillary building associated with Border Fisheries and located within the Green Belt.

Policy PG.3 of the CELPS refers to development within the Green Belt and permits development that is for the:

- 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;
- or the re-use of buildings provided that the buildings are of permanent and substantial construction;

The application building was originally used as an ancillary building to serve the existing fisheries business. Over the past few years the business has reduced its number of staff as a result of a fall in membership. The building has since been used as residential accommodation for a family member to provide security and other activities in association with the fisheries, and to reduce staffing costs.

The building is permanent and of a substantial construction, furthermore the proposal will not require extensive alteration to facilitate the conversion.

In terms of the potential impact on the openness of the Green Belt, the proposed development will not lead to any further built form; as such there will not be any visual harm to the openness of the Green Belt.

As the proposed change of use accords with Policy PG.3 there is no requirement for the applicant to demonstrate 'very special circumstances' as stated in the NPPF.

Policy PG.6, which lies below PG.3, allows for development that is essential for the expansion or redevelopment of an existing business. Following on from this Policy EG.2 encourages the retention and expansion of existing business, particularly through the conversion of existing buildings. However, any development has to be well designed to preserve and possibly

enhance the character and quality of the land scape and built form. Further to this, there should not be any conflict with other relevant Local Plan Policies.

With the above in mind, the proposal will not see any significant alterations or extensions to the existing building other than changes to the doors and windows.

Overall, the proposal development meets the criteria of Policies PG.3 and PG.6 and will not lead to any visual harm to the openness of the Green Belt. Furthermore, the proposal will facilitate the retention of the existing business on the site.

## **SUMMARY RECOMMENDATION**

Approve with conditions

## **REASON FOR REFERRAL**

This application had been referred to the Southern Planning Committee by Cllr Janet Clowes for the following reasons:

I have been asked to call-in this application by the Hough & Chorlton Parish Council for the following material planning concerns:

*"At its meeting held on 01 April 2019, the Parish Council resolved to object to this application and request that the Borough Cllr for Wybunbury ward 'calls it in' for Committee determination.*

*1) The site is in the green belt and the exception criteria to enable such development in the green belt are not met by this application.*

*2) A security worker is not an essential worker in the context of 'exception criteria' under the CELP. In addition, there is concern about the location of any security residence which is reached via a separate track accessed from Waybutt Lane, some distance away from the main part of the business which is accessed by a second access on Waybutt Lane.*

*3) The application refers to a reduction in the business over the past two years but there is no evidence to support this. Indeed earlier this year a separate application (19/0449N) to convert another office/storage/ WC facilities building into 'fishing holiday accommodation' was permitted as a further development to this business.*

*4) There is concern that by deliberately removing toilet & welfare facilities for this Angling Business at both on-site locations, what is known locally to be a successful business (and angling remains a growth leisure activity in Cheshire East), the fiscal viability of the business will be compromised.*

*5) We note that historic applications a) P02/1153 and (b) 14/2004N identified the need to improve welfare facilities and then extended them to accommodate the predicted growth of the business over the period 2014 - 2024. No current business case/accounts have been presented to suggest that the 2014 business projections have significantly altered.*

6) *It is unclear from the current application whether or not the extension of 14/2004N was ever in fact built and used for that purpose. However it is clear that the same extended footprint of 14/2004N has been used to build the current dwelling for which there is no 'change-of-use' permission and the construction of which is now being retrospectively sought.*

7) *This site is in a highly unsustainable location, in green belt land and if this application for a two-bedroomed bungalow in an isolated, greenbelt site had come to the planning authority in the normal way, it would not have been granted approval.*

*We believe this application is contrary to policies:*

*PG3: Green Belt - It does not satisfy sections 3i, 3ii, 3iv, 3v, PG6: Open Countryside - the use of this building as a dwelling in this location for a 'security guard' fails to meet any of the exception criteria, fails to comply with all other relevant policies in the Local Plan and has "no regard to design and landscape character so the appearance and distinctiveness of the Cheshire East Countryside is preserved and enhanced" (CELP Policy PG6, para 5)*

*SC6: Rural Exceptions for Local Needs - This dwelling is not compliant with rural exception criteria in any regard.*

*The Parish Council urges the planning authority to refuse this application on the grounds as set out above"*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is a single storey 'L' shaped building situated to the edge of a large car park adjacent to the Meridian Canal which forms part of the wider Border Fisheries.

The building was approved and operated as a welfare building for the patrons and members of the fisheries.

There is a small toilet block building that has been constructed since the conversion of the application building has taken place. This particular building does not benefit from planning permission and discussions have been ongoing between the applicant and the Council's Enforcement Officer. The applicant has indicated that a planning application will be submitted once this current application has been determined. It is considered that this matter will be dealt with separately and does not have a bearing on the consideration of this application.

## **DETAILS OF PROPOSAL**

This application seeks retrospective approval for a change of use to form welfare building to a residential use.

## **RELEVANT HISTORY**

14/2004N - Extension to welfare facilities building - approved with conditions 2014

P02/1153 - Ancillary Building for Angling Facility (Resubmission) - approved with conditions 2002

P02/0523 - Toilet Block - withdrawn 2002

P02/0204 - Additional Angling Pools - approved with conditions 2006

P02/0193 - Extension To Car Park - approved with conditions 2006

P97/0851 - Excavation of channel to create island, improve drainage and form alternative fishing area - approved with conditions 1997

## **POLICIES**

### **Development Plan**

#### Cheshire East Local Plan Strategy (CELPS)

PG3 – Green Belt

PG.6 - Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

EG.1 - Economic Prosperity

EG.2 - Rural Economy

EG.4 - Tourism

SE1 – Design

SE2 – Efficient Use of Land

SE4 – The Landscape

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

NE.1 – Green Belt

NE.13 - Rural Diversification

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.11 – Extensions and Alterations to Existing Dwellings

#### Wybunbury Combined Parishes Neighbourhood Plan

The Wybunbury Combined Parishes Neighbourhood Plan is at Regulation 14 stage and is given limited weight.

H1 - Location of New Houses

H4 - Design

H5 - Adapting to Climate Change

E1 - Woodland, Trees, Hedgerows and Boundary Fencing

E3 - Biodiversity

E5 - Landscape Quality, Countryside and Open Views

LE1 - New and Existing Businesses

LE2 - Loss of Employment Sites and Community Facilities

LE3 - Use of Rural Building

TI1 - Traffic Management

TI2 - Parking  
TI3 - Traffic Generation  
TI4 - Drainage

### **Other material policy considerations**

National Planning Policy Framework (NPPF)

### **CONSULTATIONS (External to Planning)**

**Environmental Health – No objections**

### **Parish Council**

Hough and Chorlton Parish Council object to the application for the following reasons:

- The site is in the green belt and the exception criteria to enable such development in the green belt are not met by this application. A security worker is not an essential agricultural worker. In addition, there is concern about the location of any security residence so far away from the main part of the business.
- The application refers to a reduction in the business over the past two years but there is no evidence to support this. As this development has removed the facilities for this business, then this could be considered as undermining its sustainability.
- It is noted that the occupants of the house are related to the owners of the business.
- The Parish Council urges the planning authority to refuse this application on the grounds as set out above

### **OTHER REPRESENTATIONS:**

Two letters of representation have been received both of which support the application.

### **OFFICER APPRAISAL**

#### **Principle of Development**

Policy PG.3 of the CELPS refers to development within the Green Belt and permits development that is for the:

- 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 application site is an existing building which has operated as part of the wider Border Fisheries. The proposed change of use will mean that the building will still be used as part of the business. An occupancy condition can be attached to any permission requiring the occupier of the building to be employed by Border Fisheries.

In terms of the potential impact on the openness of the Green Belt, the proposed development will not lead to any further built form; as such there will not be any visual harm to the openness of the Green Belt.

As the proposed change of use accords with Policy PG.3 there is no requirement for the applicant to demonstrate 'very special circumstances' as stated in the NPPF.

With the above in mind it is considered that the proposed change of use accords with Policy PG.3.

Policy PG.6, which lies below PG.3, allows for development that is

- For the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.
- For development that is essential for the expansion or redevelopment of an existing business.

However, any development has to be well designed to preserve and possibly enhance the character and quality of the land scape and built form. Further to this, there should not be any conflict with other relevant Local Plan Policies.

The application building was originally approved (subsequently extended in 2014) and is of a sound and permanent construction. It was initially used as an ancillary welfare building which provided toilets, office, secure equipment store and a match shelter, tackle sales and meeting room. Furthermore, the current use has not required any extensive, rebuilding or alteration.

The proposed change of use will allow the building to be used as a residential dwelling which would house a person operating in association with the existing business.

Paragraph 83 of the NPPF states that planning policies and decisions should enable:

a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

The submitted Planning Statement states that the membership of Border Fisheries has declined from a total of 2,046 in 2015 to 1,175 in 2019; this has lead to a reduction in the number of staff with family now fulfilling some of these roles including that of security of the site. The proposed change of use to a residential dwelling allow the existing business to reduce staffing costs

Criterion 3 of Policy EG.2 encourages:

- The retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification.

The conversion of the building will help to reduce staffing and running costs of the business, which in turn will go some way to facilitating its retention.

Overall the proposed development will not require any extensive alteration or extension of the existing building. As such there will not be any visual impact to the openness of the Green Belt

or visual intrusion to the open countryside from this perspective. Furthermore, the end use of the building will be connected with the existing business.

With any residential development come associated uses such as car parking and curtilage. In this case there has been space allocated for the parking of two vehicles to serve the application site. These spaces will be adjacent to the building and will use hardstanding of the existing large car park. With this in mind, it is not considered that this element of the proposal will cause any visual harm to the openness of the wider Green Belt.

An associated residential curtilage for the proposed dwelling also forms part of the application. The area in question covers the proposed car parking spaces as part of a grassed area which would have formed part of the original landscaping of the wider site. Other than the 1 metre high wire fence, there will be no other change to this area, for this reason it is not considered that there will be any significant visual impact or harm to the openness of the Green Belt.

There may be some potential for domestic paraphernalia to appear within the curtilage. This would be limited in nature and in the context of the site would not unduly affect openness; it is not considered to be a reason to refuse permission. Permitted Development Rights could be withdrawn to control further development on the site in the interests of protecting the openness of the Green Belt.

In terms of the overall effect on the openness of the Green Belt it is considered that the proposed development will not lead to any greater visual harm than the existing and surrounding uses. It is accepted that the use of part of the site to serve as a residential use will lead to some domestication; however it is not considered that this will be significant enough to justify or sustain a refusal especially when considered alongside other Policy requirements.

There has been a recent approval (19/0449N) for the conversion of a redundant office/café building to a holiday let. In this submission it was stated that the office part of the building was no longer required as it had been previously and the café was no longer viable or sustainable. The application was submitted as a way of diversifying the existing business and its future viability.

With the above in mind it is considered that the proposed change of use is in accordance with Policies PG.3, PG.6 and EG.2 of the Cheshire East Local Plan as well as the NPPF.

## **Design**

Policy PG.3 (Green Belt) allows for

- 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.

In terms of design there will be minor changes to the external elevations of the building. These will involve a window in place of a doorway in the east elevation, the removal of a window to the south elevation, an additional pedestrian door to the west elevation and a smaller replacement window and pedestrian door to the north elevation.

The proposed change of use will not involve changes to the existing building that could be considered disproportionate to the original building. As a result, the proposed development will not lead to any greater visual impact on the openness of the Green Belt, the open countryside or the streetscene.

### **Amenity**

There are no nearby residential properties which could be affected by the proposal.

### **Highways and Parking**

There will be no change to the existing highways access or parking arrangements.

### **Summary**

The application proposals are considered to be acceptable in land use planning principle terms. The scheme is of an acceptable design and would not result in any further built form; therefore there will not be any greater impact on the openness of the Green Belt or the character and appearance of the open countryside. There will be no impact on residential amenity or highway safety.

### **RECOMMENDATION:**

#### **Approve with conditions**

- 1. Approved Plans**
- 2. Materials as per application**
- 3. Removal of PD (extensions/alterations, gates, walls, fences, enclosures)**
- 4. Occupancy tied to Border Fisheries**
- 5. Boundary treatments to be submitted and approved by the LPA**

**In order to give proper effect to the 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.**



