

Application No: 22/1550C

Location: GLEBE FARM, PEEL LANE, ASTBURY, CHESHIRE, CW12 4RQ

Proposal: Proposed siting of miniature railway, associated stations and overflow car park at Glebe Farm, Astbury.

Applicant: Rob Lomas

Expiry Date: 30-Sep-2022

SUMMARY

The proposed development does not preserve the openness of the Green Belt. The proposed development is inappropriate within the Green Belt and no very special circumstances have been identified. The proposed development is therefore unacceptable in principle and conflicts with CELPS Policy PG3 and saved CLP Policy PS7.

The proposed development would have unacceptable adverse impacts on the character and appearance of the area. The proposed development is contrary to Policies SD1, SD2 and SE4 of the CELPS, and P13 and P26 of the A&MNP and the NPPF.

Insufficient information has been provided in relation to trees and the proposed development is contrary to Policy SE 5 of the CELPS, and P12 of the A&MNP and the NPPF.

The proposal would relocate the overflow carpark outside the Conservation Area and on this basis the Councils Built Heritage Officer has raised no objection to the proposed development. The proposed development complies with Policies SD1, SD2, SE1 and SE7 of the CELPS, Policy BH9 of the CLP and Policy P18 of the A&MNP

The Council Highways Officer has raised no objection in terms of the impact upon the local highway network and the parking implications of the development. The proposed development complies with Policy CO2 of the CELPS, GR9 of the CLP and P21, P22 and P24 of the A&MNP.

The proposed development would cross two public footpaths and the Councils PROW Officer has confirmed that she has no objection to the development. The proposed development complies with Policy GR16 of the CLP.

The development is acceptable in terms of the impact upon residential amenity and ecology.

The issue of flood risk/drainage will be the subject of a planning update.

The benefits of the development and the representations in support have been noted but these do not outweigh the harm identified within this report.

RECOMMENDATION

REFUSE

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the southern side of Peel Lane. The site consists of a working farm which has diversified to include caravan storage, retail units, café, farm shop and open farm.

The site is located within the Green Belt and the Astbury Conservation Area.

The existing farmhouse at Glebe Farm is a Grade II* Listed Building. There are other Listed Buildings in close proximity to the application site including St Marys Cottage (Grade II) and the Church of St Mary (Grade I). The grounds of the Church of St Mary also include a number of Listed structures such as tombs, sundial and gateway (Grade II and Grade II*).

PROW Newbold Astbury FP24 runs through the site.

DETAILS OF PROPOSAL

This application seeks permission for a proposed miniature railway. The railway will be constructed using steel rails, wooden sleepers and granite and recycled ballast.

The width of the tracking will be 26cm with a maximum height of 55mm from ground level. A trench measuring 120cm in width and 15cm in depth will be excavated as part of the construction of the railway. Protective barriers and fencing will be constructed alongside the railway where it borders public areas to protect passengers and bystanders.

The supporting D&A Statement identifies that a number of small locomotives will be operated on the railway (steam, diesel and battery locomotives). The trains will be wide enough to allow two passengers to be seated next to each other within the carriages.

Two stations are included within the design of the railway. This will allow passengers to board the train at one section and disembark at another.

The stations will be constructed at ground level (not raised). The station located nearest to the farm buildings will be equipped with a water bowser to allow for the trains to be re-filled following each journey. Each station will be enclosed by picket fencing.

The plans showing the proposed stations identifies that the platforms would measure 2m x 10m (excluding access ramps).

The plans also include one level crossing which is to be installed on the existing car park onsite. The level crossing will incorporate a barrier and flashing light board for safety reasons.

The application also proposes an extension to the car-parking on site with an overflow car-park to be provided adjacent to the south station.

RELEVANT HISTORY

21/0306C - Proposed siting of miniature railway and associated stations - Withdrawn 23rd November 2021

19/5714C - Prior approval of Installation of a 48.6kW Solar PV system - Approved 26th February 2020

16/1980C - Listed building consent for extension of established agricultural diversification to improve coffee lounge and kitchen facilities, canopy to courtyard, change of use of former agricultural

buildings to craft / workshops / retail units, and additional / overflow car parking with permeable surface (part retrospective) - Approved 24th June 2016

15/5854C - Expansion of established agricultural diversification to improve coffee lounge and kitchen facilities, canopy to courtyard, change of use of former agricultural buildings to craft / workshops / retail units, and additional / overflow car parking with permeable surface (part retrospective) - Approved 19th April 2016

10/3039C - Proposed change of use of redundant agricultural buildings to form farm shop, as amendment to approval ref 08/0582/cou (22.08.2008) by omission of ancillary sales of tractors and associated machinery - Approved 28th October 2010

08/0582/COU - Change of use of redundant agricultural buildings for the repair, maintenance & ancillary sales of tractors & associated machinery for agricultural & domestic purposes - Approved 22nd August 2008

08/0180/FUL - Variation of condition 8 of permission 05/1009/FUL to allow storage of motor-homes - not exceeding 3.05m in height, in addition to caravans - Approved 6th May 2008

06/0072/FUL - Variation of condition 8 of permission No. 05/1009/FUL to allow storage of motorhomes - not exceeding 3.05m in height, in addition to caravans - Approved 21st March 2006

05/1009/FUL - Change of use of existing cubicle building to internal caravan storage. Change of use of silage bays screened external caravan storage and provision of customer parking within existing farmyard - Approved 29th November 2005

26001/5 - Certificate of lawfulness for parking of HGV's in general use as opposed agricultural use - Approved 23rd May 1995

14122/3 - Overhead line - Approved 4th June 1982

POLICIES

Local Plan Policy

Cheshire East Local Plan Strategy (CELPS)

MP1 - Presumption in Favour of Sustainable Development

SD1 - Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

PG3 - Green Belt

PG6 - Open Countryside

SE1 - Design

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE5 - Trees, Hedgerows and Woodland

SE6 - Green Infrastructure

SE7 - The Historic Environment

SE12 - Pollution, Land Contamination and Land Instability

SE13 - Flood Risk and Water Management
CO1 - Sustainable Travel and Transport
CO2 - Enabling Business Growth through Transport Infrastructure
SC1 - Leisure and Recreation
SC3 - Health and Well-Being
EG1 - Economic Prosperity
EG2 - Rural Economy
EG4 - Tourism

Cheshire East Draft Site Allocations and Development Policies Document (SADPD)

The Site allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

GEN1 – Design Principles
ENV2 – Ecological Implementation
ENV3 – Landscape Character
ENV5 – Landscaping
ENV6 – Trees, Hedgerows and Woodland Implementation
ENV7 - Climate Change
ENV12 - Air Quality
ENV14 - Light Pollution
ENV16 – Surface water Management and Flood Risk
HER1 - Heritage Assets
HER3 - Conservation Areas
HER4 - Listed Buildings
HER8 - Archaeology
RUR2 - Farm Diversification
RUR5 – Best and Most Versatile Agricultural Land
RUR6 - Outdoor Sport, Leisure and Recreation Outside Settlement Boundaries
HOU10 - Amenity
INF1 – Cycleways, Bridleways and Footpaths
INF3 – Highways Safety and Access
INF9 – Utilities

Adopted Congleton Borough Local Plan First Review

- 1.
2. GR6 & GR7 – Amenity and Health
3. GR9 - Accessibility, Servicing and Parking Provision
4. GR13 - Public Transport Measures
5. GR14 - Cycling Measures
6. GR15 - Pedestrian Measures
7. GR18 - Traffic Generation
8. PS7 - Green Belt
9. PS8 - Open Countryside
10. RC4 - Countryside Recreation Facilities
11. BH4 - Listed Buildings (Effect of Proposals)
12. BH9 - Conservation Areas

Astbury and Moreton Neighbourhood Plan

The A&MNP was made on 17th August 2017

P9 - Scale, Design and Amenity

P11 - Countryside and Open Views

P12 - Woodland, Trees and Hedgerows

P13 - New Development in the Open Countryside or Green Belt

P18 - Historic Environment

P19 - Footpaths

P21 - Traffic

P22 - Parking

P23 - Public Rights of Way

P24 - Traffic in the Conservation Area and Rural Lanes

P25 - Built Environment

P26 - Landscape Quality

Other Material Considerations

National Planning Policy Framework

CONSULTATION RESPONSES

Strategic Highways Manager: No objection.

Environmental Health: No objection subject to the imposition of a contaminated land informative.

Historic England: Do not wish to offer any comments. It is suggested that the Council seeks advice from its own specialist conservation advisors.

CEC Flood Risk: No objection in principle to this development but details of the surfacing and drainage for the overflow carpark is required.

CEC PROW: No objection and look forward to working with the landowner to install the gates as agreed.

VIEWS OF THE PARISH / TOWN COUNCIL

Astbury and Moreton Parish Council: The Parish Council considered this planning application at its last meeting and while it acknowledges the attempts to accommodate the concerns raised about earlier applications, the Parish Council cannot agree to the current proposal, primarily on the grounds that it does not conform to the requirements of the Astbury Neighbourhood Plan, in particular:

- Policy P11 Countryside and Open views: While the proposed planting scheme reduces the visual impact of the railway, it undermines the openness of the green belt.
- Policy P13 New development in the open countryside or Green Belt: The application does not protect and enhance the open countryside.
- Policy P18 Historic Environment: The application does not protect and enhance the nearby historic heritage asset, namely the Grade I listed church of St Mary's and the Grade II listed Glebe Farm farmhouse.

- Policy P22 Parking and P24 Traffic in the conservation area: The new application, unlike 21/0306C, proposes an additional overflow parking site to compensate for a reduction in the size of the main parking area and existing overflow parking area and for some additional parking. Note that the current overflow parking area is already heavily used much of the time and so is effectively part of the main car park.
- Policy P26 Landscape Quality: Where the track would not be concealed by the proposed planting, it would degrade landscape quality to an extent.
- Saved Congleton Borough Local Plan - Policy GR6 clause (IV) environmental disturbance or pollution: Our concern is that smoke, diesel fumes and particularly the noise of whistles and horns will create an unacceptable disturbance for neighbouring properties, particularly in Peel Drive. Residents have already reported concerns over noise from the existing test track. Further, the application does not cover the disposal of coal ash from steam engines.
- Policy GR6 clause (V) traffic generation, access and parking: see NP policy P22 and P24, above.

OTHER REPRESENTATIONS

Letters of support have been received from 96 households which raise the following points;

- Great addition for children
- Look forward to the arrival of the railway
- No concerns over noise from the test track (noise barely noticeable)
- Due to the boundary treatment and field shelters the proposal is barely visible
- The proposal will not spoil the view of the farmhouse or church
- No concerned by the fumes from the proposal (trains will only use 20kg of coal a day)
- The proposed overflow carpark is preferable to its current use for farm storage
- Most of the objections are subjective rather than objective
- Asset for the local community
- Miniature railways bring joy to all ages
- The proposal will increase visitor dwell time at the site
- The proposal will have a greater appeal to more visitors
- Noise will be for a short 'toot'
- Smoke and smell is not an issue
- Ensure the sustainability of Glebe Farm
- Increase in local employment
- Should embrace change
- Improved leisure/recreation provision
- The development will soon become part of the landscape
- Will attract new visitors to the area
- The small miniature railway was an asset to the site
- Provides children with an opportunity to learn about transport
- Will not adversely impact upon the Green Belt
- The site will operate in accordance with health and safety legislation
- Ash will be disposed of via CEC waste collection
- Do not agree with the comments from the Parish Council

A letter of support has been received from Astbury St Marys Primary School which raises the following points;

- Children from the school regularly visit.
- The train would be an excellent addition to enhance their visits

Letters of objection have been received from 4 households raising the following points;

- Increased vehicular movements through the village and congestion at the single lane section by the church
- An area which was once fields is now earmarked as a car-park extension
- The train has been running for selected days on a short track and on certain days this causes diesel odour to nearby dwellings
- The whistle has blown 8 times an hour as part of the trial run
- Support is largely from people who don't live adjoining to the site
- There is a miniature railway at Rudyard Lake that people can visit if they wish
- Astbury is a historic village and the addition of a fairground ride would lower the tone
- The exit from Glebe Farm is hazardous and an accident risk
- Glebe Farm is a business operating 7 days a week
- There are lots of people moving around the site
- There are already tractor rides taking place on the site - so no need for a train
- Further loss of grazing ground
- Additional visitors will increase traffic problems
- Glebe Farm has reached its capacity
- This will increase traffic, noise and pollution from Glebe Farm to the surrounding area
- There is not the infrastructure to support this development
- What might be a charming railway station to some will be a noisy intrusion to the local residents

OFFICER APPRAISAL

Principle of Development

The application site is in the Green Belt.

NPPF Paragraph 149 specifies that the provision of *'appropriate facilities (in connection with the existing use or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*.

CELPS Policy PG3 3 ii of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) replicates the Framework's approach to development within the Green Belt.

CLP Policy PS7 sets out certain exceptions of development which are acceptable within the Green Belt, which includes "facilities for outdoor sport and outdoor recreation". However, the relevant assessment within PS7 appears to set a higher bar than that within PG3 and the NPPF in that the development must be 'essential' rather than 'appropriate'.

Policy P13 of the A&MNP requires the applicant to demonstrate how the development proposed will protect or enhance the open countryside.

The second part of PG3 3ii requires that development *"preserves the openness of the Green Belt and not to conflict with the purposes of including land within it"*. Similar wording is included with Policy PS7 ii.

The site is currently a farm which includes a range of farm/independents shops, caravan storage and play area. The part of the site which includes the proposed development includes a number of

small paddocks, fencing and field shelters which house animals which visitors to the site are able to view and the car-parking area.

The formation of the railway, station platforms and associated infrastructure such as the barriers and water bowser as an engineering operation would have some minor impact upon openness.

The proposed site plan show that an additional area of overflow parking would be provided at the site, and this would be located to the south-west of the site. This area of land has no planning history and aerial photographs taken from 1999-2003 show that it formed part of a field, by 2010 it was being used for the external storage of largely hay bales and by 2015-17 it had grown in size and was largely vacant with some external storage. It is now finished with hardstanding and is used for external storage associated with the existing site. There is no evidence to show that this is a lawful use.

It is considered that the operation of the miniature railway running in a loop around the site and regularly crossing the site frontage with Peel Lane, together with the area covered by the proposed overflow carpark would result in an urbanisation of the site which would also result in the loss of openness.

The development would remain visible from users of the highway network, the PROW crossing the site and visitors to the site. This would lead to a spatial reduction in the visual aspect of the Green Belt.

As a result, the proposed development does not fall within the exceptions set out in paragraph 149/150 of the NPPF. In accordance with paragraph 147 of the NPPF inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. This is consistent with the recent appeal decision at the Brownlow Inn.

Very Special Circumstances

The supporting D&A Statement does not demonstrate any very special circumstances other than general comments relating to farm diversification/economic benefits.

The contents of the representations in support are noted in that it will be valued by local people who visit the site as well as providing some (unquantified) economic benefits.

Bearing all the above in mind, it is considered that the application does not preserve the openness of the Green Belt and on this basis the development represents inappropriate development in the Green Belt. It is not considered that very special circumstances have been identified and planning permission should not be granted. The proposed development is therefore unacceptable in principle and conflicts with the NPPF, CELPS Policy PG3 and saved CLP Policy PS7.

Landscape

Policy SD1 states that wherever possible development should 'provide a locally distinct, high quality, sustainable, well designed and durable environment'.

Policy SE4 of the CELPS states that *'all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes'*.

Policy P26 of the A&MNP states that all new development will be expected to respect and enhance the local landscape quality.

The proposal includes the layout of a track of steel rails laid on wooden sleepers and set in ballast along with barriers. The development also includes two stations with platforms of 21m in length and a level crossing. The submission indicates that the rails will be approximately 55mm above ground level and that a number of trees and hedgerows will be planted.

The submission includes a number of plans, the Existing Site Plan, the Proposed Site Plan, the Overall Location Plan and a plan showing the proposed stations and platforms – Plan 3.

The application site includes a number of PROW. FP 24 Newbold Astbury runs along the eastern part of the site, this is intersected by FP 23 Newbold Astbury in what appears to be a central part of the application. FP 37 Newbold Astbury joins both footpaths at what appears to be a very short distance to the west of the proposed development. There will inevitably be an impact on users of these PROWs, both visually – and it should be noted that such receptors are normally deemed to be the most sensitive receptors, this has not been addressed.

While reference is made to additional tree and hedge planting, this has not been shown in any detail, nor is it apparent that there will be any mitigation, or scope for mitigation for those properties along Peel Drive, to the immediate east of the proposed development.

The Councils Landscape Architect has previously stated that he does not consider that sufficient information has been submitted for him to offer a more complete response to this application. This still applies to this current proposal.

The proposed development is contrary to Policies SD1, SD2 and SE4 of the adopted local plan (CELPS), P11 and P13 & P26 of the A&MNP and ENV5 of the SADPD.

Design/Built Heritage

The site is located within the Astbury Conservation Area. The existing farmhouse at Glebe Farm is a Grade II* Listed Building. There are other Listed Buildings in close proximity to the application site including St Marys Cottage (Grade II) and the Church of St Mary (Grade I). The grounds of the Church of St Mary also include a number of Listed structures such as tombs, sundial and gateway (Grade II and Grade II*).

The Conservation Area was reviewed in 2008, and this states that the boundary of the Conservation Area has been set so that a visual control is maintained over the views in and out of the village. Notable views include *'views from Peel Road across Glebe Farm to the rear of the Church'*.

It then goes on to state that *'Open space around Glebe Farm is important and the pond attracts wildlife and increases biodiversity in the area. These open spaces also allow vistas into the open countryside emphasising the relationship Astbury has with the countryside and the importance of open space to the semi rural character of the area'*.

Paragraph 199 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

This is echoed within Policy SE7 of the CELPS which states that *'all new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment'*.

Policy P18 of the A&MNP states that *'designated heritage assets and their settings will be protected from harmful development. New development shall enhance the asset's contribution to local distinctiveness, character and sense of place'*.

The site is somewhat cluttered to the front paddocks where the proposed railway is proposed due to the children's farm currently in operation on the site. However, the site does appear open when viewed from both Peel Lane and Peel Drive with views out into the open countryside.

The Council's Built Heritage Officer has stated that the proposed development lacks detail but that there are no objections to the principle due to the current use of the land and that the railway will not add additional structures to the front paddocks.

The open spaces around Glebe Farm and views across the land were noted within the 2008 Conservation Area Appraisal.

The proposed overflow car park does not include structures. Given that the existing overflow car park is within the Conservation Area and this proposal will move it outside without structures the impact on the Conservation Area would be lessened than if this was an additional car park. Historically the site for the overflow car park has been used to store farm machinery and seldom used items, should consent be granted this area needs to be landscaped to protect the green views to and from the Conservation Area from the PROWs.

Further definitive details are needed of the structures (signals, signage and crossing gates as well as fences that will be required for safety purposes) included in this application. Therefore, the Built Heritage Officer has no objection to the scheme subject to further details of all landscaping, structures/signage etc proposed as a part of the development via condition.

The proposed development would not conflict with Policies SE1 and SE7 of the CELPS, BH9 of the CLP, Policy P18 of the A&MNP, HER3 and HER4 of the SADPD and guidance contained within the NPPF.

Trees and Hedgerows

Policy SE5 of the CELPS states that development which would result in the loss of hedgerows that provide a significant contribution to the amenity, or landscape character of an area will not be permitted except where there are overriding reasons for allowing the development and there are no suitable alternatives.

Policy P12 of the A&MNP states that *'Any new development that involves the loss or damage to local woodland, trees, hedgerows and wide verges that contribute to the character and amenity of the plan area must demonstrate the need for the development proposed and provide for appropriate replacement planting of native species on the site together with a method statement for the ongoing care and maintenance of that planting'*

There are mature trees sited onto the boundaries of the site which are protected due to their location within the Conservation Area

The submitted plans do not accurately show the location/canopy spread of the trees and there is no tree survey or arboricultural impact assessment. There is no site survey/ topographic survey. In this respect the submission does not accord with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Without this information the full arboricultural implications are not apparent. Based on the information provided it is not possible to determine whether the proposed development could be provided whilst retaining the trees on the site.

On this basis there is insufficient information contained within this application. The proposed development would not comply with Policy SE 5 of the CELPS and P12 of the A&MNP.

Amenity

There are residential properties located to the east of the site fronting Peel Drive and to the north of the site fronting Peel Lane.

The proposed railway would be screened by the existing boundary treatment and would project just 55mm above existing ground levels. The stations/platforms would be sited away from the boundaries with the residential properties. On this basis the proposed development would not cause harm to the residential amenity of the surrounding properties.

The operation of the railway has the potential to cause noise, air quality and disturbance to the surrounding residential properties. In this case there would be some level of disturbance caused by the existing use of the site and the Councils Environmental Health Officer has not raised any objection on these grounds.

Conditions could be imposed to restrict the hours of operation of the trains and to restrict the use of any train horns.

The proposal would therefore be in compliance with saved Policy GR6 of the Congleton Borough Local Plan.

Ecology

The Councils Ecologist has been consulted as part of this application and stated that he does not anticipate there being any significant ecological issues associated with the proposed development. On this basis the proposed development complies with Policy SE3 of the CELPS.

Highways

The concerns raised in relation to the impact caused by increased traffic to the site are noted. This includes additional vehicular movements through the village which would need to navigate an existing pinch point by Astbury Church.

The specific concerns relating to traffic in the Parish, Village and Conservation Area is noted within the A&MNP. Policy P21 of the A&MNP states that *'new employment development should be accompanied by a mitigation statement that provides an objective assessment of the impact of the additional traffic that will be generated by the proposed development'*. Policy P24 states that *'Where existing or proposed development adds to congestion and vehicle speeds in the village, or brings inappropriate or heavier traffic on rural lanes in the plan area, proposals should be brought forward to mitigate any traffic impact and/or contribute funding towards local transport schemes'*.

The existing access arrangements are to be used in this application which is off Peel Lane, there is an existing car parking off the main access drive and it is proposed to provide an overflow car park at the north west corner of the site.

The existing access is constructed to a reasonable standard and would cater for increased traffic generation as a result of the proposals.

The highways officer has raised no objection to the application and considers that the impact in terms of traffic generation and parking would not raise any issues.

The road narrowing opposite the Egerton Arms is an existing pinch point but there are no PIA's recorded in this section of road and it can be assumed to operate safely, additionally the background traffic flows are not high (there are sufficient gaps in the flow for this section of road to operate without causing congestion). It is not considered that the addition of a miniature railway at Glebe Farm will have a significant material effect on the traffic generation and cause congestion problems on Peel Lane.

The proposed development complies with Policies CO2 of the CELPS, Policy GR9 of Congleton Borough Local Plan and P21, P22 & P24 of the A&MNP.

Flood Risk

The site is located within Flood Zone 1 (low probability of flooding) according to the Environment Agency Flood Maps. However, site possesses some high surface water risk (topographic low spots) and there is some additional surface water risk in close proximity to the site boundary.

In this case there would be no buildings constructed and there would be limited increased risk of surface water run-off.

The Councils Flood Risk Officer has stated that he has no objections in principle to this development as per the comments made as part of application 21/0306C. However, as an overflow carpark has been added to the proposals, they require clarification of the construction material ensuring a permeable surface is being used as well as the method of drainage. This information has been requested and an update will be provided.

Public Rights of Way

There are a number of PROW within the vicinity of the site as follows;

- Newbold Astbury FP24 runs along the access to the farm heading north
- Newbold Astbury FP23 runs across the south-west corner of the site.
- Newbold Astbury FP37 clips the far south-west corner of the site

Policy GR16 of the CLP states that '*planning permission will be refused for developments which fail to take account of the existing footpath, bridleway and cycleway network*'.

The proposed railway would cross the footpaths on the site on 4 occasions, and the applicant has advised that;

- There will signs for both pedestrians and drivers warning of a crossing. Train drivers will not be allowed to operate the train until they are full trained and familiar with the track. There will be a crossing sign to warn them of a crossing anyway. On the pedestrian side of the crossing, there will be multiple signs warning them of a crossing and to take care. This will take the form of a white sign with black writing saying; "railway crossing" with a large red cross above or below it. These will be placed on every approach to a crossing.
- Public footpath gates will be provided and closed before setting off; this should not be a problem at Glebe farm as the footpath gate close automatically, however it is still good practice to check.
- There will be no HGV's crossing any public crossings
- The crossing would not present a trip hazard. The path could be built up to the height of the railway or there could be a slight slope on the boards to create a slight slope up to the level of the railway. Either way the tripping hazard will be minimized.

Based on the above the Councils PROW Officer has confirmed that she has no objection to the development and the proposal complies with Policy GR16 of the CLP.

Other issues

There is support for this application from a large number of residents/patrons for this site as well as miniature railway enthusiasts nationally and these are given some weight. However, objections have been received from a number of residents living in close proximity to the application site as well as the Parish Council, it is considered that these objections can be given greater weight in the determination of the application.

Despite the above, it is accepted that the site will offer a visitor/tourism facility for the local community and visitors to Cheshire East. This represents a planning benefit which can be given limited weight.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development does not preserve the openness of the Green Belt. The proposed development is inappropriate within the Green Belt and no very special circumstances have been identified. The proposed development is therefore unacceptable in principle and conflicts with CELPS Policy PG3 and saved CLP Policy PS7.

The proposed development would have unacceptable adverse impacts on the character and appearance of the area. The proposed development is contrary to Policies SD1, SD2 and SE4 of the CELPS, and P13 and P26 of the A&MNP and the NPPF.

Insufficient information has been provided in relation to trees and the proposed development is contrary to Policy SE 5 of the CELPS, and P12 of the A&MNP and the NPPF.

The proposal would relocate the overflow carpark outside the Conservation Area and on this basis the Councils Built Heritage Officer has raised no objection to the proposed development. The proposed development complies with Policies SD1, SD2, SE1 and SE7 of the CELPS, Policy BH9 of the CLP and Policy P18 of the A&MNP

The Council Highways Officer has raised no objection in terms of the impact upon the local highway network and the parking implications of the development. The proposed development complies with Policy CO2 of the CELPS, GR9 of the CLP and P21, P22 and P24 of the A&MNP.

The proposed development would cross two public footpaths and the Councils PROW Officer has confirmed that she has no objection to the development. The proposed development complies with Policy GR16 of the CLP.

The development is acceptable in terms of the impact upon residential amenity and ecology.

The issue of flood risk/drainage will be the subject of a planning update.

The benefits of the development and the representations in support have been noted but these do not outweigh the harm identified within this report.

REFUSE for the following reasons;

1. The proposed development is located within the Green Belt and in the opinion of the Local Planning Authority the proposed development does not preserve the openness of the Green Belt. No very special circumstances have been identified and planning permission should not be granted. The proposed development is therefore unacceptable in principle and conflicts with the NPPF, Cheshire East Local Plan Strategy Policy PG3 and saved Congleton Local Plan Policy PS7.

2. The application site is located within the open countryside/green belt. There are open views across the site from the highway network and public rights of way crossing the site. The development will result in an urban form of development which would be visible from the most sensitive receptors. Insufficient information has been submitted to enable a consideration of the landscape impact and limited landscape mitigation has been provided. The proposed development is contrary to Policies SD1, SD2 and SE4 of the Cheshire East Local Plan Strategy, and P13 and P26 of the Astbury and Moreton Neighbourhood Plan and the NPPF.

3. There are a number of mature trees within the site. The application does not include an arboricultural impact assessment/ topographic survey. In this respect the submission does not accord with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Based on the information provided it is not possible to determine

whether the proposed development could be accommodated on site whilst retaining the trees and hedgerows. There is insufficient information contained within this application and proposed development would not comply with Policy SE 5 of the Cheshire East Local Plan Strategy, and P12 of the Astbury and Moreton Neighbourhood Plan and the NPPF.

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.

