
Appeal Decision

Hearing Held on 15 August 2017

Site visit made on 15 August 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th August 2017

Appeal Ref: APP/R0660/W/17/3170495

Spring Bank Farm, Congleton Road, Arclid, CW11 2UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Hollinshead against the decision of Cheshire East Council.
 - The application Ref 16/6034C, is dated 13 December 2016.
 - The development proposed is new 2 storey 3 bed detached house + conversion of agricultural buildings to B1 uses (flexible uses).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 27 July 2017 the Council adopted the Cheshire East Local Plan Strategy. This superseded a number of the policies in the Congleton Borough Local Plan First Review (2005), including Policy H6, which the Council had highlighted in its appeal statement. In these circumstances, I must determine the appeal on the basis of the development plan as it exists at the time of my decision.
3. In its appeal statement, the Council conceded that it could not demonstrate a 5 year supply of housing sites. However, the recently adopted Local Plan has allocated additional land for housing, which has altered the Council's 5 year supply position. In this regard, the examining Inspector concluded that the Council was now able to demonstrate a 5.3 year supply. His report is dated to 20 June 2017, and I therefore attach significant weight to the Inspector's findings on this matter. Accordingly, I have determined the appeal on the basis that the Council is able to demonstrate a 5 year supply.
4. The description of development provided on the planning application form stated that the development included a "*new cattle shed (prior approval)*". However, it was confirmed at the hearing that consent for this cattle shed had been secured separately, and it did not form part of the current proposal. Accordingly, I have amended the description of development in the header (above) to remove reference to the cattle shed.

Main Issues

5. The main issues are:

- (a) Whether there is an essential need for a new dwelling to accommodate a rural worker, and;
- (b) Whether the existing agricultural buildings are capable of being converted without extensive rebuilding or alteration.

Reasons

Essential need

6. The proposed dwelling would serve Spring Bank Farm, which is a rural enterprise involved in the rearing of cattle and the cultivation of arable crops. At present, relatively few cows are calved onsite, although the appellant plans to expand this part of the business to accommodate a suckler herd. In addition, the business has diversified significantly in recent years and a number of former agricultural buildings have been converted to employment units. Part of the farm house has also been converted into a bed and breakfast.
7. The appellant currently resides at Spring Bank Farm, and the proposed dwelling is intended to accommodate a new employee who would be recruited in order to facilitate the expansion of the business. Their responsibilities would include tending to the expanded suckler herd, acting as a point of contact to contractors and occupiers of the employment units, and assisting with other areas of the business. At the time of the hearing, the new employee had not yet been recruited.
8. It is proposed to increase the size of the suckler herd to 120 calving cows. Approximately 70-80% of the cows would calve between January and April, although calving would also take place outside of these times. The appellant stated that around half of the cows would require assistance during the calving process. Observation would be required to assess whether a cow is likely to calve, or need assistance. In this regard, it was stated that the cows would need to be checked around 22:00-23:00 and again between 02:00-04:00 during calving periods. The work involved in the calving process would be shared equally between the appellant and the new employee.
9. In addition to the calving process, the new employee would also be involved in dealing with issues raised by tenants of the employment units. It was stated that these can arise outside of normal working hours and often require an immediate response. However, it is unclear why such matters could not be dealt with through an emergency telephone number instead of an additional onsite presence. The appellant further states that the dwelling would provide a greater degree of security, which would be advantageous to both the agricultural business and to tenants occupying the employment units. In this regard, details of a number of thefts were described at the hearing. Whilst this is clearly an important issue, I note that the appellant already resides at the farm house to Spring Bank Farm, which is at the other end of the yard. Accordingly, there is already an onsite presence at the farm. In addition, CCTV cameras have been installed in the yard. In these circumstances, the additional security benefit that would be provided by the proposed dwelling would be modest.
10. It was also stated that the proposed dwelling would allow for onsite cover when the appellant was on holiday or away at family or social events. However, this cover would only be required for relatively short periods, and this would not serve to justify an additional dwelling in my view.

11. Whilst I note that the business also has land that is remote from the main farm, it is unclear how an additional dwelling would assist in the management of this. Moreover, whilst cropping may take place early in the morning and into the evening, it would not usually require a night-time presence at the farm. Any reduction in commuting times provided by the dwelling would provide only a minor benefit in my view.
12. A number of potential alternatives to a new dwelling were discussed during the hearing. In particular, it was noted that the village of Arclid is located in close proximity to the appeal site, and Sandbach is less than 3 miles away. Whilst it was asserted that the cost of nearby properties is prohibitive, no evidence has been submitted to corroborate this. There is also no evidence before me regarding the comparative build cost of the proposed dwelling. Moreover, the need for a dwelling to be located onsite, as opposed to in a nearby settlement, is unclear. In this regard, a property in a nearby settlement would involve only a very short travel time to reach the farm. There is also currently an onsite presence and so any animal welfare emergencies could be dealt with promptly as things stand. In these circumstances, I am unable to conclude that any need for a localised presence cannot be met by an existing dwelling in the surrounding area.
13. The Council also expressed concern about the size of the proposed dwelling. In this regard, the floor area of the property is generous and it would contain a sizeable lounge, a large kitchen/diner, a dedicated study, utility room, and a garage. Whilst the property would only contain 3 bedrooms, the largest of these would measure 6.477 metres by 3.726 metres. This could easily be subdivided into 2 generously sized bedrooms to create a large 4 bedroom detached property. In my view, the size of the proposed dwelling would be excessive and not commensurate with the needs of a rural worker.
14. Separately, I am satisfied that there are no other buildings at Spring Bank Farm that are available to be converted to residential use as an alternative to the appeal proposal.
15. For the above reasons, I conclude that it has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to Policies SD1, SD2, and PG6 of the Cheshire East Local Plan Strategy (2017), and Policy H18 of the Congleton Borough Local Plan First Review (2005). These policies seek to ensure, amongst other things, that development in the open countryside is essential for the expansion or redevelopment of an existing business. It would also be contrary to paragraph 55 of the National Planning Policy Framework ('the Framework') which seeks to avoid isolated new homes in the countryside.
16. The Council also submitted Policies SE1, SE3, and SE4 of the Cheshire East Local Plan Strategy to the hearing. These policies cover design, biodiversity and geodiversity, and the landscape. However, these matters do not appear to relate to the Council's proposed reasons for refusal.
17. The appellant also highlighted paragraph 28 of the Framework at the hearing. However, I note that this relates primarily to local and neighbourhood plans. In any case, I have concluded that the development would be contrary to the specific requirements of paragraph 55 of the Framework.

Conversion of existing agricultural buildings

18. The development also proposes the conversion of existing agricultural buildings along the eastern side of the farmyard to B1 use. These buildings are largely open on three sides. Whilst there is an existing metal supporting framework, it is unclear whether this would be capable of sustaining a more substantial structure. The soundness of the existing foundations is also unclear.
19. Policy PG 6 of the Cheshire East Local Plan Strategy states that the re-use of existing rural buildings may be permitted where the building is permanent, substantial, and would not require extensive alteration, rebuilding or extension. In this case, however, no elevational drawings or floorplans have been provided to show how the building would be converted, and the appellant has requested that these details be subject to a condition. In the absence of these details, or a full structural survey carried out by a qualified engineer, I am unable to conclude that the existing structure is capable of being converted without extensive rebuilding or alteration. Whilst the appellant states that the buildings opposite illustrate how this could be achieved, there is no evidence before me regarding the condition of these buildings prior to their conversion. I further note that they have different dimensions and roof materials to the appeal buildings, and they may therefore not be directly comparable.
20. For the above reasons, I conclude that it has not been demonstrated that the existing agricultural buildings are capable of being converted without extensive rebuilding or alteration. The development is therefore contrary to Policy PG6 of the Cheshire East Local Plan Strategy (2017).

Other Matters

21. The Council has expressed concern regarding the effect of the development on the character and appearance of the countryside. However, this matter was not included in the proposed reasons for refusal. I note that the dwelling would be positioned next to the existing farmyard and buildings, and 2 further agricultural buildings have been consented to the front and side. Accordingly, it would not be visible from either the south or the west. Moreover, a tall hedgerow runs along the western side of Newcastle Road that restricts public views from both the north and east. The dwelling would be seen in the context of the buildings around it in any remaining views from these directions. The proposed landscaping would also provide additional screening and would serve to soften the impact of the dwelling. For these reasons, I do not consider that the development would significantly harm the character and appearance of the countryside.
22. The development is located within the Jodrell Bank Radio Telescope Consultation Zone. At the application stage, Jodrell Bank Observatory objected to the development. However, they also stated that *"the impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor"*. At the hearing, the Council stated that where a single dwelling occupied by a person employed locally in agriculture is proposed, they would not usually seek to refuse permission on these grounds. Based on the evidence before me, I do not consider that this matter would have warranted dismissing the appeal.

Conclusion

23. For the reasons set out above, I conclude that it has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker, or that the existing agricultural buildings are capable of being converted without extensive rebuilding or alteration. Whilst the development would provide beneficial new employment space and job opportunities for local people, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Lloyd-Griffiths of Visualise
Andrew Hollinshead

FOR THE LOCAL PLANNING AUTHORITY:

Kevin Foster Principal Planning Officer
Russell Croker Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Policies SD1, SD2, SE1, PG6, SE3, and SE4 of the Cheshire East Local Plan Strategy (adopted 27 July 2017)
- 2 Extract from the Report on the Examination of the Cheshire East Local Plan Strategy (dated 20 June 2017) – pages 18-21