



Appeal Decision

Site visit made on 17 May 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 04 June 2021

Appeal Ref: APP/A0665/W/20/3261735

Ollershaw Lane, Marston, Northwich, CW9 6ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Steven Rumbelow against the decision of Cheshire West & Chester Council.
 - The application Ref 20/00759/FUL, dated 27 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is cattle shed.
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Decision

1. The appeal is allowed, and planning permission granted for the erection of a cattle shed on land at Ollershaw Lane, Marston, Northwich, CW9 6ES in accordance with the terms of planning application 20/00759/FUL dated 27 February 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan 66/19/LP; block plan 66/19/BP; elevations 66/19/3; elevations 66/19/2 and floor plans 66/19/1.
 - 3) The cattle shed shall not be brought into use until space has been laid out within the site for cars to be parked on the site and for the loading and unloading of vehicles that space shall thereafter be kept available at all times for those purposes.
 - 4) No above ground development shall take place until a schedule of materials to be used on all external surfaces of the building has been submitted to and approved in writing by the local planning authority. The building shall be completed in full accordance with the approved schedule.

Main Issues

2. The main issues in the determination of this appeal are;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,

- whether there is an operational need for the proposed development in connection with the agricultural enterprise,
- the effect of the proposed development on the character and appearance of the area,
- whether the proposed development would affect highway safety in terms of its provision for parking and access to the site.

Reasons

Inappropriate development in the Green Belt

3. The proposal is for a cattle shed. It is a steel framed, metal clad building open on one side. It is 9m wide by 8m high and 24 m in width. In these respects, it appears to be designed for cattle or other large livestock. It lies within a land holding which is stated to be of more than 36 acres and is part of a larger agricultural enterprise in the area. I therefore consider that the proposal is for an agricultural building which is designed to accommodate cattle or other livestock.
4. The Framework states that inappropriate development is, by definition harmful to the Green Belt and that the construction of new buildings is inappropriate development in the Green Belt. However, it also sets out some exceptions which should not be regarded as inappropriate development. These exceptions include buildings for agriculture. Therefore, as the proposed building is for an agricultural use and it is designed for an agricultural purpose it is not inappropriate development in the Green Belt in terms of the Framework.
5. Policy STRAT9 of the Cheshire West and Chester Council, Local Plan (Part One), adopted in 2015 (LP Pt1) incorporates the Council's approach to development in the Green Belt within its general approach to development in the countryside. The Policy reflects that set out in the Framework with regards to development in the Green Belt. Therefore, the Policy is consistent with that in the Framework. As a result, I find that the building is not inappropriate development in the Green Belt and that it does not conflict with Policy STRAT9 of the development plan with regard to development in the Green Belt.

Operational needs of the agricultural enterprise

6. It is apparent from the appellant's submissions that there is evidence of cattle being present on the land which is under the control of the appellant in the local area. This comes from the submissions in relation to cattle tracing, the recent emails from the Council's Animal Welfare Officer and the statements of the appellant himself.
7. I acknowledge that in terms of the evidence supplied, it is not clear that cattle are currently accommodated on land around the appeal site. For example, the cattle tracing data references the appellant's land at Oakdale Farm in Antrobus and the emails from the Council's Animal Welfare Officer do not specifically reference land around the appeal site. However, the Parish Council have referred to cattle being seen on this land.
8. However, the documentation supplied with both the planning application and the appeal do indicate that the appellant keeps cattle on his land holdings in the area. The appellant also highlights that it is not unusual for farmers to

move animals between their land holdings. Therefore, I take the view that it is reasonable to assume the appellant would use the land holding where the appeal proposal is located for the grazing of cattle as part of the agricultural enterprise as a whole. In this respect there would be an operational need for a cattle shed on this land. Moreover, the building appears to be specifically designed for sheltering of cattle and in this respect, would meet the operational needs for keeping cattle on the enterprise.

9. Policy STRAT9 of the LP Pt1 and DM6 of the Local Plan (part two), adopted in 2019 (LP Pt2) support the provision of buildings in the countryside for agriculture provided specific criteria are met. STRAT9 requires that the development has an operational need for a countryside location. This is expanded upon in DM6 where the operational need for the building must be connected with the agricultural enterprise.
10. I conclude that the agricultural enterprise in this case includes the land holdings of the appellant in the local area and not just the holding where the appeal building is located. I am persuaded that the appellant has demonstrated that, on the agricultural enterprise, including other land holdings in the area, there is an operational need for a cattle shed. I therefore find that the proposal is consistent with the policies of the development plan.

Character and appearance

11. The appeal site is located in scrub and woodland close to two other agricultural buildings and a stable block. It appears that it would be located either on or adjacent to hardstanding that serves another building in the locality. It is accessed via a private track from the village of Marston. It is some distance from the village itself and has what appears to be a vehicle dismantlers in between. From the site the land rises to the Trent and Mersey Canal which is located some distance from the site across fields and ponds to the north east.
12. The site has no visibility in the wider landscape and from viewpoints close to the proposed building would be seen against a backdrop of other buildings of an agricultural character. Furthermore, the land upon which the building is proposed has the character and appearance of a hard standing. Consequently, the proposed building would not harm the character and appearance of the area as its visibility would be limited, its encroachment on to agricultural land minimal and it would share similar characteristics to other buildings around it.
13. Amongst other things Policy STRAT9 seeks to protect the intrinsic character and beauty of the countryside. Moreover, Policy DM6 seeks to ensure that proposals are satisfactorily sited in relation to other buildings and that it is appropriate in terms of its scale, design materials and landscaping so that it does not harm the character of the countryside. I find that due to the siting of the building, its relationship to other buildings of an agricultural character and the surrounding woodland the proposal would be consistent with these policies of the development plan.

Car parking and access

14. The site is accessed via a track which also serves a vehicular dismantlers. The track is partly surfaced with tarmac and is gated at certain points. However, the gated part of the track is some distance from the public highway and therefore would not affect the users of the road through the village.

15. The area within which the proposal is located contains other buildings and there is evidence of other vehicles being parked in the area. Given the proposed siting of the appeal building, the space around it and its relationship to other buildings in the locality I consider that adequate provisions could be made for the parking of vehicles associated with the use of this building as a cattle shed without impacting on traffic using the track or the countryside surrounding it. Consequently, it would be appropriate to control parking around the building through the use of a condition should I be minded to allow the appeal.
16. I therefore find that the proposal is consistent with Policy T5 of the LP Pt2.

Other Matters

17. The Council has referred to the effect of the development on the natural environment. However, it has provided no evidence to support the assertion that the proposal would harm the natural environment or whether there are protected sites in the vicinity of the proposal. I therefore cannot give this argument any weight in this decision.
18. Marston Parish Council has referred to the effect of the development on the Trent and Mersey Canal and the Ashton and Neuman's Flashes Conservation Areas (CA). I have been supplied with no evidence to suggest that the site of the proposed building is within or in close proximity to these CAs. The Trent and Mersey Canal is some distance to the north east of the site of the proposed building, with at least 1 building, fields and ponds intervening. I therefore consider that the appeal proposal would have no effect on the CAs or their settings.

Conditions

19. The standard conditions related to the time limits for the commencement of development and referencing the approved plans for clarity are necessary.
20. I also consider that there is a need for a condition to control parking to ensure that it can adequately be accommodated in the area without having an unacceptable impact on the landscape.
21. Additionally, there is a need to ensure that the materials used in the construction of the proposed cattle shed are controlled so that it is sympathetic to the character and appearance of the locality.

Conclusion

22. I find that the proposal is consistent with the policies of the development plan and therefore the appeal is allowed.

Peter Mark Sturgess

INSPECTOR