



Appeal Decision

Site visit made on 13 June 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/R0660/W/22/3308256

Glenworth Longhill Lane, Buerton CW3 0JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Bonnell of FW & HR Bonnell against the decision of Cheshire East Council.
- The application Ref 21/6183N, dated 8 December 2021, was refused by notice dated 20 May 2022.
- The development proposed is a permanent key worker dwelling (outline) (Resubmission of Application 21/3284N).

Decision

1. The appeal is allowed and planning permission is granted for a permanent key worker dwelling (outline) (Resubmission of Application 21/3284N) at Glenworth, Longhill Lane, Buerton CW3 0JQ in accordance with the terms of the application, Ref 21/6183N, dated 8 December 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application was for outline planning permission with approval sought for access only. Appearance, landscaping, layout and scale are reserved for later determination. The site layout includes the proposed access together with the siting for a dwelling and a garage. It is marked for illustrative purposes only so I have taken this plan into consideration only insofar as it relates to the access.
3. The decision notice includes reference to the Borough of Crewe and Nantwich Replacement Local Plan but this has since been revoked and replaced by the Site Allocations and Development Policies Document (SADPD)¹.

Background

4. The appellant operates an established dairy enterprise at Glenworth and although the farm complex includes a house, it has been established through a previous planning application that there is an essential need for an additional worker to reside at the farm.

Main Issue

5. I consider that the main issues are whether the appeal site is a suitable location for a rural worker having regard to the policies of the development plan and its effect on the character and appearance of the area.

¹ Cheshire East Council – Cheshire East Local Plan – Site Allocations and Development Policies Document, Adopted December 2022 (SADPD).

Reasons

6. The appeal site is located within the countryside for planning policy purposes. It is overgrown land surrounded mainly by agricultural fields. To the north of the appeal site is a detached dwelling Ravensbank Bungalow and on the opposite side of the road is Glenworth Farm. The farm complex includes a farmhouse and a number of agricultural buildings. These are set back from the road with substantial areas of open space between buildings and the road. The area is rural in character interspersed with scatterings of buildings including dwellings.
7. Policy PG 6 of the Cheshire East Local Plan Strategy (CELPS)² seeks to protect the open countryside from inappropriate development unless it is essential for specified purpose, these include agriculture. SADPD Policy RUR 3 permits proposals for essential rural workers dwellings in the open countryside to support agricultural and forestry enterprises provided it meets a set of criteria. Amongst other things, these include a functional need for the dwelling that makes best use of existing infrastructure, such as vehicular access and is well related to existing buildings and does not form isolated or scattered development. Also, that the dwelling would not unacceptably affect the amenity and the character of the surrounding area and appropriate landscaping and screening is provided. Furthermore, the policy requires the size and siting of the dwelling to be commensurate with the existing functional need and tied to the agricultural enterprise through a planning condition and/or a legal obligation.
8. In terms of the functional need, there is no dispute between the parties that a dwelling is required for the continued functioning of this rural enterprise. I have no reason to disagree with this.
9. The existing enterprise is wholly located on the eastern side of Longhill Lane and includes a variety of buildings and is clearly identifiable as the functioning part of the farm. The proposed dwelling would be located on the opposite side of Longhill Lane but this is a narrow rural road with an existing access, albeit to an overgrown area of land, separate to the existing grouping of buildings but still close by. It would not be isolated as Ravensbank Bungalow lies to the north and there are other residential properties further south. Introducing a separate dwelling on the appeal site would not erode the open character of this rural area given that it would be related to Glenworth Farm.
10. This is an outline application so details of the size and the design the dwelling would be subject to later determination taking into consideration the requirements under Policy RUR 3, as would details of any necessary landscaping.
11. I note that the Council consider that there are other preferable sites for a dwelling closer to the existing grouping of farm buildings. However, it is clear to me from visiting the site that the other areas considered by the appellant would provide little opportunities for a dwelling. I appreciate that the proposed dwelling would utilise an area of land that has little beneficial use to the functioning of the farm in that the appellant has stated that it is too small for grazing and of poor quality for arable farming. I also note that the location of

² Cheshire East Council – Cheshire East Local Plan Strategy 2010 – 2030, Adopted 27 July 2017 (CELPS).

the proposed dwelling would have direct views towards the calving yard, buildings and paddocks.

12. The National Planning Policy Framework (the Framework)³ indicates that where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside, Section 38(6)⁴ makes it clear that decisions must be made in accordance with the development plan unless material considerations indicate otherwise. For the reasons set out above, I consider that policies PG 6 and RUR 3 of the adopted development plan would support a dwelling in this location.
13. I therefore consider that the appeal site would be a suitable location for a rural worker and would not have a harmful effect on the character and appearance of the area. Furthermore, notwithstanding that this is an outline application and detailed matters such as design and appearance would be subject to later determination, I see no reason why a dwelling would conflict with policies PG 6 and RUR 3 together with SADPD Policy GEN 1, Local Plan Strategy Policies SD 2 and SE 1 and policies H1, D1 and D3 of the Audlem Neighbourhood Plan⁵, all of which, amongst other things, seek to ensure that new development makes a positive contribution to an area's character.

Conditions

14. The Council has suggested conditions which I have considered in the light of the Planning Practice Guidance⁶ and the Framework. In addition to the standard outline permission conditions, a condition relating to the submitted location plan is necessary for the avoidance of doubt. Likewise, as access is included in this proposal and is shown on the submitted layout plan, the plan is relevant in so far as it relates to the access.
15. Given that the occupation of the proposed dwelling is an intrinsic part of this proposal, it is necessary that occupation for an agricultural worker is restricted by a condition.
16. As part of any reserved matters application details of site levels and drainage are necessary as no details are provided and approval is necessary to ensure that the proposed dwelling is satisfactory in terms of these matters. There is substantial vegetation on and around the site and so it is necessary that an arboricultural assessment is submitted. However, I consider that a condition preventing the removal of any vegetation during specified months would be unduly restrictive and as other legislation protects species and their habitats, a condition is not necessary in this instance.
17. Also, in the interests of biodiversity, it is necessary that details of the proposed development incorporate features that enhance biodiversity. A separate condition regarding lighting is suggested but I have reworded the suggested conditions to include these elements. In the absence of any information to the contrary, it is necessary that a condition is imposed regarding any unforeseen contamination.

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 & Section 70(2) of the Town and Country Planning Act 1990.

⁵ Audlem Neighbourhood Plan 2015 – 2030 Final Version February 2016.

⁶ Planning Practice Guidance, Published 6 March 2014, Updated 23 July 2019 (PPG).

18. The Council suggest a condition regarding details of external facing/roofing materials but as appearance is a matter reserved for later determination a separate condition is not necessary. Also, a condition regarding landscaping is not necessary as this too is a reserved matter. A separate condition relating to the quality of any soil to be brought in as part of the landscaping scheme is not necessary as this can be submitted as part of the submitted reserved matters details. A condition requiring an electric charging point is not necessary as this is addressed under the Building Regulations. As this is an outline application and full details of the proposed dwelling are subject to later determination, a condition withdrawing permitted development rights is not reasonable. Of the conditions that I have imposed, I have amended some of the wording for conciseness or clarity in accordance with the PPG and the Framework.

Conclusion

19. For the reasons given above, and having regard to the development plan and all other considerations, I conclude that the appeal should be allowed.

J D Clark

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - *Location Plan*
 - *Proposed Layout, insofar as it relates to the access.*
- 5) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 6) As part of the submission of the first reserved matters, details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 7) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 8) Any future reserved matters application shall be supported by an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS: 5837:2012 that shall inform the design of the definitive site layout to ensure the successful retention of trees and hedgerows.
- 9) Any reserved matters including details of any facing or roofing materials, or any external lighting, shall incorporate features to enhance biodiversity on the site. These details shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented and retained thereafter.
- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.