



Appeal Decision

Site visit made on 9 October 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/R0660/W/23/3321314

Manor Farm, Hankins Heys Lane, Buerton CW3 0DH

- 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 Mr Anthony Withey against the decision of Cheshire East Council.
- The application Ref 22/0006N, dated 4 January 2022, was refused by notice dated 4 November 2022.
- The development proposed is demolition of agricultural sheds and erection of replacement agricultural building.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of agricultural sheds and erection of replacement agricultural building at Manor Farm, Buerton CW3 0DH in accordance with the terms of the application, Ref 22/0006N, dated 4 January 2022, subject to the following conditions:
 - 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 00791-001A Location Plan and Block Plan - Existing
 - 00791-002A Demolition Site Plan
 - 00791-005D Floor Plans & Elevations - Proposed
 - 00791-006C Site Plan / Block Plan - Proposed
 - 3) Notwithstanding any description of materials in the application or the approved plans, no above ground construction works shall take place on the building hereby approved until samples, or a full specification, of all materials to be used externally on the building have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be carried out in accordance with the approved details.
 - 4) Prior the building hereby approved being first brought into use, house sparrow and bat boxes shall be installed on the building as shown on the approved plan (0791-005D) and in accordance with the recommendations of the submitted bat report (Bat Scoping Survey Report – BUER/2021 – prepared by Leigh Ecology Ltd). The duly installed boxes shall be retained as such thereafter.

Preliminary Matter

2. The reason for refusal on the Decision Notice includes Policy NE.14 of the Borough of Crewe and Nantwich Replacement Local Plan. However, since the application was determined the Council's Site Allocations and Development Policies Document has been adopted (December 2022), and the Borough of Crewe and Nantwich Replacement Local Plan has been superseded. Consequently, Policy NE.14 is no longer relevant in the determination of this appeal.

Main Issue

3. The main issue is whether the proposal represents an appropriate form of development having regard to development plan policy on new buildings for agricultural use in the open countryside.

Reasons

4. The appeal relates to Manor Farm which comprises 47.8 hectares of farmland within the open countryside. The farmstead currently incorporates the main farmhouse, domestic outbuildings, a number of agricultural buildings, and a former barn (The Threshing Barn) which has recently been converted into residential use.
5. The appeal proposal seeks to demolish a group of four modern agricultural buildings and replace them with a new purpose-built agricultural building, constructed in brick and tiles, on a smaller footprint. The new building would provide a mess room, a farm office, a toilet and shower room, as well as a large space for the storage of agricultural equipment including milking powder, baling film, agricultural sprays / chemicals, medicines and machinery.
6. From the evidence before me there is agreement between the parties that the proposed building is needed for agricultural purposes; would be associated with the enterprise operating at the farm; would be of a size that is reasonably required for the efficient operation of the enterprise. It would also be well located in relation to existing built development on the farm so as to avoid scattered or isolated development in the open countryside. There is however a disagreement between the parties in respect of whether the proposed building has been designed to allow for it to be easily converted to a non-agricultural use in the future.
7. Policy RUR1 of the Council's Site Allocations and Development Policies Document (2022) relates to new buildings for agricultural use and requires that such buildings must not be designed to be easily converted to a non-agricultural (or forestry) use in the future. The policy does however not provide any further commentary of the meaning of what constitutes "easily converted" or how this is to be assessed.
8. In respect of the proposed agricultural building, it would replace a cluster of existing buildings which are not suitable for the appellant's intended purpose for the new building. Furthermore, the existing predominantly metal clad buildings are of a relatively modern and utilitarian design which, whilst relatively common to a working farm such as this, do not currently make a positive visual contribution to the farmstead, the wider landscape or the visual character of the open countryside.

9. The purpose-built replacement agricultural building, to be constructed in brick and tiles, has been designed to meet the specific requirements of the appellant's agricultural needs, and other related issues including staff welfare and security.
10. Whilst it is asserted that the proposed building is residential in character, with brick arches, vent detailing, and decorative eaves and verges, and could be easily converted to a residential use, I do not find the design to be elaborate. In this regard, it would include similar features to those found on traditional agricultural buildings, with its pitched roof design, door openings for access and a small number of modest sized openings.
11. Nevertheless, Policy RUR1 should not be used to restrict good or aspirational design, nor should it preclude development that is otherwise in keeping with other existing buildings on the site. In this regard, brick construction is a relatively common feature of the existing farmstead, with the farmhouse, the recently converted barn, and a large outbuilding fronting onto Hankins Hey Lane, all constructed in brick.
12. Additionally, sections of the former stable building are supported with brick pillars, brick boundary walls define sections of the frontage onto Hankins Hey Lane, and one of the buildings proposed to be demolished contains significant areas of brickwork to its elevations.
13. As such, and in this specific case, given the surrounding character of the farmstead, and the siting of the proposed building directly adjacent to the brick farmhouse, the use of a brick and tile finish would be more aesthetically pleasing in comparison to a modern and utilitarian design in this location.
14. Whilst I acknowledge that the proposed use of brick and tile materials on the proposed building are also commonly found on residential properties, I do not consider that materials used in the construction of a building are the only factor which determine whether a building could be easily converted. In this regard, there are many examples of modern and utilitarian buildings of timber or metal clad construction which have been converted into residential use within the open countryside.
15. Notwithstanding the above, there are a number of factors which are likely to prevent this building from being converted into residential use in the future, including a lack of surrounding area to create an adequate outdoor amenity space, and the proximity of the building in relation to operational farm buildings. These are all issues that the Council would retain control over, and would need to be overcome, should a future application be submitted to convert the proposed building into residential use.
16. In view of all the above, the proposed building is needed, and is proposed to be used, for agricultural purposes and its siting would be well-related to existing buildings so as not to form an isolated or scattered development. The brick and tile design would be appropriate for its intended purpose and would be in-keeping with other buildings on this farmstead, ensuring that the proposal would not unacceptably affect the character of the surrounding area or landscape.
17. The appellant's submission has provided a sound justification as to why, in this specific circumstance, the building has been designed in this way, and I do not

consider that the proposed building has been deliberately designed to be easily converted to a non-agricultural use in the future.

18. Consequently, the development represents an appropriate form of development within the open countryside, in accordance with Policy PG6 of the Cheshire East Local Plan Strategy (2017) and Policy RUR1 of the Council's Site Allocations and Development Policies Document (2022). These policies permit development that is essential for the purposes of agriculture in the open countryside where it is well related to existing development, does not unacceptably affect the amenity and character of the surrounding area or landscape, and where it has not been designed to be easily converted to a non-agricultural use.

Conditions

19. The Council has provided a list of suggested planning conditions, some of which I have edited for clarity and enforceability.
20. In addition to the standard time limit condition, I have attached a condition specifying the approved plans to provide certainty, as well as a condition which requires the submission of details of the external materials to be used in the development, in order to safeguard the character and appearance of the area. I note the appellant has suggested alternative wording for the materials condition, requesting that the condition state that the brick to be used shall match those used in the construction of the extension at the adjacent farmhouse. However, the condition I have included requires details of all external materials to be submitted and agreed, not just the facing brick. A condition has also been added which requires the provision of bat and bird boxes within the development, in order to safeguard protected species and secure biodiversity enhancement.

Conclusion

21. For the reasons set out above, the proposal accords with the development plan when taken as a whole, and I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR