



Appeal Decisions

Site visit made on 21 August 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Ref: APP/R0660/W/23/3318377

Lightwood Farm, Holmes Chapel Road, Davenport, Congleton CW12 4SW

- 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 Simon King against the decision of Cheshire East Council.
 - The application Ref 23/0027C, dated 23 December 2022, was refused by notice dated 24 February 2023.
 - The development proposed is the construction of an agricultural storage building, yard area and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an agricultural storage building, yard area and associated works at Lightwood Farm, Holmes Chapel Road, Davenport, Congleton CW12 4SW in accordance with the terms of the application, Ref 23/0027C, dated 23 December 2022 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 (un-numbered), (PL)003 REV B - Proposed Site Plan dated 10 November 2022, (PL)001 - Proposed Agricultural Shed dated 31 October 2022 and (PL)002 - Proposed Agricultural Shed dated 31 October 2022.
 - 3) The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 4) A new hedgerow, that matches the existing hedgerow species, shall be planted along the full north boundary of the development hereby permitted. The hedgerow planting shall be carried out in the first planting season following use of the building or the completion of the development, whichever is the sooner. Any part of the hedgerow which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with a hedgerow of similar size and species.
 - 5) Prior to the permanent use of the development hereby permitted a strategy for the incorporation of features to enhance the biodiversity value of the proposed development shall be submitted to and approved in writing by the local planning authority. The submitted strategy shall include the provision of features for nesting birds including swifts and roosting bats (any external

lighting should avoid direct light spill upon bat roost features) and shall include a timetable for its implementation. The approved strategy details shall be implemented in accordance with the submitted strategy and timetable so agreed and retained and maintained thereafter for the lifetime of the development.

Preliminary Matters

2. Lightwood Farm is subject to a further separate appeal reference APP/R0660/W/23/3318378. This is for the refusal of prior approval under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the same development proposal. This appeal is also before me to determine and whilst there are similarities between it and this appeal, I have dealt with them separately.
3. The documents that list the application and appeal plans refer to drawing ref: 003 Rev C. However, drawing ref: 003 REV B is provided for the appeal and is detailed in the appellant's appeal statement and the Council's Decision Notice. I have considered the submitted plan in determining the appeal.
4. The Council refers to the Policy GEN1 of the emerging Cheshire East Local Plan Site Allocations and Development Policies Document in its Officer Report. However, little detail regarding this policy or its examination status has been provided. As such I attach limited weight to it and consider the Cheshire East Local Plan Strategy 2010-2030, July 2017 (LPS) and the Cheshire East Local Plan Site Allocations and Development Policies Document, December 2022 (SADPD) constitute the development plan for the purpose of determining the appeal.
5. Since the appeal was lodged the Government has published an updated revised National Planning Policy Framework (The Framework). The changes do not affect the consideration of this appeal. Any reference to the Framework in this decision refers to the 2023 publication.

Background and Main Issue

6. The appeal site is located at the southern end of the Lightwood Farm agricultural unit. The agricultural unit consists of an approximate central farmstead surrounded by open farmland which is interspersed with a mix of trees and hedgerows. The appeal site has a granular surface and lies adjacent to the farm access which connects to the main road. It is bounded to the east by woodland and to the north and south by fields. The nearest buildings are to the west and consist of Congleton Farm and a group of residential properties.
7. The proposed building would be a 12 metre (m) by 36m single-storey agricultural shed. The appellant advises that the proposed yard area detailed in the development description has already been completed under permitted development rights and did not require prior approval. The Council do not dispute this, and I see no reason to disagree.
8. The main parties agree that the appeal site falls outside of any settlement boundary and is defined as open countryside. They also do not dispute that the proposed development would be essential for the purposes of agriculture and would be permitted under Policy RUR1 of the SADPD subject to meeting its listed criteria and other policies in the development plan. While the Council

notes that the building would be utilitarian, it raises no specific concerns regarding its architectural design. It also does not raise any issues with the long-term need, purpose, or size of the proposal. From the evidence before me, I see no reason to question any of these aspects and will not consider them further in the appeal.

9. In the reason for refusal, the Council consider that the proposed building would be in an isolated location and form a scattered development. Consequently, the main issue is the effect of the development on the character and appearance of the area.

Reasons

10. Criterion 1. iii. of Policy RUR1 of the SADPD requires new buildings to be well-related to existing buildings and not form isolated or scattered development. Little specific guidance on what is deemed to constitute well-related, isolated or scattered development is provided. However, the policy's supporting information states that the aim is to ensure new farm buildings minimise their impact on the rural environment whilst supporting agriculture as an essential component of the rural economy.
11. From my visit, the surrounding area is representative of a rural landscape in that there is a wide variety of farmsteads and other building groups widely spread across the land. Within the farmsteads and groups of buildings, there was a mix of both small and large building separations.
12. The appellant provides details of the planning permission given to the covered storage units at Stockery Park Farm as an example of a building separation that exists in the area. These storage units are detailed as being approximately 170m away from the main farm complex. The appellant also provides plans showing the location of a proposed machinery and hay store and an extension at Somerford Park Farm. However little detail regarding this example is provided. Nevertheless, the Council does not dispute these examples as evidence that some buildings have been located separate from other buildings. While I appreciate the limitation of the examples in terms of number and detail, they do support my own observations that building separation in the area is not a fixed aspect and that some flexibility exists when considering impact on the rural environment.
13. In relation to the appeal site, it is appreciated that Congleton Farm and the group of residential properties would be over 150m to the west. However, even with this separation, the existing buildings' presence and visibility is sufficient to prevent the proposed building from appearing isolated. Its extension of the existing development pattern would also be modest and would not appear as a scattered development.
14. Furthermore, while it is noted that the proposed building's location would be over 400m from the existing Lightwood Farm buildings, its southern end positioning would not be highly prominent in the agricultural unit or surrounding area. Moreover, with its separation from the surrounding buildings and road, and the screening and backdrop provided by the woodland, hedgerows and trees, it would be visibly contained and not a dominating addition. This location would also prevent the proposed building from significantly impacting on the open long views across the rest of the

agricultural unit. As a result, the proposed building's location would minimise its impact on the rural environment.

15. Consequently, the proposal would not adversely affect the character and appearance of the area and would comply with Policies SE1 and SD2 of the LPS and Policy RUR1 of the SADPD. These seek, amongst other matters, to ensure new development contributes positively to an area's character and identity, is essential for the purposes of agriculture and ensures new buildings minimise their impact on the rural environment.
16. It would also comply with the Framework, which aims to support a prosperous rural economy and protect and enhance the natural and local environment.

Other Matters

17. I have had regard to other concerns raised by interested parties. Reference is made to the proposal not meeting the scope and commencement criteria for a prior approval application. However, this is not a prior approval application, and the comments are not applicable. In terms of comments that existing buildings on Somerford Park Farm could be used, the main parties agreed that the agricultural unit requires an on-site building to support modern agricultural practices. I see no reason to disagree with this view and therefore off-site building use would not be appropriate.
18. While I appreciate the proposal could have been located elsewhere in the agricultural unit, this is not the application before me. I have considered the planning merits of the application as submitted and have found that it is acceptable for the reasons detailed.

Conditions

19. The Council has suggested a number of conditions which I have assessed with regard to the tests set out in the Planning Practice Guidance (PPG). The conditions that I have imposed are broadly reflective of those suggested although I have amended some of the wording in the interests of precision and clarity.
20. For certainty I have imposed the standard time to complete, approved plans and materials to be used conditions. The appellant advises in both the planning and appeal statements that a new hedgerow would be provided to the north of the building as landscape enhancement. I see this as a positive benefit and have included a condition to secure and maintain it. I have also imposed a condition to secure biodiversity and ecology enhancement and protection. As the details have not been confirmed at this stage, I have included that they are submitted in writing for approval by the Council.

Conclusion

21. For all the reasons given I conclude that the appeal should be allowed.

J Symmons

INSPECTOR