



## Cheshire East Local Plan

# Site Allocations and Development Policies Document

Cheshire East Council Hearing Statement

## **Matter 10: Rural Issues**

**Hearing date: Wed 3 Nov 2021**

## Introduction

1. This hearing statement has been prepared by Cheshire East Council in response to the Inspector's Matters, Issues and Questions for the Examination Part 2 [INS/10] and addresses Matter 10: Rural Issues.
2. The abbreviations used in this hearing statement are as defined in the Inspector's MIQs.

## Key documents

3. The following key documents are relevant to this response:
  - Congleton Borough Local Plan First Review [BD 06]
  - Borough of Crewe and Nantwich Replacement Local Plan [BD 07]
  - Macclesfield Borough Local Plan [BD 08]
  - Cheshire East Residential Mix Assessment 2019 [ED 49]

## New Buildings for Agriculture and Forestry (Policy RUR 1)

**Q156 Is Policy RUR 1 positively prepared, effective and consistent with national policy in supporting a prosperous rural economy? In particular, does the requirement for an 'established' need for a development in connection with an agricultural or forestry enterprise limit opportunities for the creation of new agricultural businesses?**

4. To support a prosperous rural economy, the NPPF ¶84 requires planning policies and decisions to enable the development and diversification of agricultural and other land-based rural businesses. LPS Policy PG 6 'Open countryside' sets a generally restrictive approach to development outside of settlement boundaries but allows for development that is essential for the purposes of agriculture.
5. Policy RUR 1 allows for new agriculture and forestry buildings to support the existing or planned operation of an enterprise. It is supportive of appropriate new development to support a prosperous rural economy whilst seeking to minimise the adverse impacts on the countryside. It is positively prepared, effective and consistent with national policy.
6. The policy is not intended to apply only to existing businesses, and it does allow for the creation of new agricultural or forestry businesses. The word "*established*" in Criterion 1(i) is intended to refer to the "*clear long-term need for the development in connection with the agricultural or forestry enterprise*". It is not intended to refer to the "*established*" nature of the enterprise itself. The "*clear long-term need for the development*" could be "*established*" through (for example) a business plan showing that the future growth of the business would be supported by the proposed development. This could apply to both existing and new businesses.

## Farm Diversification (Policy RUR 2)

### **Q157 Is Policy RUR 2 positively prepared and consistent with the LPS and national policy in supporting farm diversification as part of a sustainable rural economy?**

7. To support a prosperous rural economy, the NPPF ¶84 requires planning policies and decisions to enable the development and diversification of agricultural and other land-based rural businesses.
8. LPS Policy PG 6 ‘Open countryside’ sets a generally restrictive approach to development outside of settlement boundaries but allows for development that is essential for the purposes of agriculture. As an exception to the usual restrictive approach, it also allows for development that is essential for the expansion or redevelopment of an existing business.
9. Outside of the PTs, KSCs and LSCs, LPS Policy EG 2 ‘Rural economy’ is supportive of developments that encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification (subject to a number of checks and balances listed in the policy).
10. Policy RUR 2 allows for development associated with the diversification of an existing agricultural business to support the continued viability of the business, enabling the agricultural element of the business to continue and to support a sustainable rural economy. It also seeks to minimise the adverse impacts on the countryside. It is positively prepared and consistent with the LPS and national policy.

## Agricultural and Forestry Workers Dwellings (Policy RUR 3)

### **Q158 Is Policy RUR 3 consistent with national policy in respect of the considerations to be taken into account when assessing the essential need for dwellings for rural workers?**

11. NPPF ¶80 requires planning policies and decision to avoid the development of isolated dwellings in the countryside, unless specific circumstances apply, including 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”*.
12. As set out in the NPPF, the need for a rural worker to live permanently at or near their place of work must be *“essential”*. It is not sufficient for the need to be desirable, or preferable to other options available – it must be essential.
13. There are other policies in the plan that allow for new-build housing in rural areas, including: LPS Policy PG 6 ‘Open countryside’, which allows for limited infilling in villages; and also the infilling of a relatively small gap with one or two dwellings in an otherwise built-up frontage elsewhere; and LPS Policy SC

6 'Rural exceptions housing for local needs', which allows for affordable housing schemes in rural areas. There are also policies that allow for the re-use of existing rural buildings, replacement buildings, and extensions to buildings in rural areas.

14. Policy RUR 3 allows for new build dwellings in rural areas where there is an essential need for a rural worker to live permanently at or near their place of work. The policy sets several criteria to be considered in determining whether the need is in fact "essential" in accordance with the requirements of NPPF ¶80. These criteria are also in line with the guidance provided in the PPG (Paragraph: 010 Reference ID: 67-010-20190722). The policy allows for new dwellings where appropriate but also seeks to protect the countryside as far as possible. This is also in line with NPPF ¶16, which requires policies to be clearly written and unambiguous, so it evident how a decision maker should react to development proposals.

**Q159 Is Policy RUR 3 justified in using the nationally described space standards as a guide to floorspace needed for the purposes of rural workers dwellings?**

15. As set out in the supporting information to Policy RUR 3 (at ¶6.13), larger dwellings will be more expensive from the outset and the restrictive occupancy condition could be undermined if the dwelling is outside of the range of property affordable by the local workforce. In order to keep the size of the dwelling commensurate to the functional need and to curtail the future resale value of dwellings intended for persons engaged in agriculture or forestry, the size of dwelling should be guided by that prescribed by the national space standard.
16. It is recognised that the national space standards represent the minimum recommended size standards, but it is important to note that they are not being applied to Policy RUR 3 as absolute maximum standards. As set out in in ¶6.13, proposals should be **guided** by the national space standards. For the reasons set out in ¶6.13, Policy RUR 3 does require the size of the new dwelling to not 'significantly' exceed the standards as expressed in Table 6.1. These standards in Table 6.1 are also expressed as a range to add further flexibility. This requirement to not 'significantly' exceed the standards seeks to keep the size of dwelling commensurate to the functional need but does also allow for circumstances where the functional need indicates a requirement for a larger dwelling.

## **Essential Rural Worker Occupancy Conditions (Policy RUR 4)**

**Q160 Is Policy RUR 4 justified, based on proportionate evidence, and consistent with national policy on rural housing, with regard to the circumstances in which essential rural worker housing occupancy conditions may be removed, and the requirement that such dwellings remain as affordable housing for local needs in perpetuity?**

17. As explained in ¶6.14 of the supporting information, essential rural workers dwellings are only permitted where they are required to meet the functional need of the enterprise to which they are attached. It is important to retain these dwellings for agricultural and forestry workers to meet the needs of the rural area and to make sure that sufficient accommodation remains available to house agricultural and forestry workers.
18. The NPPF (¶80) requires planning policies and decisions to avoid the development of isolated homes in the countryside, unless particular circumstances apply. These circumstances include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
19. SADPD Policy RUR 3 'Agricultural and forestry workers dwellings' allows for such dwellings in the open countryside, in circumstances where general market dwellings would not usually be permitted. To protect the intrinsic character and beauty of the countryside (as required by NPPF ¶174) and to support a prosperous rural economy (as required by NPPF ¶84), it is important to retain essential rural workers dwellings for essential rural workers where a need for such accommodation remains. There is a significant difference in value between a dwelling subject to an essential rural worker occupancy condition and a general market dwelling and without restrictions on the removal of such conditions, it is likely that more essential rural workers dwellings would revert to general market dwellings over time.
20. This has the potential to harm the countryside, by introducing general market dwellings where they would not usually be permitted; harm the rural economy due to a lack of suitable and affordable accommodation for essential rural workers; and lead to an increased number of new developments in the countryside to replace previous essential rural workers dwellings lost to the general market.
21. However, there remains a need for housing of all types and where there is genuinely no longer a functional need for the dwelling and where there is no reasonable prospect of it being occupied by an essential rural worker, then it is appropriate to allow the removal of the restriction to allow the property to be re-used for a beneficial purpose and prevent it falling into dereliction.
22. Essential rural workers dwellings are those that have been allowed in circumstances where general market dwellings would not usually be permitted. They are permitted to meet a specific local need for housing as an exception to the normal policy requirement for general market housing. The NPPF (¶78) requires local planning authorities to support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
23. As set out in Chapter 2 of the Cheshire East Residential Mix Assessment 2019 [ED 49], there is an ongoing need to provide for affordable homes across the borough. As set out in ¶12.44 of the justification text to LPS Policy SC 5 'Affordable homes', there is a need to provide for 7,100 affordable homes over the plan period, which equates to an average of 355 per year. A large number

of rural area housing needs surveys<sup>1</sup> also demonstrate the need for affordable housing in rural parishes. Where the specific local need for essential rural workers housing no longer exists, it is appropriate to consider whether the dwelling could assist in meeting other local needs for affordable housing that cannot be met by the general market.

24. It is recognised that not all essential rural workers dwellings will be suitable or appropriate for other forms of affordable housing, for example due to their size, location or where there is genuinely no need for affordable housing in a particular rural area. Where there is no requirement for affordable housing provision in the parish or where no Registered Provider is willing to acquire the property for use as affordable housing, then Policy RUR 4 would allow the property to be re-used for general market housing.

## **Best and Most Versatile Agricultural Land (Policy RUR 5)**

### **Q161 Is Policy RUR 5 consistent with national policy and the LPS in recognising the benefits of the best and most versatile agricultural land?**

25. The NPPF (¶174) requires planning policies and decisions to contribute to and enhance the natural and local environment in several ways, including by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. LPS Policy SD 1 ‘Sustainable Development in Cheshire East’ requires that wherever possible, development should protect the best and most versatile agricultural land.
26. Cheshire is a major food producing county and fertile soil is a limited and finite resource that cannot easily be repaired or replicated. Policy RUR 5 seeks to protect the best and most versatile agricultural land. However, where its loss is unavoidable, development can be allowed provided the benefits of the development clearly outweigh the impact of the loss of the economic and other benefits of the land; and every effort is made to mitigate the overall impact of the development on best and most versatile agricultural land.
27. Policy RUR 5 is consistent with national policy and the LPS in recognising the benefits of the best and most versatile agricultural land.

## **Outdoor Sport, Leisure and Recreation Outside of Settlement Boundaries (Policy RUR 6)**

### **Q162 Is Policy RUR 6 clear, effective and consistent with national policy and the LPS in defining the circumstances in which development for outdoor sport, recreation and leisure will be permitted outside of settlement boundaries?**

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<sup>1</sup> [https://www.cheshireeast.gov.uk/housing/affordable\\_housing/rural\\_housing/rural\\_housing.aspx](https://www.cheshireeast.gov.uk/housing/affordable_housing/rural_housing/rural_housing.aspx)

28. The NPPF (¶92) requires planning policies and decisions to aim to achieve healthy, safe and inclusive places which enable and support healthy lifestyles, for example through the provision of sports facilities. Within rural areas, ¶84 requires planning policies and decisions to enable sustainable rural tourism and leisure facilities which respect the character of the countryside; and enable the retention and development of accessible local services and community facilities, which includes sports venues. Within the Green Belt, ¶¶149 & 150 note that the material change in the use of land (such as changes of use for outdoor sport or recreation) and the provision of appropriate facilities for outdoor sport or recreation) is not inappropriate development in the Green Belt provided the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
29. The NPPF (¶174) also requires planning policies and decisions to contribute to and enhance the natural and local environment by (amongst other matters) recognising the intrinsic character and beauty of the countryside.
30. LPS Policy PG 6 'Open countryside' allows for development that is essential for the purpose of outdoor recreation, but notes that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.
31. Policy RUR 6 seeks to allow for outdoor sport, leisure and recreation in the open countryside where appropriate, but also seeks to minimise the adverse impacts on the countryside. It is clear, effective and consistent with national and LPS policy in guiding proposals for outdoor sport, leisure and recreation outside of settlement boundaries.

## Equestrian Development Outside of Settlement Boundaries (Policy RUR 7)

**Q163 Is Policy RUR 7 positively prepared and consistent with national policy in supporting equestrian development as part of a prosperous rural economy? In particular, are the following requirements justified?**

- **to make best use of existing buildings?**
  - **to limit additional buildings to small scale non-commercial proposals or to facilitate the growth of existing businesses?**
  - **to construct new buildings in temporary materials?**
32. To support a prosperous rural economy, the NPPF (¶84) requires planning policies and decisions to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. LPS Policy PG 6 'Open countryside' allows for development that is essential for the expansion or redevelopment of an existing business.

33. Policy RUR 7 seeks to allow for equestrian development in the open countryside where appropriate, but also seeks to minimise the adverse impacts on the countryside. It is positively-prepared and consistent with national policy and the LPS.
34. For the requirement to make best use of existing buildings, the NPPF ¶84 supports the **sustainable** growth and expansion of businesses in rural areas, and LPS Policy PG 6 supports development that is **essential** for the expansion or redevelopment of an existing business. Where there are existing buildings that could be re-used to accommodate the development proposed, it is justified for Policy RUR 7 to require that these are utilised in preference to the construction of new buildings in the open countryside. The construction of new buildings in the open countryside in instances where there are existing buildings that could reasonably be used instead would not be considered to be **sustainable** growth and expansion under NPPF ¶84 and it would not be considered to be development that is **essential** for the expansion or redevelopment of an existing business under LPS Policy PG 6.
35. The policy does limit additional new buildings to small scale non-commercial proposals or to facilitate the growth of existing businesses. As set out in the supporting information to Policy RUR 7 (at ¶6.25), LPS Policy PG 6 allows for development that is essential for uses appropriate to a rural area. Equestrian development related to grazing and equestrian uses (including stables, training areas, riding centres and studs) is only considered to be a use appropriate to a rural area where it is small in scale and it can be demonstrated that a countryside location is necessary for the proposal. Larger or commercial proposals (for new or existing businesses) may also be appropriate to a rural area where they re-use existing buildings and do not involve the construction of new buildings.
36. In respect of businesses, the NPPF ¶84 supports the sustainable **growth and expansion** of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It is considered that to be able to 'grow or expand', the business must already be existing and this support for the conversion of existing buildings and well-designed new buildings under ¶84 is not considered to extend to development required to facilitate a brand new business in the open countryside.
37. Whilst commercial proposals (for new or existing businesses) are not considered to be a use appropriate to a rural area under Criterion 2 of LPS Policy PG 6, Criterion 3 of the same policy allows for exceptions to the restrictive approach under Criterion 2 and specifically allows for development that is essential for the expansion or redevelopment of an **existing** business (under Criterion 3(v)). As with the NPPF ¶84, this support does not extend to development that is essential for a new business in the open countryside.
38. Whilst restricting new additional buildings for new equestrian businesses in the open countryside is justified and in accordance NPPF ¶84 and LPS Policy PG 6 Criterion 3(v), there are other criteria such as Policy PG 6 Criterion 3(ii) that allows for the re-use of existing rural buildings (with no restrictions related to being in connection with the growth, expansion or redevelopment of an



existing business). Therefore, the policy is justified and in accordance with the NPPF and LPS in allowing the conversion of existing buildings for new businesses.

39. In respect of non-commercial proposals, these are only considered to be a use appropriate to a rural area under LPS Policy PG 6 Criterion 2 where they are small in scale. Large scale non-commercial equestrian development is not considered to be a use appropriate to a rural area under Criterion 2, but as with new businesses, an exception is made under Criterion 3(v) for the re-use of existing buildings. Therefore, the policy is justified in allowing the conversion of existing buildings for large scale non-commercial proposals.
40. It is recognised that Criterion 3(iii) of LPS Policy PG 6 does also allow for the replacement of existing buildings by new buildings not materially larger than the buildings they replace. Therefore, it may be necessary to make a Main Modification to Policy RUR 7 Criterion 2 to clarify that larger non-commercial proposals and proposals for a new business should utilise existing buildings and structures **(or replacements for existing buildings and structures)**; and new **additional** buildings and structures will not usually be permitted.
41. Policy RUR 7 and LPS Policy PG 6 seek to minimise the adverse impacts on the open countryside. RUR 7 seeks to allow for equestrian development that is considered to be a use appropriate to a rural area under Policy PG 6 Criterion 2 as well as equestrian development that accords with any of the exceptions listed under Criterion 3 of Policy PG 6. New buildings for equestrian use may therefore be allowed in locations where other forms of higher value development (including residential development) would not usually be permitted. It is important that the policy does not allow a 'back-door' approach to allow the construction of new buildings with the intention to convert them to another use later, which would not have been permitted at the outset. Therefore, it is justified to require that the design of new buildings is appropriate to their intended use. Temporary materials such as timber are suitable to meet the accommodation requirements for horses set out in the Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (2017)<sup>2</sup> and this requirement in the policy is justified.

## **Visitor Accommodation Outside of Settlement Boundaries (Policy RUR 8)**

**Q164 Is Policy RUR 8 positively prepared and consistent with national policy and the LPS in supporting visitor accommodation as part of a prosperous rural economy, whilst conserving the intrinsic beauty and character of the countryside? Is the restriction on new-build hotels and guesthouses and the requirement for additional buildings to be kept to a minimum level justified?**

42. To support a prosperous rural economy, the NPPF (¶84) requires planning policies and decisions to enable sustainable rural tourism and leisure

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<sup>2</sup> <https://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-horses-ponies-donkeys-and-their-hybrids>

developments which respect the character of the countryside. The NPPF (¶174) also requires planning policies and decisions to contribute to and enhance the natural and local environment by (amongst other matters) recognising the intrinsic character and beauty of the countryside.

43. LPS Policy PG 6 'Open countryside' allows for development that is essential for uses appropriate to a rural area. It also allows for other types of development under a series of exceptions under Criterion 3, including the re-use of buildings; replacement buildings; extensions; and development that is essential for the expansion or redevelopment of an existing business.
44. LPS Policy EG 4 'Tourism' is supportive of tourist development (including tourist accommodation) of an appropriate scale within PTs and KSCs. Outside of PTs and KSCs, tourist development (including tourist accommodation) will also be supported (subject to a number of checks and balances) where it is within a LSC; or within an existing or replacement building; or there is evidence that the facilities are required in conjunction with a particular countryside attraction.
45. Policy RUR 7 seeks to be supportive of visitor accommodation in the open countryside where it is appropriate, but also seeks to minimise the adverse impacts on the countryside. It is consistent with national policy and the LPS.
46. Criterion 2 of LPS Policy PG 6 allows for development that is essential for uses appropriate to a rural area and Criterion 1 of Policy RUR 8 defines the types of visitor accommodation that are considered to be a use appropriate to a rural area, and therefore acceptable in principle under Policy PG 6 Criterion 2. Hotels are a main town centre use and it is justified for new additional buildings to accommodate new hotels in the open countryside to not be considered as a use appropriate to a rural area.
47. This is not a restriction on any new hotel development in rural areas. Criterion 3 of LPS Policy PG 6 allows for exceptions to the generally restrictive approach to development in the open countryside, allowing certain types of development that are not for "uses appropriate to a rural area" under Criterion 2. A number of these exceptions will allow for development proposals for existing and brand new hotels in the open countryside including: where the development represents limited infilling in villages; the re-use of existing buildings; replacement buildings; and extensions to buildings. In addition, new additional buildings for existing hotels could be permitted under Policy PG 6 Criterion 3(v), which allows for growth of existing businesses.
48. The statement in Policy RUR 8 Criterion 1 that new-build hotels or guest houses will not be considered to be a use appropriate to a rural area under LPS Policy PG 6 imposes a restriction on new additional buildings for new hotels in the open countryside. However, new additional buildings for existing hotels; and limited infilling in villages/re-use of buildings/replacement of buildings/extensions to buildings for new and existing hotels can still be permitted under the policy. This is a justified approach to help preserve the intrinsic character and beauty of the countryside whilst supporting a prosperous rural economy. It is consistent with national policy and the LPS.

49. It is also justified to restrict additional buildings, structures and ancillary development to the minimum level reasonably required for the existing or planned operation of the accommodation. LPS Policy PG 6 allows for development that is **essential** for uses appropriate to a rural area; and also allows for development that is **essential** for the expansion or redevelopment of an existing business. The construction of additional buildings, structures and ancillary development in the open countryside that are not required for the existing or planned operation of the accommodation cannot be considered to be 'essential' under LPS Policy PG 6. The policy seeks to help preserve the intrinsic character and beauty of the countryside whilst supporting a prosperous rural economy. Allowing additional buildings, structures and ancillary development that are not required for the existing or planned operation of the accommodation would not support the rural economy or preserve the intrinsic character and beauty of the countryside, and it is not clear what purpose allowing such development would serve.

## Caravan and Camping Sites (Policy RUR 9)

### **Q165 Is Policy RUR 9 positively prepared and consistent with national policy and the LPS in supporting sites for touring caravans and camping within the open countryside? Are the requirements to make best use of existing buildings and restrict additional buildings to a minimum level justified?**

50. To support a prosperous rural economy, the NPPF (¶84) requires planning policies and decisions to enable sustainable rural tourism and leisure developments which respect the character of the countryside. The NPPF (¶174) also requires planning policies and decisions to contribute to and enhance the natural and local environment by (amongst other matters) recognising the intrinsic character and beauty of the countryside.
51. LPS Policy PG 6 'Open countryside' allows for development that is essential for uses appropriate to a rural area. LPS Policy EG 4 'Tourism' is supportive of tourist development (including tourist accommodation) of an appropriate scale within PTs and KSCs. Outside of PTs and KSCs, tourist development (including tourist accommodation) will also be supported (subject to a number of checks and balances) where it is within a LSC; or within an existing or replacement building; or there is evidence that the facilities are required in conjunction with a particular countryside attraction.
52. Policy RUR 7 seeks to be supportive to caravan and camping sites in the open countryside where appropriate, but also seeks to minimise the adverse impacts on the countryside. It is consistent with national policy and the LPS.
53. LPS Policy PG 6 allows for development that is **essential** for uses appropriate to a rural area. Where there are existing buildings that could be re-used to accommodate the development proposed, it is justified for Policy RUR 9 to require that these are utilised in preference to the construction of new buildings in the open countryside. The construction of new buildings in the open countryside in instances where there are existing buildings that could reasonably be used instead would not be considered to be 'essential' development under Policy PG 6 Criterion 2.

54. Similarly, it is also justified to restrict additional buildings, structures and ancillary development to the minimum level reasonably required for the existing or planned operation of the facility. LPS Policy PG 6 allows for development that is **essential** for uses appropriate to a rural area. The construction of additional buildings, structures and ancillary development in the open countryside that are not required for the existing or planned operation of the facility cannot be considered to be 'essential' under LPS Policy PG 6.
55. The policy seeks to help preserve the intrinsic character and beauty of the countryside whilst supporting a prosperous rural economy. Allowing new buildings in instances where there are existing buildings that could reasonably be used instead; or allowing additional buildings, structures and ancillary development that are not required for the existing or planned operation of the accommodation would not support the rural economy or preserve the intrinsic character and beauty of the countryside, and it is not clear what purpose allowing such development would serve.

## **Employment Development in the Open Countryside (Policy RUR 10)**

### **Q166 Is Policy RUR 10 positively prepared and consistent with national policy and the LPS in supporting the growth and expansion of all types of businesses in the rural areas of Cheshire East, in particular by limiting this to 'certain types of' and 'small scale' employment development?**

56. To support a prosperous rural economy, the NPPF (¶84) requires planning policies and decisions to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. LPS Policy PG 6 'Open countryside' allows for development essential for uses appropriate to a rural area (under Criterion 2) and for development that is essential for the expansion or redevelopment of an existing business (not necessarily for a use appropriate to a rural area) under Criterion 3.
57. LPS Policy EG 2 'Rural economy' is supportive of local rural employment development that supports the vitality of rural settlements; and encourages the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification (subject to several checks and balances, including the requirement that the development does not conflict with LPS Policy PG 6). In addition, LPS Policy PG 1 'Economic prosperity' is supportive of proposals for employment development in the PTs, KSCs, and LSCs as well as allocated employment sites. Proposals for employment development on non-allocated employment sites will be supported where they are in the right location and support the strategy, role and function of the town.
58. Policy RUR 10 seeks to allow for small scale employment development where the nature of the business means that a countryside location is essential, and the proposals provide local employment opportunities that support the vitality

of rural settlements. This is consistent with national policy and the LPS in supporting a prosperous rural economy whilst helping to protect the intrinsic character and beauty of the countryside.

59. As set out in the supporting information to Policy RUR 10 (¶6.37), LPS Policy PG 6 allows for development that is essential for uses appropriate to a rural area, and Policy RUR 10 confirms the circumstances in which employment development in the open countryside would be a use appropriate to a rural area (small scale and where the nature of the business means that a countryside location is essential and the proposals provide local employment opportunities that support the vitality of rural settlements). This is also consistent with LPS Policy EG 2 Criterion 1, which is supportive of development that provides opportunities for local rural employment development that supports the vitality of rural settlements.
60. As set out in the supporting information (¶6.38), LPS Policy PG 6 Criterion 3 also allows several exceptions to the usual restrictive approach to development in the open countryside, where development does not have to be for a use appropriate to a rural area. These include: where the development represents limited infilling in villages; the re-use of existing buildings; replacement buildings; extensions to buildings; and development that is essential for the expansion or redevelopment of an existing business. Under Policy PG 6, development for all types of business is allowed in the open countryside where it meets one of these exceptions.
61. The addition of Policy RUR 10 confirms that proposals for a new business in the open countryside, outside of village infill boundaries, involving the construction of new additional buildings can also be acceptable where the development is small-scale, and the nature of the business means that a countryside location is essential and also that the proposals provide local employment opportunities that support the vitality of rural settlements.
62. The NPPF ¶84 supports the sustainable **growth and expansion** of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It is considered that to be able to 'grow or expand', the business must already be existing and LPS Policy PG 6 already allows for this under the various exceptions listed under Criterion 3. The purpose of Policy RUR 10 is to confirm that certain types of small-scale business (including new businesses as well as existing ones) can be considered a use appropriate to a rural area, and therefore allowed under LPS Policy PG 6 Criterion 2.
63. The policy is justified in its approach, as allowing large scale development proposals involving new additional buildings for new businesses of any type in the open countryside would not assist in protecting the intrinsic character and beauty of the countryside and would conflict with several LPS policies including PG 6, EG 1 and EG 2.

**Q167 Is Policy RUR 10 justified in restricting additional or new employment buildings to the minimum level reasonably required for the existing or**

**planned business operation and in requiring new buildings not to be designed to be easily converted to residential use in future?**

64. It is justified to restrict additional buildings, structures and ancillary development to the minimum level reasonably required for the existing or planned operation of the business. LPS Policy PG 6 'Open Countryside' allows for development that is **essential** for uses appropriate to a rural area. The construction of additional buildings, structures and ancillary development in the open countryside that are not required for the existing or planned operation of the business cannot be considered to be 'essential' under LPS Policy PG 6.
65. The policy seeks to help preserve the intrinsic character and beauty of the countryside whilst supporting a prosperous rural economy. Allowing new additional buildings, structures and ancillary development that are not required for the existing or planned operation of the business would not support the rural economy or preserve the intrinsic character and beauty of the countryside, and it is not clear what purpose allowing such development would serve.
66. Policy RUR 10 seeks to allow for employment development in the open countryside where it is a use appropriate to a rural area under LPS PG 6 Criterion 2. New buildings for employment purposes may therefore be allowed in locations where other forms of higher value development (including residential development) would not usually be permitted. It is important that the policy does not allow a 'back-door' approach to allow the construction of new buildings with the intention to convert them to another use later, which would not have been permitted at the outset.
67. It is justified to require any new employment building in the open countryside to be appropriate to its intended function. This requirement does not mean that buildings could not be converted to another use in the future if circumstances change and the proposals are in accordance with policies in the development plan at the time. It simply requires that new buildings are appropriate to their intended employment function and are not expressly designed to be easily converted to residential use in the future.

## **Extensions and Alterations to Buildings Outside of Settlement Boundaries (Policy RUR 11)**

**Q168 Is Policy RUR 11 justified, effective and consistent with the LPS and national policy, particularly in respect of the criteria and thresholds used to define whether an extension or alteration to a building in the open countryside or the Green Belt amounts to a disproportionate addition?**

68. The supporting information to Policy RUR 11 (¶6.40) sets out the strategic policy context for extensions to buildings outside of settlement boundaries. Under LPS Policy PG 3 'Green Belt', the extension or alteration of a building is not inappropriate development in the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original

building. LPS Policy PG 6 'Open countryside' generally restricts development in the open countryside to that which is essential for a use appropriate to a rural area but makes an exception for extensions to existing dwellings where the extension is not disproportionate to the original dwelling.

69. The NPPF (¶174) requires planning policies and decisions to contribute to and enhance the natural and local environment by (amongst other matters) recognising the intrinsic character and beauty of the countryside. ¶149 requires local planning authorities to regard the construction of new buildings as inappropriate in the Green Belt, but provides for several exceptions, including "*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*".
70. The NPPF (¶16) also requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
71. Policy RUR 11 seeks to allow extensions and alterations outside of settlement boundaries, whilst protecting the intrinsic character and beauty of the countryside. It is justified, effective and consistent with the LPS and national policy. The policy gives further guidance to the types of matters that will be taken into account when determining whether or not proposals represent disproportionate additions under LPS policies PG 3 and PG 6.
72. The matters set out under Criterion 2 are common matters looked at when considering the impacts of a proposal on the rural character of the countryside. These matters are not intended to be an exhaustive list but provide guidance on the types of matters to be considered when determining whether proposals represent disproportionate additions.
73. Similarly, the thresholds set out under Criterion 3 are not absolute thresholds that may never be exceeded. Instead, they provide guidance on the situations where proposals may represent disproportionate additions. The policy notes that proposals above these criteria will 'usually' be considered disproportionate and it also allows several exceptions. This strikes an appropriate balance between providing clear guidance and allowing the decision maker to exercise suitable professional judgement where the circumstances of an individual proposal indicate that additions above the thresholds may not be disproportionate.
74. The use of percentage figures as a guide to when additions may be considered disproportionate in the Green Belt or open countryside is a common feature in Local Plans and is an established part of local policy in the saved policies of the three former districts' local plans. Guidance in the Congleton Borough Local Plan [BD 06] (Saved Policy H16) and the Macclesfield Borough Local Plan [BD 08] (Saved Policy GC12) indicates that additions greater than 30% of the original floorspace in both the Green Belt and Open countryside may be considered to be disproportionate. Guidance in the Crewe and Nantwich Local Plan [BD 07] (Saved Policy RES.11) indicates that additions that double the original floorspace would not be subordinate to



the original dwelling. The threshold guidance in Policy RUR 11 seeks to regularise the differing approaches within the former districts' plans and to recognise the particular importance attached to Green Belts through national policy.

75. The approach set out in Policy RUR 11 balances the benefits of altering and extending rural buildings with the need to protect the intrinsic character and beauty of the countryside. It provides guidance to understand how a decision maker should react to development proposals without being overly-prescriptive, allowing the full circumstances of each individual proposal to be fully-considered. The policy is justified, effective and consistent with the LPS and national policy.

## **Residential Curtilages Outside of Settlement Boundaries (Policy RUR 12)**

**Q169 Given that national policy regards a material change of use of land in the Green Belt as not inappropriate development, provided it preserves its openness and does not conflict with the purposes of the Green Belt, is Policy RUR 12 justified and consistent with national policy in applying a different, more restrictive basis for determining whether a material change of use of land in the open countryside to residential garden is appropriate?**

76. As set out in LPS Policy PG 6 'Open countryside' Criterion 1, the open countryside is defined as the area outside of any settlement with a defined settlement boundary. Some areas of the open countryside are also within the Green Belt.
77. As set out in the supporting information to Policy RUR 12 (¶6.45), Policy PG 6 allows for development that is essential for uses appropriate to a rural area in the open countryside. Extensions to residential gardens and curtilages can have significant impacts on the rural and open character of the countryside by enclosing land, creating new boundaries and introducing domestic uses and paraphernalia.
78. In order to recognise the intrinsic character and beauty of the countryside (as required by NPPF ¶174), such extensions to residential gardens and curtilages are only considered to be essential for uses appropriate to a rural area in the limited circumstances described by policy RUR 12.
79. This approach is justified and consistent with the NPPF ¶174 and LPS Policy PG 6 'Open countryside'.
80. Some areas of open countryside are also in the Green Belt and subject to LPS Policy PG 3 'Green Belt'. Whilst Policy PG 3 is broadly consistent with the current NPPF in respect of development in the Green Belt, it was written with regard to the 2012 Framework and it does not regard material changes in the use of land as 'not inappropriate' in the Green Belt provided they preserve its



openness and do not conflict with the purposes of including land within it. Consequently, Policy RUR 12 is entirely consistent with LPS Policy PG 3.

81. The current NPPF (¶150) confirms that material changes in the use of land (such as changes for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Given that LPS Policy PG 3 differs in this respect, the updated NPPF would be a material consideration when determining relevant applications.
82. However, where a particular proposal is found to be ‘not inappropriate’ development in the Green Belt, this does not exempt it from other policies in the development plan. For example, a replacement building in the Green Belt would still need to comply with policies on design, access, highway safety etc. All areas of the Green Belt are also within the open countryside and development that is ‘not inappropriate’ in the Green Belt is still subject to the provisions of LPS Policy PG 6 ‘Open countryside’, which (with some exceptions) only allows for development that is essential for uses appropriate to a rural area. Policy RUR 12 confirms the instances in which proposals for extensions of residential gardens or curtilages are considered to be essential for uses appropriate to a rural area, and therefore in line with the requirements of LPS Policy PG 6. The policy is justified and consistent with the LPS and national policy.

## Replacement Buildings Outside of Settlement Boundaries (Policy RUR 13)

**Q170 Is Policy RUR 13 justified, effective and consistent with the LPS and national policy, in respect of the criteria and thresholds used to define whether proposals for replacement buildings in the open countryside or the Green Belt are materially larger than the ones they would replace?**

83. The supporting information to Policy RUR 13 (¶6.47) sets out the strategic policy context for replacement buildings outside of settlement boundaries. Under LPS Policy PG 3 ‘Green Belt’, the replacement of a building is not inappropriate development in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces. LPS Policy PG 6 ‘Open countryside’ generally restricts development in the open countryside to that which is essential for a use appropriate to a rural area but makes an exception for the replacement of buildings by new buildings not materially larger than the buildings they replace,
84. The NPPF (¶174) requires planning policies and decisions to contribute to and enhance the natural and local environment by (amongst other matters) recognising the intrinsic character and beauty of the countryside. ¶149 requires local planning authorities to regard the construction of new buildings as inappropriate in the Green Belt, but provides for several exceptions, including “*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*”.

85. The NPPF (¶16) also requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
86. Policy RUR 13 seeks to allow replacement buildings outside of settlement boundaries, whilst protecting the intrinsic character and beauty of the countryside. It is justified, effective and consistent with the LPS and national policy. The policy gives further guidance to the types of matters that will be taken into account when determining whether or not proposals for replacement buildings are 'materially larger' under LPS policies PG 3 and PG 6.
87. The matters set out under Criterion 2 are common matters looked at when considering the impacts of a proposal on the rural character of the countryside. These matters are not intended to be an exhaustive list but provide guidance on the types of matters to be considered when determining whether proposals for replacement buildings are materially larger than the buildings they replace.
88. Similarly, the thresholds set out under Criterion 3 are not absolute thresholds that may never be exceeded. Instead, they provide guidance on the situations where proposals for replacement buildings may be considered to be 'materially larger'. The policy notes that increases above these criteria will 'usually' be considered to be materially larger and also allows an exception within village infill boundaries. This strikes an appropriate balance between providing clear guidance and allowing the decision maker to exercise suitable professional judgement where the circumstances of an individual proposal indicate that additions above the thresholds may not be disproportionate.
89. The threshold guidance for 'disproportionate additions' (under Policy RUR 11) is measured against the original buildings, whereas the threshold guidance for 'materially larger' (under this policy) is measured against the current existing buildings, which may have already been extended from the original dwelling. The tests of 'disproportionate additions' and 'materially larger' are different tests measured against different baselines and it is appropriate for the 'materially larger' test to include smaller threshold guidance.
90. In addition, planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>3</sup>. Case law establishes that 'fall-back' positions (which may include development that could be completed under Permitted Development Rights) can be considered a material consideration. Many rural buildings will benefit from further permitted development rights and a result of having a 'fall-back' position, material considerations may often indicate that replacement dwellings larger than the guidance thresholds may be permissible.
91. The approach set out in Policy RUR 13 balances the benefits of replacing rural buildings with the need to protect the intrinsic character and beauty of the

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<sup>3</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

countryside. It provides guidance to understand how a decision maker should react to development proposals without being overly-prescriptive, allowing the full circumstances of each individual proposal to be fully-considered. The policy is justified, effective and consistent with the LPS and national policy.

## **Re-use of Rural Buildings for Residential Use (Policy RUR 14)**

**Q171 Is Policy RUR 14 consistent with the LPS and national policy in supporting the residential re-use of rural buildings? Is it justified in requiring such buildings to be of a size to accommodate a satisfactory living environment without the need for extension, given that Policy RUR 11 permits additions to existing buildings of up to 50% in the open countryside?**

92. Policy RUR 14 seeks to provide guidance where it is proposed to convert existing non-residential rural buildings into dwellings. It would not apply to existing rural buildings already in residential use.
93. The NPPF (¶80) requires planning policies and decisions to avoid the development of isolated homes in the countryside, unless particular circumstances apply. These circumstances include where the development would re-use redundant or disused buildings and enhance the immediate setting. Within the Green Belt, ¶150 notes that the re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate development in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.
94. LPS Policy PG 3 'Green Belt' reflects the wording of NPPF ¶150. LPS Policy PG 'Open countryside' seeks to restrict development to that which is essential for uses appropriate to a rural area, but does also allow for other types of development under a series of exceptions under Criterion 3, including "*for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension*".
95. Policy RUR 14 is consistent with the LPS and national policy in supporting the residential re-use of rural buildings.
96. Policy RUR 11 allows extensions to existing buildings in the open countryside where these would not result in disproportionate additions over and above the size of the original building. Extensions would usually be considered disproportionate where they increase the size of the original building by more than 50% in the open countryside. This policy adds further detail to the LPS policies PG 3 'Green Belt' and PG 6 'Open countryside' and must be read within the context of those strategic policies.
97. LPS Policy PG 6 'Open countryside' seeks to restrict development to that which is essential for uses appropriate to a rural area, but does also allow for other types of development under a series of exceptions under Criterion 3, including "*for extensions to existing dwellings where the extension is not*

*disproportionate to the original dwelling*". This exception allows for the extension of existing dwellings but not for other buildings being converted to a dwelling. The requirement for buildings to be of a size to accommodate a satisfactory living environment without the need for extension under RUR 14 is also in accordance with LPS Policy PG 6 Criterion 3(ii) which allows for "*the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension*".

98. Policy RUR 14 is justified and accords with the LPS in requiring such buildings to be of a size to accommodate a satisfactory living environment without the need for extension.