



Matter 10: Rural Issues

Examination of the Cheshire East Local Plan Site
Allocations and Development Policies Document

For: Emery Planning

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Emery Planning
1-4 South Park Court,
Hobson Street
Macclesfield, SK11 8BS
Tel: 01625 433 881

www.emeryplanning.com

Emery Planning
Regus House,
Herons Way
Chester Business Park, CH4 9QR
Tel: 01244 732 447



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Author : Caroline Payne

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1. Introduction

- 1.1 This hearing statement is submitted in relation to Matter 10: Rural Issues. The hearing session is scheduled to take place on 3rd November 2021.

2. 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?

- 2.1 Yes. The requirement for an 'established' need would limit opportunities for the creation of new agricultural businesses. This is inconsistent with paragraph 84 of the Framework which states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through conversion and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

3. 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?

- 3.1 No. Paragraph 84 of the Framework is supportive of the development and diversification of agricultural and other land-based rural businesses. The paragraph also states that planning policies and decisions should support the retention and development of accessible local services and community facilities, such as local shops amongst other things. There is no requirement or justification for proposals for new or extensions to existing farm shops to be 'limited in scale'.

4. 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?

- 4.1 No. We refer to our December 2020 representations, with particular regard to the fact that the policy does not take into account paragraph 80 of The Framework which is permissive of rural worker's dwellings, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside. Paragraph 67-010 of the NPPG also states that the provision of an additional dwelling on site may be essential for the continued viability of a farming business through the farm succession process.
- 4.2 This requirement is absent from the policy in its entirety and as drafted is not consistent with national policy.

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?

- 4.3 No.
- 4.4 Our responses to questions in relation to Matter 3 set out that the introduction of the NDSS in Cheshire East has not been justified. Notwithstanding this, draft Policy HOU 6 requires new residential development in the borough to meet the NDSS. In complete contrast to this, Policy

RUR 3 (iii) requires rural workers dwellings to not 'significantly exceed the gross internal floorspace for the intended number of bedrooms'. In short, the plan as currently drafted proposes that the NDSS is to be taken as a ceiling for rural workers but a minimum for the rest of the population! This is both inequitable and unjustified.

- 4.5 Table 6.1 is unfairly prescriptive over the size of accommodation that could be acceptable under Policy RUR 3 and does not account for the range of people who may comply with the need for on-site accommodation in this policy.
- 4.6 The Framework, Paragraph 80a supports the need for rural workers to live near their place of work and does not suggest that restrictions on the size of accommodation should be imposed. The NPPG, Paragraph 010 also supports the need for rural worker homes and except in the case of new enterprises, does not suggest that size restrictions on accommodation should be imposed.
- 4.7 Table 6.1 is unjustified.

5. Essential rural worker occupancy conditions (Policy RUR 4)

160. 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?

5.1 No. We refer to our December 2020 representations which address this question in detail.

6. 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?

6.1 No.

6.2 Previous national policy in PPG2 stated that stated that the construction of new buildings inside a Green Belt is inappropriate unless for one of a number of purposes, one of which was:

"essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for, other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it" (our emphasis)

6.3 The wording in the Framework provided a change to this exception and now refers to the provision of 'appropriate facilities' for outdoor sport and recreation in the Green Belt.

6.4 Although Policy PG6 of the LPS also refers to development that is 'essential' for outdoor recreation, the wording suggested for Policy RUR6 more closely reflects the wording in the superseded PPG2 than that of the Framework. Furthermore, the reference to 'essential' facilities only applies to development in the Green Belt and not the open countryside where the Framework seeks to support a prosperous rural economy and states that planning policies should enable 'sustainable rural tourism and leisure development which respect the character of the countryside' (paragraph 84). By restricting development to that which is essential, the SADPD introduces a higher policy test for development in the open countryside than in the Green Belt.

6.5 We would comment specifically that:

- There is no requirement in national policy to demonstrate that a countryside location is necessary for the proposal. The Framework encourages leisure, tourism and 'all types of businesses' in rural areas.
- There is no requirement in national policy to make the best use of existing buildings. Paragraph 84 is supportive of both conversion and well-designed new buildings. It does not apply a hierarchy.

- There is no requirement for additional buildings to be restricted to the minimum level reasonably required for the operation of the site.

6.6 The policy is inconsistent with the Framework.

7. 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?**

7.1 No. Having regard to paragraph 84 a), b) and c) of the Framework, there is no justification to require existing building to be used in the first instance. Such a policy is stifling to the rural economy, it is not positively prepared or consistent with national policy.

- **to limit additional buildings to small scale non-commercial proposals or to facilitate the growth of existing businesses?**

7.2 No. To summarise our representations from December 2020:

7.3 The Framework supports a strong rural economy and paragraphs 84 and 85 of the Framework are supportive of the development of rural businesses. This is a use where a countryside location is essential. Equestrian based enterprises are part of the rural economy. In Cheshire East, there are nationally recognised facilities that attract visitors from around the UK and beyond. These comprise traditional riding stables, larger bespoke equestrian enterprises, polo facilities, livery and specialist livery and equine rehabilitation. All of these businesses require a countryside location.

7.4 One such example is Somerford Park Farm which is recognised as a national centre of excellence for equine training and competition. The operation at Somerford Park Farm includes arable farming and equestrian centre comprising around 250 acres and stabling for over 200 horses and the showground. The facilities are used as a training base for international teams and host national and international events.

7.5 The policy as drafted would prevent new equestrian businesses of any scale and the sustainable growth of existing equine businesses. It would be contrary to the Framework and stifling to the rural economy.

7.6 Draft Policy RUR 7 is significantly more restrictive than the current suite of development plan policies which relate to equestrian development in the countryside. These policies were prepared in the context of the superseded PPG7 which sought to protect the countryside for its own sake. There is no justification for a more restrictive policy in the context of the Framework which seeks to support a prosperous rural economy.

• **to construct new buildings in temporary materials?**

7.7 There is no justification for the inclusion of this within the policy. The term "temporary materials" is an inappropriate phrase in this context; it is qualified by "such as timber". Timber is not a temporary material, it is a material with a potential lifespan of decades, or even centuries. The specific requirements for providing accommodation for horses will vary depending on the type of horse and the number of horses to be accommodated. The accommodation provided is essential to the welfare of the animals and must be determined on a case by case basis. In any circumstance housing for large animals needs to be constructed in robust, durable materials with longevity, not temporary ones.

7.8 There are a number of relevant considerations in the design of stables which include but are not limited to the level of ventilation to reduce respiratory tract problems, for better temperature control and to increase the bio-security of a building, space for storage of food and bedding separate to the horses for animal welfare facilities and longevity of materials. Although timber is likely to comprise a component part of any stable development, it would not be the sole material in any modern stable building. Timber in stables gets damaged and chewed by horses which makes this unattractive as the sole material for new stables. As a sole material it also presents a fire risk with attendant animal welfare implications.

7.9 There is no justification in the evidence base for this element of the policy.

8. 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?

8.1 No.

8.2 The requirement for parts of the development to be restricted to the 'minimum level reasonably required for the existing or planned operation of the accommodation' is an unnecessary and unreasonable restriction upon a type of development that the policy allows for within a rural area, and is inconsistent with planning for the growth of rural businesses. There is no justification for the restriction on new build hotels and guesthouses.

9. 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?

9.1 There should not be a test requiring existing buildings to be considered in the first instance, as again this is contrary to the Framework and Policy PG6 of the CELPS. We therefore consider point 2(i) should be deleted.

9.2 The requirement to restrict development to the 'minimum level reasonably required for the existing or planned operation of the facility' is an unnecessary and unreasonable restriction upon a type of development that the policy allows for within a rural area, and is inconsistent with planning for the growth of rural businesses. When extending or redeveloping a site, a growing business needs to plan for the future and ensure that it does not immediately need to extend again should the business grow further.

10. 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?

- 10.1 No. The policy as drafted is inconsistent with the Framework, which clearly sets out at paragraph 84 that planning policies should enable the sustainable growth and expansion of all types of business in rural areas. It does not state that it should be restricted to certain types or small scale employment development. Paragraph 85 of the Framework also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

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?

- 10.2 No. This is an unnecessary and unreasonable restriction upon a type of development that the policy allows for within a rural area, and is inconsistent with planning for the growth of rural businesses. When extending or redeveloping a business premises, a growing business needs to plan for the future and ensure that it does not immediately need to extend again should the business grow further.
- 10.3 The policy should not rule out the development of buildings that are of permanent and substantial construction. In fact in many such cases such buildings will be necessary to meet the needs of a business and/or to reflect the character of the surrounding area. For example brick built barns frequent the countryside in Cheshire East, and contribute positively to the character of the area. There is no justification for this element of the policy. The policy should support new businesses or enterprises in the rural area and not restrict support to existing businesses.

11. 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?

- 11.1 No. We refer to our December 2020 representations in this regard. In summary, we would make the following points:
- 11.2 The policy as drafted focuses solely on the spatial aspect of a Green Belt openness assessment and not on the visual aspect (NPPG: 64-001). The policy should be re-written to reflect established case law and the fact that an assessment in terms of 'disproportionate' shall be carried out on a site by site basis. In order to make the policy justified, effective and consistent with the LPS and national policy, reference to floorspace specifically as a measure of size, the percentage uplift in terms of defining what is 'disproportionate' and the presumption against any increase in height should be removed from the policy.
- 11.3 There is no reference in the Framework to 'disproportionate' additions with reference to extensions to buildings in the open countryside. The policy is inconsistent with the Framework in this regard.
- 11.4 The reference to village infill boundaries should be deleted. Whilst we remain of the view that a percentage ceiling is not required, should the Inspector consider that a percentage guideline figure is necessary, an exception should be in circumstances where a property is within a ribbon, group or village setting as set out in the existing policy (GC12 of the Macclesfield Local Plan).

12. 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?

12.1 No. Policy RUR 12 is not justified and is not consistent with paragraph 150 e) of the Framework as set out in our December 2020 representations.

12.2 This has been accepted in respect of a number of appeals. We would refer to paragraph 8 of the appeal decision at land adjacent to Harvest Barn, Smite Lane, Hindlip (APP/H1840/W/3235302) which states:

"In this latter category, under paragraph 146 (e), one of the types which are not inappropriate is material changes in the use of land. In this connection, outdoor sport and recreation, cemeteries and burial grounds are cited as examples, but these are preceded by the words . The list is therefore clearly not intended to be exhaustive. I can see no apparent reason why a change of use to domestic garden, which is essentially what is proposed in the present appeal, should fall outside this category of material changes in the use of land".

12.3 We would also refer to paragraph 14 of the appeal decision at Meadow Lodge, Clamhunger Lane, Mere which is within Cheshire East (APP/R0660/W/20/3262923):

"Changes of use are not inappropriate in the Green Belt providing they preserve the openness of the Green Belt and do not conflict with its purposes. The additional areas of the appeal site are generally open and used, mainly, as garden. Though, along the boundaries of the appeal site as shown on drawing no. sa 4909/01, there is some hedging, this has no detrimental effect on openness. Likewise, the canopy on the western end of the building, which appears to project beyond the previously approved site boundary, is open on all sides. As a result, the change of use preserves the openness of the Green Belt and so is not inappropriate development".

13. 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?

- 13.1 No. We refer to our response to RUR 13 in our December 2020 representations summarised as follows:
- 13.2 In respect of replacement buildings in the Green Belt, **Point 1 i)** is not consistent with Paragraph 149 d) of the Framework which refers to “*the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.*” However, there is nothing in national policy or the LPS to require replacement buildings in the open countryside to be in the same use. Part 1 of the policy is unnecessary and replicates policy in the LPS
- 13.3 **Point 1 ii)** requires the building to have no materially greater impact on the character of the countryside than the existing building. This should be deleted as it duplicates the assessment of ‘materially larger’.
- 13.4 **Point 2** sets out the factors that will be considered in an assessment of whether a building is materially larger. As all of these factors may affect whether a building is materially larger, the inclusion of the second sentence which refers specifically to proposals with an increase in height or footprint is not justified.
- 13.5 **Points 3** sets a restriction of 5% which is completely unjustified and is not supported by any clear and justifiable evidence to demonstrate that there are particular circumstances that apply to Cheshire East above any other Green Belt area. Whilst we remain of the view that a percentage ceiling is not required, should the Inspector consider that a percentage guideline figure is necessary, then this should be no less than 30% the council seeks to apply for extensions. Furthermore, the assessment of ‘materially larger’ is not a relevant concept in the open countryside (refer to our representations on Policy RUR11).

- 13.6 The requirements in **Point 4** to determine the increase in size based on floorspace, ignores other spatial dimensions also contribute to the size of a building such as its height, volume, footprint, width and depth. We consider this point should be deleted.
- 13.7 **Point 5** states that the existing building means the building as it existed at the time of submitting the planning application. The policy implies that any 'fall-back' position will not be taken into account. The Encyclopedia of Planning Law clarifies that the planning authority are obliged to have regard to the fall-back position i.e. what the applicant could do without any fresh planning permission and this may form a material consideration in establishing the context for the building to be replaced. Point 5 should be deleted from the policy. It is not for a development management policy to pre-determine what matters are a material consideration. It is for the development control process to assess material considerations in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.
- 13.8 **Point 6** of the policy states that provision should be made for storage and garaging in replacement dwellings. Not all householders wish to have a garage, and where there is no such existing provision it is unreasonable for an applicant to have to trade living space for such purposes in a replacement dwelling.
- 13.9 We refer to our December 2020 representations which set out modifications needed to make the policy sound.

14. 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

14.1 No.

14.2 As set out in our December 2020 representations, the Framework does not restrict the use that a rural building can change to and the policy could apply to the re-use of rural buildings for alternative uses.

14.3 There is no justification to require buildings to be for a size to accommodate a satisfactory living environment without the need for extension. The Framework confirms that the re-use of buildings of a permanent and substantial construction and the extension of a building provided it does not result in disproportionate additions over and above the size of the original building is not inappropriate in the Green Belt. As currently drafted, Policy RUR 14 seeks to apply a more restrictive policy to the conversion and extension of buildings in the open countryside than it does in the Green Belt. This is not justified and not consistent with the Framework or LPS