



**CHESHIRE EAST LOCAL PLAN SITE ALLOCATIONS AND  
DEVELOPMENT POLICIES DOCUMENT (SADPD)  
SEPTEMBER 2020**

**LOCAL PLAN EXAMINATION**

**MATTER 10 – RURAL ISSUES**

**ON BEHALF OF THE TATTON ESTATE**

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## **1. INTRODUCTION**

- 1.1 Pegasus Group has been instructed on behalf of their client, the Tatton Estate, to prepare Hearing Statements to the Cheshire East Site Allocations and Development Policies Document (SADPD) in support of their land interests in the Borough. The Tatton Estate have extensive rural land interests across the Borough, including a variety of farmsteads. Tatton have been instrumental in delivering rural diversification including repurposing redundant farm buildings into a wedding barn, film studios, short lets and much more, all creating jobs in rural areas and developing opportunities for young people.
- 1.2 This Statement deals with Hearing **Matter 10 - Rural Issues**.
- 1.3 In particular, the Tatton Estate has major concerns with the new buildings for agriculture (RUR 1) and the Farm Diversification (RUR 2) policies. Both policies must be significantly amended to ensure they are justified, effective and consistent with national policy.

**2. ISSUE: POLICY RUR 1 NEW BUILDINGS FOR AGRICULTURE AND FORESTRY (POLICY RUR 1)**

**Question 156. 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 No. The policy wording will hamper and unnecessarily constrain the growth of rural businesses and clearly represents a do minimum approach. This does not accord with NPPF paragraph 84, which seeks to support a prosperous rural economy by ensuring policies enable the '*sustainable growth and expansion of **all** types of businesses in rural areas*' and supports the development and diversification of agricultural and other land-based rural businesses.
- 2.2 The reference within Part 1 of the Policy to '*an established, clear long-term need for development*' applies a test that is not necessary or advocated by the NPPF. The use of the word 'established' also strongly implies that new buildings for agriculture or forestry will only apply to established/existing businesses and is therefore in conflict with the NPPF which promotes growth for all rural businesses.
- 2.3 Criterion i) must be deleted for the policy to be effective, positively prepared and consistent with the NPPF.
- 2.4 Criterion iii) notes how new buildings are to be restricted to the minimum level reasonably required for the efficient operation of the enterprise. Whilst there is a need to limit certain forms of development so that they are not evidently out of character with the existing area, a do minimum approach is fundamentally at odds with the NPPF's emphasis to support prosperous rural economies and communities and restricting new buildings to the minimum level required would not allow for future growth of an agricultural business. The emphasis should therefore be on enhancement and reasonable expansion, not stringent restrictions. Criterion iv) already provides comfort in terms of protecting the local landscape, alongside other policies of the Local Plan as a whole, to ensure development is appropriately controlled.
- 2.5 Criterion iii should therefore also be deleted for Policy RUR 1 to be effective, positively prepared and justified.

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**3. ISSUE: FARM DIVERSIFICATION (POLICY RUR 2)**

**Question 157. 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. Part 1 ii. of the policy is overly restrictive and does not sufficiently support and promote the rural economy as required by the NPPF. The wording requires any farm diversification to be 'necessary to support the contribute viability of the existing agricultural business'. We have already highlighted the fundamental issues with this under Question 156. Notwithstanding the difficulties that this will create in terms of quantifying whether something is 'necessary' or not, this approach seeks to achieve only the minimum level of intervention required rather than genuinely seeking to create a prosperous rural economy. This policy approach also fails to recognise instances where an existing agricultural business has already ceased operations and therefore a new use for a farmstead or farm buildings needs to be identified.

- 3.2 Criteria ii must be deleted or amended to ensure it is positively prepared and is consistent with national policy.

- 3.3 Part 2 of the policy is also overly restrictive:

*"In addition to the above, any proposals for retail sales must be limited in scale. Proposals for new or extensions to existing farm shops will only be permitted where the range of goods sold is restricted to those in connection with the land-based business and the majority of goods sold should be produced on site."*

- 3.4 Restricting goods to be mainly produced on site in a particular locality does not account for the wider supply chains often at work for farmhouse shops. These wider supply chains play an important role at the Borough wide level, where products can be sourced from a variety of local farms to boost the rural economy at the Cheshire East level. Suggesting that the majority of products should be produced on site does not allow for the wider economic benefits to the rural economy which can be delivered across Cheshire East, where produce can be sourced from a wider supply chain.

- 3.5 Furthermore, such restrictive wording does not acknowledge the role that farm shops could play as part of a wider, leisure/tourism development. For example, farm shops may play a crucial component of a wider leisure or tourism development, which is attracting a number of visitors. Providing a wider supply offer, which is not restricted to just produce on site from the land-based business, could further bolster revenue on site as part of wider diversification projects and in turn deliver greater economic benefits to the rural economy.

- 3.6 Critically, the growing need for farm diversification is becoming increasingly apparent, not least due the impacts of Brexit where we are already seeing a shortage in labour which is impacting the traditional agricultural sector.

- 3.7 If part 2 of the policy is to remain, we recommend that the wording is amended as follows:
- 3.8 *"Proposals for new or extensions to existing farm shops will **generally** only be permitted where the range of goods sold **includes a significant element with a** connection with the production or sale of food or other land-based business and a significant proportion of the goods sold should be sourced locally to **Cheshire**"*
- 3.9 This allows for greater flexibility for businesses, which will in turn lead to the potential for delivering greater economic benefits at the Borough-wide level.

**4. ISSUE: AGRICULTURAL AND FORESTRY WORKERS DWELLINGS (RUR 3)**

**Question 158. 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 comment.

**Question 159. 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?**

4.2 No comment.

**5. ISSUE: ESSENTIAL RURAL WORKER OCCUPANCY CONDITIONS (POLICY RUR 4)**

**Question 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 comment.



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**6. ISSUE: BEST AND MOST VERSATILE AGRICULTURAL LAND (POLICY RUR 5)**

**Question 161. Is Policy RUR 5 consistent with national policy and the LPS in recognising the benefits of the best and most versatile agricultural land?**

6.1 No comment.

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**7. ISSUE: OUTDOOR SPORT, LEISURE AND RECREATION OUTSIDE OF SETTLEMENT BOUNDARIES (POLICY RUR 6)**

**Question 162. 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?**

- 7.1 No particular comments on the policy per se, but we have raised concerns elsewhere (Matter 2) that the SADPD fails to appropriately plan for Knutsford's development requirements- including sport and leisure facilities.
- 7.2 Of particular relevance to Knutsford, the June 2019 Cheshire East Playing Pitch & Action Plan Report (ED 19) notes how there is a need for additional rugby pitch provision in connection with the requirements of Knutsford RUFC. Table 1.1 of the Report also confirms that there is a shortfall of 1 adult football grass pitch. In light of this demand, it is recommended that the Council further explore site options which could suitably accommodate the rugby and football pitches, and other sports related development, in Knutsford.
- 7.3 Ed 19 states that Knutsford Academy, working alongside Knutsford RUFC, has identified adjacent land that it wishes to acquire so that it can increase its supply of rugby union pitches. Should this land not become available due to third party land issues, Tatton would like to reiterate their desire to identify suitable sites within the Estate's ownership in and around Knutsford for a number of uses, including sports and recreation. Tatton's sites could accommodate a number of sport uses including rugby, hockey, football etc.

**8. ISSUE: EQUESTRIAN DEVELOPMENT OUTSIDE OF SETTLEMENT BOUNDARIES (POLICY RUR 7)**

**Question 163. 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?

8.1 No comment.

**9. ISSUE: VISITOR ACCOMMODATION OUTSIDE OF SETTLEMENT BOUNDARIES (POLICY RUR 8)**

**Question 164. 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?**

- 9.1 No. Whilst the policy is more flexible than previously drafted versions, it restricts new-build hotels and guesthouses which is not justified.
- 9.2 It should be acknowledged that not all hotel provision serves the purpose of accommodating visitors. Hotels are also required as part of essential infrastructure, such as Motorway Service Area (MSA), that supports the travelling public, supply chain and wider economy. MSAs, that serve the motorway network connecting urban areas, are often located in the countryside to support the safety and welfare needs of travellers. Such hotel accommodation at MSA allows travellers to extend their break over a longer period, should they need to continue on their journey. They also provide the opportunity to rest, to overcome safety concerns in relation to driving.
- 9.3 Paragraph B30 of DfT Circular 02/13, which provides policy guidance on MSA, states that hotels are a matter of consideration for local planning authorities, in line with the NPPF and local planning policies. Paragraph B31 of the same document goes on to say that:
- “As a statutory consultee to such proposals, the Highways Agency will not object to the provision of hotels; conference centres; and business centres at the sites of roadside facilities for motorists unless there would be demonstrable adverse impact on the safety and/or operation of the strategic road network such as a net increase in travel.”*
- 9.4 In terms of MSAs with hotels in England, in total there are 116 service areas on England’s motorways. When counting services area on both sides of the road twice, the majority (88 – 75.9%) of MSAs have a hotel and the remaining 28 (24.1%) have no hotel. Similar statistics are consistent for MSA in the Green Belt, whereby the majority (81.0% – 34) of these MSAs have hotels and the remaining 8 (19.0%) have no hotels. All of the MSAs that have opened in the Green Belt since 2000 (5) have hotels.
- 9.5 In light of a hotel being an appropriate and a predominantly common feature at MSAs, due to its location and relevance to supporting the travelling public, supply chain and wider economy, TSL object to the specific reference within the policy excluding new-build hotels or guesthouses and consider that the restriction is not justified. It is suggested that the policy be amended to either exclude the reference to new-build hotels or guesthouses or ensure that the reference to excluding these uses specifically relates to those concerning visitor accommodation and the policy references that there are other circumstances whereby hotels are acceptable to support infrastructure requirements which should not be precluded by this policy, such as where they are supportive of those engaged in business trips.

**10. ISSUE: CARAVAN AND CAMPING SITES (POLICY RUR 9)**

**Question 165. 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?**

10.1 No comment.

**11. ISSUE: EMPLOYMENT DEVELOPMENT IN THE OPEN COUNTRYSIDE (POLICY RUR 10)**

**Question 166. 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?**

- 11.1 No. The NPPF is clear that there is a need to support a prosperous rural economy and that planning policies should enable sustainable growth and expansion of all types of businesses. It therefore does not suggest limited growth. Other policies in the Local Plan allow for appropriate protection of development in terms of scale, protection of the landscape etc. Reference to 'small scale employment development' and 'certain types of' development must therefore be removed to ensure consistency with the NPPF.

**167. 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?**

- 11.2 No- for the reasons outlined above. In terms of buildings not being designed to be easily converted to residential, this is also not justified. The design should be appropriate to the countryside location full stop, not to do with the intended land use, and a condition could be added to any planning permission restricting the use of building to employment use should the LPA be concerned about later residential conversion.

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**12. ISSUE: EXTENSIONS AND ALTERATIONS TO BUILDINGS OUTSIDE OF SETTLEMENT BOUNDARIES (POLICY RUR 11)**

**Question 168. 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?**

- 12.1 No. The prescriptive restriction that any extension which is greater than 30% of the original floor space comprises inappropriate development in the Green Belt has not been justified. Indeed, although the 30% threshold has historically been used by a number of Council's, the NPPF outlines no such threshold.
- 12.2 We consider that the assessment of whether an extension is disproportionate requires sound planning judgement on a case-by-case basis. We therefore recommend that further flexibility is added into the policy wording to allow for this and would suggest the following amended wording to this part of the Policy:

*"3. In addition to criterion (2) above, proposals which do not increase the size of the original building by more than 30% in the Green Belt or 50% in the open countryside will usually be considered as a proportionate addition. Any increase in size above these amounts would be considered against criterion 2."*

**13. ISSUE: RESIDENTIAL CURTILAGES OUTSIDE OF SETTLEMENT BOUNDARIES (POLICY RUR 12)**

**Question 169. 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?**

- 13.1 No- the policy must reflect national policy and must be significantly re-worded. Given a material change of use of land is not classed as inappropriate development in the Green Belt, there is absolutely no justification to apply a more stringent approach in countryside locations (which are less sensitive than Green Belt in policy terms). The policy as currently worded is not justified or effective and must be re-worded to remove reference to restrictions to the change of use of land.



**14. ISSUE: REPLACEMENT BUILDINGS OUTSIDE OF SETTLEMENT BOUNDARIES (POLICY RUR 13)**

**Question 170. 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?**

- 14.1 No - we repeat our comments in respect of Policy RUR in terms of the prescriptive 5% and 10% increases. It is not clear what the percentage relates to (i.e. floorspace, volume, height or all forms of dimension).
- 14.2 Secondly, the NPPF does not seek to prescribe such limitations on replacement buildings/homes in the open countryside and 'the not materially larger' point is only referenced to replacement buildings in the Green Belt in the NPPF.
- 14.3 Even then, the NPPF outlines no such prescriptive threshold. as such, the thresholds should be removed to allow for planning judgement on a case-by-case basis.
- 14.4 The prescriptive percentage requirements should be removed, as they are not justified or effective.

**15. ISSUE: RE USE OF RURAL BUILDINGS FOR RESIDENTIAL USE (POLICY RUR 14)**

**Question 171. 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?**

15.1 No comment.

## **16. CONCLUSION**

16.1 In respect of the SADPD rural policies, our key concerns are as follows:

- Policy RUR 1 is not in line with national policy, which seeks to promote sustainable rural growth for all types of businesses. The policy represents a do minimum approach and criteria i) and iii) must be deleted for the policy to be effective, positively prepared and in line with national policy;
- Policy RUR 2 is overly restrictive, criteria ii) must be deleted. Reference to *"the range of goods sold is restricted to those in connection with the land-based business and the majority of goods sold should be produced on site"* must also be deleted and re-worded to acknowledge the wider supply chains involved with farmshops and rural diversification projects;
- Similar to policy RUR 1, policy RUR 10 is far too stringent and will not allow rural economies to thrive and prosper. Reference to 'small scale' and 'certain types' of development must be removed for the policy to be effective, positively prepared and in line with national policy; and
- The prescriptive percentage requirements in relation to extensions in the Green Belt and Countryside should be removed, as this is a matter of planning judgement which should be considered on a site-by-site basis.