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**8. FULL APPLICATION: CHANGE OF USE OF PART OF THE EXISTING GARAGE BUILDING TO CAFÉ AND CATERING USE, PADDOCKSIDE, OAKENBANK LANE, RAINOW (NP/CEC/1216/1291 P.2637 394699/377626 21/03/2017 DH)**

**APPLICANT: HANNAH BARTON**

**This application was deferred from April Planning Committee to allow members to conduct a site visit.**

**Site and Surroundings**

The application site is immediately to the west of a terrace of three cottages approximately 0.5 km west from the National Park boundary at Bollington. The site is 1.5km to the north of Rainow and 1.5km to the south of Pott Shrigley; as it does not lie within a named settlement for the purposes of the application it is considered to be in open countryside. It stands on the northern side of Oakenbank Lane, parallel with Blaze Hill, and an extensive network of PROW's surround the site.

The site is part of the curtilage of 1 Oakenbank Cottages, the westernmost cottage in the terrace. It is a semi-circular piece of land which appears to have been brought into use as part of the domestic curtilage in 1999, and although no planning permission was given for this change of use of the land, it is immune from enforcement action. The existing building is a domestic garage and does have the benefit of planning permission.

The nearest neighbouring properties are Numbers 2 and 3 Oakenbank Cottages, 18m and 25m to the south-east respectively, Oaken Bank Farm, approximately 100m to the north-north-west, Higher Inkersley Farm, 190m to the south, and Lima Farm 325m to the north-east.

**Proposal**

The application proposes the change of use of part of the existing garage building to café and catering use.

**RECOMMENDATION:**

**That the application be REFUSED for the following reason.**

- 1. The proposed development is contrary to Core Strategy policy E2 and HC5, and Saved Local Plan policy LS3.**

**Key Issues**

- The principle of a new A3 café use in an open countryside location
- Whether the proposed development would detract from the character, appearance or amenity of Paddockside, its setting or neighbouring properties.
- Whether the proposed development would be safe, i.e. whether the access/parking arrangements are acceptable and adequate for the proposed use.

**History**

NP/M/1199/037 – Erection of double garage – Granted subject to conditions - 20/12/1999

In 2006 an enquiry was made as to whether the change of use of the garage to a tea room was likely to be acceptable. The advice given was that the proposal was contrary to Local Plan Policy LS3 as the site is outside a Local Plan Settlement. No pre-application advice was sought prior to the submission of the current application.

### **Consultations**

Cheshire East Council (Highway Authority) - No objection

Cheshire East Council (Public Rights of Way Team) – No objection

Rainow Parish Council – No objection

### **Representations**

The Authority has received nine representation letters regarding the proposal. There is support for the proposed change of use, but three of the representations object to it.

All three objections raise concerns regarding traffic generation and parking provision at the site, with two of them stating that they are generally supportive of the proposal if it were in a different location as the road access to the site is narrow and potentially hazardous. One of the objections raises other concerns regarding the impact of increased traffic on wildlife habitat, and also cites commercial competition.

*Officer comment: During the course of the application, information has been requested on how the proposed café is to be advertised and vehicular traffic discouraged. A mock-up of the proposed advertising website has been provided which specifically states that there are only a limited number of parking spaces at the site and encourages visitors to park nearby and make use of the network of public footpaths, there is also a map showing the location of car parks and paths. Additionally, a plan which indicates that four additional parking places can be created on site for occasional use has been provided.*

*Commercial competition is a non-material issue which cannot be considered when making a planning decision.*

### **Main Policies**

Core Strategy Policy DS1 describes forms of development which are acceptable in principle across different parts of the National Park, and specifically the differences between named settlements and open countryside. DS1(C) specifically states that development for recreation and tourism is acceptable; however, DS1(D) lists named settlements in which the policy states that there is additional scope for small scale retail and business premises.

Core Strategy Policy E2 deals with proposals for business development in the countryside outside the Natural Zone and the named settlements in policy DS1. In these locations businesses should be located in existing traditional buildings either smaller settlements, on farms and in other groups of buildings in sustainable locations. Where no suitable traditional building is available the re-use of modern buildings may be acceptable provided there is no scope for further enhancement through an appropriate replacement building.

E2 is clear that business use in an isolated existing or new buildings in the open countryside will not be permitted.

HC5 (E) states that retail use (including cafes) in the countryside will only be acceptable where the proposals are small scale and ancillary to a business acceptable under policy E2, or which

relate directly to and be ancillary to recreation and tourist facilities. Supporting text to HC5 states that farm shops/cafes selling mainly goods produced on a farmstead may be acceptable as they would be considered to be farm diversification. Paragraph 12.31 gives the example of a farm shop which may be acceptable if the majority of the goods are produced on that farm. E2 (B) states that small scale business development will be permitted provided it supports an existing agricultural or other primary business responsible for land management, and Local Plan policy LC14 relates to farm diversification. However, a shop selling other goods from the local area would be better located in a nearby town or village, for both sustainability reasons and to protect the countryside from unnecessary development.

Policy E2 clarifies that beyond this policy and policies RT1, RT2, and RT3, there is no scope for setting up new businesses in the countryside.

Policy RT1 deals with proposals for recreation, environmental education and interpretation. RT2 (hotels, B & B, and self-catering accommodation) and RT3 (caravans and camping) are not relevant in this instance. RT1 (A) is supportive of facilities which enable recreation, (B) says that where appropriate development should be in or on the edge of settlements, in open countryside the location must be justified. (C) and (D) relate to the use of existing traditional buildings of merit, and (E) states that development must not on its own, or cumulatively, prejudice peoples enjoyment of other existing recreation development, including the informal quiet enjoyment of the countryside.

As the existing building is to be for a mixed use Saved Local Plan policy LH4 is also relevant, it states that householder extensions, including new outbuildings, are normally acceptable in principle provided they would not harm the character, appearance or amenities of the host property, or those of the neighbouring properties and the local area more generally.

Saved Local Plan Policy LS3 relates to retail development outside settlements. This states that: (a) Retail development outside Local Plan Settlements will not be permitted unless it is closely associated with farm diversification, tourist or recreational development and (e) Retail development will not be permitted if it would lead to inappropriate types or volumes of traffic on country roads and lanes, or is of a scale or nature that threatens the retail vitality, viability or potential of nearby settlements.

### **Wider Policy Context**

The National Planning Policy Framework (NPPF) is supportive of development which meets the needs of the area, contribute to building a strong, responsive and competitive economy. A strong rural economy is important and the NPPF supports development which creates employment opportunities and supports sustainable rural tourism and leisure developments in appropriate locations within rural areas which respect the character of the countryside.

The National Park has a statutory duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks, and to promote opportunities for understanding and enjoyment of its special qualities. Core Strategy Policies GSP1 and GSP2 require that all development is consistent with the National Parks legal purpose and duty. GSP3 and Saved Local Plan Policy LC4 require a high standard of design and state that where development is acceptable in principle, as set out in DS1, it will be permitted provided that it does not have an adverse effect on the amenity, privacy and security of the development and of nearby properties.

L1 states that development must conserve and enhance valued landscape character and other valued characteristics.

## **Assessment**

The proposal is to change the use of part of the existing garage building (approximately 40% of the existing floor area) to a café and catering use. Aside from the café the use would include catering for events elsewhere, parties, shows, and markets, as well as tasting sessions for outside catering events such as weddings.

The catering would be a showcase for local produce, sourcing meat etc from local farmers, which would be butchered by the family butcher's shops. As such there would be an element of education offered to consumers as to where their food comes from, thus encouraging a better understanding of the countryside and the role which farmers play in it.

Principle - Recreation and tourism facilities are important provided there is no harm to living conditions or to the character and appearance of the area. Core Strategy policy E2 and HC5, and Saved Local Plan policy LS3, specifically state that retail development (including café use) outside settlements is only acceptable in smaller settlements, or groups of buildings in sustainable locations or on farms where it can support farm diversification.

The location of this proposal is a quiet country lane characterised by a small number of residential properties and as such does not fit the criteria set out by strategic policies. While only modest in scale the introduction of a business use with the associated trips and parking would have the potential to impact adversely on the quiet character and amenity of this location.

Design - Any approval for the current application would be subject to normal planning considerations such as design of the building and its potential impact on the character, appearance and amenities of the property and the local area.

The proposed mixed use of the building does not require changes to the curtilage or require new access or services which would adversely affect the character of the site or have an adverse impact on its surroundings. An additional four parking spaces, with room for turning, can be provided within the curtilage, as shown on a site plan received by the Authority on the 8 March 2017. The spaces are within the area which is currently laid to grass; no surfacing materials are specified but it could be conditioned that they are "grasscreted" which would mean that there would be minimal impact visually.

The proposed alterations would take place within the existing building, with no extension of the building proposed. The submitted plans show proposals to create a kitchen, toilet area, and customer area in the front part of the existing garage, with parking for one car in the rear of the building retained. The proposal would result in the loss of inside space for the parking of two cars and whilst there is ample gravelled space within the existing curtilage to park vehicles on the semi-circular driveway and in front of the garage, this would introduce adverse changes to the character of the site.

The exterior alterations comprise the introduction of glazed panels in the existing garage door openings and the introduction of a pedestrian door and small window measuring 0.9m by 0.5m in the west elevation facing onto the grassed area. The amount of glazing in the south facing elevation could be considered to be excessive, however, as the building is seen within the context of the dwelling it could be said to be typical of domestic outbuildings. Additionally, it would be possible to reserve details of these openings by condition to ensure a design was approved which would provide a better ratio of solid to void. These external alterations to the existing building would have a limited impact on the setting of the property and minimal impact on the special qualities of the wider area and landscape.

Amenity - The additional use of the building proposed, for a small scale catering use and café, does not give rise to significant concerns regarding any adverse impact on the amenities and

privacy of any neighbouring residential properties. A change in the character of the property and the lane can reasonably be anticipated, however it is considered that allowing the garage building to have a mixed use is unlikely to result in any significant harm to living conditions or to the character and appearance of the area. By virtue of the size and scale of the business proposed, it is considered that the proposals would have a limited impact on the quiet enjoyment of other nearby properties.

As concerns have been raised regarding the suitability of Oakenbank Lane to deal with additional traffic generated by the proposed use, this has been carefully considered. The Highway Authority state that there are no material highway implications associated with this development proposal, therefore they have no objection to the proposed change of use. Oakenbank Lane is a dead end, and is clearly sign-posted as such, therefore the café will not attract 'passing' vehicular trade. The business is to be advertised in such a way as to discourage customers driving to the site, the proposed website will advise that there are limited parking spaces and give details of the Public Rights of Way which lead to the site from various nearby car parks. If vehicles are used to access the café, up to six vehicles can be accommodated off the road and there is room for an additional two vehicles in front of the cottage, leaving room for another vehicle to pass.

It is considered that the proposal does offer adequate parking provision for the small scale of the proposed business. Therefore, the proposal would not conflict with the specific provisions of Local Plan policy LT18, which requires safe access and adequate parking provision for all new development in the National Park.

Nevertheless the increased presence of vehicles in the lane would adversely impact on the character, appearance and quiet enjoyment of the lane and the associated properties.

### **Conclusion**

Overall whilst acknowledging that the proposal has merits and that the scale of this proposal is modest, it is concluded that the proposal for a new business in this quiet location in open countryside would be contrary to Core Strategy policies E2 and HC5, and Saved Local Plan policy LS3. The property is not in or on the edge of a named settlement and not a farm based tourism activity or *existing* tourism activity and would introduce a non-residential use to this quiet lane. The proposal does have potential to adversely change the character and appearance of the area. Policies seek to direct development to the most appropriate areas and protect quieter locations from unnecessary development. As such the principle of a change in the use of property is a significant consideration in reaching a conclusion of refusal.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)

Nil