

DELEGATED DECISION REPORT

SMD/2024/0520
Valid 19/11/2024

PEARTREE FARM
FREEHAY ROAD
MOBBERLEY
CHEADLE

REMOVAL OF REDUNDANT
STABLES, VARIOUS UNSAFE
TIMBER
STRUCTURES, FOR THE
PROPOSED
REDEVELOPMENT OF THE
SITE TO CREATE A PLANT
CENTRE WITH A COFFEE
SHOP AND GARDENS.

(FULL - MINOR)

MAIN ISSUES

- Local Plan Policy Approach to Rural Development
- Impact on the Amenity and Living Conditions of Nearby Neighbours
- Impact on Highway Safety

DESCRIPTION OF SITE

Pear Tree Farm is situated off Freehay Road between Mobberley and Freehay, adjacent the Freehay Quarry Entrance. Pear Tree Farm is a sizeable detached property set within expansive gardens and woodland areas. Free hay is a rural hamlet located in an 'other rural' area of countryside.

An unsurfaced driveway with limited passing places is shared with the neighbouring properties. The driveway splits into two at the gated access to Pear Tree Farm. This driveway continues to the west of the site to access two further properties to the North.

From the gated access the drive essentially takes a linear line passing through the lower tier of the properties large garden, steadily climbing before making an almost right angled turn and rising steeply to the dwelling on an upper tier to the east.

On the lower tier the driveway is lined by areas of hardstanding that provide opportunity for passing, bin storage, parking for the dwelling and turning and a range of stables/garden outbuildings that are deteriorating in condition.

The area of garden that provides the application site shares a boundary with and is open and exposed to the two neighbouring dwellings to the north.

PROPOSAL

Application proposes a material change of use to part of the dwelling's curtilage and garden to create a plant centre with a coffee shop and gardens. The details of the proposed use are not clear it is assumed that the applicant proposes to open their garden, which they wish to improve with additional landscaping, to paying visitors as

an attraction and introducing a type of retail use with garden centre sales (the application references 'plant sales').

The proposal shall include the following:

- Removal of the stable building see image 2 & 3, plus the two timber covered storage sheds see images 3 and 4, which are to be replaced with carparking provision including disabled spaces
- Removal of the existing railway carriage and the adaption and alteration of the car parking spaces opposite the stables.
- Adaption and alteration of the existing vehicle storage area see image 6, to the North of the site to enable construction of a new timber fabricated small garden centre café with disabled toilet facilities.
- The implementation of a new drainage system incorporating a mini sewage treatment plant and outfall drainage mound.
- Additional planting of several formal garden spaces with the inclusion of additional planting of shrubs, trees and hedges to increase the diverse range of the natural fauna and flora found in this area.
- Addition of two signs located either side of the access off Freehay Road see image

It is submitted that proposed garden landscaping would improve Biodiversity habitat and that this is a matter that weighs in favour of the proposal.

In response to neighbour objections the applicant submitted as comments in response the following:

A. Reduce the amount of parking to 15 spaces to allow the parking to be further away from the neighbours thus reducing noise and to allow for a large turning area to be installed to improve the flow of traffic.

B. Remove the coffee shop building completely but keep the toilet block for use by the plant centre customers and staff.

C. Installation of Signs to control speed and parking in the lane and give way signs at all entrances and exits. If required we would also install mirrors to help with visibility where required.

D. Installation of a sign to stop unwanted traffic passing over neighbouring access lane.

E. We would tarmac the unmade sections of the lane from the main road to the entrance to Pear Tree Farm thus improving the quality of the lane in question and we would also tarmac 5 mts of the lane leading to our neighbours, if this is acceptable with our neighbours.

F. The leaves and bank slippage would be removed to restore the lane to its original width which would restore the passing place at the entrance to the lane

G. The lane between the main road and Pear Tree Farm would be maintained on a yearly basis as required by the Deed of Grant between ARC and Pear Tree Farm

H. Opening times would be reduced to 10AM to 4PM Thursday to Sunday in line with other small plant centres in the area.

I. We have no plans for outdoor music at the plant centre or the gardens.

J. The signage at the entrance would be reduced in height to reflect the removal of the coffee shop

K. We have no need for large lighting schemes due to the reduced opening hours

L. In reply to one of the comments, my business will not be relocating, it is staying in the high street.

Despite these suggestions, essentially the application would still seek to provide a garden centre retail function and garden attraction for a significant number of visitors. None of the amendments or revisions referred to here are submitted in a formal manner by the agent or are confirmed with amended plans and it is not clear that they would address the concerns and objections discussed below, as such the application will be dealt with as originally submitted.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area
E4 Tourism and Cultural Development
DC1 Design Considerations
DC3 Landscape Character
NE1 Biodiversity
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant

There is history relating to householder enlargements and alterations to the dwellinghouse.

CONSULTATIONS

Publicity

Site Notice expiry date: 27/12/2024
Neighbour consultation period ends: 27/12/2024
Press Advert: N/A

Public Comments

5 Objections received:

- Access is single carriageway with limited passing places and all visitors and deliveries would need to turn within the boundaries of the property
- The access is shared by other properties and there will be conflicting vehicle movements
- There is a public footpath that shares a section of the access drive increased vehicle movements will cause hazard to pedestrians and horses that use the access drive

- Noise and cooking fumes from the café on the boundary would cause nuisance and disturbance to near neighbours
- The access with the highway is unsuitable it is substandard with no passing, vehicles waiting to enter would cause obstruction on the main road while vehicles exit

Town / Parish Comments

Cheadle PC: Awaited

Peak and Northern Footpath Association

Public Rights of Way Cheadle 7 is close to the proposed site.

The use of any PROWs, and the safety of users must not be affected by the development, nor during the work taking place.

Environmental Health

Object/Refusal

insufficient information being provided to properly assess the likelihood of impact to amenity of the nearest sensitive receptors due to noise and cooking smells. A site specific noise assessment should be provided as outlined above. Also details on the proposed kitchen extraction and ventilation system to be used, this should be suitable for the type of food to be served.

Staffordshire Wildlife Trust

No Objection

Waste Collection

No issues

Staffordshire County Council Highways

Refusal/Object

Site Visit Conducted on: 11-Dec-2024

1. Insufficient information

2. Access is of inadequate width and construction detail to accommodate passing vehicles and commercial and leisure traffic with a likelihood of extensive reversing manoeuvres or vehicles reversing into the highway.

Peartree Farm appears to be a private dwelling with large garden. There is no highway objection to the improvement of the gardens.

The access between Freehay Road and the curtilage of the site is outside the red line. It is narrow and not bound surfaced. There appears to be only one passing place which is unsurfaced and at the time of my site visit was covered by leaves, 'muddy' with tyre tracks visible. There is inadequate space for two vehicles to pass at the access off Freehay Road. Any vehicles meeting on the access would require one to reverse on the loose surfaced/unsurfaced track potentially onto Freehay Road. Access seems unsuitable for a commercial enterprise.

Under Scale and Massing, cafe is anticipated to accommodate 18 covers at 'high peak time'. This appears a large number to be using the unsurfaced narrow access track. There is no commentary on whether this is in addition to visitors to the garden centre and/or the gardens. There is no information on the proposed garden centre.

Under Traffic Generation, Access and Car Parking - parking has been '...carefully considered.....for usage as set out by the client'. There are no details of what

parameters were used. Passing places are referred to but there appears to only one, close to the access to Peartree Farm itself. It is not bound surfaced and would not stand up to repeated use. The first paragraph appears to be asserting that the access to the site will be unaffected by the proposal because it is the access to the site? It is not clear what this means.

Access to the site is currently used by domestic traffic. A cafe, garden centre and gardens open to the public will clearly intensify use of the access and will clearly have an effect on the track.

The application is lacking in detail on the proposed commercial use. The access is currently inadequate for a commercial use and does not appear to be in the ownership of the applicant.

OFFICER COMMENTS

Principle of Development

The site is an 'other rural' area of countryside to the south east of Cheadle. Here Local Plan 'other rural' area strategy SS10 applies.

These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. Specifically, enhance tourist opportunities by allowing for small-scale tourism developments in other areas (other than the Churnet Valley Master Plan Area SS11) in accordance with policy E 4.

New tourism and cultural development which complements the distinctive character and quality of the District will be supported having regard to the Area Strategy in Policy SS 10. In addition: 1. New tourist, visitor and cultural accommodation, attractions and facilities should be developed in locations that offer, or are capable of offering either: A) good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling; or B) in locations in or close to settlements where local services, facilities and public transport are available. Developments in other locations may be supported where a rural location can be justified.

New attractions and facilities should: A) support the provision and expansion of tourist, visitor and cultural facilities in the rural areas where needs are not met by existing facilities; and B) all development shall be of an appropriate quality, scale and character compatible with the local area, protect the residential amenity of the area, and enhance the heritage, landscape and biodiversity of the area.

In the proposed location the development would be outside of and remote from nearby settlements. It would not be well connected to other facilities and attractions and public transport is not available, visitors would be dependent on the car and it would be unsustainable in those regards.

Moreover, the proposal would seem to present a number of impracticalities. Particularly because the dwelling's curtilage is so steep and its driveway long and awkward, the driveway and garden at lower tier (that provides the application site)

provides essential functionality for the dwellinghouse which is at a much higher ground level at the end of a very steep driveway. The lower tier for example, provides bin storage, parking and turning for postal vans and other deliveries or visitors to the dwelling.

The proposal would be unsustainable and contravene policies SS10 and E4 of the SMDC Local Plan.

Impact on Amenity and Living Conditions of Neighbours

The application site coincides with the lower tier of the applicant's garden and curtilage that is exposed and open to the boundary to the north that is shared with the near neighbouring properties that are adjacent. Opening these gardens as a visitor attraction, a retail experience and/or a catering facility, in any commercially meaningful way, would mean that large groups of visitors would congregate and roam within a confined area of space. It is inevitable that these visitors would generate noise and disturbance for the near neighbours while they enjoy the attraction on frequent and prolonged occasion.

The use and enjoyment of the café facility by visitors, either inside or outside of the building, would be close to the shared boundary and cause noise and disturbance for nearby neighbours. Such a facility is also likely to generate cooking smells that could be a nuisance to near neighbours.

The visitors to the attraction would all be dependent on motor vehicles and the noise from numerous vehicles parking, revving and manoeuvring within constrained limited space would cause further noise nuisance for the near neighbours.

Additionally, the vehicle movements on the access and along the driveway of numerous visitors would cause unacceptable obstruction, inconvenience and conflict with the normal movements and reasonable expectations of the near neighbours and the existing users of the access facilities. This would have an unacceptable impact on the neighbours living conditions and amenity.

The proposal would be contrary to policies SS10, E4 and DC1 of the SMDC Local Plan.

Impact on Highway Safety

Access is of inadequate width and construction detail to accommodate passing vehicles and commercial and leisure traffic with a likelihood of extensive reversing manoeuvres or vehicles reversing into the highway.

The access between Freehay Road and the curtilage of the site is outside the red line. It is narrow and not bound surfaced. There appears to be only one passing place which is unsurfaced and at the time of site visit was covered by leaves, 'muddy' with tyre tracks visible. There is inadequate space for two vehicles to pass at the access off Freehay Road and limited passing opportunity along the driveway. Any vehicles meeting on the access would require one to reverse on the loose surfaced/unsurfaced track, potentially out onto Freehay Road. Access, the shared driveway and the constrained parking and turning provision on site are unsuitable, because of their narrow dimension, surfacing and limited passing opportunity for any form of

meaningful commercial enterprise or use. This is particularly because such activity and uses would conflict with the existing and established residential uses of the access, driveway and dwelling's curtilage.

The application suggests, by way of example, that the café would accommodate 18 covers at 'high peak time'. This appears a large number to be using the unsurfaced narrow access track. There is no commentary on whether this is in addition to visitors to the garden centre and/or the gardens. There is no information on the proposed garden centre.

A section of the driveway access coincides with public footpath No. 7 that is used by walkers and horse riders, there is no separate footway. Increased visitor numbers to the site and increased vehicle numbers and movements would cause conflicting movements and obstruction with vehicles waiting or reversing on the highway. There would be increased and unacceptable danger to users of the public footpath.

CONCLUSION / PLANNING BALANCE

There is not an essential need to locate the development in this unsustainable 'other rural' area of countryside, that is outside and remote from the nearest settlement boundary. The development would not have good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling; and is not close to local services, facilities and available public transport. In these regards there would be conflict with policies SS10 and E4 of the SMDC Local Plan 2020 and the terms of the NPPF.

The development would be harmful to the amenity and living conditions of the adjacent residential dwellings that share a boundary to the north of the application site and the access and driveway that serve the properties and provide the only link to the highway network. The commercial catering facility and a frequent concentration of visitors congregating and roaming within garden land in close proximity to their properties would cause unacceptable cooking odours, noise and disturbance, and loss of privacy. Increased vehicular movement on the access drive and parking and manoeuvring within the adjacent garden area would cause conflicting movements, obstruction, noise and disturbance and inconvenience to other users of the driveway. As such there would be conflict with policies SS10, E4 and DC1 of the SMDC Local Plan 2020 and the terms of the NPPF.

The access is unsuitable for commercial enterprise and the proposed change of use. The access is of inadequate width and construction detail and has limited passing opportunity for vehicles. There would be a likelihood of extensive waiting on the highway and reversing manoeuvres or vehicles reversing into the highway. The development would clearly intensify the use of the access and driveway, introducing vehicular movements that would conflict with the movements of vehicles associated with the existing dwellings and users of the public footpath Cheadle No. 7. This would present an unacceptable impact on highway safety and the safety of those using the public footpath. As such the development would be in conflict with policies DC1 and T1 of the SMDC Local Plan 2020 and the terms of the NPPF.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 14th January 2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council