

APPLICATION REPORT – 19/00282/FUL

Validation Date: 3 May 2019

Ward: Coppull

Type of Application: Full Planning

Proposal: Erection of detached dwelling and garage (part retrospective)

Location: Holt Farm Wigan Lane Coppull Chorley PR7 4BN

Case Officer: Mr Iain Crossland

Applicant: Mr Dutton

Agent: Miss Katie Dickson, Greyside Planning

Consultation expiry: 24 May 2019

Decision due by: 13 September 2019 (Subject to extension of time)

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site is located in the Green Belt, and is close to the Borough boundary with Wigan in Coppull. It is currently occupied in part by a steel frame structure and a substantially developed building resembling a large domestic outbuilding. The site is on a raised area of land visible from Wigan Lane and is accessed via a long driveway from this highway. The character of the area is that of open agricultural land interspersed by occasional dwellings agricultural buildings and woodland copses.
3. The site was until fairly recently occupied by a dwelling known as Holt Farm and the outbuildings that were associated with it. Holt Farm was grade II listed, by virtue of a small section of an internal timber framed wall, which represented a fragment of historic fabric of the original building. The remainder of the building was either brand new or was taken down and reconstructed by the previous owner, prior to listing. As such the building had been considerably altered and extended previously and a number of outbuildings constructed, again prior to listing.
4. In the process of attempting to implement a series of previously approved renovations and alterations, including the demolition of modern additions and outbuildings, erection of two storey extensions to the side and rear and the erection of a detached garage, the building was effectively demolished. This resulted in enforcement action taking place with the applicant being prosecuted in December 2018.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks full planning permission for the erection of a detached dwelling and garage. The application is part retrospective in that it has been submitted with the intention of gaining consent for a development that makes use of the structures that have already been erected.

6. The steel frame that has been constructed would form the frame of the dwellinghouse. It is proposed that this is retained and used to form the superstructure of the dwelling. The garage outbuilding would also be retained but would be altered to reflect a previously approved outbuilding on the site.

REPRESENTATIONS

7. No representations have been received.

CONSULTATIONS

8. Coppull Parish Council: No comments have been received.
9. Historic England: Have confirmed that they have no comments to make.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

10. The application site is located wholly within the Green Belt, and is a previously developed site that was until recently occupied by a dwellinghouse and associated outbuildings. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework which states:

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

134. Green Belt serves five purposes:

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

145. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *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;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
– *not have a greater impact on the openness of the Green Belt than the existing development; or*
– *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

11. This part of Coppull is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:
"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
12. Policy HS6 of the Chorley Local Plan 2012 – 2026 covers replacement dwellings and expands upon paragraph 145.d) of the Framework. This allows for replacement dwellings in the Green Belt on the basis that they are not materially larger than the building that they replace. Policy HS6 states that increases of up to 30% are not considered to be materially larger.
13. In this instance the dwelling is no longer in situ and therefore policy HS6 and paragraph 145.d) cannot be applied. The site is, however, previously developed land and could, therefore, be considered in relation to paragraph 145.g) of the Framework as set out above.
14. Policy BNE5 of Chorley Local Plan 2012 – 2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:
In the case of re-use
 - a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*
 - b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.**In the case of infill:*
 - c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
In the case of redevelopment:
 - d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*
15. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. A new building in this location would inevitably have an impact on openness given that the previous building has been demolished, and, therefore, could only be considered inappropriate in relation to this paragraph.
16. Given that it has been established, that the redevelopment of what is now a cleared site is inappropriate development in the Green Belt, which results in definitional harm to the Green Belt, any other harm caused by the development must also be considered and added to the definitional harm.
17. There are five purposes of the Green Belt as set out in the Framework and are detailed above. Considering each in turn:

18. Purpose 1 (to check the unrestricted sprawl of large built-up areas)
The application site is located in a rural area which is a considerable distance from any large built up areas. It is not considered the application proposal represents unrestricted urban sprawl of a large built-up area.
19. Purpose 2 (to prevent neighbouring towns merging into one another)
The development of the site would not result in neighbouring towns merging into one another.
20. Purpose 3 (to assist in safeguarding the countryside from encroachment)
The proposed development would not extend beyond the developed area of this previously developed site and, therefore, no encroachment would occur.
21. Purpose 4 (preserve the setting and special character of historic towns)
The site is not located within or near to a historic town, and the proposed building would not be located within the setting of any listed buildings.
22. Purpose 5 (to assist in urban regeneration by encouraging the recycling of derelict and other urban land)
There would be no material impact on this purpose given that the proposed development is small scale development.
23. On the basis of the above, it is considered that there would be no other harm to the Green Belt.
24. As the proposed development would result in definitional harm to the Green Belt there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

Impact on heritage assets

25. The application seeks planning permission, part retrospectively, to erect a single dwellinghouse and a detached, albeit linked by a curtain wall, garage.
26. The site was formerly occupied by Holt Farm, a grade II listed vernacular farm house. This building was previously demolished in its entirety and the site cleared of all trace of its existence. The site, therefore, has no historic significance other than the fact that a listed farmhouse was previously located upon it. Site visits undertaken shortly after demolition suggest that all trace of the previous building has been eradicated. In short, the current significance of the site is considered to be negligible.
27. The proposed design for the replacement building, for which a steel frame has already been erected and where the proposed garage is substantially complete, bears only a passing similarity to parts of the original building but nothing more. It is essentially a modern building with elements that hint to a traditional design.
28. As the listed building has already been demolished, the site cleared and thus both the appearance of that former building and the significance with which it was imbued completely eradicated, any development of the site cannot, therefore, result in any material impact upon that former building. There would, therefore, be no impact on any designated heritage assets as a result of the proposed development.

Impact on character and appearance of the locality

29. The proposed dwelling would be situated on the footprint of the previous dwelling that occupied the site prior to its demolition, with garage to one side. This siting is considered to be appropriate as it reflects the previous situation, whilst the positioning of the garage would result in a courtyard appearance common to rural dwellings. The proposed dwelling and associated outbuilding are of a traditional design style, taking some reference from the buildings that previously occupied the site and resulting in a focal point at the terminus of the access road, which replicates the historical situation on site. This is appropriate in this

somewhat isolated location and would not result in any harm to the appearance of the site or character of the locality.

Impact on neighbour amenity

30. The proposed dwelling and outbuilding would be located a significant distance from the nearest residential properties and, therefore, would have no adverse impact on neighbour amenity.

Highway safety

31. There is well established vehicular access to the site, which it is not proposed to be altered. The erection of a dwelling would replicate the previous use and its intensity, therefore, there would not be any material impact on highway capacity over and above the existing situation.

Sustainability

32. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

33. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Public open space

34. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

35. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.

36. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.

37. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.
38. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space, however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.
39. Therefore, a public open space commuted sum is not requested for this scheme.

Community Infrastructure Levy (CIL)

40. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Green Belt balancing exercise

41. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt. It is considered that there would not be any further harm. Development of this type should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
42. With a view to demonstrating very special circumstances the applicant has set out a number of factors in support of their proposal.
43. There is a complex planning history relating to the site and a number of planning permissions have been granted previously. Planning permission ref. 16/00474/FUL provided for renovations and alterations, including demolition of modern additions and outbuildings, erection of two storey extensions to the side and rear to the existing grade 2 listed building, erection of a detached garage and associated ground and landscaping works. This planning permission was subsequently amended through application a Section 96A application ref. 16/01125/MNMA. Together these consents would have resulted in a series of extensive alterations to the building that would have required demolition and remodelling of the original building. In reviewing the approved plans for the site and what has been approved, it is clear that the extent of the redevelopment would have been significant.
44. In the process of implementing the planning permission for the alterations that were granted planning permission, the structural works that were required to facilitate the extensions made the original property structurally unstable as a number of supporting walls were permitted to be removed. This also included the whole roof and the joists supporting the roof, and ultimately led to the building being demolished. It is recognised that the level of development that was approved was tantamount to that of a replacement dwelling, with elements of the historic fabric retained.
45. The development progressed, on the basis that the applicant intended to replace the original dwelling with a new dwelling essentially reflecting what was approved under the previous planning permission and subsequently approved amendment. However, this took place without the necessary planning permission for a new dwelling and was investigated with work eventually ceasing.
46. It is clear that what was being developed would have reflected the consents that had been granted and that in effect the outcome of replacing the dwelling with a new one would have been the same in terms of the impact on the Green Belt and appearance and character of

the site, albeit some of the original materials had been removed. The only visual difference was that a gable had been added to the front elevation of the garage. This application does not include the front gable and it would, therefore, need to be removed in the event that the application is approved.

47. As such, taking into account the considerations in respect of this case, the most pragmatic way forward is to consider that the proposed development reflects that which would have existed on the site had the previous permissions been delivered in their approved form. This carries significant weight in the consideration of the application.
48. Further to the above it is clear that the previous dwelling was the main building within the wider grouping of buildings on the site and surrounding land. The loss of a building in this location would lead to the remaining buildings appearing unusual within the wider countryside environment, and the grouping of buildings has lost its focal point. The replacement with a building of scale would realign the hierarchy of buildings that would be expected within a farm setting, and in the context of this site in particular, which has historically been occupied by a farmhouse and associated buildings. This carries some moderate weight.
49. Additionally, the steel frame that is in situ was ordered specifically to be brought and assembled on the site to form the structure, which physically represented the design of the building as previously approved. Should the frame need to be removed it would render the material unable to be sustainably reused without extreme intervention and specialist works. This carries some limited weight.
50. There is significant case law that supports the conclusion that a number of factors, none of them "very special" when considered in isolation, may when combined together amount to very special circumstances.
51. The factors set out above when considered cumulatively, on balance, amount to very special circumstances that carry significant weight and amount to the very special circumstances required to overcome the definitional harm to the Green Belt, which must be accorded substantial weight in line with the Framework.

CONCLUSION

52. The proposed erection of a dwelling and outbuilding are inappropriate development in the Green Belt. It is, however, considered that in this instance there are very special circumstances to overcome the definitional harm to the Green Belt. The impact on the character and appearance of the area is considered to be acceptable, there would be no impact on neighbour amenity and there would be no adverse impact on highway safety. It is, therefore, recommended that the application be approved subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 97/00607/FUL **Decision:** PERFPP **Decision Date:** 26 November 1997
Description: Single and two-storey extensions to and refurbishment of existing farmhouse and formation of all weather riding area

Ref: 98/00763/FUL **Decision:** PERFPP **Decision Date:** 16 December 1998
Description: Erection of block of four stables, store and tackroom

Ref: 15/00041/FUL **Decision:** PERFPP **Decision Date:** 25 March 2015
Description: Replacement agricultural building and stables in lieu of existing agricultural building, steel storage containers and stables

Ref: 15/00430/FUL **Decision:** PERFPP **Decision Date:** 1 July 2015
Description: Demolition of existing extensions to farmhouse. Erection of replacement extensions to farmhouse, demolition of stables and outbuilding and replacement new garage and new vehicular access

Ref: 15/00431/LBC **Decision:** PERLBC **Decision Date:** 1 July 2015
Description: Listed building consent for: Demolition of existing extensions to farmhouse. Erection of replacement extensions to farmhouse. Demolition of stables and outbuilding and replacement new garage and new vehicular access

Ref: 16/00474/FUL **Decision:** PERFPP **Decision Date:** 18 August 2016
Description: Renovations and alterations, including demolition of modern additions and outbuildings, erection of two-storey extensions to side and rear to the existing grade 2 listed building erection of detached garage and associated ground and landscaping works

Ref: 16/00475/LBC **Decision:** PERLBC **Decision Date:** 18 August 2016
Description: Renovations to the existing grade 2 listed building including demolition of modern extensions and erection of 2 storey side and rear extensions

Ref: 16/01123/LBC **Decision:** PERLBC **Decision Date:** 6 February 2017
Description: Listed Building Consent for alterations to the end elevation details of the dwellinghouse (following grant of consent 16/00475/LBC)

Ref: 16/01125/MNMA **Decision:** PEMNMZ **Decision Date:** 20 December 2016
Description: Minor non-material amendment following grant or permission - 16/00474/FUL - to amend the end elevation to dwelling and garage roof profile

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

To follow: