

APPLICATION REPORT – 19/00631/FUL

Validation Date: 1 July 2019

Ward: Chisnall

Type of Application: Full Planning

Proposal: Erection of two dwellings (involving the swapping and repositioning of dwellings previously approved under permission references 16/00737/FUL and 17/00599/FUL)

Location: Town Lane Farm Town Lane Heskin Chorley PR7 5QA

Case Officer: Caron Taylor

Applicant: Mr Howard Rose

Agent: Mr Chris Weetman, CW Planning Solutions Ltd

Consultation expiry: 26 July 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 and a legal agreement.

SITE DESCRIPTION

2. The application site sits within a wider site, owned by the applicant, which consists of a yard that is occupied by a number of storage containers, a mobile home/caravan, part of a stable block which has been largely demolished, a sand paddock and a large area of hardstanding. There is currently an access track that provides vehicular access to Town Lane which runs across land not owned by the applicant.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission to erect two new dwellings on Town lane Farm, in lieu of two dwellings that have been previously approved. (Refs: 16/00737/FUL and 17/00599/FUL).

4. There are, therefore, two separate planning permissions for dwellings on the site (two dwellings in total) – a larger dwelling closest to Town Lane approved under permission ref: 16/00737/FUL and a smaller dwelling further back on the site approved on appeal under permission ref: 17/00599/FUL.

5. Planning permission ref: 16/00737/FUL also permitted a barn (re-sited under this permission, originally approved under permission ref: 09/00065/FUL. Permission for this barn remains extant as confirmed by Certificate of Lawfulness ref: 15/00340/CLEUD) and stables (originally approved under 14/00982/FUL). Each planning permission had a legal agreement associated with it.

6. A legal agreement (Unilateral Undertaking) was submitted at the allowed appeal for 17/00599/FUL which, amongst other things, provides that in the event of the second dwelling being built (so if both permitted dwellings were built on the site) the stable block approved under permission ref: 16/00737/FUL would not be commenced, and the erection of the barn confirmed lawful under the CLEUD (ref: 15/00340/CLEUD – at the northern part of the site) would also not be commenced. However, a barn could be built on the south part of the site under permission ref: 17/00599/FUL.

7. In summary, permitted on site are two dwellings and a barn (the stables cannot be built if the second dwelling is built as controlled by the legal agreement, but the stables could be built if the second dwelling is not constructed).

REPRESENTATIONS

8. No representations have been received.

CONSULTATIONS

9. Lancashire County Council Highway Services – Have confirmed that they do not have any objections regarding the proposed erection of two dwellings and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

10. The applicant is requested to enter into a s184 agreement for the formation of the shared driveway.

11. It is also requested that provision is made for construction/contractor vehicles and the storage and delivery and materials off the highway. This is to ensure that Town Lane, which is single track, is not obstructed and the safe and free passage of all road users including pedestrians is maintained.

12. Heskin Parish Council – No comments have been received.

13. CIL Officers – Comment that this development will be CIL Liable if approved.

PLANNING CONSIDERATIONS

14. Although there are no dwellings on site at present, and the erection of two dwellings does not fall within one of the exceptions to Green Belt policy set out in the National Planning Policy Framework, the proposal effectively seeks planning permission to swap the location on the site of the two dwellings that were previously approved under references 16/00737/FUL and 17/00599/FUL. The current proposal does not propose any additional dwellings on the site.

15. The acceptability of the principle of two dwellings on the site by the previous grants of planning permission is, therefore, already established and this realistic fall-back position is considered very special circumstances that outweigh the presumption against the development.

16. This report therefore focusses on the acceptability of swapping and repositioning the two dwellings on the site.

17. As the application site is located in the Green Belt, it is necessary to make an assessment as to whether the proposal would have a great impact on the openness of the Green Belt and the purposes of including land within it, than what is already approved. It is also necessary to consider if changing the position of the dwellings is acceptable in other respects such as impact on neighbours, parking etc. when compared to the previously approved schemes.

18. The proposed two dwellings that are the subject of this application remain exactly as previously approved in terms of their design, scale, height and volume. The dwelling that was previously approved under reference 16/00737/FUL at the front of the site would move towards

the south (rear) of the site. The dwelling that was previously approved under reference 17/00599/FUL at the rear of the site would move to be located fronting Town Lane.

19. It is considered that the repositioning of the two dwellings on the site would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than what has already been approved on the site. Repositioning the dwellings is, therefore, considered acceptable in relation to Green Belt.

20. In terms of neighbour amenity, the nearest residential property is Walmsley's Barn which is located to the west. This is set back significantly from Town Lane. It is considered that the dwellings as now proposed would not result in an unacceptable relationship with this property, or Walmsley's Farm House which is located to the south of it given the location of the proposed properties and the separation distance between them.

21. The proposed layout complies with the Council's parking standards in terms of off-road parking spaces and it is considered acceptable in relation to highway safety subject to conditions as requested by LCC Highways. Their request for a condition regarding the layout to include provisions to enable vehicles to enter and leave the highway in forward gear is noted, however it is not considered necessary to impose such a condition as this provision is already demonstrated on the proposed layout plan.

22. A legal agreement (Unilateral undertaking) is required to ensure that, given the extant planning permissions, only two dwellings could ever be built on the site, along with the barn (at the southern end of the site) shown on the site plan.

23. In relation to conditions, some of the conditions from the previous planning permissions e.g. materials etc. have been discharged. Where these would remain the same these will be imposed on the permission as controlling conditions and details will be provided on the addendum.

CONCLUSION

24. The proposed erection of two dwellings is 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 as detailed above. There would be no adverse impact on the character and appearance of the area, neighbour amenity or highway safety. It is, therefore, recommended that the application be approved subject to conditions and a legal agreement.

RELEVANT HISTORY OF THE SITE

25. The application site has a very complicated planning history which is as set out in the table below.

Reference	Description	Decision	What this permitted/proposes
09/00065/FUL	Erection of an agricultural storage building (amended re-submission of application no. 08/01208/FUL)	Permitted	Barn
11/00713/FUL	Erection of replacement stable building following demolition of existing stable building (Re-submission of application no. 11/00069/FUL).	Permitted	Stables
11/01101/CLEUD	Application for a Certificate of Lawfulness for use of existing building as livery stables	Granted	
12/01105/FUL	Application to remove condition no. 6 to enable stable building to be used as a livery stables	Permitted	
14/00982/FUL	Demolition of existing stables and erection of detached dwelling, formation of new access and erection of stable block	Permitted	Demolition of stables and replacement with one dwelling and new stables
15/00340/CLEUD	Certificate of Lawfulness to confirm that agricultural storage building permitted under 09/00065/FUL was lawfully started by the setting out and excavation of foundations and the laying of steel stanchion bases.	Granted	
15/01133/FUL	Demolition of existing stables and storage buildings and erection of two dwellings.	Refused APPEAL DISMISSED	
16/00737/FUL	Re-positioning of dwelling and 3 bay stable block approved under application 14/00982/FUL, and Lawful Barn under application 15/00340/CLEUD	Permitted	Repositioning of dwelling, stables and barn on site.
17/00093/FUL	Erection of dwelling following demolition of existing stables and storage buildings.	Refused	
17/00599/FUL	Erection of one detached dormer bungalow and relocation of approved agricultural barn/storage building.	Refused APPEAL ALLOWED	One dwelling (additional) and relocation of barn
19/00063/FUL	Erection of detached dwelling	Application withdrawn by applicant	Change of house type and location of one of the dwellings.

19/00631/FUL	Erection of two dwellings (involving the swapping and repositioning of dwellings previously approved under permission references 14/00982/FUL and 17/00599/FUL)	Current application.	
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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: