

APPLICATION REPORT – 19/00403/FUL

Validation Date: 15 May 2019

Ward: Pennine

Type of Application: Full Planning

Proposal: Erection of detached garage.

Location: Wogdens Farm Tithe Barn Lane Heapey Chorley PR6 8TE

Case Officer: Chris Smith

Applicant: Mr Myles Newhouse

Agent: Mr Tony Lang

Consultation expiry: 6 June 2019

Decision due by: 10 July 2019

RECOMMENDATION

1. It is recommended that this application is refused for the following reason:

The proposed development would be located within the Area of Other Open Countryside (as defined by the Local Plan). The proposal does not fall within any of the types of development identified in policy BNE2 as being acceptable in the Area of Other Open Countryside. Insufficient reasons have been put forward to justify an exception to this policy. The proposal is, therefore, contrary to Policy BNE2 of the Chorley Local Plan 2012-2026.

SITE DESCRIPTION

2. The application site is located within the Area of Other Open Countryside as designated by the Chorley Local Plan 2012-2026. It is approximately 150m to the south of Tithe Barn Lane and is within the rural parish of Heapey. The site lies outside of and to the south west of the lawful residential curtilage of the residential property known as Wogdens Farm. The site is, however, located within a parcel of land, which has been used as residential garden in association with Wogdens Farm, which is a grade II listed building. This was established by the Council under a lawful development certificate for an existing use in December 2018 (ref: 18/01005/CLEUD).
3. The immediate locality is almost entirely rural and open in character apart from the residential property Wogdens Farm and the neighbouring residential property Rose Hips Barn, which is located directly to the north of Wogdens Farm. A small group of buildings lie to the north west of Wogdens Farm including a garage and a modern stables and agricultural style storage building. To the west is a substantial sand paddock.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for a detached garage. This would measure approximately 12m by 6.5m and would have a dual pitched roof with an eaves and ridge height of approximately 3.5m and 4.5m respectively. The garage would be located approximately 30m to the south east of the residential property Wogdens Farm. Vehicular access to the garage would be gained via an unmade track which is accessed from the

hardstanding driveway located within the residential curtilage of Wogdens Farm. The proposed garage would provide car parking spaces for 4no. cars.

REPRESENTATIONS

5. None received

CONSULTATIONS

6. Heapey Parish Council – Have not provided any comments.

Applicant's case in support of the application in the Area of Other Open Countryside

7. In order to justify the proposed development in the Area of Other Open Countryside, the applicant's agent has referred to a planning application at the neighbouring site to the south west at Phillipson's Farm. This granted planning permission for the erection a detached double garage (application ref: 14/00994/FUL). The applicant's agent has claimed that this sets a precedent for this type of development in the immediate locality. In addition to this, the applicant's agent has stated that the proposed development would be required to provide secure storage for the applicant's valuable cars.

PLANNING CONSIDERATIONS

8. It is considered that the main issues for consideration in this application are as follows;
 1. Principle of the development in the Area of Other Open Countryside
 2. Design and impact on the character of the area
 3. Impact on the amenity of neighbouring occupiers
 4. Impact on the setting of a listed building

Principle of the development in the area of other open countryside

9. Policy BNE2 of the Chorley Local Plan 2012 – 2026 states that in the Area of Other Open Countryside, development will be permitted provided the applicant can demonstrate that:
 - a) It is needed for the purpose of agriculture or forestry or other uses appropriate to a rural area;
 - b) It involves the rehabilitation and re-use of existing rural buildings where their form, bulk and general design are appropriate to the character of the surrounding countryside.
10. The proposed development would be located in the Area of Other Open Countryside. In this location the same principles of development restraint that would be applicable in the Green Belt should be applied. It is not considered that the proposed development would be needed for the purpose of agriculture or forestry or any other uses appropriate to a rural area nor would it involve the rehabilitation and re-use of existing rural buildings.
11. It is acknowledged that planning permission was granted for a garage at the neighbouring Phillipsons Farm. However, it is noted that this garage measuring approximately 5.7m by 5.7m with a ridge height of approximately 3.7m, is much smaller than the garage subject of this application. It was also proposed to position this garage within the residential curtilage of Phillipsons Cottage.
12. The Council does take a pragmatic approach to the development of domestic outbuildings within rural areas and makes provision for the equivalent of a double garage, a small shed, and a small greenhouse on a single dwelling in the countryside through the Householder Design Guidance Supplementary Planning Document (SPD). However, the development subject of this application would not be located within the established residential curtilage of Wogdens Farm and the Council's Householder Design Guidance SPD cannot, therefore, be applied.

13. It is acknowledged that the garage would be required to accommodate a collection of valuable cars. However, it is not considered that this would be a use that would be appropriate to a rural area. It is considered, therefore, that the reasons which have been put forward to justify an exception to policy are insufficient to outweigh the harm to the open and rural character of the Area of Other Open Countryside.
14. The proposed development would not, therefore, be in accordance with the Council's Local Plan and it is not considered, therefore, that the principle of the proposed development is an acceptable one and for these reasons it is recommended that the application be refused on these grounds.

Design and impact on the character of the area

15. Policy BNE1 of the Chorley Local Plan 2012 – 2026 outlines the design criteria for new development, stating that a proposal should not have a significant detrimental impact on the surrounding area by virtue of its density, siting, layout, building plot ratio, height, scale and massing, design, orientation and use of materials.
16. The proposed garage would measure approximately 12m by 6.5m and would, therefore, occupy a relatively small area of the wider parcel of residential garden land within which it would be located. It is considered that its domestic and functional form of design would complement the residential properties located to the north of the site. This does not counteract the impact of the development on the Area of Other Open Countryside, which has been considered above.

Impact on the amenity of neighbouring occupiers

17. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.
18. The nearest neighbouring residential property, Wogdens Farm, is approximately 30m to the north west of the application site. This property, however, is under the ownership of the applicants. The proposed development would be approximately 40m away from the neighbouring residential property, Rose Hips Barn. This degree of separation would be adequate to ensure that there would be no unacceptable adverse impact on the amenity of the occupiers of this property.

Impact on the setting of a listed building

19. The grade II listed building, Wogdens Farm, is located approximately 30m to the north west of the application site. It is considered that this degree of separation would be sufficient to ensure that the proposed development would not have any unacceptable adverse impact on the setting or significance of this heritage asset.
20. The proposed development is, therefore, considered to be in conformity with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of The Framework, policy 16 of the Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2026.

CONCLUSION

21. The proposed development would be located within the Area of Other Open Countryside (as defined by the Local Plan). The proposal does not fall within any of the types of development identified in policy BNE2 as being acceptable in the Area of Other Open Countryside. Insufficient reasons have been put forward to justify an exception to this policy. The proposal is, therefore, contrary to policy BNE2 of the Chorley Local Plan 2012-2026.

RELEVANT HISTORY OF THE SITE

Ref: 04/00073/FUL **Decision:** PERFPP **Decision Date:** 22 March 2004
Description: Demolition of existing lean-to and outbuilding
s, erection of two storey side _ single storey side extensions and detached garage,

Ref: 04/01357/FUL **Decision:** PERFPP **Decision Date:** 14 April 2005
Description: Proposed construction of a detached garage,

Ref: 06/00549/FUL **Decision:** REFFPP **Decision Date:** 12 July 2006
Description: Proposed stables and sand paddock

Ref: 06/00727/FUL **Decision:** REFFPP **Decision Date:** 16 August 2006
Description: Porch over rear entrance door.

Ref: 06/00869/LBC **Decision:** REFLBC **Decision Date:** 15 September 2006
Description: Rear open porch.

Ref: 06/00971/COU **Decision:** PERFPP **Decision Date:** 16 October 2006
Description: Proposed stables and sand paddock.

Ref: 08/00327/FUL **Decision:** PERFPP **Decision Date:** 22 May 2008
Description: Proposed agricultural unit,

Ref: 08/01157/FUL **Decision:** PERFPP **Decision Date:** 8 January 2009
Description: Erection of a side extension link to garage

Ref: 10/00492/FUL **Decision:** WDN **Decision Date:** 10 August 2010
Description: Change of use of existing barn to dwelling

Ref: 10/00854/FUL **Decision:** PERFPP **Decision Date:** 2 December 2010
Description: Change of use of existing barn to dwelling

Ref: 11/00913/FUL **Decision:** PERFPP **Decision Date:** 8 December 2011
Description: Proposed conversion of barn adjacent to Wogdens Farm, re submission of Planning Approval 10/00854/FUL and 10/00855/LBC

Ref: 12/00569/FUL **Decision:** PERFPP **Decision Date:** 25 July 2012
Description: Proposed single storey rear extension and detached garage to barn adjacent to Wogdens Farm

Ref: 12/00869/FUL **Decision:** PERFPP **Decision Date:** 31 October 2012
Description: Proposed porch extension

Ref: 18/01005/CLEUD **Decision:** PEREUD **Decision Date:** 20 December 2018
Description: Application for a Certificate of Lawfulness for an existing use in respect of the land being used as part of the residential garden.

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.