

## **APPLICATION REPORT – 19/00916/FUL**

**Validation Date: 1 October 2019**

**Ward: Lostock**

**Type of Application: Full Planning**

**Proposal: Change of use of existing stables and storage building for use by landscaping business including relocation and improvement of existing access**

**Location: Lowe Farm Cottage Leyland Lane Ulnes Walton Leyland PR26 8LB**

**Case Officer: Amy Aspinall**

**Applicant: Mr Ashworth, Alben Landscapes**

**Agent: Mr Chris Betteridge, De Pol Associates**

**Consultation expiry: 22 October 2019**

**Decision due by: 11 December 2019 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that the application is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt and extends to approximately 0.3 hectares. It is occupied by a storage building and two stable blocks arranged around a concrete yard. An existing access driveway sited along the southern boundary links the site to Leyland Lane. To the north of the application site are paddocks, whilst the southern boundary adjoins residential properties.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks full planning permission for the change of use of the existing stables and storage building for use by a landscaping business. The proposed development includes the relocation and improvement of the existing access.

### **REPRESENTATIONS**

4. 1no. objection has been received from the occupier of a neighbouring property. This is summarised below:
  - object to change of use from current residential use to industrial garden/landscaping business use
  - access to HGV traffic with 30 plus vehicles working from 6am until 7.30pm
  - Lowe Farm cottage sits in strict Green Belt land and this change of use isn't correct for the area, Value of Lowe Farm Bungalow will automatically drop with the change of use to Lowe Farm cottage, with the noise and view of industrial use next door
  - If Alben Landscapes have this size of business it warrants a premises on an industrial estate not residential

## **CONSULTATIONS**

5. Ulnes Walton Parish Council: No comments have been received.
6. Lancashire County Council Highway Services: Have no objection.
7. Greater Manchester Ecology Unit: Have no objection subject to conditions.
8. Regulatory Services - Environmental Health: Have no objections.

## **PLANNING CONSIDERATIONS**

### Principle of development

9. The application seeks planning permission for the change of use of the existing site which comprises equestrian and storage buildings, to a landscaping business, including the conversion of the existing buildings on site. The proposed development also includes the relocation and realignment of the access / driveway.
10. At paragraph 146 the National Planning Policy Framework (the Framework) provides that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes:
  - (b) engineering operations
  - (d) the re-use of buildings provided that the buildings are of permanent and substantial construction
  - (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)
11. The application is accompanied by a structural survey which concludes that the existing buildings on site are in suitable structural condition and capable of conversion for the proposed use.
12. The site has a mixed use of equestrian and storage use, with associated hardstanding areas and although outdoor storage is restricted, the parking of vehicles and storage of equestrian paraphernalia is unrestricted. In terms of the proposed landscaping business itself, it would not encroach beyond the confines of the existing defined developed area and the proposed change of use would not conflict with the purposes of the Green Belt as set out at paragraph 134 of the Framework.
13. Whether or not the proposed development preserves openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. Case law has held that there has to be more than a mere 'change'. By virtue of the existence of built development at the site, there is already an impact on the openness of the Green Belt. The proposed business would operate within the existing buildings and no outdoor storage is proposed as part of this application. A parking area is identified to the western boundary of the site within the existing yard, between the stables and storage building; and also to east of the stables, adjacent to the domestic garage of Lowe Farm Cottage. Any views would be seen in the context of the existing built development and a clearly defined area. When considering the impact on openness by virtue of the existing development, it is not considered that the openness would be harmed as a result of the proposed changed of use itself, and, therefore, would be preserved.
14. However, the application also proposes a new access to replace the existing access, and the driveway would be extended and relocated to accommodate two-way vehicle movements. The driveway and access would extend into an existing paddock and would result in encroachment into countryside. This engineering operation would, therefore, conflict with the third purpose of the Green Belt and is inappropriate development.

15. Whilst certain elements of the proposal accord with the exceptions set out at paragraph 146 of the Framework, the proposed development must be considered as a whole. Accordingly, the proposal constitutes inappropriate development in the Green Belt. At paragraph 143 the Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt; and that '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.
16. It should be noted that very special circumstances have not been advanced by the applicant, however the submission does set out the highway safety benefits of the new access.
17. When considering very special circumstances, it is recognised that the majority of the scheme is not inappropriate development in the Green Belt, save for the driveway and access. The principle of the change of use and conversion of the buildings is acceptable, in planning policy terms. The Council's Rural Development Supplementary Planning Document (SPD) recognises that it is important for employment opportunities to exist in rural areas for a number of reasons including enabling local people to access employment and to ensure that local communities remain vibrant and sustainable. This is particularly important as the rural areas of Central Lancashire no longer rely on agriculture as a major source of employment. The SPD is supportive of small business units in rural areas, particularly in buildings no longer required for their original purpose.
18. At paragraph 80 the Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. For rural areas in particular, the Framework provides that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
19. The proposal would significantly improve the highway safety of the site which is a clear benefit of the proposal. The relocation of the access / driveway would also provide a buffer between neighbouring properties and allow for biodiversity enhancements by way of soft landscaping. This would also provide some compensation for the incursion into the paddock. These benefits, collectively, are afforded significant weight.
20. Having regard to the above, the benefits of the scheme are considered to amount to very special circumstances which outweigh the harm to the Green Belt, by definition, and due to encroachment into the countryside. It is, therefore, necessary assess if there is any other harm.
21. Policy EP3 of the Chorley Local Plan 2012 – 2026 states that proposals for new business, industrial and storage and distribution uses, including extensions to existing premises, will be permitted if they satisfy the following criteria:
  - (a) they are of a scale and character that is commensurate with the size of the settlement;***
22. The proposal entails the conversion of existing buildings, including change of use of the associated curtilage to a landscaping business, from an equestrian and storage use. The scale of the proposed business is restricted through the size of existing buildings, which do not cater for a large-scale development. The site is not situated within a defined settlement but is considered to be of an acceptable scale for a rural business.
  - (b) the site is planned and laid out on a comprehensive basis;***

23. *The layout of the proposal is controlled by the existing site layout and site arrangements which provides for a comprehensive scheme.*

***(c) the proposal will not prejudice future, or current economic activities within nearby areas;***

24. There would be no conflict with this criterion.

***(d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;***

25. The site is situated to the north of a cluster of residential properties which currently back onto the driveway which runs along the boundary

26. The application is accompanied by a noise assessment which details a worst-case scenario of up to 12 vehicles departing the premises in a one hour period of 06:30-07:30, based on similar developments. The results of the survey shows that traffic noise levels from the use of the access road would be within the adopted noise criteria on a Saturday morning; and concludes that there would be no significant noise impact on the existing dwellings close to the proposed access road on both Monday to Fridays and Saturdays.

27. An objection has been received from the occupier of a neighbouring property, raising a number of matters, in particular noise from an industrial use. However, the Council's Environmental Protection Officer has assessed the application and documentation and does not raise an objection or advise that any mitigation is required. In addition, the site has a lawful use for storage and equestrian use with unrestricted vehicle movements or hours of operation. It should also be noted that beyond the findings of the Noise Assessment, the proposal also seeks to relocate the driveway further away from the boundary and to grass over the existing driveway. This would provide a greater separation from the neighbouring properties and would also allow for screen planting, which could be conditioned accordingly. It is not considered that a reason for refusal on amenity grounds could be sustained given the above.

***(e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;***

28. The application seeks planning permission to relocate the existing access, with significant improvements to visibility, which is a clear benefit, and to accommodate two-way traffic. Information has also been submitted to demonstrate vehicle tracking. The application has been assessed by Lancashire County Council Highways (LCC) who consider that the proposal is acceptable from a highways perspective. LCC recommend conditions to secure appropriate surfacing of the access and also the permanent closure of the existing access.

***(f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;***

29. The site is not particularly well served by public transport options, but the nature of the business demands the use of vehicles for staff.

***(g) open storage areas should be designed to minimise visual intrusion;***

30. The proposal does not incorporate open storage.

***(h) adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;***

31. The proposal does not involve any unsightly features, as it seeks to utilise existing buildings. Landscaping would be secured by condition.

***(i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;***

32. Substantial peripheral landscaping is not required in this instance, given the nature of the proposal which is predominantly a conversion scheme of stables and a former agricultural building. Nonetheless, a landscaping screening is considered to be appropriate to the boundary with the neighbouring residential properties where the existing driveway is located.

***(j) the development makes safe and convenient access provision for people with disabilities;***

33. Access to the building would be level, however the proposal does not incorporate additional disabled facilities such as disabled parking bays.

***(k) the buildings are designed, laid out and landscaped to maximise the energy conservation potential of any development, and to minimise the risk of crime;***

34. The proposal is predominantly a conversion scheme and is, therefore, constrained by the existing buildings and layout.

***(l) the proposal will not result in surface water, drainage or sewerage related pollution problems; and***

35. It is not considered that there would be any additional problems given the existing use and arrangements of the site.

***(m) the proposal incorporates measures which help to prevent crime and promote community safety.***

36. The scheme seeks to utilise existing boundary treatments and does not propose any additional measures. Surrounding dwellings would also provide natural surveillance.

#### Ecology

37. The application is accompanied by an ecological survey which has been assessed by the Council's appointed ecologist's at Greater Manchester Ecology Unit (GMEU). The report concludes that the structures on site had negligible value for roosting bats; and that the primary feature of biodiversity value was the presence of nesting birds (swallow and robin/other species). Due to this, GMEU advise that conversion works should be carried out outside bird breeding season (March – September inclusive) in order to avoid disturbing breeding birds, unless it can be demonstrated that no breeding activity is present. This could be secured by way of a condition. In addition, GMEU also advise that swallow cups and bird boxes should be provided as part of the scheme. This would compensate for the loss of bird breeding habitat and could be conditioned accordingly.

38. As set out earlier in the report, a landscape scheme would be conditioned, and this would provide for biodiversity enhancements.

39. Subject to conditions, the proposal would not be detrimental to nature conservation interests having regard to policy BNE9 of the Chorley Local Plan 2012 - 2026.

#### Other matters

40. Property values are not a material planning consideration in the determination of this application.

## CONCLUSION

41. Very special circumstances exist to justify the proposal, and collectively, these outweigh the harm to the Green Belt by definition and encroachment into the countryside. There would be no adverse impacts on residential amenity or ecology matters and it is recommended that the application is approved.

### Suggested conditions

42. To follow.

**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.

### RELEVANT HISTORY OF THE SITE

**Ref:** 02/00335/FUL      **Decision:** PERFPP      **Decision Date:** 30 May 2002  
**Description:** Single storey side extension, first floor extension, conservatory and porch to front

**Ref:** 03/01117/FUL      **Decision:** PERFPP      **Decision Date:** 22 December 2003  
**Description:** Re-location of existing stable block, erection of a new agricultural storage building and replacement sand paddock

**Ref:** 04/00677/COU      **Decision:** PERFPP      **Decision Date:** 12 August 2004  
**Description:** Formation of two sand paddocks

**Ref:** 10/00148/FUL      **Decision:** PERFPP      **Decision Date:** 26 July 2010  
**Description:** Application for use of building for storage and distribution of manufactured product intended for use on equestrian and agricultural land

**Ref:** 89/01012/FUL      **Decision:** PERFPP      **Decision Date:** 30 November 1989  
**Description:** Porch extension

**Ref:** 89/00292/FUL      **Decision:** PERFPP      **Decision Date:** 30 June 1989  
**Description:** Erection of garage and stable

**Ref:** 86/00071/FUL      **Decision:** PERFPP      **Decision Date:** 7 March 1986  
**Description:** Two storey extension to form dining room and bedroom