

## **APPLICATION REPORT – 20/00816/OUT**

**Validation Date: 31 July 2020**

**Ward: Lostock**

**Type of Application: Outline Planning**

**Proposal: Outline application for the erection of 5 dwellings including details of access, layout and scale following partial demolition of equestrian centre**

**Location: Eccleston Equestrian Centre Ulnes Walton Lane Ulnes Walton Leyland PR26 8LT**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr and Mrs Karen Norris**

**Agent: Mr Chris Weetman, CW Planning Solutions Ltd**

**Consultation expiry: 7 September 2020**

**Decision due by: 9 October 2020 (Extension of time agreed)**

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### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

2. The application site comprises an expansive and long established equestrian centre located in the Green Belt on the east side of Ulnes Walton Lane. The application site is predominantly flat and is accessed from Ulnes Walton Lane, with a detached dwelling to the south side of the entrance and a large expanse of parking area between the entrance and equestrian facilities. Beyond the parking area are the equestrian centre buildings, which are set in a 'ranch style' with a covered pedestrian entrance to a central sand paddock. Around the sand paddock on all four sides are a mix of stables, indoor arena, a small set of offices, a small café, and a workshop. Beyond these is an outdoor circular walking/training structure.
3. The character of the area is largely flat agricultural land with sporadic dwellings, agricultural buildings and equestrian developments. The development that does exist is generally positioned along and around the main highways.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks outline planning permission for the erection of 5no. dwellings following the partial demolition of equestrian centre buildings. Consent is sought at this stage for access, layout and scale with other matters reserved for subsequent approval. The proposed dwellings would be detached and located on the car park and in the position of the existing stables building to the north of the site. The proposed access would involve the improvement and formalisation of the existing access.

## REPRESENTATIONS

5. Representations have been received from the occupiers of two addresses citing the following grounds of objection:
  - Inappropriate development in the Green Belt and does not meet any of the exceptions.
  - Will set a precedent for further such applications.
  - The development would result in a change from business to residential use.
  - Loss of jobs for those working at the equestrian centre.
  - The application is purely speculative.
6. A representation has been received from **Cllr Sloan** in objection to the proposed development as follows:

I believe this to be an inappropriate development within Green Belt not serving any of the exceptional conditions required to override constraints. For example the proposal doesn't provide affordable housing for local community needs and new buildings aren't serving the same use as the buildings they replace.

Had this proposal been made originally for this site instead of an equestrian centre, then it would not have been granted planning permission, therefore there is no reason to see this as an appropriate development to change the equestrian centre into housing.

Granting permission for this site to be developed into housing would mean other similar sites could be converted into housing and provide a pathway for others to circumvent Green Belt stipulations. There are similar sites in the area which could be similarly converted, turning Ulnes Walton Lane into more of a ribbon development and impacting upon the character of this settlement.

The development represents a change in use of the land meaning its loss in providing employment resulting in a loss to the local economy and prosperity of the area. If the site is no longer viable as an equestrian centre, then other business uses for the land should be explored before it is put forward for residential use as it is vital to maintain a healthy balance of employment and housing.

## CONSULTATIONS

7. Lancashire County Council Highway Services: No comments have been received.
8. United Utilities: Have no objection.
9. Ulnes Walton Parish Council: Have commented that they are extremely concerned regarding all applications of this nature which represent attempts at the gradual erosion of the Green Belt.

The Parish Council objects to this application on the grounds that the proposed development is inappropriate development within the Green Belt on the following grounds:

- i) the applicant has failed to provide details of the existence of very special circumstances which may outweigh the harm to the Green Belt.
- ii) the proposed development does not meet the criteria for rural infilling.

## PLANNING CONSIDERATIONS

### Principle of development

10. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the 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 resulting from the proposal, is clearly outweighed by other considerations.*

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

- 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. The application site is in use as a commercial equestrian centre and as such is considered to be previously developed land in the Green Belt.
12. Ulnes Walton 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." The proposed development would be small scale.
13. Policy BNE5 of Chorley Local Plan 2012 – 2016 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.*

14. 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'.
15. It is considered that in respect of the Framework that the existing site currently has an impact on the openness of the Green Belt through the presence of a number of stables and warehouse type structures. However, it is important to note that merely the presence of existing buildings on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
16. Whether the proposed buildings would have a greater impact on openness is a subjective judgment, which is considered further below. Objective criteria could include the volume of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 145.g) of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.
17. The application site comprises a number of buildings providing stables, riding arena, a small set of offices, a small café, and a workshop. The proposal is to demolish most of the buildings and part of the main indoor arena to accommodate the proposed dwellings. The proposed dwellings would have a slightly lesser volume than the volume of the existing buildings to be demolished and, therefore, the spatial impact of the proposed development is slightly less than the existing development.
18. On this basis it is considered that the proposed development would have no greater impact on the openness of the Green Belt than the existing development. The distribution of built form on the site would alter moving built form away from the northern boundary of the site and into the car parking area to the west. However, all the development would remain within the previously developed area and curtilage of the site. As such the impact on openness when considering the site as whole would remain the same.
19. Given the above, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt and as such would not represent inappropriate development in the Green Belt.
20. There are no other policy designations relating to the site. An equestrian centre is not a class B employment use and does not, therefore, fall to be assessed against the provisions of policy 10 of the Central Lancashire Core Strategy. Nor can it be considered to be a community facility. It is not proposed to remove the equestrian centre in its entirety and a smaller operation would continue to run from the site. Any loss of employment through the reduced scale of the business is regrettable, however, there are no policies in place to protect against this possibility.

#### Impact on character and appearance of locality

21. The application seeks outline planning permission including matters of access, scale and layout. The scale of the proposed dwellings would be that of standard detached houses. They would be set out in a linear pattern across the first four plots between the site entrance to the west, adjacent to Ulnes Walton Lane, and into the area of the sand paddock. Plot 5 would be positioned to the south of the site between the existing dwelling and indoor riding arena. The access road would be positioned between the four plots and the existing dwelling and riding area to the south. This would be a suitable layout in the context of the area, with buildings well set back from the highway and with trees located between Ulnes Walton Lane and the application site. As such the development would not be overly prominent in consideration of the existing situation on site.
22. The prevailing dwelling types within the vicinity of the application site are detached two storey houses and bungalows, however, a wide range of design styles exist from the traditional to the modern. It is considered that five detached properties in this location can be

designed in a suitable style, which in the proposed layout would be appropriate in the context of a site that is previously developed with a number of large buildings of functional design and appearance.

23. The landscaping details would require careful consideration as part of a subsequent reserved matters application, in consideration of mature trees and vegetation to the periphery, and potential to improve the biodiversity value of the site.
24. Whilst no details have been provided in respect of appearance and landscaping it is considered that five dwellings could be accommodated on the application site without causing harm to the character and appearance of the locality. The development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Impact on neighbour amenity

25. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
26. The application site is relatively isolated from other dwellings, apart from Walton Lodge, which is within the site and in the ownership of the applicant. The proposed layout is such that there would be no adverse impact on the amenity of any existing or future occupiers by virtue of the positioning of the proposed dwellings.
27. Given that the lawful use of the site is as an equestrian centre the proposed residential development would be more compatible with nearby residential land uses and would not generate the levels of noise and disturbance that could currently take place under the existing use. It is, therefore, considered that the development could be delivered without adversely affecting the amenity of any existing or future occupiers.

#### Highway safety

28. The application site has operated as a commercial equestrian centre for a significant period of time with vehicle movements occurring on a regular basis, and involving horse boxes and trailers. It is appropriate to take into account the impact of the extant use when considering this proposal. Given the extant use, and that the existing access to be improved as part of the proposed development, is not considered to be unacceptable.
29. Based on the car parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and appendix A, it is clear from the proposed layout that off-road parking provision necessary for each individual property can be achieved in line with the Council's adopted standard. This is demonstrated on drawing 19/086/P10, dated 26/07/20.

#### Flood risk and drainage

30. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
31. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
  1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.

32. It is recommended that the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

### Ecology

33. The site has no nature conservation designations, legal or otherwise. There are several ponds located within 250m of the site, which could support great crested newts. There is no data for the pond closest to the site, but there is a record for great crested newt less than 600m from the proposed site. However, the proposed development site does not appear to be favourable for great crested newts, as it is predominantly hardstanding. As a precautionary measure, it is recommended that a Reasonable Avoidance Method Statement, as identified within the submitted Ecology Statement should be followed during the construction phase of the proposals. This can be secured by condition.

### Public open space (POS)

34. Policy HS4 of the Chorley Local Plan 2021-2026 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. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating 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. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
36. Specifically the guidance as of last year was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications
37. To this end whilst 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.
38. Consequently, 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 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
39. There is currently a deficit of provision in Lostock in relation to this standard, a contribution towards new provision in the ward is, therefore, required from this development. However, there are currently no identified schemes for new provision and, therefore, a contribution is not required.

### Sustainability

40. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However 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."*

41. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

#### Community Infrastructure Levy

49. 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.

#### **CONCLUSION**

42. It is considered that the proposed development would not be inappropriate development in the Green Belt, would have no harmful impact on the supply of employment land within the borough and would ensure the protection of neighbouring residential amenity in accordance with the aims of policies within the Framework and the Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would have no detrimental impact on the character of the area and would not give rise to undue harm to ecology, drainage or highway safety.

#### **RELEVANT HISTORY OF THE SITE**

- Ref:** 89/00220/OUT **Decision:** PEROPP **Decision Date:** 11 April 1989  
**Description:** Outline application for Equestrian Training Centre and erection of dwelling
- Ref:** 90/00206/OHL **Decision:** PERFPP **Decision Date:** 22 November 1990  
**Description:** System Reinforcement
- Ref:** 90/00780/FUL **Decision:** PERFPP **Decision Date:** 18 December 1990  
**Description:** Extension of horse box parking area at rear of site
- Ref:** 91/00449/DIS **Decision:** PERFPP **Decision Date:** 4 September 1991  
**Description:** Relaxation of condition no.13 (planning application 9/88/785) and condition no.7 (planning application 9/89/220), to allow the holding of gymkhanas, public exhibitions, competitions or similar events
- Ref:** 98/00112/COU **Decision:** PRRRTF **Decision Date:** 29 April 1998  
**Description:** Use of indoor riding school building for the purpose of a market on Wednesdays only
- Ref:** 00/00349/COU **Decision:** PRRRTF **Decision Date:** 6 July 2000  
**Description:** Use of the indoor riding school as a market on Wednesdays

**Ref:** 11/00392/CLEUD **Decision:** PEREUD **Decision Date:** 17 June 2011  
**Description:** Application for certificate of lawfulness in respect of land and buildings at Eccleston Equestrian Centre for a business activity falling within Use Class B1

**Ref:** 18/00557/FUL **Decision:** PERFPP **Decision Date:** 6 August 2018  
**Description:** Use of land for the siting of a horse walker

**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