

APPLICATION REPORT – 20/01166/FULHH

Validation Date: 20 November 2020

Ward: Adlington And Anderton

Type of Application: Householder Application

Proposal: Construction of a new oak framed timber garage, introduction of a new gable window to an existing stone clad garage to retain roof space as a home office and retention of a 2.7m high retaining wall to site boundary

Location: Rivington View Barn New Road Anderton Chorley PR6 9HG

Case Officer: Mrs Hannah Roper

Applicant: Mr C Hart

Agent: David Robson, Robson Architecture

Consultation expiry: 17 December 2020

Decision due by: 5 February 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reasons:

1. The proposed garage does not fall to be acceptable under any exceptions as set out at paragraph 145 of the National Planning Policy Framework. It is, therefore, inappropriate development which is by definition harmful to the Green Belt as set out in paragraph 143 of the National Planning Policy Framework.

Whilst pragmatic approach is taken to the construction of domestic garages within the Green Belt, the property already benefits from a detached double garage and the applicant has not demonstrated that there are very special circumstances which would outweigh the harm to the Green Belt by reason of its inappropriateness due to the cumulative impact of permitting a second garage. The development is, therefore, contrary to the National Planning Policy Framework, The Central Lancashire Rural Development (SPD) and The Householder Design Guidance SPD.

2. The proposed garage, by virtue of its scale and close proximity to the side of Sarah's Cottage would result in loss of light and an overbearing and oppressive environment for the occupiers of this dwelling. The proposed development, therefore, fails to accord with The National Planning Policy Framework, policy HS5 of the Chorley Local Plan 2012-2026 and Council's Householder Design Guidance Supplementary Planning Document.

SITE DESCRIPTION

2. The application site is located in the Green Belt. The existing property, Rivington View Barn, is a converted agricultural building and lies to the east of the grade II listed building Tan Pits Farm. The two properties are isolated being accessed along the access track to The Anderton Centre. Rivington View Barn is accessed through the yard of Tan Pits Farm.

3. A laurel hedge divides the two boundaries. Gate posts have been erected between the two curtilages however these do not form part of this application. A parking area has been laid out

and gravelled to the western elevation of the application property and a garage is located to the southern corner.

4. The fields to the west are set at a significantly higher level than the application property and the neighbouring Tan Pits Farm.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for:

- the construction of a new garage along the western boundary of the site, adjacent to the boundary with Tan Pits Farm. The proposed garage would have a width of 6m, a depth of 5.2m, an eaves height of 2.5m and a ridge height of 4.7m. A roof feature would take the total overall height to 5.9m;
- the introduction of a new gable window to the first floor gable apex on the eastern elevation of the existing garage; and
- for the retention of a 2.7m high retaining wall along the western boundary of the site. The wall has a length of 23m from the front, level with the existing garage, to the common boundary with Tan Pits Farm. The return on the wall then projects along the boundary with Tan Pits Farm for 2.7m, reducing in height with projection from the boundary.

REPRESENTATIONS

6. Three representations have been received citing the following grounds of objection:

- Proximity to Sarah's Cottage resulting in adverse impact on light and visual amenity and an overbearing impact on the occupiers of the cottage.
- The design of the cottage is not in keeping with the stylistic context or the scale of the original farmstead as it is unpleasantly overbearing and is taller than the adjacent cottage.
- The cumulative impact of this and other buildings in a small vicinity is not in keeping with the original farmstead and has an adverse impact on character.
- The proposed garage will leave insufficient turning space within the curtilage.
- The garage does not comply with the 45-degree line from Sarah's Cottage.
- The applicants already have a double garage, so this is unnecessary.
- The height of the wall is overbearing and out of keeping.
- The wall has created a dam effect that results in flooding of the Tan Pits Farm site and makes a mess of this property.
- The original wall constructed collapsed so there are questions over the safety of this one.

CONSULTATIONS

7. Anderton Parish Council – No comments have been received.

8. CIL Officers – Comment that the proposal is not CIL liable.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

9. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (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:*

- 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*

10. *The Householder Design Guidance SPD states that it is unlikely that planning permission will be forthcoming for more than equivalent of a double garage, a small shed, and a small greenhouse on a single dwelling in the countryside.*

11. *Considering first the proposed garage, the construction of a residential outbuilding does not fall to be considered within any of the bullet points of paragraph 145 of The Framework and as such it must be considered as inappropriate development within the Green Belt.*

12. *Whilst the Council's Householder Design Guidance SPD takes a pragmatic approach to domestic garages within the Green Belt, the property already benefits from a double garage to the southern boundary of the site. It is, therefore, considered that the erection of an additional garage would result in an accumulation of buildings within the site.*

13. *As such, the proposed garage is considered inappropriate development in the Green Belt and is, therefore, by definition, harmful to the Green Belt as set out in paragraph 143 of the Framework.*

14. *Such development should not be approved except in 'Very Special Circumstances' which 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.*

15. The applicant has not demonstrated that there are any very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness. It is not considered, therefore, that the principle of the proposed development is an acceptable one and for this reason it is recommended that the application be refused on these grounds.

16. *Paragraph 146 of the Framework states that:*

Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- a. mineral extraction;*
- b. engineering operations;*
- c. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- 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); and*
- f. development brought forward under a Community Right to Build Order.*

17. Considering the 2.7m high retaining wall to the western boundary of the site, this is considered to be an engineering operation in accordance with paragraph 146 of the Framework. Engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

18. As such there are two considerations in respect of the proposal and the appropriateness of the development in the Green Belt as follows:

Will the development preserve the openness of the Green Belt?

Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. At the time of this application the retaining wall has already been constructed. Whilst the garden area was originally enclosed along this boundary by a timber fence and dense planting, a 2.1m high retaining wall along the same boundary, was approved under planning application ref. 19/00901/FUL.

Whilst the current wall is taller than that previously approved it is set back into the landscape and the position has not changed so significantly that the proposal would encroach into the Green Belt. Overall, it is considered that the openness of the Green Belt at this location would be preserved.

Will the development conflict with the purposes of including land in the Green Belt?

Paragraph 134 of the Framework sets out the five Green Belt purposes which the scheme is assessed against as below:

Purpose 1 (to check the unrestricted sprawl of large built-up areas).

The proposal would not result in the encroachment of built development into the Green Belt.

Purpose 2 (to prevent neighbouring towns merging into one another)

The development would not lead to the coalescence of neighbouring towns or neighbouring villages.

Purpose 3 (to assist in safeguarding the countryside from encroachment;).

The works would not extend outside the curtilage of the property and do not, therefore, represent encroachment into the countryside.

Purpose 4 (to preserve the setting and special character of historic towns;).

This does not apply as the site is not located near a historical town

Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).

It is not considered that this purpose is relevant in this instance.

19. It is, therefore, considered that the wall, for which retrospective permission is sought, would preserve the openness of the Green Belt and does not conflict with any of the purposes of including land in Green Belt in accordance with paragraph 134 of the Framework.

Impact on the appearance of a listed building and the significance of a designated heritage asset

20. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the primary duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.

21. The Framework at Chapter 16 deals with conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

22. Paragraph 184 recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

23. Paragraph 190 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

24. Paragraph 192 provides that in determining applications, Local Planning Authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

25. When considering the impact of a proposal on the significance of a designated heritage asset, paragraph 193 states that great weight should be given to the asset's conservation. The more important the asset, the greater the weight that should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

26. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

27. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, paragraph 194 advises that Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use

28. Paragraph 196 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

29. The Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) seeks to: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:

- a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
- b. Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
- c. Identifying and adopting a local list of heritage assets for each Authority.

30. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:

- a. Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
- b. Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
 - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
 - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

31. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

32. The adjacent property at Tan Pits Farm is a grade II listed building and as such regard must be had to the potential impact the development would have on the contribution made by the setting, to the significance of the building.

33. The original farmstead context of the site has become domesticated over time and from a heritage perspective it is not considered that the addition of a further building would be incongruous. This is given the existence of other outbuildings in close proximity and that it would not visually form a prominent element within the context of the group due to its position in relation to the principal buildings.

34. With regard to the new window to the garage and the wall, these would largely only be seen from within the site and given the increased domesticity of the site would not detract from the significance of the heritage asset.

35. As such it is considered that the proposal would meet the duty to 'preserve' as laid down by s.66 of the Planning (Listed Buildings and Conservation) Act, 1990 and the objectives of the Framework and policy B8 of the Chorley Local Plan 2012 - 2026. However, this does not outweigh any harm in relation to the Green Belt.

Impact on the character and appearance of the locality

36. *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 proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*

37. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular, it states that outbuildings should generally be sited in an inconspicuous position and should be commensurate in scale and function to the original property. The SPD also states that boundary treatments should be designed in materials and details that respect the surrounding streetscape or area and must not be oppressive.*

38. The proposed garage and wall would not form part of the streetscene and would be set along the western boundary of the site with raised land beyond. They would be substantially screened by the adjacent buildings and the proposed window in the existing garage would only be visible from within the site due to its location and orientation. As such it is considered that they would not impact detrimentally on the visual appearance of the site. However, this does not counteract the harm to the Green Belt considered above.

Impact on the amenity of neighbouring occupiers

39. *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 by creating overbearing impacts.*

40. *The Householder Design Guidance SPD seeks to ensure that property extensions have a satisfactory relationship with existing neighbouring buildings, do not have overbearing impacts on adjacent properties and amenity areas and do not lead to the excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties. Furthermore, it stipulates that care must be taken to ensure that any outbuildings and other structures do not lead to an unacceptable level of overshadowing of neighbouring properties, disturbance or loss of privacy. The SPD also states that where new boundary treatments are proposed, care must be taken to ensure that proposed walls and fences do not cause detriment to the amenities of neighbours.*

41. With regard to the proposed garage, this would be located along the western boundary of the site with its side elevation parallel to the side elevation of the cottage within the curtilage of Tan Pits Farm. This cottage was granted planning permission to be used as living accommodation for dependent relatives following conversion of a garage. This cottage has habitable room windows in the side elevation facing onto the proposed garage. A c1.6m high laurel hedge runs along the boundary.

42. Whilst there are no definitive guidelines with regard to the location of outbuildings in relation to residential properties, the above policy taken from the Householder Design Guidance SPD acts as a useful tool in assessing impact. The proposed garage would be located within 3m of the side elevation of the adjacent cottage and would, therefore, impact detrimentally on a

habitable room window in this elevation through loss of light and having an overbearing impact on outlook.

43. Whilst the laurel hedge is located along the boundary between the two structures, the previous planning permission for the conversion of the barn to a habitable property sought to maintain the openness of this boundary and free of solid structures. The laurel hedge is a softer structure that allows an element of light to penetrate through to the adjacent window and furthermore is out of the jurisdiction of the Local Planning Authority.

44. It should also be considered that permitted development rights could not be used to construct the proposed garage. Whilst it is not ideal for a residential property to have windows so close to a common boundary, the arrangement of buildings is such that this is the case in this instance and the existing situation must be considered. On balance it is, therefore considered that the proposed garage would result in an impact on the neighbouring property of such significance to warrant refusal.

45. With regard to the wall, this is set back along the boundary of the site. Whilst it cannot be argued that it is not a large structure, it follows the rise in the land and is set back against it. The return on the wall is stepped downwards to not impact on the neighbouring window. The proposed window in the existing garage would look towards the private amenity space of the applicant's dwelling. As such, it is considered that these elements of the proposed development are acceptable.

CONCLUSION

46. The proposed garage, window feature and the wall for which retrospective planning permission is sought are considered to preserve the setting of the adjacent grade II listed Tan Pits Farm and would not result in any detrimental, visual impact on the surrounding locality. However, the construction of a second detached garage within the curtilage fails to accord with Green Belt policy resulting in inappropriate development which is by definition harmful to the openness of the Green Belt. Furthermore, the close proximity of the proposed garage to the side elevation of Sarah's Cottage would result in an overbearing impact and loss of light to this dwelling. The proposal is, therefore, considered to be contrary to policy and is recommended for refusal.

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: 12/00431/CLEUD **Decision:** PEREUD **Decision Date:** 15 June 2012
Description: Internal and external alterations re conversion of barn into a live/work unit ref 06/00535/LBC

Ref: 12/01163/FUL **Decision:** PERFPP **Decision Date:** 10 January 2013
Description: Internal and external alteration re conversion of barn to single dwelling

Ref: 12/01164/LBC **Decision:** PERLBC **Decision Date:** 10 January 2013
Description: Internal and external alterations re conversion of barn to single dwelling

Ref: 13/00405/FUL **Decision:** PERFPP **Decision Date:** 13 June 2013
Description: Application under S.73 of the Town & Country Planning Act for Variation of condition 3 - approved plans of Planning Permission 12/01163/FUL

Ref: 13/00416/DIS **Decision:** PEDISZ **Decision Date:** 11 June 2013
Description: Discharge of Application 12/01163/FUL - Condition 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12

Ref: 13/00417/LBC **Decision:** PERLBC **Decision Date:** 13 June 2013
Description: Two Storey rear extension (amendment to 12/01164/LBC)

Ref: 13/01128/FUL **Decision:** PERFPP **Decision Date:** 21 January 2014
Description: Erection of a detached garage

Ref: 19/00901/FUL **Decision:** PERFPP **Decision Date:** 13 November 2019
Description: Erection of retaining wall with maximum height of 2.1m to boundary line to replace existing banked area and extension of driveway