

## **APPLICATION REPORT – 20/01393/FUL**

**Validation Date: 8 January 2021**

**Ward: Brindle And Hoghton**

**Type of Application: Full Planning**

**Proposal: Conversion of existing buildings to three dwellings and four workshop units (Use Class E(g))**

**Location: High Cop Farm Denham Lane Brindle Chorley PR6 8PB**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr de Hamel**

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

**Consultation expiry: 29 January 2021**

**Decision due by: 28 April 2021 (Extension of time agreed)**

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### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

2. The application site is located within the Green Belt in a rural part of the Borough at Brindle. It occupies a rather isolated location on the eastern side of High Cop and north of Breworth Fold Lane, which together form a junction to the south west of the site, beyond which is open countryside. To the north of the site is High Cop Farm farmhouse, although it shares the same name it is no longer connected to the application site. The character of the area is that of open agricultural land set within rolling topography.
3. The application site itself consists of six agricultural buildings set within hardstanding on a site extending to approximately 0.15 ha. The western boundary of the subject parcel of land is bounded by a low stone wall, which is broken up by the inclusion of existing access gates. The site is made up of one stone-built barn building with a block extension creating an L-shape. This building extends from the south western boundary into the site. At the north eastern end of the site are five smaller buildings constructed in a combination of blockwork and timber.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks planning permission for the conversion of existing buildings to three dwellings and four light industrial workshop units, which fall within use class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended). More specifically this would involve the conversion of the existing 'L-shaped' agricultural building into 3no. 2-bedroom self-contained residential properties, with floorspaces measuring 71.6, 72.6 and 80.9 sq. m. The northern buildings would be converted for commercial workshop use, comprising five workshops with approximate floorspaces ranging between 51-87 sq. m, designed to appeal to start-up and small businesses. The proposed development also involves the demolition of an existing agricultural shed and the removal of a dilapidated structure.

## REPRESENTATIONS

5. No representations have been received.

## CONSULTATIONS

6. Brindle Parish Council: Have commented that whilst having no objections to the development they wish to make the following comments.
  - There was no obvious public notice for the planning application.
  - There are no particular remarks about the residential units. However, will there still be active agricultural activities immediately next to and at the rear of these houses? If so, has any account been taken for nuisance from smell and noise? Also the 1.2m stock fence would not stop children from accessing the farm site, there is a large slurry pit and other dangers to the rear.

With regard to the industrial units the following points are raised:

- Close proximity to residential units and High Cop farmhouse.
  - How would trade effluents from these units be disposed of?
  - There could be noise and dust nuisance from these units.
  - Some of the units are of very low quality being no more than wooden sheds with metal roofs. This surely raises serious health and safety issues as creosoted and tarred sheds pose an extreme fire risk.
  - These units would seem to be a radical over development of the site.
7. Greater Manchester Ecology Unit: Have no objections.
  8. Lancashire County Council Highway Services: Have no objection subject to conditions.
  9. United Utilities: No comments have been received.

## PLANNING CONSIDERATIONS

### Principle of development

10. The National Planning Policy Framework (the Framework) is supportive of sustainable development in rural areas and most specifically in the context of this rural site states at paragraph 83 that Local Authorities should *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land based rural enterprises.*
11. The application site is located within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework, which states that there is a general presumption against inappropriate development in the Green Belt and The Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
12. In particular, the Framework 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, is clearly outweighed by other considerations.*

146. *Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. 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 or Neighbourhood Development Order.*

13. Brindle is not specified as an area for growth within Central Lancashire 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."*

14. The proposed development is small scale and for the conversion of buildings which is in line with this overarching policy.

15. Support for rural businesses and farm diversification is reflected in the Central Lancashire Core Strategy policy 13, with the caveat that such proposals should not undermine the purposes of the Green Belt. Policy 13 supports sensitive conversions and alternative uses of farm buildings no longer needed for agriculture but which enable farm diversification where they: i) sustain and maintain the core farm business; ii) do not compromise the working of the farm; and, iii) are located within or near the existing farm complex. Building on this, Section D of the Central Lancashire Rural Development Supplementary Planning Document (SPD) recognises the importance of employment opportunities in rural areas. It identifies that the decline in agriculture as a major source of employment within rural communities as a reason for this. The SPD states that Councils will support the development of small business units in rural areas, where the buildings are no longer required for their original purpose.

16. Policy HS9 of the Chorley Local Plan 2012 – 2026 covers the 'Conversion of Rural Buildings in the Green Belt'. This sets out a structure for assessing development proposals, such as that proposed by this application, in a manner that reflects the Framework and Central Lancashire Core Strategy. It states that proposals for the re-use of buildings in the Green

Belt will be allowed provided that all of the following criteria are met, and an assessment is thereafter provided against each of these:

17. *a) The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;*  
The proposed development does not involve the erection of any new buildings nor does it propose the extension of any of the existing buildings. The proposal does include the demolition of a building on site, and removal of an existing structure, which would result in some enhancement to openness. Overall, the proposal would have no greater impact on the openness of the Green Belt.
18. *b) The proposal would not harm the character or quality of the countryside or landscape;*  
The proposal seeks to maintain the character of the area through the retention of the existing buildings. The stone barns are of particular local identity and are of good character, therefore, their retention is a particular benefit to the character of the landscape. Simple landscaping and stone wall boundaries are proposed and overall the proposed development would have the potential to improve the appearance of the site and thereby the character of the landscape through renovating the existing structures for an active purpose, whilst demolishing some existing structures of poor quality.
19. *c) The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;*  
The existing buildings are small in scale and are somewhat outdated by modern agricultural standards. As a result they are underused for agricultural purposes and are no longer fit for purpose. As such the re-use of the buildings is unlikely to result in the need to develop other additional buildings to replace lost capacity.
20. *d) If an agricultural building, it is not one substantially completed within ten years of the date of the application;*  
The agricultural buildings subject to the application proposals were erected in excess of 10 years ago.
21. *e) The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;*  
The application is supported by a structural appraisal report of a qualified civil and structural engineer. This provides an assessment of each building proposed for conversion in relation to its intended purpose. The report concludes that the existing buildings A1; A2 and A3 can be converted for use as residential dwellings without any need for any substantial rebuild or modification to their elevational treatment. Buildings B1; B2 B3 and B4 could be converted into workshops with varying degrees of enhancement and upgrading in order to meet the necessary Building Regulations but are generally well maintained and capable of conversion.
22. *f) The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be drawn tightly around the building footprint and the requirement for outbuildings, which should be minimal;*  
No additions or significant alterations are proposed.
23. *g) The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;*  
It is proposed that an existing access is enhanced and an existing access point relocated to provide access from High Cop allowing for the separation of residential and commercial uses. This would result in limited alterations to the highway, which has been assessed by Lancashire County Council Highway Services, who raise no objection.
24. *h) The development would not result in the loss of or damage to any important wildlife habitat or protected species.*

An ecology survey has been undertaken and submitted as part of the application (Cameron Crook December 2020). This has been assessed by the Council's ecology advisors Greater Manchester Ecology Unit, who note that the survey was undertaken in August and September 2020 and appears to have been carried out by an experienced ecologist following best practice guidelines.

25. The buildings on the site were assessed as having varying potential to support roosting bats from moderate-high (B1, B1a), low (B2, B3, B4, B5, B6) with the remainder of the buildings being classed as negligible. As such 3no. activity surveys were undertaken for bats. No evidence of bats was found in the buildings, and no bats were found to be roosting in the buildings during the activity surveys. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the buildings proposed for conversion.
26. On the basis of the above, it is considered that the proposal would not result in any inappropriate development in the Green Belt and meets with the criteria set out within policy HS9 of the Chorley Local Plan 2012-2026, whilst supporting the strategic aim of supporting the development of small business units in rural areas.

#### Impact on character and appearance

27. The proposed development involves the conversion of a traditional agricultural building into three dwellings, and several utilitarian buildings into five small workshops. The site is located in a rural location, but it highly prominent when viewed from High Cop, which provides a frontage for the site.
28. The original stone building lends itself to subdivision into three dwellings, requiring little structural modification and no additions or extensions necessary for its conversion. The scheme is designed to utilise all the existing openings to best effect and no new openings need to be formed. The building is faced in random stone, whilst a later addition to it is faced in concrete block. The concrete block element would be rendered and the roof replaced with slates to match the main part of the building. The curtilage would be tightly defined around the properties, which would have relatively small outdoor areas, whilst the vehicular access, parking and manoeuvring areas would be located to the front.
29. This element of the scheme would secure the future of a building of character and would retain and enhance the original features of the building through sympathetic repair and replacements. As such the physical alterations would not alter the existing form and character of the building and would rejuvenate the building to the benefit of the local area in retaining its distinctiveness.
30. The buildings to the north of the site to be converted to workshops are utilitarian buildings faced in timber or concrete block and a mixture of metal and fibre sheeting. The conversion of these structures would involve limited alterations to the exterior treatment, whilst their conversion would enable any repair and maintenance to be carried out. This part of the site would appear largely unchanged although the proposed development does provide the opportunity to improve the management of the site and its organisation for parking and manoeuvring with some attention to boundary treatment.
31. The existing stone boundary to the frontage would be repaired and maintain where possible with new stone boundaries added to prominent positions and timber fencing to less prominent positions within the site.
32. The overall development would improve the appearance of the site as a whole, whilst securing the future of the most characterful building through a sympathetic conversion scheme. The development would, therefore, contribute positively to the character of the area and is considered to be in accordance with policy BNE1 of the Chorley Local Plan 2012 – 2026.

#### Impact on neighbour amenity

33. The application site is located to the immediate south of the only nearby dwelling, which is at High Cop Farm. The scheme itself involves no additions to the existing buildings and, therefore, the development would have no physical impact upon the occupiers of that property, whilst the residential element of the scheme would provide an adequate level of amenity to any future occupiers in the context of a rural conversion scheme.
34. In terms of the impacts from noise and disturbance from the commercial element of the proposed development upon the amenity of any existing or future residents it is acknowledged that the application seeks consent for uses falling within the light industrial use class specified under class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended). This use class specifically allows for any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. On this basis if a business were to occupy one of the proposed units, which resulted in the disturbance of residents the use would not be considered to fall within this use class and would not, therefore, be permitted under any planning permission that may be forthcoming on this basis. In order to secure this protection, it is recommended that a condition is attached to any grant of planning permission to in order to define the permitted use.
35. It is noted that agricultural activities are already carried out within the application site, and beyond at present, which have the potential to impact upon the occupiers of High Cop Farm. No complaints have been received from residents in relation to noise and disturbance from these activities, which are to be expected in a rural area of this type. Any future residents would be aware of the potential disturbances arising from farming activities in the vicinity of the site when deciding whether or not to occupy any dwelling granted as a result of this application.
36. The proposed boundary treatment is considered adequate for the security of residents and for maintaining amenity, whilst being visually appropriate in the context of the overall scheme.

#### Impact on highway safety

37. The proposed development would result in the provision of 3no. two bedroomed dwellings and approximately 300 square metres of light industrial floor space. There would be 6no. parking spaces to serve the dwellings with 11no. spaces serving the industrial workshops. This meets with the adopted parking standards set out in relation to policy ST4 of the Chorley Local Plan 2012 – 2026.
38. The proposed development would have two access points, one serving the dwellings only and the other primarily for the industrial element. Each would be provided to 5.5m width with 6.0m corner radii to the residential and industrial developments with the frontage stone wall set back to allow a new 2.0m wide footway to be provided. The access and footway works would be undertaken through a s278 agreement with all costs borne by the applicant.
39. LCC Highway Services have confirmed that they do not have any objections regarding the proposed development and it is considered that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

#### Flood risk and drainage

40. 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 Framework 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.

41. 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.
42. It is recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above.

#### Public open space

43. Policy HS4 of the Chorley Local Plan 2012 – 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.
44. 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.
45. Specifically, the guidance 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.
46. 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.
47. 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.
48. In relation to provision for children/young people, policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Brindle in relation to this standard, a contribution towards new provision in the settlement is, therefore, required from this development. The amount required is £134 per dwelling. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision and at present there are none identified and, therefore, no contribution can be sought.

#### 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**

50. The principle of the proposed development is considered to be an acceptable one and in accordance with the Framework given the proposal involves the re-use of existing buildings in the Green Belt and there would be no impact on the openness of the Green Belt. In terms

of neighbour amenity, there are no concerns arising from the conversion of the buildings to dwellings and light industrial units, whilst adequate car parking provision would be made. The development would have a positive impact on the character of the locality and the provision of small business units in a rural location is a benefit of the development. It is, therefore, recommended that planning permission is approved subject to conditions.

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

**Ref:** 78/00526/FUL                      **Decision:** PERFPP                      **Decision Date:** 3 July 1978  
**Description:** Cubicle building for 80 cows

**Ref:** 84/00005/FUL                      **Decision:** PERFPP                      **Decision Date:** 10 February 1984  
**Description:** Garage high cop farm

**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