

APPLICATION REPORT – 21/00958/OUT

Validation Date: 7 September 2021

Ward: Chorley North East

Type of Application: Outline Planning

Proposal: Outline planning application for residential development (all matters reserved)

Location: Lower House Fold Farm Trigg Lane Heapey Chorley PR6 9BZ

Case Officer: Mike Halsall

Applicant: Mrs Ann Nikolakis

Agent: Mr Peter E Gilkes, Peter E Gilkes & Company

Consultation expiry: 29 September 2021

Decision due by: 4 March 2022 (Extension of time agreed)

RECOMMENDATION

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

The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. The development would also harm the openness of the Green Belt and is not a sustainable location for new housing. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and other harm identified. The proposal is, therefore, contrary to the National Planning Policy Framework and policy 1 of the Central Lancashire Core Strategy.

SITE DESCRIPTION

2. The application site is located within the Green Belt, to the north of Trigg Lane, which is accessed from Brinscall Mill Road, and is situated approximately 1.5km south east of Wheelton and 1.2km south west of Brinscall. It is situated in a rural location surrounded by open fields, other than a cluster of dwellings and stable buildings located immediately to the north and what appears to be a storage / agricultural building to the south. The site slopes gently downwards from north east to south west.
3. Approximately one third of the circa. 0.5 hectare application site is covered by buildings in a poor state of repair, most recently used for the breaking and salvaging of vehicles, storage and to a lesser extent, the stabling of horses. The site is somewhat unsightly with scrap vehicles and other items scattered across the site.
4. The application site is located approximately 12m to the south of the grade II listed Lower House Fold Farm with adjoining barn.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks outline planning permission for residential development on the site, with all matters reserved. The design and access statement and initially submitted illustrative site layout plan identified 8no. four/five bedroom two storey residences spread across the majority of the application site, each with a double garage.

6. However, a revised illustrative layout plan was submitted during the course of the application, following concerns expressed by the case officer, to reduce the area of the site to be built upon and identify 7no., rather than 8no. double garages. This is explained in more detail later in this report.

REPRESENTATIONS

7. One representation has been received citing the following grounds of objection (summarised):
 - Much of Brinscall Mill Road is single track, in very poor condition, with very few passing places
 - The new development would have at least 16 additional cars – entire length of the lane would need to be adopted and brought up to standard in terms of surface and passing places to ensure the safety of its users
8. Six responses, including one from Councillor Margaret France, state (in summary) they have no objection to the proposal but highlight the following:
 - Poor condition of Brinscall Mill Road would be made worse by the proposal
 - Passing places are inadequate
 - Opportunities to improve both the adopted and unadopted sections of the road should be secured by any planning permission at the site
 - A condition should be applied requiring occupants of the proposed development to contribute a reasonable proportion towards the maintenance of the road
 - The proposal would improve the appearance of the site and, as such, the amenity of neighbouring properties.

CONSULTATIONS

9. Heapey Parish Council: No comments have been received.
10. Lancashire County Council Highway Services (LCC Highway Services): Have responded as follows (summarised):

The proposals are situated along a privately maintained road (Brinscall Mill Road), approximately 678 metres from the closest publicly maintained road. Brinscall Mill Road becomes Rosebud Lane for approximately 162 metres until its junction with Chapel Lane (as measured on LCC's Mapping system "Mapzone"), Rosebud Lane is an adopted road. The privately maintained road is a single-track road that has a public right of way along its length. Due to the isolated nature of the site there are no feasible public transport links available for this site and it is deemed as solely car based. There is a primary and secondary school bus service at the junction of the privately maintained road and the publicly maintained road, however any school aged children would need to walk approximately 840 metres to this stop or be driven there. There are no sustainable travel links to any employment areas, healthcare centres or shops. LCC highways is of the opinion that the proposals do not meet the sustainable transport requirements of the National Planning Policy Framework. The proposals would have minimal impact on Highway safety.

The proposals do not meet the requirements of the National Planning Policy Framework 2019 for sustainability. There are no sustainable travel links for health care, shops or employment. There is a bus stop that provides public transport for primary and secondary schools, but this is a considerable walk from the site.

The site will be accessed via a new access on to a privately maintained road that is not subject to any future adoption agreement which leads to Trigg Lane. Trigg Lane is a privately maintained road and is not subject to any future adoption agreement. Even if the access was to be built to the standards of LCC's estates road specification it would not be adopted due to the distance between the site and the nearest publicly maintained road.

11. If the planning application is approved, LCC Highway Services request that access to Public Right of Way FP13 is not prevented during construction work, a Traffic Management Plan is required to be submitted by planning condition and a Highways Condition Survey be carried out from the junction of Trigg Lane and Chapel Lane.
12. Greater Manchester Ecology Unit: Have recommended that conditions be attached requiring a further checks for roosting bats prior to the demolition of the buildings, nesting bird checks should works be undertaken during the nesting season, details of biodiversity enhancement measures and the installation of sensitive lighting. An informative note is also suggested to remind the developer of their responsibilities should protected species be encountered during site development.
13. Regulatory Services - Environmental Health Officer: No comments have been received.
14. Waste & Contaminated Land Officer: Have confirmed that they have no comments.
15. United Utilities: Have responded with their standard letter outlining the requirements for sustainable drainage measures to be incorporated into the final design for the scheme which can be secured by planning condition.
16. Lancashire County Council Emergency Planning Officer: Have confirmed that they have no comments.

PLANNING CONSIDERATIONS

Principle of development

17. The application site is located wholly within the Green Belt.
18. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework) and states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. The relevant sections are set out below:

137. 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.

138. 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.*

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. 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.

149. A local planning authority should regard the construction of new buildings as inappropriate in 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 affordable housing need within the area of the local planning authority.

19. Policy 1 of the Central Lancashire Core Strategy provides the settlement hierarchy for the plan area and the type and scale of development that should be directed to each settlement category. The site is not specified as an area for growth within Core Strategy policy 1. 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.”

20. It is not considered that the site is located within a village, has a built-up frontage or is a Major Developed Site. As such, the site is not a suitable location for new housing and conflicts with policy 1 of the Central Lancashire Core Strategy.
21. Policy BNE5 criteria (d) of the Chorley local Plan 2012-2026 states that in the case of redevelopment of previously developed land in the Green Belt ‘*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.*’
22. 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’.
23. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of existing buildings on the application site does not justify any new buildings. The new buildings must also not “have a greater impact on the openness of the Green Belt”.
24. Whether the new buildings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing building 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 149 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.
25. The Council typically allows replacement buildings within the Green Belt with a built volume of up to 30% greater than those to be replaced. The applicant claims that the existing built volume on-site from the ten existing buildings proposed for demolition is 4,455 cubic metres which would give a 30% uplift figure of 5,791 cubic metres for the proposed dwellings.

However, one of the 'buildings' proposed for demolition, identified as Building F on the submitted Site Plan ref. 350/1040, has no roof or walls and is simply the frame. The Framework does not specify an allowance for the inclusion of demolished or removed buildings, therefore, to engage with the exceptions of paragraph 145 of the Framework, the test relates to the existing development, and, therefore, this structure cannot be considered in the assessment of the impact on openness. The existing development, therefore, has a built volume of 4,253 cubic metres. The 30% uplift, therefore, would give 5,528 cubic metres which could be utilised by the proposed new dwellings.

26. The latest indicative site plan submitted in support of the planning application identifies 8no. detached dwellings and 7no. garages spread across the application site with a combined volume of 5,785 cubic metres which goes slightly beyond the above 30% figure. That said, this proposal is submitted in outline for housing with all matters reserved, therefore, whilst the indicative plan is useful for showing a possible option for the site which would be assessed at reserved matters stage, it is not a material consideration as part of this outline application.
27. It is important to note that when assessing harm to the openness of the Green Belt, one must assess the visual and spatial elements of a proposal. It is noted that the site is in a poor condition with materials strewn across the area, in addition to the existing buildings being in a somewhat dire condition. Whilst the entire site may be considered to be previously developed land, not all of the site contains buildings. The buildings are clustered in the north eastern section of the site. Should this application be approved and the future reserved matters application identify dwellings across the entire site, as shown on the indicative site plan, this would extend the built form of development considerably further into the Green Belt than currently exists. This would undoubtedly have a greater impact upon the openness of the Green Belt than currently exists. As would proposing a built volume over the 30% threshold of 5,528 cubic metres.
28. The above conclusion, along with other concerns relating to the adjacent listed building and the unsustainable location of the site (all discussed later in this report as potential 'additional harm'), has been put to the applicant's agent on two separate occasions (emails dated 22 October 2021 and 3 December 2021). The emails from the case officer suggested that, to make the proposal acceptable in respect of Green Belt considerations, the development would need to be reduced to a maximum of four dwellings, to be restricted to the section of the site where buildings currently exist and with a combined built volume restricted to 5,528 cubic metres. Clearly if the developable site area is restricted and limited to four dwellings, the combined volume of those dwellings would naturally fall well below the volume threshold figure. As the proposal is submitted in outline with all matters reserved, the aforementioned restrictions would need to form the basis of planning conditions.
29. The applicant's agent has responded to the emails in disagreement with the case officer's conclusions (discussed later). A revised indicative site layout plan has been submitted which still identifies 8no. dwellings across the application site but pulls the built form of development back slightly from the southern end of the site. The applicant's agent responded by letter dated 27 October 2021 stating the following with regards to the potential impact upon the Green Belt:

"The current activities conducted from the buildings which do extend to the west and which the illustrative layout does not extend beyond, together with those to the south are most untidy and where there is a collection of stored and abandoned vehicles and other materials associated with the activities conducted from the main building. We believe the whole of this site should be regarded as Brownfield and therefore it is quite reasonable for replacement buildings to be erected in this part of the site, especially bearing in mind that the volume of the houses in the illustrative layout are within the volume normally permissible (i.e. existing volume plus 30%)."
30. Neither the above response nor the revised indicative plan submitted in support of the proposal has changed the case officer's conclusions on the scheme's impact upon the openness of the Green Belt. It is acknowledged that the entire site may be classed as

previously developed land, as defined within Annex 2 of the Framework, but this does not mean it is reasonable to erect buildings across the entire site. An assessment of the impact upon the openness of the Green Belt is still required, and this is not limited to whether the 30% threshold is met. Without the applicant's agreement to the restrictive conditions suggested by the case officer, it is considered that the proposal would have a greater and, therefore, unacceptable impact upon the openness of the Green Belt compared to the existing development and is, therefore, inappropriate development.

31. In light of the above, an assessment needs to be made as to whether there is 'any other harm' caused by the development that needs to be added to the harm caused by its inappropriateness.

Is there any other harm?

Impact on designated heritage assets

32. As previously noted, the application site is located approximately 12m to the south of the grade II listed Lower House Fold Farm with adjoining barn.
33. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the '*Special considerations affecting planning functions*'. Section 66 states:
 - (1) *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.*
 - (2) *Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*
34. Great weight and importance is attached to this duty.
35. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It 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. The following paragraphs contained therein are considered to be pertinent in this case:
36. The Framework at paragraph 197 states 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.
37. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
38. At paragraph 200 the Framework confirms 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.
39. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, 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.
40. At paragraph 202 the Framework provides that where a development proposal will 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.
41. Paragraph 205 sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
42. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: 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.
43. 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, nonoriginal 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.
44. 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.

Applicant's agent's comments on heritage issues

45. The applicant's agent in their letter response dated 27 October 2021 commented as follows:

'In accordance with the MPFF [sic], the existing Grade 2 Listed Building will be enhanced as the funds from the proposal will enable the original cottage to be converted into a habitable residence.

The creation of this residence will be a positive contribution to the conservation of the Heritage and this use will ensure its maintenance by being put to economic and viable use.

The new development is desirable as it does make a positive contribution to the local character of the area, by removing the unsightly, almost derelict group of buildings and the activities currently conducted and ensure the distinctiveness of the Heritage asset can then be more greatly appreciated.

The proposal complies with P.199 and causes no harm or loss to the asset as it will involve the removal of an overburdening, unsightly dominant building.

Under P.202 it is mostly misleading to insinuate that the proposal would lead to less than substantial harm to the significance of a designated heritage asset 'Clearly the proposal causes no harm and indeed is significantly beneficial'. The proposal will ensure improved elements to the setting are protected and do provide a contribution to the surroundings and environment of the asset and therefore the proposal should be treated favourably.'

May I remind you, and Joanne McKay of Growth Lancashire that this Application is in Outline form only and therefore the design and detail of the proposed residences can be left to a later date. However, layout as illustrated show the properties standing at a lower level than the Listed Building and therefore be far less dominant, nor the overburdening of the existing buildings. Furthermore it will improve the overall aesthetics of the setting and result in the Listed Building being more visible.

Finally, it is difficult to accept the proposal will cause some harm to the contribution made by the setting and a significant of the Heritage asset when removing an old, obsolete, unsightly, neglected, dominant structure will improve the appreciation of the Heritage asset. May I also remind you all of the public comments you have received to date are in favour of the proposal. The only objection was on the grounds of access and the condition of the roadway which, as a consequence, of the site being developed will be obviously be improved.'

Enabling Development

46. The applicant's agent has referred on numerous occasions in the planning submission and subsequent correspondence (example in the above quote) to the funds from the proposed development being directed towards the renovation of the listed barn. This is typically known as Enabling Development. Enabling Development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. This would require the landowner to enter into a legal agreement to ensure the funds are directed to the heritage asset and that the asset is restored prior to the sale of the dwellings. Despite being asked on numerous occasions, including within the aforementioned emails, whether the applicant wishes to enter into such an agreement, no response has been received on this matter from the applicant's agent. As such, the potential restoration of the listed building does not form a material consideration in the determination of this planning application.

Heritage Assessment

47. The issue from a heritage viewpoint is whether the proposal would harm the setting of the grade II listed Lower House Fold Farm with adjoining barn, which is considered to be of high significance. The significance of the property is in its aesthetic and historic context, primarily evidenced in the buildings fabric and architectural form/appearance.
48. In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.
49. The property was likely constructed in the 17th century of coursed squared sandstone with stone dressings including quoins and the adjoining barn is constructed of coursed rubble. The adjoining barn is in a poor state of repair, and along with the attached farmhouse, according to map regression lies in fairly extensive farmland, that has remained largely the same overtime, with the exception of the modern farm buildings to the immediate south.
50. The application lies directly to the front of the listed building, spreading out to the south and west. The existing modern buildings that are located in the immediate setting of the listed building are in a poor state of repair and provide little or no intrinsic value to the significance of the listed building. In the above regard, it is considered that the application site does not contribute any noteworthy level of significance to the listed building and can be considered, for the basis of this assessment, to be of a neutral value. In this context, there are no objections to their demolition.
51. As this is an outline application, in the absence of elevation details, it is difficult to fully assess the potential impact the proposed works may have to the setting of the listed building. Whilst it is accepted that the removal of the existing buildings and breaking and salvaging of vehicles would enhance how the listed building is experienced, the suggestion that the "redevelopment of the site as illustrated would improve the surroundings and aesthetics of the building" and "will have no impact on Lower House Fold Farm" as set out within the Heritage Statement is not accepted.
52. It is considered that the indicative proposal for 8no. large high spec dwellings would likely be overbearing and at odds with the rural character of the small listed stone farmhouse and barn and the similar buildings to the rear of the farmhouse that form part of the historic setting.
53. Even in the absence of design and material details, it is considered that the new residential development would be noticeable and be clearly seen within the same context as the listed

building. As such, the design should reflect the context and draw in the influences of the setting although the indicative layout as shown, appears as a sub-urban solution.

54. Consequently, it is considered that the proposed development would cause some harm to the contribution made by the setting on the significance of the heritage asset. This harm to the overall significance of the listed building is considered to be low/moderate.
55. On this basis, it is considered that the indicative scheme would cause 'less than substantial harm' and should be assessed under p.202 of the Framework. It is for the Local Planning Authority to consider the level of harm in its planning balance at reserved matters stage, considering also any public benefits which relate to or are generated by the scheme.
56. It is considered that the current proposal fails to meet the statutory test 'to preserve' and would cause 'less than substantial' harm to the setting and significance of the grade II listed building. As such, the proposal is at odds with Chapter 16 of the Framework, policy 16 of the Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan.
57. With regards to the revisions made to the indicative site layout, retaining the Paddock area to the west of the listed building as part of the converted barn ownership, as suggested in the agents letter, makes little difference to the issues noted above.
58. In light of the above, it is considered that a sensitively designed scheme that differs significantly from that shown on the indicative site plan could be acceptable in terms of its impacts upon the listed building when considered in the planning balance. However, this can only be assessed at reserved matters stage when the final number, type/design and location of dwellings is identified. The final scheme is, therefore, capable of complying with the aforementioned policies with regards to the protection of the designated heritage asset. Whilst the indicative site layout plan is unacceptable, it is not part of the determination of this application and so cannot be used as a reason to refuse this application.

Design and amenity

59. *Policy BNE1 (Design Criteria for New Development) 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; and the development would and would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.*
60. The application is submitted in outline with all matters reserved. As such, the scale, layout, landscaping, access and appearance of the proposal do not form material considerations in the determination of this application. Other issues are discussed below.

Ecology

61. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 seeks to safeguard protected and endangered species and their habitats.
62. The Greater Manchester Ecology Unit has no objections to the scheme and has suggested conditions and informatives to be attached to any grant of planning consent, as explained above.

Highway safety

62. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

63. Policy ST4 (Parking Standards) of the Chorley Local Plan 2012 – 2026 sets out the Council's parking standards and any scheme at reserved matters stage would need to demonstrate a policy compliant level of off-street parking. The suitability of the site access, parking and vehicle manoeuvring areas within the site can only be assessed at reserved matters stage.
64. LCC Highway Services, in their consultation response, highlight the isolated nature of the site with no feasible public transport links available for this site and it is deemed as solely car based. There is a primary and secondary school bus service at the junction of the privately maintained road and the publicly maintained road, however any school aged children would need to walk approximately 840 metres to this stop or be driven there. There are no sustainable travel links to any employment areas, healthcare centres or shops. LCC Highway Services are of the opinion that the proposal does not meet the sustainable transport requirements of the Framework. These concerns have been outlined to the applicant's agent, but no response has been received relating to the sustainability of the site location.
65. The Framework is clear at paragraphs 104 and 105 that the planning system should actively manage patterns of growth in support of sustainable transport objectives. Significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.
66. Further to the above, paragraph 5.15 of the Central Lancashire Core Strategy identifies that the overall strategy for directing where new development and investment will be located in Central Lancashire is set against the backdrop of underlying growth trends. Growth will involve providing for new housing, employment and services, and the infrastructure that goes with these uses. This investment must be achieved in the most sustainable way so as to protect and, where possible, enhance the environmental and social assets of the area (these include the landscape, biodiversity, air and water quality, school and health provision). In particular, choosing the most sustainable locations for development will help minimise the impact of climate change.
67. The proposal does not meet the requirements of the Framework or the Central Lancashire Core Strategy for sustainability.
68. All of the neighbour responses to this application note the desire for the access road to be improved. This would require the landowner to enter into a legal agreement, however, the improvement to the road would need to meet the tests within the Framework for such an obligation. Paragraph 57 of the Framework identifies that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. The unadopted length of track is approximately 700m long and without knowing the number of dwellings and associated vehicles that are likely to use the site, it is difficult to determine the length and level of improvement of the road that should be required. As such, it would be premature to require the developer to enter into a S106 agreement as part of the outline scheme and this would need to be addressed at reserved matters stage, should this application be approved.
69. In light of the above, it is considered that the site is not suitable for this level of housing and without conditions to restrict the development to fewer houses, to which the applicant is not agreeable, the proposal is unacceptable.

Other issues

70. The site is located towards the periphery of a consultation zone associated with an explosives manufacturing and storage facility at Redcliffe International (Shipping) Ltd, Heapey Storage Depot. Lancashire County Council's Emergency Planning Officer has however reviewed the proposal and has no comments to make. The application site is located approximately 800m from the facility in question and there is already housing

located much closer to the facility than the application site. The proposal is, therefore, considered to be acceptable with regards to any risk associated with the aforementioned facility.

Other harm to the Green Belt

71. The above has demonstrated that there is additional harm from technical matters in the form of the unsustainable location of the site. Therefore, there needs to be very special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the development, harm to the openness of the Green Belt and harm from the unsustainable location of the site.

Benefits of the scheme

72. Whilst the applicant has not put forward a case for very special circumstances, the proposal would have clear benefits in the form of a positive visual impact by removing the unsightly buildings and materials strewn across the site. The applicant has also referred to the potential for the listed building to be improved from the funds received from the development. As discussed previously however, this cannot form a material consideration in the determination of this application as the applicant has not agreed to enter in a legal agreement to make this an 'enabling development'. Ordinarily there would also be some additional limited social benefit from providing more housing in the area, but this is not considered to be attributable in this case due to the unsustainable location of the site. There would clearly be an economic benefit for the applicant as a result of the proposal.
73. The benefit put forward by the applicant's agent in terms of improving the visual appearance of the site has limited weight in the planning balance, as does the economic benefit to the applicant.

Do these factors amount to very special circumstances?

74. Although the above factors are accepted to contribute towards outweighing the identified harm to the Green Belt and other harm from the unsustainable location of the site, it needs to be considered if the circumstances put forward amount to very special circumstances.
75. A strong national or regional benefit can be judged to be a very special circumstance that may override Green Belt policy. Although it is considered the proposal would have an environmental benefit to the local area by improving the appearance of the site and economic benefit to the applicant, it is not considered this could be classed as very special. It would not be on a significantly large scale and in addition it is an argument that could quite readily be repeated by numerous untidy sites in the borough. No social benefits of the proposal have been identified. It is, therefore, considered that the benefits of the proposal do not amount to very special circumstances.

Balancing exercise

76. A careful balancing of material considerations needs to be applied to the application.
77. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal is harmful to the Green Belt through inappropriateness and not preserving its openness and there is additional harm from the unsustainable site location for the level of housing proposed. On the other hand, policy BNE5 of the Chorley local Plan 2012-2026 seeks to enhance the appearance of redevelopment sites in the Green Belt.
78. In accordance with the Framework when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It is considered in this case that the weight afforded to the benefits of the proposal are limited and localised and does not outweigh the identified harm to the Green Belt and other harm.

Public open space (POS)

79. 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.
80. 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.
81. 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
82. 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.
83. 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.
84. There is currently a deficit of provision in Pennine in relation to provision for children/young people and, therefore, a contribution towards new provision in the ward would normally be required from this development, however, no schemes are currently identified. Therefore, a public open space commuted sum is not requested for this proposal.

Sustainability

85. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. 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.”

86. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Community Infrastructure Levy

87. 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. This proposal would only be liable for CIL at reserved matters stage.

CONCLUSION

88. The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. The development would also harm the openness of the Green Belt and the application site is not a sustainable location for new housing. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and other harm identified. The proposal is, therefore, contrary to the National Planning Policy Framework and policy 1 of the Central Lancashire Core Strategy.

RELEVANT HISTORY OF THE SITE

Ref: 96/00294/COU **Decision:** PERFPP **Decision Date:** 9 October 1996
Description: Change of use of cow sheds and dairy to livery stabling and stabling for own horses,

Ref: 88/00749/COU **Decision:** PERFPP **Decision Date:** 21 February 1989
Description: Change of use of disused farm building into dwelling

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.