

## **APPLICATION REPORT – 22/01001/FUL**

**Validation Date: 13 October 2022**

**Ward: Clayton West And Cuerden**

**Type of Application: Full Planning**

**Proposal: Demolition of existing farmhouse and erection of a replacement dwelling, conversion of two barns to form three dwellings and other associated works**

**Location: Lower Wood End Farm Back Lane Clayton-Le-Woods Chorley PR6 7EX**

**Case Officer: Mike Halsall**

**Applicant: Cuerden Valley Park Trust**

**Agent: Peter Dickinson Architects**

**Consultation expiry: 29 November 2022**

**Decision due by: 3 April 2023 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions and the signing of a S106 legal agreement to secure a financial contribution of £402 towards Public Open Space for children / young people.

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt just outside, and immediately to the west of, the defined settlement boundary of Clayton-le-Woods, as identified on the Chorley Local Plan 2012-2026 Policies Map. The site is located at the end of an approximately 160m long private access track that leads from Back Lane to the north. The site is surrounded by housing to the east and north beyond a dense belt of vegetation, and there is open agricultural land on all other sides. Public Right of Way, FP8, runs along the access road from Back Lane and passes through the centre of the site.
3. The application site consists of a farmhouse, farmyard area and a number of agricultural buildings of various sizes and construction, including a brick-built barn and a stone built-barn, located near the farmhouse. Other agricultural buildings at the site, to the east and north east of the farmhouse and aforementioned barns are of a more modern construction and design. The applicant has stated their intention is to convert these barns to dwellings under Part Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), however, this does not form a material consideration in the determination of this planning application.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks full planning permission for the demolition of the existing farmhouse and the erection of a replacement dwelling, the conversion of a brick-built barn to two dwellings and a stone-built barn to one dwelling, with other associated works.

5. The submitted plans have been revised during the consideration period of the application to remove a proposed stable building, glasshouses and sheds and reduce the scale of the replacement dwelling due to Green Belt considerations. Further, changes have been made to the proposed conversion of the brick-built barn following consultation responses from the Council's heritage advisors.
6. The site is owned by the Cuerden Valley Park Trust who have stated the following with regards to the reasons for seeking planning permission for the proposal:
  - *'The Trust took the difficult decision to sell the property in order to help stabilize our finances, the Trust is a charity focused on the conservation of the Country park, the delivery of education and engagement with our local and wider community*
  - *Monies from the sale will enable a broad programme of necessary maintenance work including much needed habitat restoration, woodland, grassland and waterway management, footpath restoration and entrance furniture upgrades for accessibility*
  - *The monies will also enable the expansion of our environmental and community engagement activity. Specifically the creation of a new education centre within the park adjacent to the current Visitor Centre*
  - *The Visitor Centre is already a key tourism hub within the park and a focus for the Trusts delivery, a second facility is impractical, it would also be very expensive to create a new education/community venue within the park. The Trust does not have the funds to enable this, indeed as mentioned above the sale of the farmhouse will allow for a range of much needed activity*
  - *Business use is impractical, the farmland is already and will remain tenanted. A farm with no land is not a viable business'*

## REPRESENTATIONS

7. Four representations have been received in objection to the proposal, citing the following grounds of objection:
  - The farmhouse should not be demolished, it should be listed
  - Highway safety / access
  - Questioning the accuracy of submitted documents
  - Harm to trees
  - Impact on neighbouring residents
8. One representation has been received neither in objection nor support of the proposal, noting the following:
  - Proposal would be an asset to Clayton le Woods and create much needed funds for the Trust
  - Ecology report should include details on hedgehogs, deer, great crested newts, and other non-protected species
  - Cuerden Valley Park is biological heritage site
  - The farmhouse has historic relevance and should be examined and retained - It is documented in the book 'Clayton in History' by George L Bolton, that Lower Wood End farm was occupied by the Crichlowe family at the beginning of the 1700s. Three sons of this family were Roman Catholic Priests and in literature held by St Bede's church it is said that the Lower Wood end farm held Catholic Masses using a secret Altar that was moved about different houses in the area.

## CONSULTATIONS

9. Lancashire Highway Services (LCC Highway Services): have responded with no objection to the proposal, stating they do not have any objections in principle to the proposal and have suggested conditions to be attached to any grant of planning permission. The conditions relate to the stables and garaging that no longer form part of the proposal and so the suggested conditions are no longer relevant. LCC Highway Services have also noted that there are some concerns in relation to cars exiting the track onto Back Lane due to vegetation obstructing sight lines. The land upon which the vegetation is located is owned

by Chorley Council and so it would be unreasonable to require the applicant to maintain this.

10. Greater Manchester Ecology Unit: have responded with no objection to the proposal, subject to conditions and informative notes being attached to any grant of planning permission in relation to safeguarding protected species and delivering biodiversity enhancement measures.
11. Lancashire County Council Public Rights Of Way: have responded with no objection to the proposal and have stated that:

*'Footpath 9-9-FP8 runs along the access road to the proposed development.*

Temporary closure

*If works relating to the proposed development are likely to create a health and safety risk to users of the public right of way a temporary closure must be applied for and in place prior to works commencing. If a temporary closure is necessary and not in place the applicant would be liable if a member of the public was to be injured exercising their right to use the Right of Way in question and subject to enforcement proceedings.*

Obstruction

*A public right of way should not be used to store machinery, materials or vehicles and if found to do so the applicant could be subject to enforcement proceedings.'*

12. Waste & Contaminated Land Officer: has responded with no comments.
13. Tree Officer: has responded to state the majority of surrounding trees would be unaffected by the proposal. The demolition and construction should conform to BS 5837 standards and any tree pruning ought to be completed to BS 3998.
14. National Grid UK Transmission: have not responded on this occasion.
15. Lancashire County Council Archaeology Service: initially responded to request the applicant undertakes a formal heritage appraisal of the brick barn, stating the following:

*'This farmstead is noted on the Lancashire Historic Environment Record, where it is suggested that it may well appear on William Yates' map of Lancashire, dated 1786, and thus be of 18th century or earlier origin. Within the farmstead itself are three traditional buildings, the farmhouse itself, a stone-built barn to its north and a brick-built barn range to its east. Of these the brick-built range is probably the earliest, being clearly identifiable on the OS 1:10,560 mapping of 1848 (sheet Lancashire 69, surveyed 1844-6).*

*The farmhouse of this period seems to have been slightly larger than the present house and located a little to its west. This house had been demolished and was replaced by the present farmhouse by the time of the 1894 OS 1:2,500 mapping (sheet Lancashire 69.15, surveyed 1893). It seems probable that the original farmhouse significantly pre-dated 1848 and may well have been of 18th century or earlier origin. The stone barn also appears for the first time on the 1894 mapping.*

*There is no heritage statement with the application but photographs within the Bat and Bird Survey (BBS - Envirotech, 06/2022) and the Structural Condition Survey (SCS -Graham Schofield Associates, Aug 2022) give a useful overview of the buildings, along with the plans 'as existing'. It should be noted, however, that the hand-cut timbers forming the roof of the brick barn (proposed to be converted to 'Dwellings 3 and 4') are not accurately illustrated in the architect's drawings. These timbers would suggest that this barn is of early origin – examples of this type of roof have been dated to the 16<sup>th</sup> century – and also pre-dates the 1848 and probably the 1786 mapping.*

*The period 1750-1880 has been recognised as the most important period of farm building development in England. The Council for British Archaeology's 'An Archaeological Research Framework for North West England: Volume 2, Research Agenda and Strategy' has indicated that "there is an urgent need for all local authorities to ensure that farm buildings undergoing adaptation are at least considered for recording" (p. 140) so that "a regional database of farm buildings can be derived and variations across the region examined." (ibid.)*

*We would have no objection to the demolition of the existing farmhouse or the conversion of the stone barn but would recommend that these buildings are recorded photographically prior to any works starting.*

*We would also have concerns that the proposed replacement farmhouse ('Dwelling 2') is to be located in the area of the pre-1848 farmhouse and has potential to impact buried remains of 18th century or earlier date, associated with the earlier occupation of the farmstead. This impact could be mitigated by a scheme of 'strip, map and record' archaeological excavation covering the site of the proposed new build dwelling. The above mitigation works could be required by the application of appropriately worded planning conditions.*

*With regard to the brick barn, however, we have serious concerns over the amount of alteration proposed to this structure, including the demolition of existing fabric and the way the space has been sub-divided. Of particular concern is the intention to provide the division between the two proposed dwellings in the centre of the present cart doorway, rather than utilising an existing natural division of the building. This will impact severely on the ability to understand and appreciate the original plan and circulation pattern of the building. The guidance set out in sections 44-49 of "Making Changes to Heritage Assets – Historic England Advice Note 2" (Historic England 2015) is directly relevant here and does not seem to have been considered in the design of the new dwellings.*

*We are also very concerned that a major element of the barn, the timber roof structure, is liable to be considerably altered. The detail of the roof structure is not set out in the drawings 'as proposed', but the Structural Survey recommends that the developers should "Retain main truss and purlin members and replace upper roof members to achieve regularity for proposed finishes" (SCS p.17). This would lead to the loss of the common rafters, purlins and wind-braces, which form an integral and historically important element of this building. We would strongly recommend that no planning decision is taken until a formal heritage appraisal of the brick barn is undertaken, as set out in NPPF (Paragraph 194, MoHCLG, 2021). This should include an assessment of the significance of the various elements of the structure and a consideration of the impact of the proposed changes upon them, particularly the plan form and the roof structure. The design of the new dwelling should then be re-considered with reference to the appraisal and with the intention of minimising harm to the building's significance. It is probable that, with care, an appropriate design can be developed, but the present scheme would appear unacceptable.'*

The applicant subsequently commissioned a heritage assessment in support of the proposal which resulted in changes also being made to the proposed drawings, as explained in more detail later in this report. Lancashire County Council Archaeology Service reviewed the assessment and revised drawings and have concluded as follows:

*'As previously stated, we would have no objection to the demolition of the existing farmhouse or the conversion of the stone barn but would recommend that the stone barn is recorded photographically prior to any works starting. The description and photographs of the farmhouse supplied in the new Heritage Assessment (HA: Peter Dickinson Architects January 2023) would suggest that this structure does not merit any recording.*

*We still have concerns that the proposed replacement farmhouse ('Dwelling 2') is to be located in the area of the pre-1848 farmhouse and has potential to impact buried remains of 17th – 18th century date, associated with the earlier occupation of the farmstead. This impact could be mitigated by a scheme of 'strip, map and record' archaeological excavation*

*covering the site of the proposed new build dwelling, following the demolition of the above-ground elements of the present farmhouse. This should be able to replace the grubbing up of the extant foundations, etc., and other necessary preparation of the site for the new development.*

*The alterations to the design of the proposed brick barn conversion have addressed most of our concerns regarding the impact of the scheme on this structure. We would suggest that the style of many of the proposed windows and doors does not appear to reflect its agricultural origins, but we would leave this 'design matter' in the hands of your conservation team. We would recommend that a formal record of the building be created, to level 3 as set out in 'Understanding Historic Buildings' (Historic England 2016), as a condition of any consent granted.'*

16. Clayton-le-Woods Parish Council: have not responded on this occasion.
17. United Utilities: have responded with their template response which recommends conditions being attached to any grant of planning permission to ensure the site is drained in the most sustainable method possible.

## **PLANNING CONSIDERATIONS**

### Principle of development

18. Whilst the area is not identified for growth under Policy 1 of the Central Lancashire Core Strategy, the policy does allow for small scale development and, therefore, the proposal is compliant in this respect.
19. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*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 resulting from the proposal, 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....:*

- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;...*

*150. 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:...*

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;...

20. The proposal contains both a replacement dwelling (paragraph 149d exception) and a barn conversion / re-use of a building (paragraph 150d exception). These elements of the proposal are therefore assessed separately and, in more detail, below.

### **Replacement dwelling**

21. Policy HS6 of Chorley Local Plan 2012 – 2026 relates to Replacement Dwellings and is consistent with the guidance contained within the Framework, setting criteria to be satisfied for permission to be granted as follows:

***a) The proposed replacement dwelling respects the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled;***

22. The site is located at the southern end of an approximately 160m long private access track that leads from Back Lane to the north and so would not be visible in the street scene. The existing dwelling is described as follows in the submitted heritage assessment:

*'The existing farmhouse is a replacement dwelling constructed between 1844 and 1893 based on historic OS map information. The existing dwelling is roughly square in its footprint with a single storey storage structure adjoining its west elevation. A flat roof single storey rear porch adjoins the north elevation facing towards the stone barn. The dwelling is composed of sandstone walls, that have become stained, and a slate roof. A small cellar is located below the rear room to the north-west of the dwelling and accessed via the kitchen. The gable walls (east and west elevations) include a parapet wall with stone copings and matching chimneys.*

*The dwelling is typical of a Victorian era farmhouse with a near symmetrical footprint and symmetrical primary elevation. The windows, whilst non original uPVC, are framed in stone surrounds and large stone quoins form the corners of the dwelling. Sandstone copings form parapets to the gable elevations and headers to the north and south elevations conceal a hidden rainwater gutter. The stone coping has been covered in some areas with a pliable adhesive membrane, presumably to prevent the ingress of rainwater. All rainwater goods are uPVC.'*

23. The assessment goes on to identify significant structural issues, wet rot, water ingress and rising damp that render the building as unsuitable for retention.
24. The proposed replacement dwelling is larger than the existing dwelling and of a modern design with large window openings and a mixture of rustic blend brickwork, semi-coursed sandstone and timber cladding walls and tiled roof.
25. It is considered that the proposed replacement dwelling would respect surrounding buildings and would not be unacceptably harmful to the character of the surrounding area. The proposed replacement dwelling would enhance the immediate area, given the current condition of the existing dwelling. As such it is considered that it would comply with criteria (a) and Local Plan Policy BNE1.

***b) There is no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight;***

26. The nearest existing dwellings to the proposed replacement dwelling would be located approximately 80m to the south east on Whitethorn Close, beyond a dense section of vegetation that separates the site from housing to the south east, east and north west.

27. The proposed front elevation of the replacement dwelling would be located approximately 17m from the front elevation of the proposed stone barn to be converted to a single dwelling. As this falls short of the Council's minimum interface distance between facing habitable room windows, the applicant has agreed for one of the bedroom windows in the barn to be obscurely glazed. As this is not the main window proposed to serve the bedroom, this is considered to be acceptable and is shown on the submitted drawing. Any impacts through a loss of privacy from facing habitable room windows at ground floor level can be avoided by suitable boundary treatments to be agreed by planning condition. The proposed converted brick barn has been orientated so as not to directly face either the replacement dwelling or the proposed stone barn conversion.
28. In light of the above, the proposal would not have unacceptable impacts on the amenity of the occupants of either existing dwellings or those proposed by the development, having regard to criterion (b) and Local Plan Policy BNE1.

***c) Safe and suitable access to the site can be achieved;***

29. The proposal involves the use of the existing vehicular site access on Back Lane. LCC Highway Services do not have any objections in principle to the proposal. They have however stated they have some concerns in relation to cars exiting the track onto Back Lane due to vegetation obstructing the sight lines. The land upon which the vegetation is located is owned by Chorley Council and so it would be unreasonable to require the applicant to maintain this. The issue has been referred to the Council's streetscene team so that they can clear the vegetation.
30. The proposals indicate that sufficient parking is available within the site and that vehicles would be able to enter and exit the site in a forward gear, therefore the proposal is considered to be acceptable in highway safety terms. The proposal accords with the Council's parking standards, having regard to criterion (c) and Chorley Local Plan Policy BNE1.

***And in the Case of the Green Belt, Safeguarded Land or Area of Other Open Countryside:***

***d) The proposed replacement dwelling would not detract from the openness to a greater extent than the original dwelling; and  
e) The proposed replacement dwelling would not be materially larger than the dwelling it replaces nor involves enlarging the residential curtilage. Increases of up to 30% (volume) are not considered to be materially larger.***

31. The submitted drawing for the replacement dwelling has been revised since its original submission to remove approximately 200 cubic metres of built volume following a discussion in relation to the volume calculations of the existing and proposed dwellings. The proposal now represents an increase in built volume of 30%. The replacement dwelling is therefore not materially larger than the current dwelling based on the provisions of policy HS6(e). The proposed therefore satisfies policy HS6 and accords with exception (d) of paragraph 149 of the Framework as not being inappropriate development in the Green Belt.

**Barn conversions**

32. The application proposes to convert an existing stone barn, located to the north of the existing farmhouse, into a single dwelling, and a brick barn, to the east, into two dwellings. The Central Lancashire Rural Development SPD (Oct 2012) provides additional guidance to that of the Framework on the re-use of buildings in the Green Belt.
33. Policy HS9 (Conversion of Rural Buildings in the Green Belt and Other Designated Rural Areas) of the Chorley Local Plan 2012 – 2026 states that that the re-use of existing buildings in the Green Belt will be allowed provided that specific criteria are met:

***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;***

34. The proposed stone barn conversion includes a first-floor extension and single-storey infill side extension to the west side of the building and a single storey 'front' extension to the southern side of the building.
35. The proposed brick barn conversion includes two single storey extensions in the south eastern corner of the barn and also a small single storey element of the building would be demolished.
36. The Framework at paragraph 149 allows for 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. The guidance contained within the Council's Rural Development SPD provides that increases of up to 50% are not considered disproportionate. The proposed extensions represent less than 50% of the volume of the existing barns and so would not be disproportionate additions and would not, therefore, have a materially greater impact on the openness of the Green Belt.

***b) The proposal would not harm the character or quality of the countryside or landscape;***

37. The proposal includes the re-use of two existing buildings to create three dwellinghouses. The site already has a somewhat domestic appearance as it is currently associated with the farmhouse. Views from the wider countryside would be seen in the context of the existing cluster of development and it is not considered that the proposal would be harmful to the character or quality of the countryside, rather it would represent an improvement to the current situation as the site appears tired and cluttered with agricultural equipment and materials.

***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;***

38. It is not considered that the barns are of a size or design that are suitable for modern agricultural practices, hence the presence of the much larger modern agricultural buildings having been erected to the north east. The conversion of the barns is not considered to be likely to result in additional farm buildings being required.

***d) If an agricultural building, it is not one substantially completed within ten years of the date of the application;***

39. The buildings are agricultural although were not substantially completed within the last ten years.

***e) The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;***

40. The buildings are of a permanent and substantial construction and capable of conversion without more than 30% reconstruction. The applicant has submitted a structural condition report to demonstrate this.

***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;***

41. The buildings would largely retain their traditional character with minimal new openings. The application proposes small extensions to the buildings, which would be subordinate additions, and of a modern design, which contrasts with the host building but complements it through the use of suitable materials. The proposal is considered to be acceptable in



design terms and would not be harmful to the visual amenities of the area. The curtilage formations are considered to be acceptable and not disproportionate to the size of the new dwellings.

***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;***

42. The proposed development includes the use of an existing access to Back Lane. There is adequate space for the provision of on-site parking in accordance with the Council's minimum parking standards. It is not considered that the proposed development would be detrimental to highway safety and would, therefore, accord with this criterion.

***h) The development would not result in the loss of or damage to any important wildlife habitat or protected species.***

43. It is not considered that the proposal would be detrimental to nature conservation interests.

### **Garden Storage Buildings**

44. The application also proposes the erection of two garden storage outbuildings, one to serve each of the two dwellings to be created by the conversion of the brick barn. The Framework states a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. The proposed outbuildings do not fall within any of the exceptions set out at paragraph 149 or 150 and are, therefore, inappropriate development in the Green Belt. The introduction of built form to an undeveloped area would also harm openness.
45. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
46. The Framework states that 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. It is not considered that there is any other harm in this instance.
47. The Council takes a pragmatic approach to the development of domestic outbuildings within a residential curtilage and makes provision for the equivalent of a double garage, a small shed, and a small greenhouse on a single dwelling in the countryside through the Householder Design Guidance Supplementary Planning Document. In this instance therefore it is considered that the proposed outbuildings, one of which is the size of a small shed and the other a single garage, are acceptable under the requirements of the SPD in addition to the barn conversion.
48. At paragraph 1.2 the Householder Design SPD is clear that the guidance contained within it should be afforded significant weight as a material consideration in determining planning applications. Significant weight is, therefore, afforded to the provision of the proposed outbuildings and the Council considers this sufficiently justifies the proposal in the Green Belt as very special circumstances to outweigh Green Belt considerations.

### **Other aspects of the proposal**

49. The creation of allotments, an orchard and a paddock for grazing horses, as identified on the submitted 'Proposed Site Plan' are not considered to fall within the definition of development at paragraph 55 of the Town and Country Planning Act 1990 and so require no Green Belt assessment. This is because no material change of use would take place from the current agricultural use of land. It was previously proposed to keep horses at the

site by the erection of a stable block, but this was removed by the applicant at the request of the case officer due to representing inappropriate development in the Green Belt. No Green Belt assessment is therefore required of these parts of the scheme.

#### Impact on character and appearance of locality

50. 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 (amongst other things):

*“a) 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.*

*c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;”*

51. The existing buildings are of a simple traditional design typical of agricultural buildings of the era in this locality. The site is largely screened from public vantage points by dense vegetation and is a substantial distance from Back Lane.
52. The proposal includes the re-use of two existing buildings to create three dwellinghouses. The site already has a somewhat domestic appearance as it is currently associated with the farmhouse. Views from the wider countryside would be seen in the context of the existing cluster of development and it is not considered that the proposal would be harmful to the character or quality of the countryside, rather it would represent an improvement to the current situation as the site is largely appearing tired and cluttered with agricultural equipment and materials.
53. Whilst the proposed new build dwelling would be larger than the existing dwelling, it sits separate from the nearest adjacent dwellings and is set well back from Back Lane.
54. The proposal is considered acceptable in terms of size, scale, massing and design. The final choice of externally facing materials and landscaping details can be controlled by planning condition.
55. Overall, the proposed development is an appropriate design response to the site and would have a positive impact on the appearance of the site and character of the area in consideration of the present buildings, and would not have a detrimental impact on the surrounding area. The development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 with regards to the design.

#### Impact on neighbour amenity

56. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
57. As previously noted, the proposed siting for the new dwellings is separate from existing dwellings and the relationship between each of the proposed dwellings is considered to be acceptable. As such, there would be no adverse impact on the amenity of the occupiers of any existing neighbouring dwellings or the future occupiers of the proposed dwellings. It is, therefore, considered that the development would not adversely impact on the amenity of any existing or future occupiers.

#### Highway safety

58. 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.

59. The proposal involves the use of the existing site access on Back Lane. LCC Highway Services do not have any objections in principle to the proposal. They have however stated they are some concerns in relation to cars exiting the track onto Back Lane due to vegetation obstructing the sight lines. The land upon which the vegetation is located is owned by Chorley Council and so it would be unreasonable to require the applicant to maintain this. The issue has been referred to the Council's streetscene team so they can clear the vegetation.
60. The site layout plan adequately demonstrates that the site would provide off street parking and vehicle manoeuvring areas in line with the parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and Appendix A.
61. The proposal is considered to be acceptable in terms of highway safety having regard to Chorley Local Plan policy BNE1 (d).

#### Flood risk and drainage

62. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
63. 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.
64. It is recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above. This can be secured by planning condition.

#### Ecology

65. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
66. The Council's ecological advisors have reviewed the submitted bat, barn owl and nesting bird survey submitted in support of the application and have responded with no objection to the proposal. The site supports bat roosts (in the barns) and so the proposal will require a Protected Species Licence from Natural England. As a consequence, they have suggested a condition be attached to any grant of planning permission requiring evidence of the license or confirmation a license is not required to be provided to the Council prior to development commencing. Given the small numbers of bats and their conservation status it is likely that a Bat Mitigation Class Licence could be sought. These BMCL licences do not require a Reasoned Justification to provide the derogation from the legislation, but it is important that the Council identify this material consideration. It is also the responsibility of the determining body to consider the likelihood of a licence being issued. The Council's ecological advisors consider that it is highly probable that Natural England will look on a licence application favourably and it will be issued in this case.

67. The Council's ecological advisors have also requested a further survey of the farmhouse take place if development does not commence within one year of the planning permission being granted. This building was only given low potential for bat roosts. Further conditions have been suggested with regards to protecting nesting birds, details of external lighting and the delivery of biodiversity enhancement measures.
68. In light of the above, the potential ecological impacts of the proposal are considered acceptable, subject to conditions. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

### Built Heritage

69. The buildings proposed for demolition and conversion are not statutorily or locally listed buildings. That said, as noted within the response from Lancashire County Council Archaeology Service earlier in this report and the Council's heritage advisor below, the buildings have some heritage value and are worthy of assessment.
70. The Council's heritage advisors have commented as follows on the revised proposal:

*'Whilst the proposals still introduce a range of fenestration, largely, from a heritage perspective, the proposed amendments to the brick barn are generally positive and address the concerns I raised in my original response. Particularly, the repositioning of the party wall, which no longer cuts down the middle of the original cart entrance and now utilises a more natural division. As well as their positioning of internal walls at first floor level to better expose the existing roof structure and the exposure of existing openings from the removal of the previously proposed part two-storey part single-storey extension, in favour of two smaller single storey extensions, with a proposed floor plan more reflective of the existing.*

*Likewise retention and conversion of the existing cattle/dairy shed, the retention and repair of the existing purlins, principal rafters and trusses, the replacement slate roof to better represent the original roof covering and the repositioning of the internal walls at first floor level to better expose the retained existing roof structure are positive amendments.*

*As such, this part of the proposals have been amended in a way, which better retains the historic key features of the brick built barn and to some extent still allows the barn and its original design and use to be read, therefore it is my view that it is a more appropriate conversion.*

*However, my concerns regarding the demolition and redevelopment of the Farmhouse remain the same as discussed in my earlier comments dated 19 December 2022. Whilst of lesser significance than the brick-built barn as noted in my earlier comments, the whole group of traditional buildings have a collective character and relationship to one another, which contributes to the wider significance of the group and also demonstrates the evolution of the Farmstead.*

*I acknowledge and accept that, the existing farmhouse has suffered from physically deterioration and is in a poor condition. However there is no evidence before me to suggest that it could not be restored and potentially extended rather than demolished. Regardless, I am mindful that the farmhouse (and collective group) can only be awarded a low heritage value or significance.*

*As in my previous comments I reiterate that P.197 of the NPPF states that LPA's should take account of the desirability of sustaining heritage assets and putting them into viable uses. Whilst the amended proposals provide an improved and more appropriate conversion of the brick barn, my concerns relating to the demolition of the farmhouse remain. Nevertheless, in the national context, the demolition of the existing farmhouse will cause only a limited loss or low loss of significance and as such, should only carry limited weight in the LPA's overall judgement.*

*As such, the LPA will need to consider this in its planning balance. The NPPF, P.203 allows for the loss of significance or harm caused by the demolition to be considered within a planning judgement. For the purposes of that judgement, the LPA should consider the harm to the significance of the site/buildings, to be low/slight.*

*Conclusion / recommendation*

*As I am required to do so, in relation to the NDHA, I have provided a balanced judgement in my comments in order to meet the general aim of the national guidance to preserve heritage.*

*The heritage value I assign to the group, within the national context is low and as indicated above the loss of value caused by the proposed demolition of the farmhouse would be low/slight. Under P.203 of the NPPF it is down to the LPA to consider this harm in its planning balance set against all other material [considerations] including the benefits of the scheme itself.*

*If a positive balance can be achieved then the proposal would be in general accordance with the guidance contained in Chapter 16 NPPF and comply with Policy BNE8 of the Chorley Local Plan and Policy 16 of the Central Lancashire Core Strategy. If the LPA were minded to approve the proposal then I would recommend that the buildings are appropriately recorded to a level agreed with the LCC Archaeologist, prior to any works and/or demolition commencing on site.*

71. Section 16 of the National Planning Policy Framework (the Framework) refers to conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) 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.

197. 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.

72. The Central Lancashire Core Strategy (2012) (the Core Strategy), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to:

*'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*

*a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*

73. The Chorley Local Plan 2012 – 2026, policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'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: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'*
74. It is noted that the Council's heritage advisor has concluded that the heritage value of the buildings is low and the loss of value caused by the demolition of the farmhouse is low/slight. On balance, it is considered that the benefits of the proposal in improving the appearance of the barns, the site as a whole and the financial benefits to the Trust with subsequent social benefits to users of the Cuerden Valley Park, comfortably outweigh the heritage harm.

#### Archaeology

75. As noted earlier in this report, Lancashire County Council Archaeology Service has recommended that conditions be attached to any grant of planning permission requiring that the buildings are recorded prior to any work being undertaken and that archaeological work takes place once the dwelling has been demolished due to the potential location of buried remains associated with a previous farmhouse on the site. The proposal is therefore considered to be acceptable in this regard.

#### Affordable housing

76. The Framework requires that affordable housing should only be sought for residential developments that are major developments (in this context, the Framework defines major development as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more). The affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has therefore now been replaced by the Framework threshold of 10 dwellings. This proposal is for 3 additional dwellings, but the site has an area of 0.67 hectares and is therefore a major development for the purposes of affordable housing provision.
77. An affordable housing contribution of 35% would normally therefore be required in accordance with Core Strategy Policy 7 and the Framework as part of this proposal. This equates to 1 affordable dwelling, which should be provided on site unless the site is demonstrably an unsustainable location for affordable housing. A commuted sum for off-site provision would then be required from the scheme.
78. The applicant has provided the following justification for the affordable housing requirement being relaxed for this proposal. As previously noted, the stables no longer form part of the proposal.

*'The total site area, as shown on the attached updated location plan, measures 0.67 Hectares. However, this includes the following areas which are not part of the proposed development and exist only as existing features associated with the farmyard:*

- *The existing access track from Back Lane measures 0.11 hectares. This is an existing single width track and has no development potential but is necessary to access the development site.*
- *The area shown for the proposed allotments and the retention of an existing farm access to the north of the site measures 0.13 hectares, however this is Green Belt land and therefore cannot be developed for any other purpose other than for uses which do*

*not impact the openness of the Green Belt. It would therefore be unsuitable to develop this part of the site for residential use and the construction of affordable dwellings on this part of the site would be contrary to Green Belt policy.*

- The development also includes the creation of a stables and associated external space which measures 0.05 hectares. This area is on Green Belt land and has no other development potential other than development which is suitable within the Green Belt (i.e. stables).*
- The site area marked paddock measures 0.06 Hectares and are also within the Green Belt. As there are no structures on this part of the site and as it is currently used for agricultural purposes there is no potential for residential development and as above the construction of affordable dwellings (or any dwelling) would be contrary to Green Belt policy.*
- The developable area, which is limited the immediate surroundings of the two barns and the existing curtilage of the existing farmhouse, measures 0.3 hectares, and includes a retained access through the site for farm access which further limits the development potential. The area of 0.3 hectares is the only developable area compliant with Green Belt policy and the development is still limit to policies related to the conversion of redundant buildings and the replacement of a single dwelling. It would not be possible to redevelop this area for residential development which would include new build affordable dwellings.*

*The development is limited to the existing site features and the forms of development which are allowed within the Green Belt. This includes replacement dwellings and the conversion of redundant buildings. There is no scope for the demolition of the existing barns which would allow a more suitable site layout in which affordable housing could be included. The development proposals have not been developed to maximise the residential potential of the area available as the development potential is limited due to the forms of the appropriate development within the Green Belt.*

*The areas listed above as having no-development potential are not excluded from development by choice in order to avoid delivering affordable housing, they are excluded from the development due to their location with the Green Belt and as such no other form of development than the proposed land uses shown within the development proposals would be possible.*

*The design of the proposed barn conversions is limited the existing forms and the surrounding curtilage. It would be inappropriate for instance to convert the large brick barn to form 3 smaller dwellings as this would result in insufficient external amenity space to the middle dwelling and would require a larger number of openings created to create suitable areas of living accommodation. This would be contrary local planning policy whereby the character of existing buildings should be retained where buildings are to be converted.*

*In view of the above items I would reiterate my earlier point that the application of the affordable housing threshold is inappropriate this instance. The inclusion of affordable housing would result in an unsuccessful conversion of the two barns and the construction of additional residential units is unsuitable due to the site's location within the Green Belt.'*

79. In light of the above and the reasons for this proposal outlined at paragraph 6 of this report to provide funds for the Trust, it is considered that in this instance there are particular circumstances that justify a deviation from the affordable housing requirement and outweigh the benefits that this would provide.

#### Public open space

80. 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.

81. The Council does not require contributions for amenity greenspace, parks and gardens, natural and semi-natural greenspace, allotments or playing pitches from developments of fewer than 11 dwellings.
82. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population for Public Open Space for children / young people, i.e. equipped play areas. There is currently a deficit of provision in Clayton West & Cuerden in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling. The contribution for this proposal is therefore £402 which would be secured via a S106 legal agreement.

#### Sustainability

64. 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 1<sup>st</sup> 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.”*

65. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

#### Community Infrastructure Levy

66. 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**

67. The proposed development is considered to be acceptable and the application is recommended for approval, subject to conditions.



**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

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	4116-22-09A	7 October 2022
Proposed Site Plan	4116-22-06E	6 March 2023
Proposed Replacement Farmhouse (Phase 1)	4116-22-11	6 January 2023
Barn Conversion - Dwellings 3 and 4	4116-22-03A	31 January 2023
Barn Conversion - Dwelling 1	4116-22-02A	14 March 2023

*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. Prior to any works taking place above DPC level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings.
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) Existing and proposed ground levels and finished floor level of the proposed dwellings.
- e) A scheme for the landscaping of the development and its surroundings to include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded and detail any changes of ground level or landform.

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

*Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.*

4. No works to trees and shrubs or vegetation clearance or demolition of buildings shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.

*Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).*

5. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

6. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

*Reason: To safeguard the trees to be retained.*

7. Biodiversity enhancements in the form of 8 wall gaps in each building, 4 bat boxes, 4 small nest boxes and 4 swallow cups, as set out in the Bat, Barn Owl and Nesting Bird Survey report produced by Envirotech, shall be implemented prior to first occupation of any of the approved dwellings (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

*Reason: To secure a net gain in biodiversity at the site.*

8. Any new external lighting shall be designed to minimise the impact on nocturnal wildlife and accord with the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting).

*Reason: To avoid disturbance of nocturnal wildlife.*

9. No works to either of the barns approved for conversion (which support roosting common pipistrelle and brown long-eared bats) to residential use shall commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead:
- or
- b) a statement in writing from the Council's ecological advisors to the effect that it does not consider that the specified development will require a licence.

*Reason: To safeguard a protected species.*

10. If the demolition of the farmhouse does not commence within 1 year from the date of planning consent, the approved ecological measures as identified in (Bat, Barn Owl and Nesting Bird Survey, Envirotech, dated 28.6.22 version 1) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i) establish if there have been any changes in the presence and/or absence of [insert species/habitat] and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new/amended measures and a timetable for their implementation will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works to the farmhouse. Works will then be carried out in accordance with the new approved ecological measures.

*Reason: To safeguard a protected species.*

11. No works to the application buildings, including any clearance/demolition or preparation works shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording as set out in "Understanding Historic Buildings" (Historic England 2016). This should comprise (i) a photographic record of the stone barn; and (ii) a level 3 record of the brick barn. This recording must be carried out by an appropriately qualified and experienced professional

contractor to the standards set out by the Chartered Institute for Archaeologists and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. A copy of the report or reports created shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record prior to the dwellings consented being first occupied.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.*

12. No excavation or ground disturbance works in the vicinity of the location of the existing or replacement dwelling, other than the demolition of the existing farmhouse, shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works, to include a formal 'Strip, Map and Record' investigation on the site of the proposed new house, undertaken to the standards and guidance set out by the Chartered Institute for Archaeologists. This work must be carried out by an appropriately qualified and experienced professional archaeological contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a contingency plan for the unexpected discovery of significant remains. A copy of the report created should be submitted to the Local Planning Authority and the Lancashire Historic Environment Record prior to the dwellings consented being first occupied.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.*