

## APPLICATION REPORT – 24/00659/OUT

**Validation Date: 10 August 2023**

**Ward: Clayton East, Brindle And Hoghton**

**Type of Application: Outline Planning**

**Proposal: Outline application for the demolition of existing buildings and erection of four dwellings, with all matters reserved**

**Location: Jack Green Farm Oram Road Brindle Chorley PR6 8NT**

**Case Officer: Daniel Power**

**Applicant: Mr J Smalley**

**Agent: P Wilson and Company LLP**

**Consultation expiry: 26 July 2024**

**Decision due by: 30 September 2024**

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### RECOMMENDATION

1. It is recommended that the application is approved, subject to conditions.

### SITE DESCRIPTION

2. The application site is located in the Green Belt and forms part of the landholding of Jack Green Farm. It is comprised of existing stone agricultural barns, modern agricultural barns and large grain storage.
3. Planning permission ref. 19/00819/FUL was granted in June 2020 for *“Demolition of agricultural buildings and the conversion of agricultural barn into 3no. dwellings including raising of the roof by 1 metre and single storey rear extension”* on a large section of the current application site.

### DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks outline planning permission for the demolition of existing buildings and erection of four dwellings, with all matters reserved.

### REPRESENTATIONS

5. No representations have been received.

### CONSULTATIONS

#### Lancashire Highway Services

6. LCC Highways does not have any objections regarding the proposed outline application for the demolition of existing buildings and erection of four dwellings, with all matters reserved and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

7. Oram Road is a single track rural lane with no footways or street lighting. The existing barn is to the boundary of the adopted highway. The application is for outline planning permission with all matters reserved. A safe means of access can be made and the indicative plan shows this.
8. For the formation of the access, the applicant is requested to enter into the appropriate legal agreement of the Highways Act 1980. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site.

#### Parish Council

9. No comments have been received.

#### Planning Policy- Open Space

10. Comments to follow.

### **PLANNING CONSIDERATIONS**

#### Principle of development

11. 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:

*"142. 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.*

*143. 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.*

*152. 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.*

*153. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are ...: g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development;"*

12. It is, therefore, necessary to establish whether the existing site falls within the definition of previously developed land (PDL), as defined by Annex 2 to the Framework, as follows:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or*

*was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

13. The site clearly contains buildings; however, these are all either in agricultural use or were last use for agricultural purposes. Therefore, the buildings would not fall under the above definition of PDL. As noted earlier in this report, planning permission was granted in 2020 for the demolition of agricultural buildings and the conversion of an agricultural barn into 3no. dwellings, this is located to the front of the site along the road. It is the case officer's opinion that this planning permission has lawfully commenced on site, by the demolition of part of the agricultural buildings. Therefore, the applicant has a legitimate fall-back position for the conversion of the barn to 3 dwellings on part of the site and this is a key material planning consideration in the determination of the application.
14. The current application seeks outline consent for up to 4 dwellings on a larger parcel of land than permitted under the 2020 planning permission. It proposes to remove agricultural buildings from the land and provide an additional dwelling compared to that previously approved. As the removal of agricultural buildings are not considered as PDL, the application would result in a greater impact on the openness of the Green Belt and would not meet the requirement of the above policy. The proposal would therefore result in inappropriate development in the Green Belt.
15. Chapter 13 of the Framework which states at paragraph 152 that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

#### Impact on the character and appearance of the area

16. 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 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 that 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.
17. The majority of the application site contains large agricultural buildings, which are generally tired and of unkempt appearance which undermine the overall appearance of the site and none of the buildings are of any architectural merit. The redevelopment of the site provides the opportunity to enhance the site as a whole, subject to design considerations as set out in policy BNE1 of the Chorley Local Plan which would be dealt with at reserved matters stage.
18. As noted in the preceding section of this report, it is considered that two storeys as a maximum would be an appropriate scale for the proposed dwellings, given the height of the existing dwellings to the east. This would ensure the proposal is not harmful to the character and appearance of the area. This could be secured by planning condition. It is considered that a sensitively designed scheme at reserved matters stage would comply with policy BNE1 with regards to character and appearance.

#### Impact on neighbouring amenity

19. 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, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of

overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

20. Given this is an outline application, the impact of the proposal on neighbour amenity would be a detailed matter which would be assessed at reserved matters stage. Any proposed scheme would need to ensure that an acceptable layout is achieved with adequate separation distances, to avoid adverse impacts on neighbouring residential amenity, and that of future occupiers. That said, given the proximity of the nearest existing dwellings to the application site, it is considered unlikely that the proposal would give rise to any unacceptable impacts with regards to residential amenity.
21. In terms of land use compatibility, the proposed residential use would be compatible with neighbouring uses and is capable of complying with the aforementioned policy in relation to amenity.

#### Highway safety

22. 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.
23. LCC Highway Services do not have any objections in principle to the proposal. The illustrative site layout plan adequately demonstrates that the site could 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.
24. The proposal is considered to be acceptable in terms of highway safety having regard to policy BNE1 (d) of the Chorley Local Plan.

#### Flood risk and drainage

25. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water and surface water draining in the most sustainable way.
26. 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.
27. 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 and trees

28. 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.

29. A reserved matters application would require the submission of an ecology survey which would be considered by the Council's Ecologist. Notwithstanding that, a condition for the protection of nesting birds, during construction of the site is considered appropriate.
30. In light of the above, the proposal is considered to be acceptable, subject to conditions. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

#### Very Special Circumstances (VSC)

31. Paragraphs 152 and 153 of the Framework state:

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

*153. 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."*

32. There is a legitimate fall-back position for 3 dwellings on part of the site, with this application proposing an additional dwelling above this. The majority of the application site contains large agricultural buildings, which are generally tired and unkempt in appearance which undermine the overall appearance and character of the site and none of the buildings are of any architectural merit. The redevelopment of the site provides the opportunity to enhance the site and the character of the area. Given the fall-back position and while the remainder of the site would not fall under PDL there would be a large improvement of the visual amenity of the area. It is considered the applicant has demonstrated very special circumstances which outweigh the harm of the inappropriateness of the development.
33. The above said, as noted earlier in this report, it is proposed to restrict the maximum height of the final design of dwellings at reserved matters stage to two-storeys. Further, it is considered appropriate to restrict the area of built development at reserved matters stage to the area of land shaded blue on submitted plan ref. C99-12 SITE PLAN, which is the same part of the site as the approved barn conversion, i.e. The red-edge application boundary of planning permission ref. 19/00819/FUL.

#### Sustainability

34. 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.”*

35. 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

36. 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**

37. The proposed development represents inappropriate development in the Green Belt and should not be approved except in very special circumstances. VSCs have been demonstrated to outweigh the harm of the inappropriateness of the development. The application is in outline form only, and full details would be reserved for later consideration in respect of detailed design, amenity, access, parking and landscaping. Nature conservation interests would not be harmed. The principle of residential development for up to four dwellings on this site, including the demolition of the existing buildings is considered to be acceptable in planning policy terms. The application is, therefore, recommended for approval accordingly, subject to conditions.

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

**Ref:** 03/00333/CLEUD      **Decision:** REFEUD      **Decision Date:** 18 June 2003

**Description:** Application for a certificate of lawfulness for parking and maintaining vehicles in connection with plant hire business,

**Ref:** 04/00608/OUT      **Decision:** WDN      **Decision Date:** 1 October 2004

**Description:** Outline Application for erection of agricultural workers dwelling,

**Ref:** 04/01179/CLEUD      **Decision:** PEREUD      **Decision Date:** 22 December 2004

**Description:** Application for Certificate of Lawfulness in respect of residential occupation of the existing park home for a period in excess of 4 years,

**Ref:** 05/00163/FUL      **Decision:** WDN      **Decision Date:** 11 April 2005

**Description:** Erection of replacement dwelling,

**Ref:** 05/00513/FUL      **Decision:** PERFPP      **Decision Date:** 27 July 2005

**Description:** Erection of replacement dwelling,

**Ref:** 19/00819/FUL      **Decision:** PERFPP      **Decision Date:** 26 June 2020

**Description:** Demolition of agricultural buildings and the conversion of agricultural barn into 3no. dwellings including raising of the roof by 1 metre and single storey rear extension

**Ref:** 21/00352/P3PAO      **Decision:** ARPR      **Decision Date:** 23 July 2021

**Description:** Prior approval application under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for proposed change of use of agricultural building to 1no. dwellinghouse

**Ref:** 22/00613/P3PAO **Decision:** APPRET **Decision Date:**  
**Description:** Prior approval application under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for proposed change of use of agricultural building to 1no. dwellinghouse and associated building operations

**Ref:** 22/01286/P3PAO **Decision:** ARPR **Decision Date:** 7 February 2023  
**Description:** Prior approval application under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for proposed change of use of agricultural building to 1no. dwellinghouse and associated building operations

**Ref:** 24/00413/PIP **Decision:** APPRET **Decision Date:**  
**Description:** Outline consent for the erection of 4 detached dwellings and retuning built area to grass/landscaping (all matters reserved).

**Ref:** 94/00572/FUL **Decision:** PERFPP **Decision Date:** 30 August 1994  
**Description:** Erection of agricultural building to cover existing yard area

**Ref:** 91/00070/FUL **Decision:** PERFPP **Decision Date:** 12 March 1991  
**Description:** Formation of farmyard, manure and slurry storage with reception pit and channels

**Ref:** 83/00314/FUL **Decision:** PERFPP **Decision Date:** 31 May 1983  
**Description:** Conservatory

**Ref:** 78/01127/OUT **Decision:** PEROPP **Decision Date:** 6 August 1979  
**Description:** Outline application for farmworkers bungalow

**Ref:** 77/00373/FUL **Decision:** PERFPP **Decision Date:** 21 July 1977  
**Description:** Kitchen/bedroom extension

**Ref:** 76/00499/FUL **Decision:** PERFPP **Decision Date:** 3 August 1976  
**Description:** Bedroom and bathroom extension

**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. An application for approval of the reserved matters, namely access, appearance, landscaping, layout and scale, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended 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
Site Location Plan	C99-12 LOCATION PLAN	16 July 2024
Site Plan	C99-12 SITE PLAN	16 July 2024

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

3. As part of the first application for reserved matters or prior to the commencement of the development full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

4. As part of the first application for reserved matters or prior to the commencement of the development of any dwellinghouse, full details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

*Reason: In the interests of the appearance of the development and the visual amenities of the area.*

5. No dwelling hereby permitted shall be commenced until all existing buildings on the site, shown on approved drawing ref. C99-12 SITE PLAN within the red-edge, are demolished in full and all resultant materials removed from the site.

*Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in the National Planning Policy Framework and also in accordance with Chorley Local Plan 2012 - 2026 policy BNE5.*

6. No works to trees, shrubs or hedgerows or demolition of any building 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 that appropriate measures in place to protect nesting bird interests on site. Written confirmation of such shall be submitted to the Local Planning Authority.

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

7. As part of the first application for reserved matters or prior to the commencement of the development a biodiversity enhancement plan and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall be implemented in full in accordance with the approved details and timetable.

*Reason: To ensure biodiversity on the site is enhanced.*

8. As part of the first application for reserved matters or prior to the commencement of the development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;



- (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

9. Foul and surface water shall be drained on separate systems.

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

10. For each phase, with any reserved matters application or prior to the construction of any part of any dwelling above ground level, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) for that phase shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other boundary treatments shown in the approved details shall be erected in conformity with the approved details prior to occupation of the final dwelling of the development.

*Reason: To ensure the boundary treatments are appropriate.*

11. For each phase, with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken strictly in accordance with the approved details and shall be completed in all respects before occupation of the final dwelling in that phase.

*Reason: To ensure the hard landscaping measures are appropriate.*

12. The buildings proposed at reserved matters stage shall be restricted to two storeys in height and the built development shall be restricted to the area of land shaded blue on approved plan ref. C99-12 SITE PLAN.

*Reason: To protect the openness of the Green Belt and the character of the area.*