

**Item** 11/00210/FUL

**Case Officer** Mr Niall Mellan

**Ward** Pennine

**Proposal** Change of use of land from former agricultural land to residential curtilage

**Location** Land Rear Of 187 Town Lane Whittle-Le-Woods Lancashire

**Applicant** Mr & Mrs G Thompson

**Consultation expiry: 16 May 2011**

**Application expiry: 5 May 2011**

#### **Proposal**

1. The application seeks permission to change the use of agricultural land to residential garden curtilage associated with a dwellinghouse.
2. The piece of land subject to this planning application is located to the rear of the original garden curtilage associated with 187 Town Lane. The land projects a maximum depth of 14m from the existing hedge of the original rear garden boundary and measures a width of 14m along the south boundary and 24m along the north boundary. The land projects in a north-easterly direction from the existing property
3. The proposal has been amended, reducing the size of the land to be changed to garden curtilage.

#### **Recommendation**

4. It is recommended that this application be refused.

#### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Impact on the Green Belt

#### **Representations**

6. Whittle Le Woods Parish Council support the application

#### **Consultations**

7. Chorley Council's Planning Policy team have made comments on the principle of extending garden curtilages in the Green Belt, encroachment into the countryside and the bigger plot of land which the application land forms part of. These are discussed below.

#### **Applicants Case**

8. The following arguments have been put forward by the agent:
  - The objective is to increase the garden curtilage as grassed area only
  - No buildings or garden paraphernalia will be erected
  - Would not impact on visual amenity
  - Would not impact openness of the Green Belt
  - Same conclusions should be drawn with previously approved application (10/00905/FUL)

#### **Assessment**

##### Principle of the development

9. The application land is located in Whittle Le Woods, within an area designated as Green Belt where there is generally a presumption against inappropriate development. Policy DC1 in the Local Plan deals with development in the Green Belt. This policy sets out types of development, which are considered acceptable in the Green Belt. The change of use of land from Green Belt to residential garden curtilage is not listed as a type of such acceptable development.

10. It is however noted that criterion b of this policy allows for other changes of use (as well as those for outdoor sport and recreation and cemeteries) if it preserves the openness of the Green Belt. However this policy also states that such changes of use must not conflict with the purposes of including land within the Green Belt (set out in PPG2).

#### Impact on the Green Belt

11. PPG2 states there are five purposes of including land in the Green Belt. One of these purposes is to safeguard the countryside from encroachment. The application proposes to extend the garden area in a north east direction into the open rural area eroding away at the openness of the area. This is a clear example of domestic encroachment into the countryside
12. It is noted that the land in question may not be currently used for agricultural purposes however it is clearly countryside and is not domestic in nature. This proposal involves the enclosure of part of the field, which in itself impacts upon openness, and it would result in the creation of a large area of domestic lawn, which would potentially change the character of the area.
13. The applicants state they are willing to accept a condition removing permitted development rights on the land in question however it is considered this would not make the proposal acceptable. The land forms part of a much larger field to the rear (north east) of the properties on Town Lane (189 – 209). It appears that this land is being subdivided similar to the application land. Permitting an encroachment on to this Green Belt would potentially set a precedent for this entire field to be changed to garden. This would be a clear example of domestic encroachment into the countryside, of a not insignificant scale.
14. The land in question measures 277m<sup>2</sup> with the existing garden curtilage measuring approximately 641m<sup>2</sup>. The proposal involves the enclosure of part of the field, which impacts on the openness of the Green Belt, and as a result would result in a large area of domestic land which would change the character of the area. PPG2 states that changes of use in the Green Belt are inappropriate development unless they maintain the openness of the Green Belt. The proposal conflicts with one of the purposes of the Green Belt (encroachment) and is therefore considered inappropriate development contrary to criterion (b) of Policy DC1 and PPG2.
15. There have been no very special circumstances submitted by the applicants as to why the development should be approved. The applicants already have a garden that is larger than that of many of the neighbouring properties. The garden has been extended to the north west from the original curtilage which came with the planning approval for the dwelling.
16. The applicant has amended the scheme reducing the size of land to be changed to garden. Whilst the size of the land is one consideration in the assessment, it is still considered unacceptable as it proposes to extend the garden area in a north east direction into the open rural area eroding away at the openness of the area from an established pattern of boundaries and represents an opportunity if approved for other similar applications. The proposal would result in domestic encroachment into the countryside impacting on the openness and character of the area.
17. The agent has referred to a previous approval in the locality which (10/00904/FUL – Highfield House, Copthurst Lane) for an extension of garden curtilage. It is considered that the application site is different in nature and character to the application site at Highfield House. Although both proposals fall to be considered inappropriate development the consideration relates to whether the proposal conflicts with the purposes of including land within the Green Belt.
18. In respect of the current application it is considered that the application site is different in nature and character to the application site at Highfield House. The application site at Highfield House proposed to extend the garden along the road frontage close to stables, a pond and field access track and did not propose further encroachment into the 'open' area of the surrounding area past the north-west boundary which would have been considered unacceptable encroachment. The current application proposes to extend the garden area in a north east direction into the open rural area eroding away at the openness of the area.

#### **Overall Conclusion**

19. It is considered that the proposed change of use would adversely impact on the openness of the Green Belt and the purposes of including land in the Green Belt and as such the proposal is considered unacceptable in terms of PPG2 and Policy DC1.

**Planning Policies**

National Planning Policies:

PPG2: Green Belts

Adopted Chorley Borough Local Plan Review

DC1: Development in the Green Belt

**Planning History**

No history relevant

**Recommendation: Refuse Full Planning Permission**

**Reasons**

1. The proposed development would be detrimental to the character and appearance of the Green Belt and would be prejudicial to the purposes of the Green Belt in terms of encroachment into the countryside, contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review and PPG2.

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