

Item A. 3 05/01159/COU Permit Full Planning Permission

Case Officer Mr Simon Pemberton

Ward Eccleston And Mawdesley

Proposal Change of use of existing bungalow to office space and change of use of the existing barn to a dwelling.

Location Thowd Stables Hall Lane Mawdesley LancashireL40 2QY

Applicant Mr And Mrs Mawdsley

Proposals: This application proposes change of use of two buildings within the site. It is proposed to convert the existing dwelling into office accommodation and convert the existing stable building into a dwelling.

Background: There is a long and chequered planning history associated with this property. The land was previously part of the holding of Gouldings Farm, which now lies immediately to the east of the application site. Over a period of many years there have been a series of applications for planning permission. These are set out below:

- 04/00816 Change of use of part of stables into residential use and part into workspace, in conjunction with existing Class B8 storage buildings and conversion of existing bungalow into Class B1 use.
Withdrawn
- 04/00247 Change of use of part of stables into dwelling, and other part of stables and storage buildings to business use.
Refused
- 03/00691 Conversion of redundant stables into dwellinghouse adapted for use by 2 severely disabled children
Dismissed
- 93/00274 Outline application for the erection of an indoor riding shed
Refused
- 92/00916 Extension to Stables
Approved
- 92/00729 Extension to Stables
Refused
- 92/00727 Formation of paved roadway from existing opening in Hall Lane to existing stables
Refused
- 92/00645 Outline application for the erection of indoor riding school
Refused
- 91/00528 Change of use of land from agriculture to

	private domestic use Refused
90/00813	Extension of garden area (to Hillcrest) on to adjacent vacant land. Dismissed
90/00462	Erection of stables comprising 4 loose boxes and hay store Approved
90/00075	Enlargement of garden and retention of garage (to Hillcrest) Refused
87/00501	Outline application for the erection of Bungalow and Garage Refused
86/00692	Erection of one detached bungalow Refused
86/00588	Outline application for an agricultural workers bungalow Refused
86/00141	Erection of garage to house (Gouldings Farm) Approved
9059	Site for a bungalow Refused
4187	Residential development Refused
2671	Site for a caravan Temporary

The key elements of the planning history in relation to the current applications are those pertaining to the stables. Planning permission 9/90/00462 was granted permission in September 1990. It permitted the erection of a rectangular building (to contain four loose boxes and a hay store. Its purpose was for the keeping of horses for hobby purposes (not commercial) by the occupiers of the adjacent house (Gouldings Farm). This building measured 9m by 16m and was approximately 3.2 metres high to the eaves and 6.8 metres to the ridge.

Planning permission was subsequently granted in March 1993 for an extension of the stable building, to accommodate an additional two loose boxes. This created a T shaped building by adding an extension measuring 6.5m by 8m and was 6.2 metres high to the ridge.

In addition there has been a series of unlawful developments over the years, predominantly in the period after the granting of planning permission for the garage building in 1986. These can be summarised as:

1. Since early 1997 the large garage building referred to above, has in accordance with previous reports to Development Control Committee, been converted to and lived in as a dwelling.

2. Various single storey extensions have been added to the building, including a conservatory. Again, as far as your Officers are aware, these were all constructed more than 4 years ago.
3. A number of outbuildings have been erected including a large car port and various sheds.
4. A residential curtilage has been established

The time during which the Council could take enforcement action against the majority of these breaches of planning control, had it been expedient to do so, has passed.

The precise extent of any lawful use is unclear as the residential activity associated with the house has spread onto adjoining land at some point and mixes with the land around the stables and access. However, it is apparent that due to the lack of enforcement of historic breaches it would be difficult to identify the extent of any element that has not become lawful, and to a large extent the enforcement would have little practical effect in terms of the visual impact of the site.

The other key milestone in the planning history is the more recent appeal. This appeal related to the non-determination of a planning application for the conversion of the stables into a dwelling. This proposed the retention of the existing dwelling, and thus would result in two dwellings on the site. The Planning Inspector considered there were three principle issues, windfall housing, green belt and the personal circumstances of the applicant.

The appeal inspector consider that “although the building in question was built for the purposes of keeping horses, and the stables and associated accommodation are still intact, its overall form and appearance is not dissimilar from that of a dwelling.” He therefore concluded that for the most part the proposals accorded with policy DC7A in the Chorley Borough Local Plan Review 2003.

However, the Inspector was concerned that the application site includes an extensive area of land. Besides the building in question, it also includes the appellants' bungalow and an area of garden on the north side of Hall Lane to the west of the site's access. In addition, the site encompassed various outbuildings, as well as seemingly unused paddocks to the north and east of the building, together with an enclosed grassed area that has the appearance of a domestic lawn flanked by planting beds. He considered that the implied curtilage indicated on the site layout plan was very large and included some land that does not presently appear domestic in nature. He concluded that if the appeal were to be allowed, there was the distinct possibility that, over time, the whole of the site could acquire various trappings of domesticity that, in turn, would erode and harm the essential openness of the Green Belt.

In addition, in relation to windfall housing he considered that although one more dwelling may not make much difference in itself, if repeated the cumulative effects of such an approach would have serious consequences for both the local and regional strategies.

The Inspector therefore dismissed the appeal as the creation of an additional unit of residential accommodation was contrary to policy, both in terms of both Green Belt and Windfall Housing.

Development Plan: The site is located within the Green Belt where there is a presumption against inappropriate development. Policy DC1 of the Chorley Borough Local Plan Review 2003 therefore applies together with policy DC7A which explicitly applies to the conversion of rural buildings in the Green Belt.

Policy DC7A is in general accord with paragraph 3.8 of PPG2, and allows for the re-use of existing buildings in the Green Belt provided that all of the criteria listed in the policy are met. These criteria can be summarised as:

- a) That the proposal does not have a materially greater impact on the openness of the green belt;
- b) That there will not be demand for additional agricultural buildings;
- c) It is not a recently completed agricultural building;
- d) The building is capable of conversion;
- e) The design is in keeping with its surroundings;
- f) There is no need for extensions;
- g) That vehicular access is sufficient; and,
- h) There will be no harm to ecology.

The policy goes on to say that preference will be given to the re-use of buildings for commercial, business and employment uses. Residential use will only be permitted where it can be shown that the overall Structure Plan housing requirement for Chorley Borough will not be materially exceeded and that one or other of 3 further criteria apply. These are firstly, that it can be demonstrated that suitable business relocation cannot reasonably be secured and an application should be supported by a statement of the efforts that have been made. Secondly, the residential conversion of the building is an ancillary part of a business use and, thirdly, that the site or building is demonstrably unsuitable for a business use.

In addition to the above, the following other policies in the Development Plan are relevant to the proposals:

Regional Spatial Strategy for the North West (RPG13):

DP1	Economy in the use of land and buildings
DP3	Quality in New Development
DP4	Promoting Sustainable Economic Growth and Competitiveness and Social Inclusion

Joint Lancashire Structure Plan (2005):

Policy 1	General Policy
Policy 2	Main Development Locations
Policy 7	Parking

Chorley Borough Local Plan Review 2003:

GN5	Building Design and Retaining Existing Landscape Features and Natural Habitats
TR4	Highway Development Control Criteria

Consultation: The following comments have been received:

Mawdesley Parish Council: No objection, only if existing dwelling is demolished.

Head of Environmental Services: This application lies within 250m of a former landfill site. Based on the distance from the landfill site to the application and the nature of the development, the risk from landfill migration is judged low.

Neighbours: No comments have been received from nearby residents.

Issues: It is apparent from the history and the consideration of the appeal the most pertinent issues in relation to the current application relate to compliance with Green Belt policies and particularly those relating to the conversion of existing buildings. The issue of windfall housing previously raised no longer applies as the proposals do not result in an increase in the number of dwelling units on the site.

Issues Relating to the Principle of the Conversion

The existing stable and dwelling building are sound and capable of conversion and therefore can be re-used to some extent. In policy terms Policy DC7A of the Chorley Borough Local Plan Review 2003 expresses a preference for conversion to commercial or business purposes. Residential accommodation would not normally be considered unless one of three exceptions could be demonstrated. However, the proposal is more complicated than a simple conversion, being part of a swap of uses.

The reasons the applicants want to swap buildings is to secure a larger dwelling than currently exists on the site. The applicants advise that they have two disabled children and the existing building is ill equipped for their needs. They are currently forced to share a bedroom that may cause problems, particularly as they grow older. The existing layout is also not conducive to their mobility problems, nor does it have facilities for them such as a playroom. The proposed conversion will incorporate two ground floor rooms designed for their needs with ramped access and large playroom. This accommodation will better suit their needs.

Full details of the medical condition affecting the appellants' 2 young sons and the requirements and accommodation needs stemming from that have been put before the Inspector at the previous appeal. At that time neither this, or the claimed limitations of the accommodation within the appellants bungalow was disputed by the Council. In the light of this it is reasonable to take these circumstances into account when determining the planning application. The Inspector accepted that the proposal would facilitate the provision of accommodation suited to the needs of the appellants' sons and the benefits that were likely to stem from this.

However, he considered that whilst he had a great deal of sympathy with the appellants' circumstances, he was not satisfied that these circumstances were sufficiently compelling to outweigh the concerns regarding green belt and windfall housing.

The balance of consideration has changed somewhat due to the different proposals being suggested. No longer is an additional unit of accommodation being proposed.

If the application proposed commercial use of the stables this would potentially fully accord with planning policy. The proposals, seek to swap the residential accommodation from the existing building to the stable. The policy harm that is being created could be measured by the increased accommodation being achieved and the greater potential for activity associated with that use then compared to say the commercial use of the stables and the continued residential occupation of the existing dwelling. This impact is in a real sense relatively small.

The applicant has also identified a number of other positive factors that should also be weighed in favour of the proposed development. This includes:

- The removal of the existing garage and car port in the centre of the site.
- The removal of other small outbuildings from around the site;
- The removal of some existing areas of hardstanding;
- The confinement of the residential curtilage of the dwelling;
- The removal of domestic paraphernalia from other parts of the site;
- Clear distinction between the commercial and residential parts of the site;
- Opportunities for further landscaping within the site.

If these matters can be secured they offer an opportunity to draw a line under the previous breaches of planning control, remove certain elements from the site and have a positive improvement on the visual amenity and openness of the Green Belt. As such they are a positive factor in favour of the proposed development.

Balancing all the material considerations it is considered that the proposed development accords with the spirit of the policy framework in the Development Plan, albeit an unusual and relatively unique set of circumstances. Whilst there have been many breaches of planning control over a period of years, the situation now exists on the ground.

Conclusions:

For the reasons discussed above, it is considered that the application as proposed is on balance acceptable and is therefore recommended for approval subject to conditions and the applicant first entering into a legal agreement securing the revocation of the existing residential use, the extent of the residential curtilage and to ensure the conversion of the existing dwelling to offices.

**Recommendation: Permit Full Planning Permission
Conditions**

1. The materials and finishes to be employed on the external faces of the development, hereby permitted, shall be identical in every respect to those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

2. No development shall commence until proposals for the landscaping of the site, to include provision for the retention and protection of existing trees and shrubs, if any, thereon, together with any means of enclosure proposed or existing within or along the curtilage of the site shall be submitted to and approved by the District Planning Authority by means of a large scale plan and a written brief. All proposed and existing trees and shrubs shall be correctly described and their positions accurately shown. Upon approval such new planting shall be carried out during the planting season October/March inclusive, in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979), immediately following commencement of the development. The landscaping shall thereafter be maintained for five years during which time any specimens which are damaged, dead or dying shall be replaced and hence the whole scheme shall thereafter be retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.

3. The use of the existing dwelling for residential purposes shall cease immediately upon occupation of the stable building hereby permitted and thereafter its use shall be limited to class B1a of the Use Classes Order 1987 (as amended) unless express planning permission is first obtained from the Local Planning Authority.

Reason: In order to ensure that only a single unit of residential accommodation is retained on the site in accordance with policy DC1 and DC7A of the Chorley Borough Local Plan Review 2003.

4. Within 6 months of the occupation of the dwelling hereby permitted the existing garage, car port, conservatory and outbuildings hatched in green on the plan hereby approved shall be removed together with any associated hardstanding areas edged in green together with all associated foundations and other material removed and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the removal of the existing structures on the land so that the balance of built development and uses put forward by the applicant is secured and to ensure that the development accords with the principles of policy DC7A of the Chorley Borough Local Plan Review 2003.

5. The residential curtilage of the dwelling hereby approved shall be limited to the area outlined in Orange on Plan X attached to this permission. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 no fencing, gates, walls or other means of enclosure shall be constructed on the land unless expressly authorised by this permission or for which planning permission is first obtained from the Local Planning Authority. Furthermore, no items of domestic or other paraphernalia should be placed on the land outside the identified residential curtilage.

Reason: To secure the balance of uses across the site and to prevent development (including the use of land) which might otherwise adversely affect the openness of the Green Belt in accordance with policy DC1 and GN5 of the Chorley Borough Local Plan Review 2003.

6. The car parking facilities shown on the plans hereby approved shall be laid out and provided prior to the occupation of either of the buildings; such parking facilities shall thereafter be permanently retained for that purpose.

Reason: To ensure provision of adequate off-street parking facilities within the site in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003..

7. Notwithstanding Schedule 2 Part 1 Class A, B, C, D, E, F, G and H, and Part 2 Class A or B of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof no extensions or alterations to the dwelling, outbuildings (including sheds, garages, and greenhouses), walls and fences, or any other works permitted by the aforementioned classes shall be constructed or erected without express planning permission first being obtained.

Reason: In the interests of controlling matters on a property that has been converted to residential use creating a dwelling that is significantly larger than the original dwelling on the site located within the Green Belt and to ensure that no other extensions or outbuildings are erected that would otherwise harm the purposes and objectives of the Green Belt and in accordance with policy DC1 and DC8A of the Chorley Borough Local Plan Review 2003.
