

**Item 4g**                      **11/01104/COU**

**Case Officer**              **Christopher Hobson**

**Ward**                         **Chisnall**

**Proposal**                    **Change of use of buildings and yard from B2 use to B8 use**

**Location**                  **The Farm Depot Bentley Lane Heskin Chorley Lancashire**

**Applicant**                 **Mr William Fidler**

**Consultation expiry:** **8 February 2012**

**Application expiry:** **17 February 2012**

### **Proposal**

1. Planning permission is sought for the change of use of the Farm Depot, Bentley Lane, Heskin, from B2 (General Industrial) to B8 (Storage and Distribution).
2. The application does not seek to make any physical alterations to the siting, design or appearance of the existing buildings on site and the applicant has stated that only non-hazardous materials will be stored on site. The proposed hours of opening for the B8 use are 08:00 – 18:00 Monday to Friday and 09:00 – 13:00 on Saturday with no opening on Sunday.
3. The application site comprises of an existing yard – surfaced in concrete – enclosed by timber fencing. Within the yard are two steel framed former agricultural buildings faced with breeze blocks, fibre cement sheeting and corrugated tin sheets. The larger of these two buildings is adjacent to the northern boundary of the application site and is 27m in length and 19.35m in width with a pitched roof with a ridge height of 7.1m. The second building is adjacent to the eastern boundary of the site and is 27m in length and 7.85m in width with a maximum height of 3.2m.
4. The surrounding area is largely rural in character. There are undulating open fields to the north and west of the application site. To the south, on the opposite side of Bentley Lane, is Swift's House Farm. To the east are further open fields, beyond which is a detached bungalow.

### **Recommendation**

5. It is recommended that this application is granted conditional planning approval.

### **Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Principle of the Development
  - Impact on the Character and Openness of the Green Belt
  - Traffic and Transport
  - Impact on Neighbours
  - Impact on Listed Buildings

### **Representations**

7. Three standard letters of objection have been received. These state that in principal there is no objection to the change of use from B2 to B8. However, the letters express concern that the site may be used for the storage of caravans and states that restrictions should be applied to any approval to protect the rural and Green Belt nature of the site. Concern is also expressed about the vehicular access for the site. The letters do however state that this objection would be reconsidered if:
  - All storage is within the buildings and not the yard or, alternatively, a restriction is placed on the height of any items to be stored in the yard;
  - The yard is not used as an overflow car park for the adjacent property;
  - Hours of opening are reduced to be more in line with a part time business, i.e. Monday

- to Friday 10am to 4pm and Saturday 10am to 12pm; and
- If the property is sub-let, it can only be used under use class B8.

### **Consultations**

8. **Chorley's Conservation Officer** has noted that the application site is located, at its closest point, 31m north/north east of Swift's House Farm Farmhouse and Swift's House Farm Barn. Both of these buildings are Grade II listed and, as such, are designated heritage assets as defined by Annex 2 to PPS5. Nevertheless, given that there would be limited changes to the external appearance of the buildings currently on the site, and that there are large gates to the southern entrance to the site which largely obscure it from view, the Conservation Officer advises that in his opinion the proposal would have no impact on these listed buildings. He therefore considers that the significance of these heritage assets would be sustained and concludes that the application is acceptable.
9. **Environment Agency** has stated that they have no comments to make on this application.
10. **Lancashire County Council (Highways)** have noted that up until 2011 the buildings have been used for steel fabrication and erection. It is also noted that the site is served by an established access, and that the level and type of traffic to be generated by the proposed B8 use is unlikely to be significantly different to that associated with the existing use. As such, LCC Highways confirm that they have no highway objection to the proposed development.
11. Lancashire County Council (Highways) have been re-consulted about the issue of the site being used for the storage of caravans and have commented that the use of the access by large, slow moving vehicles is already established. As such, they have stated that it would be difficult to sustain a highway objection against the potential use of the site for the storage of caravans on the grounds of inadequate access arrangements. LCC Highways have also noted that if the site was used for the storage of caravans it would be likely to see a reduction in the number of vehicle movements as a whole because caravans would be unlikely to be moved in/out on daily/weekly basis.

### **Applicants Case**

12. The applicant, through their Design and Access Statement, asserts that the proposed development would have a positive social and economic impact and would provide employment for the applicant and a quieter, less intrusive use for the buildings than the use to which they were formerly put. The applicant has submitted an additional statement in support of the proposed development which re-iterates his view that the proposal would have no greater, and in actual fact would have a lesser impact, on the surrounding countryside and highways than the permitted use of the site.

### **Assessment**

#### **Principle of the Development**

13. Policy EC10 of PPS4 encourages local planning authorities to adopt a positive and constructive approach towards planning applications for economic development and states that applications which secure sustainable economic growth should be treated favourably.
14. In relation to economic development in rural areas, PPS4 advises that local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. It states that economic development in open countryside away from existing settlements should be strictly controlled. It does however state that the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside should be supported for economic development.
15. PPS7 sets out the Government's planning policies for sustainable development in rural areas. The guidance states that a key objective of the Government is to improve the economic performance of rural areas by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies. It states that priority should be given to the re-use of previously-developed sites in preference to the

development of greenfield sites.

16. PPS7 also provides support for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. It also stipulates that the re-use for economic development purposes will usually be preferable.
17. Policy DC7A of the Local Plan sets out the criteria that will need to be met in order for a proposal for the re-use of an existing building in the Green Belt to be permitted. The policy states that preference will be given to the re-use of buildings to provide accommodation for commercial, business and employment uses.
18. Further guidance on the conversion of rural buildings outside towns and villages is provided by the Conversion of Rural Buildings SPG. The guidance acknowledges that many commercial, manufacturing and other employment uses can be carried out in rural areas without causing unacceptable disturbance. It states that the use of a building such as a barn for storage, workshops, offices and industrial purposes are usually the most sympathetic types of uses for rural buildings as they typically involve minimal alteration to the building, with the larger internal spaces often being retained.
19. Until August 2011 the application site was used as a light industrial site operated by a steel fabrication and erection company. A Certificate of Lawfulness has been granted for a previous B2 use on the site – the storage, manufacture and distribution of fencing and associated materials – in November 2004. Through this Certificate of Lawfulness the use of the site for employment purposes has already been established.
20. The site has been vacant since August 2011. The proposed development would result in the re-use of existing buildings in the countryside for employment purposes. In this respect the proposal is considered to be aligned with national and local guidance on the conversion and re-use of existing buildings in the countryside. The proposal does not seek to make any external alterations to the buildings on site and, as such, it is considered that the proposal would be sympathetic to the existing buildings. The principle of the proposed development is therefore considered to be acceptable.

#### Impact on the Character and Openness of the Green Belt

21. PPG2 sets out the Government's policies in relation to the Green Belt. It advises that the re-use of buildings inside a Green Belt is not inappropriate development providing that the proposal does not have a materially greater impact than the present use on the openness of the Green Belt; strict control is exercised over any associated uses of land surrounding the building; the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and the form, bulk and general design of the buildings are in keeping with their surroundings.
22. If a proposal for the re-use of a building in the Green Belt does not meet these criteria, PPG2 states that the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It also stipulates that it should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other use and that evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use.
23. Policy DC1 of the Local Plan states that planning permission will not be granted, except in very special circumstances, for development in the Green Belt other than for, inter alia, the re-use of buildings provided that the proposal is in accordance with Policy DC7A of the Local Plan.
24. Policy DC7A of the Local Plan sets out the criteria that will need to be met in order for a proposal for the re-use of an existing building in the Green Belt to be permitted. These include that the proposed use will not have a materially greater impact than the present use on the openness of the Green Belt; the re-use of the building is unlikely to result in additional

farm buildings; the building is of permanent and substantial construction and is capable of conversion without the need for additions and alterations that would change its character; and the building already has reasonable vehicular access to a public highway.

25. The application site is located within the Green Belt. Nevertheless, as noted above, PPG2 is clear that the conversion and re-use of existing buildings in the Green Belt does not necessarily constitute inappropriate development.
26. The proposed development does not seek to make any physical alterations to the existing buildings on the site nor does it propose to change the boundary treatment of the site. The buildings themselves are former agricultural buildings and, given the rural setting of the site, are considered to be of a form and general design that is in-keeping with the surrounding area. The buildings are also of permanent and substantial construction and changing their use to a B8 use would not necessitate additions or alterations that would change their character. It is therefore considered that changing the use of the buildings to a storage and distribution use would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it.
27. PPG2 does however state that there is a need to consider the impact of any associated uses of land surrounding the building on the Green Belt and specifically advises that extensive external storage can conflict with the openness of the Green Belt and the purposes of including land in it. The site was previously in general industrial use which may have resulted in some ancillary items being temporarily stored on the yard. Nevertheless, it is recognised that the use of the entire site solely for storage and distribution has the potential to have a far greater impact on the rural character and openness of the area if there were to be outside storage in the yard.
28. Consequently, in order to control the impact of the proposed use on the character and openness of the Green Belt, it is recommended that a condition is attached to stipulate that all storage on site must be within the buildings rather than on the yard itself. It is considered that with the imposition of this condition the proposed change of use would not have a materially greater impact on the character and openness of the Green Belt than the existing use. The proposed development is therefore considered to be in accordance with PPG2 and policies DC1 and DC7A of the Local Plan.

#### Traffic and Transport

29. Policy TR4 of the Local Plan requires proposals for new development to provide safe and adequate access and also provide sufficient off-street parking in accordance with adopted standards.
30. The Conversion of Rural Buildings SPG states that proposals which seek to convert buildings to an employment use will be assessed in terms of highway access, traffic generation and highway safety. The guidance also specifies that the building should be conveniently located in relation to the surrounding road network, provide a safe access, and be adequately serviced or capable of being serviced at a reasonable cost.
31. The application site has an existing access from Bentley Lane and the proposal does not seek to make any physical alterations to this access. The application site is therefore considered to be conveniently located in relation to the surrounding highway network. The means of access to the site is situated in close proximity to a bend in the road. Nevertheless, as noted above, the use of the site for employment purposes has already been established. In addition, the yard at the application site is of sufficient size to allow vehicles to turn round and exit the site in forward gear. Furthermore, LCC Highways have stated that they have no objections to the proposed development. It is therefore considered that the access to the site is suitable for the proposed use.
32. The previous light industrial use of the site involved raw materials being delivered to and taken from the site once fabrication had taken place. It also involved both staff and customers driving to the site on a daily basis. The submitted application forms state that the site will only have one employee who will work on a part-time basis and LCC Highways have commented

that they consider that the level and type of traffic to be generated by the proposed B8 use is unlikely to be significantly different to that associated with the existing use B2 use.

33. Concern has been raised by the occupants of neighbouring properties that the site could be used for the storage of caravans and that this could have a detrimental impact on highway safety due to the slow moving nature of these vehicles and the proximity of the access to a bend in the road. LCC Highways have been re-consulted about the specific issue of the site being used for the storage of caravans and have commented that the use of the access by large, slow moving vehicles is already established. As such, they have stated that it would be difficult to sustain a highway objection against the potential use of the site for the storage of caravans on the grounds of inadequate access arrangements. LCC Highways have also noted that if the site was used for the storage of caravans it would be likely to see a reduction in the number of vehicle movements as a whole because caravans would be unlikely to be moved in/out on daily/weekly basis.
34. Accordingly, it is considered that the changing the use of the site to a B8 use is unlikely to have a greater impact on the highway network than the existing use and it is considered that the proposed development would not have an unacceptable impact on the local highway network.

#### Impact on the Neighbours

35. The application site is situated in a predominantly rural area. There are no near dwellings to the west or north of the application property and the nearest dwelling to the east of the application site is approximately 100m away. Swift's Farm Farmhouse is approximately 30m to the south east of the application site. Nevertheless, the application site is partially screened from this property by its entrance gates and boundary treatment. It is also noted that Swift's Farm Farmhouse is occupied by the applicant.
36. All storage on the site would be within the existing buildings rather than on the yard itself. It is therefore considered that the proposed use would not have a materially greater visual impact than the existing permitted use. As noted above, LCC highways have confirmed that the proposed use is unlikely to generate a significant amount of additional traffic than the existing use and it is considered the impact of the proposed use in noise terms should be no greater than the use of the site for general industrial purposes.
37. The applicant has stated that the hours of opening of the use would be 8am to 6pm Monday to Friday and 9am – 1pm on Saturday with no opening on Sunday. Representations received from local residents have requested that these hours of opening be reduced to 10am to 4pm Monday to Friday and 10am to 12pm on Saturdays. Nevertheless, it is considered that the opening hours proposed by the applicant are reasonable, particularly given the distance of the site to neighbouring residential properties. It is also noted that there is presently no restrictions on the hours of operation for the site's existing B2 use. As such, the hours of opening suggested by the applicant for the proposed B8 use are considered to represent an improvement on the existing lawful use.
38. The applicant has stated that only non-hazardous goods and materials would be stored on site and a condition is recommended to secure this.

#### Impact on Listed Buildings

39. Planning Policy Statement 5 (PPS5) sets out the Government's planning policies on the conservation of the historic environment. The overarching aim of PPS5 is for the historic environment and its heritage assets to be conserved and enjoyed for the quality of life they bring to this and future generations.
40. Policy HE7 of PPS5 identifies the principles guiding the determination of applications for consent relating to heritage assets. It states that when considering the impact of a proposal on any heritage asset, including its setting, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations.

41. Policy HE10 of PPS5 advises that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, it encourages local planning authorities to weigh any such harm against the wider benefits of the application.
42. The need to protect, conserve and enhance the historic environment is also emphasised in the RSS, particularly in policies DP2, DP7 and EM1, and by Policy 16 of the Joint Central Lancashire Core Strategy.
43. The application site is located, at its closest point, 31m north/north east of Swift's House Farm Farmhouse and Swift's House Farm Barn. Both of these buildings are Grade II listed and, as such, are designated heritage assets as defined by Annex 2 to PPS5.
44. The proposed development does not however seek to change the external appearance of the buildings on site nor does it seek to make significant alterations to the yard or the site's boundary treatment. In addition, the site is partly obscured from Swift's Farm by the large gates to the southern entrance to the site and by mature trees along its boundary. As a result, it is considered that the proposed development would not have a significant impact on the setting of these listed buildings and it is noted that the Council's Conservation Officer has stated that he considers that the significance of these heritage assets would be sustained. The proposal is therefore considered to be aligned with PPS5.

#### Overall Conclusion

45. It is considered that the principle of the proposed development is acceptable. The proposed development would not result in any significant harm to the amenity of neighbouring residents nor would it have an unacceptable impact on the character and openness of the Green Belt. In addition, it is considered that the proposal would sustain the significance of the adjacent listed buildings and would not result in any significant harm to highway safety. Therefore, it is considered that the proposed development would be in accordance with policies DC1, DC7A and TR4 of the Chorley Borough Local Plan Review and the Conversion of Rural Buildings SPG. Accordingly, it is recommended that the application be approved.

#### Planning Policies

National Planning Policies:

PPS1, PPG2, PPS4, PPS5, PPS7 and PPG13

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC7A and TR4

Supplementary Planning Guidance

Conversion of Rural Buildings

Joint Core Strategy

Policies: 10, 13 and 16.

#### Planning History

**Ref:** 2009/00362/PREAPP    **Decision:** CLO    **Decision Date:**

**Description:** Use Class for farm depot opposite Swifts Farm Bentley Lane

**Ref:** 11/00326/FUL    **Decision:** WDN    **Decision Date:** 30 June 2011

**Description:** Siting of a storage container & perimeter fence erection, in keeping with original

#### **Recommendation: Permit Full Planning Permission Conditions**

1. **The approved plans are:**  
**Plan Ref.**  
**Location Plan**

**Received On:**  
**23 December 2011**

**Building 1 Floor Plans and Elevations 23 December 2011**

**Building 2 Floor Plans and Elevations 23 December 2011**

***Reason: To define the permission and in the interests of the proper development of the site.***

- 2. The use hereby permitted shall be restricted to the hours between 08:00 and 18:00 on weekdays, between 09:00 and 13:00 on Saturdays and there shall be no operation on Sundays or Bank Holidays.**

***Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 and EP7 of the Adopted Chorley Borough Local Plan Review.***

- 3. No materials or equipment shall be stored on the site other than inside the buildings.**

***Reason: In the interests of the amenity of the area and in accordance with Policy Nos. DC1 and EM2 of the Adopted Chorley Borough Local Plan Review.***

- 4. No hazardous materials shall be stored on the site hereby permitted.**

***Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.***