

Item 4d **12/00802/FUL**

Case Officer **Caron Taylor**

Ward **Chisnall**

Proposal **Proposed change of use of former public house to dwelling with side and rear extensions and front porch and erection of garage/store/gym building**

Location **The Brook House, Barmskin Lane, Heskin, Chorley Lancashire**

Applicant **Mr Craig Ainscough**

Consultation expiry: **10 October 2012**

Application expiry: **25 October 2012**

Proposal

1. Proposed change of use of former public house to dwelling with side and rear extensions and front porch and erection of garage/store/gym building.

Recommendation

2. It is recommended that this application is refused.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Extensions
 - Outbuildings
 - Highways and Parking
 - Impact on the neighbours
 - Open Space
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Coal Mines

Representations

4. Twenty six objections have been received on the following grounds:
 - The first indication that the premise was sold privately was a scruffy hand written A4 sheet on the door;
 - This is a rural area it is not only a pub but a centre for people to congregate. The pub is a meeting place for the rural community;
 - The proposal involves a garage being built on the Green Belt area behind the pub;
 - Oak trees will have to be removed. What will happen to the wild life of which is in abundance there?;
 - The information submitted with the application is wrong. The landlord in the last three years was out of her depth in the public house business but it was successful prior to that;
 - Before the last landlord the owners were: Ray & Lorraine Johnson (May 1996 - Sept 2000) and John & Christine Highton owned the pub (Sept 2000 - Feb 2009), so there has not been a high turnover of landlords contrary to the application information;
 - Wedding receptions Funerals, Christening, Breakfast meetings for the parish of Blackburn were held there;

- They find it hard to believe that it would not still be viable as a pub. They are not aware that people locally have been made fully aware of the situation or canvassed about their opinions on the change of use. It is important to keep the pub, not only as a drinking establishment, but it is a very important local community meeting place with a lovely outside garden area and picturesque lake;
- The pub provided employment opportunities;
- They know of at least two other bidders who had every intention of keeping it as a pub, so how can it not be considered viable?;
- When the original owners left in 2009 (John and Christine) it lost a certain character that needs to be restored. It needs a chance to be restored as the one of only two pubs in Heskin;
- The Central Lancashire Rural Development Supplementary Planning Document should be taken into account;
- People travelled far and wide to visit the pub it had such a good reputation and was always busy at weekends you could never park on the car park it was that full!;
- Chorley is losing too many traditional pubs;
- It has been very successful and profitable in the past;
- It provides a pleasant stop off point for the many walkers and visitors to the area around Harrock Hill. This provides a service to visitors from all over the country that actually visit this area for these types of amenities, this surely brings in much needed money to the Chorley area and raises the profile of the area. If this becomes a residential property this will be lost;
- Opinion is that this Public house is not viable, in the 23 years they have been resident nearby this is not true, It has always been supported by the local community and the not so local people, in the past 23 years it's had 4 landlords, this suggests that landlords have run this pub successfully each time with an average residency of over 5 years per landlord - only the last landlord/pub manager had difficulties but this wasn't due to lack of trade but personal issues they had;
- Do not judge the business viability of this pub over the last year it was trading, please consider the previous years to judge how viable and valuable to the community this pub was before the decision as to allow the change the use on this property is made;
- They are concerned of the knock on effect it will have on the local businesses;
- They have noticed since the pub has been closed the community spirit has died - it was a meeting place for all generations;
- During the winter months when the locals get blocked in, The Brook House was a sanctuary as there are no shops within walking distance, but you could walk to the Brook House and can always have a warm by the fire there and have a good meal and drinks, walkers would also appear;
- The extension which would go over onto Green Belt and the extension its self is over the extension limit;
- The pub has not been advertised as a going concern in the proper manner, there were other bidders prepared to buy the property and continue it as a public house but it was sold just to the highest bidder.

Councillor Paul Leadbetter, Ward Councillor for Heskin:

- The Brook House public house has served the community in that part of Heskin for many years and has been successful in doing so. It is unfortunate that the pub has closed and has been sold, they can only assume the vendor, by submitting the pub for auction, was selling the property with the intent that it would continue to serve the community as public house;
- This application is for change of use which is contrary to policies DC7A (Conversion of Rural Buildings in the Green Belt), DC10 (The Protection of Community Facilities in Rural Areas), Policy 25 of the Core Strategy and the NPPF Paragraph 28 (fourth bullet);
- Policy DC7A relates to reuse of existing buildings in the Green Belt and states that permission will be granted if all of a list of 8 criteria are met and an additional three points regarding re-use of buildings for residential use. There is already in excess of 5 years supply of housing in Chorley and as such it will be difficult to demonstrate that this does not contribute to the housing requirement of the Structure Plan being even further exceeded (albeit the policy states materially exceeded and the addition of a single

dwelling is possibly not materially exceeding the housing requirement). The policy does however require that the applicant can demonstrate that a suitable business re-use cannot reasonably be secured, that the residential conversion is ancillary to the business use and that the site is demonstrably unsuitable for a business use. The residential conversion is not ancillary to the business use. The supporting letter from RC Collins, of Licensed Trades Associates, suggests The Brook House is no longer viable as a public house, this however is opinion and is therefore subjective and does not contain any objective evidence as to why the formerly successful public house could not continue to provide a valuable community facility;

- Policy DC10 states development which involves the loss of a rural community facility will not be permitted unless the applicant can demonstrate that:
 - a) The facility is no longer needed by the by the community it serves or that alternative facilities exist locally or will be provided; and
 - b) The facility is no longer economically viable and all reasonable efforts have been made to sell or let the property as a community facility at a reasonable price; or
 - c) The property is in an isolated location remote from transport routes.

The applicant has not objectively demonstrated that the pub is no longer needed by the community it serves and the fact that it is remote, makes it difficult to have alternative facilities provided locally. There is no evidence that the property has been offered for sale, or to let, as a community facility. RC Collins suggests the relatively remote location of the Brook House and lack of passing trade as part of the justification for conversion to a residential property. Cllr Leadbetter suggests that it is exactly this remote location that makes the community facility even more valuable in providing an essential meeting place in what is otherwise a remote locality. The property being remote from transport routes makes it even more valuable to the local community, as they have little access to ready transport routes to alternative facilities;

- NPPF paragraph 28 is dedicated to promoting a strong rural economy and promotes the retention of local services and community facilities in villages, including public houses. The more remote these services are, then the more essential they become to the community they serve. The Brook House, as a public house, is an essential part of the character of the countryside, character which would be lost by conversion to a private dwelling;
- The proposed extension is in contravention of policy DC8A which requires that the proposed extension does not result in a significant increase in the volume of the original dwelling. It is important here that this is relative to the original building, rather than existing building. What forms the original building appears to be debateable, however what is not debateable is that the test of significance is an increase of over 50% of the original. Whichever figures are considered, the proposed extension is disproportionate and inappropriate development in the Green Belt. Paragraph 3.24 of the Local Plan states that a rural property should not require substantial rebuilding, alteration or extension and that the character of traditional buildings should be preserved. The proposed extension is a significant alteration and extension to the existing building; it detracts from the traditional character of the building and will significantly affect the character of the building.
- The proposed outbuilding is a significant structure, when considered in terms of the Green Belt. No special circumstances have been provided that warrant this outbuilding, especially as there are gymnasiums providing equivalent, or even superior, facilities within the local area.

5. Eleven letters of support have been received on the following grounds:

- The area is well supplied with public houses and whereas the Brook House can
- attract custom at times of good weather, throughout the inclement weather, from Autumn to Spring, there can be a paucity of customers, previously resulting in Monday closures and turnover of landlords;
- The Council's core strategy refers to concern about the low level of available
- housing, widening the prosperity levels in rural areas and promoting health. I would suggest that the change of function of this property from public house to private residence would accord more with these declared aims. There is indeed a national drive to improve

health, in particular obesity and alcohol abuse and automatic protection of a drinking licence would not appear to be in line with this strategy;

- The lack of adequate parking provision in peak summer trading times has been a matter of some concern. At these times cars are parked in the relatively narrow, winding country lane which is not subject to a reduced speed limit. The lane is well used for horse riding, cycling and dog walking potentially putting lives at risk;
- They have no problem with the proposed plans for the conversion of the property;
- As a near neighbour they have personal knowledge of the way in which it traded in its last years as a pub and can confirm that it struggles to attract enough customers to be successful. It had a high turnover of tenant landlords, some of whom only stayed for very short periods. They have no objections to the premises being converted to a dwelling and would certainly prefer this to allowing the building to fall into further disrepair or being brought back into use as a pub even if this is possible, given its track record in recent years;
- Very disappointing to read comments from the community resisting what has to be an inevitable change to The Brook House. It has sentimental value to them too. It is such a pity that the locals have spent time resisting this planning application instead of supporting the pub when it was open for business. If everyone who has expressed disgust at the property being converted into a private dwelling had visited the premises as paying customers a few times a week this situation would not have arisen. The bottom line is that the locals did not support it sufficiently for a viable business to be maintained. The last time that they visited the pub was on a Friday evening shortly before it closed down and there were only two other people in the bar. The country is in difficult economic times - it is better to see the building restored and maintained as a residential dwelling now instead of dwelling on the past. Change can be a good thing;
- As a local resident to The Brook House pub they were sad although not surprised to see it close its doors for the final time earlier this year. The Brook House - despite being a welcoming pub with a nice atmosphere didn't have a backbone of local regular customers to keep the pub in profit. No matter who operated the pub in the future they think it will always fail because of this. They think if the property is transformed into a lovely dwelling then it will enhance the already beautiful surroundings in which it is set in, whereas if it is left as a failing pub then in the future it will look an eyesore;
- Looking at the planning application documentation, the proposed alterations appear to be sympathetic and in keeping with the original building style, at the same time bringing the overall style and feel up-to-date. In their opinion the change of use to a residential property is a good (if not only) way for the original building to remain and not fall into a state of disrepair. It is disappointing to see that some of the local residents cannot support this change;
- Having visited the above public house whilst it was still open, they have read some of the objections to this development with interest. It is very sad that yet another public house in the area has had to close and must be very disappointing for the local community who used it, however it is a sign of the economic climate that such establishments find it very hard to remain profitable. In actual fact prior to the current recession many public houses were already finding it hard to survive. Whilst upsetting for the local community, we must remind ourselves that public houses are in fact businesses and not charities and need to be profitable. This was obviously not the case with The Brook House hence its closure. They are sure that people living in the vicinity of the pub would much rather this be converted into a tasteful family dwelling rather than fall into disrepair or be subject to vandalism making it an eye sore like so many other empty public houses in the borough;
- Most of the objections are based on nostalgia and not on the basis of economic reality. They have lived in this area all their life and have visited this pub on many occasions but not so much in recent years. And that's the point! If all the people that object to this had actually gone in on a regular basis the pub would never have closed but the reality is that they didn't and neither did anybody else.
- It would be lovely to see the building refurbished as a family home and the large area of tarmac to the front maybe landscaped to make gardens. It would only enhance the area and make it more attractive;
- To turn the building into something useful should be welcomed.

6. West Lancashire Borough Council raises no objections to the proposal providing it complies with Chorley Councils relevant Local Plan Policies and relevant national planning policies.
7. Wrightington Parish Council in West Lancashire object to the application:
It would result in the loss of a valuable community facility and amenity in the area. The proposals would constitute over development of the site and would result in a building out of character with the area. Furthermore, the Parish Council are not aware of any advertising of the fact that the business is for sale which means that the community have not been afforded the opportunity to object to the closure and cessation of the public house.
8. Heskin Parish Council objects to the application. The Council's recently adopted guidelines rightly require a proper and detailed procedure to be followed before a much valued Community asset can be removed. There is no evidence at all that this procedure has been followed, indeed the applicant's agent seems to dismiss the necessity for any procedure at all. If the Planning Authority is serious in its stated intentions the application should be refused.
9. Secondly the size of the proposed extensions is far in excess of the guidelines and again in the Parish Council's view the extension should be resisted.
10. Thirdly the existence of this facility adds much to the attraction of the rural area. Walkers, cyclists and others use the facility bringing in many visitors to Chorley with the consequential benefits to the local economy.

Consultations

11. **Lancashire County Council (Ecology)**
Have considered the ecological report submitted with the application and recommend planning conditions be applied to any permission.
12. **Chorley Council Planning Policy**
See assessment section.
13. **Lancashire County Council (Highways)**
The application is for change of use of former public house to dwelling with side and rear extension and erection of garage/store/gym building.
14. There would be no highway objection to the proposals in principle.
15. Neither would there be any requirement for inclusion of any highway conditions as part of any grant of permission; access arrangements detailed on plan drawing no: 3019-12-15A are deemed acceptable.
16. **The Coal Authority**
A response is awaited and will be placed on the addendum.

Applicant's Case

17. There has been a public house (and formerly a hotel) on the site for many years, most recently called The Brook House. Given the location of the site in a relatively remote rural area with only a small number of nearby houses, it appears that the public house must have served a very wide catchment area, with users travelling in by car (in the past 80 or so years), rather than walking from nearby houses, as would be the case with a traditional 'village pub'.
18. In more recent years the public house on the site has struggled to attract sufficient trade to retain a viable business and the turnover of tenants in recent years has been high. The lack of trade has probably been the result of changing social habits, drink driving legislation, customer expectations and the availability of other, more attractive public houses and restaurants within the same or adjacent catchment areas.

19. A plan accompanying the application shows the location of 12 other public houses and restaurants surrounding the Brook House site, the furthest of which is just over two miles away (as the crow flies). At least six of these are on public transport routes and seven are within settlements and can therefore be easily reached on foot by local residents. Several of these are well respected restaurants which attract both local residents and customers from further afield. The Brook House public house therefore faced severe competition from other public houses and/or restaurants which were and are better located and which offered a better quality, both in terms of the facilities and the available food and drink.
20. When the Applicant bought The Brook House, its premises license was surrendered. To obtain a new license, it would be necessary to bring the premises up to modern day standards in terms of the facilities it offers, including access to disabled people. The cost of doing this would be prohibitive, even if the premises were located in an area which did not have the level of competition which it does.
21. The loss of a viable community facility, such as a public house, is clearly contrary to existing and emerging local policy and to NPPF policy and guidance. It is the applicant's case that The Brook House public house has not been a viable facility for many years and could not become a viable facility in the future due to its location and the existence of at least a dozen good quality public houses or restaurant facilities within a two mile radius.
22. The Brook House public house has struggled for many years to trade at a profit and it is understood that five tenants and lessees have attempted to effectively run the facility in the past three years and none have succeeded. Following the failure of the final tenants to run the premises at a profit earlier this year, the former owners, Punch Taverns, decided to sell the premises. The applicant, who lives in the area, became aware of the impending sale and bought the premises early in 2012.
23. A letter from Licensed Trade Associates (an independent consultancy with many years' experience in such matters) makes it very clear that The Brook House is not a viable business proposition due to its location and the existence of a very strong range of competing facilities within a two mile radius.
24. In considering the community role which The Brook House public house may have once served, it is firstly important to recognise that this is not and never has been a traditional village pub which sits at the heart of a rural community, primarily serving a village or settlement, with easy access on foot. There are only 11 dwellings within 250m of the premises and only a further handful within a further 250m.
25. Secondly, this was a public house which had an extremely small bar area, very poor facilities (toilets, kitchen etc.) and very limited access for wheelchair users. To bring such facilities up to modern day standards would have required a very significant investment. Such investment would inevitably have been funded by bank loans of some form and a business plan to demonstrate that the proposition was viable. For the reasons set out in this statement, and in the Licensed Trade Associates letter, it is highly unlikely that such a loan would have been forthcoming. This position is supported by the letter provided by Licensed Trade Associates.
26. The most relevant planning policy guidance on the retention of viable community facilities is, it is suggested, contained in paragraph 70 of the NPPF which states the following:
"70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
 - *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*

- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”*

27. The first two bullet points are particularly relevant to this application. In respect of The Brook House, the former public house contributed very little to *“the sustainability of communities and residential environments”* given its location, its day to day function and the availability of a significant number of alternative, more convenient and better quality public house/restaurant facilities in the area.
28. The second bullet point specifically refers to *“the unnecessary loss of valued facilities and services”*. Clearly, The Brook House public house was not sufficiently valued by enough patrons to make it a viable business.
29. Part (c) of Policy 25 of the adopted Central Lancashire Core Strategy resists the loss of existing community facilities by requiring evidence that they are no longer viable or relevant to local needs. The Licensed Trades Associates (LTA) letter very clearly states that the public house *“does not have any future as a viable public house business”* and the high turnover of tenants only emphasises this lack of viability.
30. The fact that the premises no longer have a Premises Licence is crucial to the issue of viability. As noted in the LTA letter, the expected cost to bring the premises back into a state which could be granted another Premises Licence is prohibitive.
31. It is therefore considered that it has been clearly demonstrated that a public house/restaurant has not been and will not be a viable proposition and therefore its loss would not be contrary to adopted planning policy.

Assessment

Background Information

32. The site is located on the east side of Barmskin Lane, approximately 1.5 miles (2.4 km) south of Ecclestone and around 2.2 miles (3.8 km) north east of Parbold close to the boundary with the Borough of West Lancashire.
33. Immediately to the north west of the application site are nine residential properties. To the south east are the detached properties of Ridgemont and The Old Vicarage. Charity Farm is located to the south west in West Lancashire, a working farm but also a caravan and camping park with its own café and licensed bar.
34. The existing building Brook House public house has been extended over the years, with a side extension to the east side (which the Design and Access Statement suggests replaced a previous extension) and a series of unattractive single and two storey extensions to the rear.
35. The first floor of the building was formerly a manager’s flat.
36. The former public house was served by a large tarmac car park at the front and a beer garden and concrete sitting out area to the side and rear. A pond is located to the side/rear of the building. The remainder of the site is mainly laid to lawns, which extend approximately 100m to the rear of the building, lining up with the adjoining gardens to the North West. The periphery of the site contains a number of trees and a tree survey accompanies the application.

Principle of the development

37. As a former public house, The Brook House is considered to be a community facility. The National Planning Policy Framework (NPPF) states that planning decisions should plan positively for the provision and use of community facilities such as public houses to enhance the sustainability of communities and residential environments and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.

38. Policy 25 in the adopted Central Lancashire Core Strategy relates to community facilities and is in accordance with the NPPF. It aims to ensure that local communities have sufficient community facility provision by:
 - a) working with public, private and voluntary providers to meet demonstrable need;
 - b) encouraging and coordinating new provision at locations that are accessible by all modes of transport; and
 - c) resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs
39. Therefore, this policy aims to resist the loss of existing facilities, but does not rule out their re-use or redevelopment for other purposes, providing evidence is provided to show that they are no longer viable or relevant to local needs.
40. The Central Lancashire Supplementary Planning Document (SPD) on Rural Development is now at an advanced stage. Its purpose is to set out the approach of the Central Lancashire Councils to development in rural areas and to provide guidance on the implementation of relevant policies, including Core Strategy policy 25. It was subject to public consultation between 18th April and 30th May 2012. It has been updated/amended in the light of the representations received and the publication of the NPPF. It is now proposed to be progressed to adoption. The October 2012 Final Version and Adoption Statement are now available for a 4 week period from 1st October – 29th October 2012. Adoption is scheduled to follow this stage.
41. The SPD aims to ensure that rural settlements retain an element of self-sufficiency and remain active communities. This proposal is not located within a designated rural settlement, but lies within a rural Green Belt location. However, it will result in the loss of a community facility in a rural area.
42. The SPD states that when proposals are being considered to change the use of any local community facility the Council will need to be convinced that it is no longer required, or that adequate alternative arrangements can be made, or that the property is in an isolated location remote from public transport routes. It goes on to state that any application for planning permission for a proposed change from a community use in a rural area should be accompanied by the submission of a report demonstrating that the community facility is no longer financially viable, is surplus to local needs, is available elsewhere in the settlement, or where there is an amenity or environmental reason why a community use is not acceptable.
43. Policy DC10 and DC7A remain part of the adopted development plan, but these policies need to be read together with Policy 25 of the Core Strategy, which as a recently adopted policy carries full weight, and they also need to be considered in line with policy in the NPPF and guidance in its Annex 1 which provides advice on the weight that should be given to existing Local Plan policies.
44. In terms of Policy DC7A criteria a) to h) need to be considered on site, taking account of the updated Green Belt policy in the NPPF. It should also be noted that the NPPF allows housing development in rural areas which would re-use redundant or disused buildings that would lead to an enhancement of the immediate setting.
45. Policy HW6 on Community Facilities in the emerging Chorley Local Plan (Publication Site Allocations and Development Management Policies DPD) provides further policy on the loss of community facilities, but as an emerging document cannot yet be given full weight.
46. The applicant argues that the public house is no longer a viable facility and that it has not been for many years. They state that five tenants and lessees have attempted to run the facility in the past three years and none have succeeded and that the previous pub owners (Punch Taverns) therefore decided to sell the premises. A letter from a director at the Licensed Trade Associates (consultants employed by the applicant specialising in the licensed trade) has been supplied which concludes that the Brook House is no longer viable as a public house or restaurant due to its relatively remote location which is not on a public transport route, its trading history over the past 5 years or so and the strength of competing

public houses in the local area. It is also stated that the pub no longer has a premises licence and that it would cost “at least £200,000” to bring the property up to the standard required by the regulatory bodies and that it would be virtually impossible during these financial times to bring it up to the standard needed for it to become profitable and to compete with local competition.

47. In assessing the proposal the policy basis is that the Council will seek to resist the loss of existing facilities. The Council cannot retain all community facilities but before it allows a one to be lost it must be convinced that The Brook House is no longer viable or it is no longer relevant to local needs, alternatives are available or there are issues that a community use is not acceptable.
48. Objectors to the application state that the number of licensees has not been five in the last three years. This has been checked with the Council’s licensing department. They state that it would appear that there have been 6 licensees since 1983; 1983 - Whalley, 1985 - Levenson, 1996- Johnson, 2000 - Rigby, 2005 - Highton, 2009- Kirk and a premises transfer to Punch Taverns.
49. In addition, no clear evidence has been put forward regarding the viability of the pub other than circumstantial evidence. The evidence supplied is not detailed (for example, there are no details showing the dates when tenants/lessees ran the pub or detailed financial viability evidence). It appears that The Brook House was bought by the applicant having no intention to run it as a pub but who approached the brewery directly to purchase it on hearing it was going up for sale. Therefore The Brook House has not been advertised as a public house for sale and therefore given the chance to be purchased as a public house.
50. There have been mixed representations received to the application, some stating it was successful but others stating that it didn’t have enough regular custom and tended to be popular only during nicer weather. Although the economic climate has been difficult in recent years, information from objectors (some of who were past employees) state that the last licensee had little knowledge of the licensed trade and it was therefore badly managed. The licensee prior to that retired. It should also be noted that the applicant stripped the interior of the building out once purchased (which did not require planning permission).
51. It is considered although current policy in the form of the NPPF, the Core Strategy and its associated SPD do not require marketing of community facilities proposed for alternative uses, they all seek to resist the loss of facilities backed up by evidence that they are no longer viable or required.
52. There is some information put forward in support of the application, notably the letter by Licensed Trade Associates and in addition it must be considered that the building would need significant investment to be successful as a pub once more and is in an isolated position, rather than a pub serving a defined village. However this has to be weighed against the information on the number of licensees and that the applicant approached the brewery to buy the pub has not been marketed. On balance it is not considered in this case that sufficient evidence has been put forward by the applicant to demonstrate that it is no longer financially viable. Once a pub has been converted to a dwelling it is a community facility that is never likely to be replaced and the Council do not wish to see such facilities lost easily given their importance.

Extensions

53. The proposal involves extending the building as part of the conversion to a dwelling. The site is in the Green Belt.
54. Policy DC7A of the Local Plan states that re-use of existing buildings in the Green Belt will be allowed subject to a number of criteria. These include that the re-use of the building must be capable of conversion without the need for additions which would change its form and character. It also states the proposal should not have a materially greater impact than the present use on the openness of the Green Belt. The Rural Development SPD also states that for a rural building to be appropriate for re-use, it must be permanent and substantial and

should not require significant extension, rebuilding or extensive alteration to accommodate the proposal.

55. The extension proposed would result in approximately a 30% increase in volume over the existing. This is considered a large increase in volume considering that policies on the conversion of buildings in the Green Belt support conversion without significant extension.
56. Allowing conversion of the property to a dwelling would start a new chapter in the history of the building in planning terms and if extensions were permitted at the same time they would form part of the 'original dwelling' property (being in existence when the building became a dwelling). The Council would then find it difficult to resist further extensions to the property in the future. It is not considered that a condition removing Permitted Development Rights would overcome this issue. Although it would mean that extensions would require express planning consent, policy is likely to support them if they were applied for. The sizes of the extensions proposed as part of the conversion are therefore considered significant and therefore contrary to policy.
57. The designs of the proposed extensions are considered acceptable. A two-storey side extension is proposed to the west elevation being in keeping with the property having matching proportions, roof pitch and materials. It will however have a ridge lower than the existing building which is looked on favourably as it allows the form of the original building to be seen still. A front porch and small side extension to the east elevation are also proposed and are also considered in keeping and appropriate.
58. The rear elevation will have a more contemporary lean-to extension, which will involve raising the ridge of the existing single storey side element on the east elevation and will incorporate a terrace with large areas of glazing. This is also considered acceptable and although more contemporary its design works well with the older original property.

Outbuildings

59. The site is unusual in that it is set within a former small quarry. The quarry wall encloses a large pond and garden area to the side and rear which is set at a lower level to The Brook House itself. Because of this the land drops away from the road and also from the existing patio area adjacent to the building. This unusual situation allows a proposed outbuilding to be positioned so that only the double garage will be readily visible from the road and from the access to the site. Underneath this will be a gym and garden store but this will only be visible from within the site from the north where the land has dropped away.
60. The Council normally permit the equivalent of a double garage, green house and store/shed in the greenbelt at existing properties in the Green Belt. However, the building is not currently in use as a dwelling and the proposal must therefore be considered under the policies for conversion of buildings in the Green Belt.
61. Policy DC7A of the Local Plan states that re-use of existing buildings in the Green Belt will be allowed subject to a number of criteria. These include that the re-use of the building must be capable of conversion without the need for additions or alterations which would change its existing form and character. It states particular attention will be given to curtilage formation and the requirement for outbuildings. The proposed outbuilding is particularly large consisting of a double garage at ground level with a larger garden store and gym below accessed from a lower ground level. Although its siting is unusual due to the topography of the land and therefore only the double garage is visible from public vantage points, this does not overcome its inappropriateness in the Green Belt even though there is little further harm to the Green Belt in terms of its impact on openness.
62. It is not considered that very special circumstances have been put forward that would outweigh allowing a building of this size in the Green Belt.

Highways and Parking

63. The frontage to the site is currently open and it is proposed to reduce this to a smaller access point to serve the dwelling by erecting a new stone wall across the frontage at a maximum

height of 1m to match the existing wall with an area of grass in front of it and new planting inside it to the frontage. The wall will be set slightly further in than the current wall to allow for a visibility splay. Timber gates will be erected at the access point but set back by 5.5m from the edge of the highway to allow vehicles to park off the road while the gates are opened. The access proposed is considered acceptable and is likely to have fewer highway implications than if the building were in use as a public house.

64. The existing tarmac at the site will be overlaid with bonded gravel but overall there will be a reduction in hard surfacing at the site, however there will still be sufficient parking for several vehicles off road in excess of the Council's parking standards.
65. The proposal is considered acceptable in relation to Policy TR4 of the Local Plan.

Impact on the neighbours

66. The nearest property to the northwest is 6 Harrock View which is 60m from the existing building but its garden bounds with the site. Ridgmont is the nearest property to the southeast and is 70m away. It is considered that the property as a dwelling would have less impact on the neighbours in terms of amenity than if the building was in use as a public house as it would require less parking and the use is less likely to be noisy. Although a rear terrace is proposed on the rear of the building, the site is lower than 6 Harrock View and would not therefore overlook this property.

Open Space

67. The Council's Open Space Manager has not requested a commuted sum payment in relation to the application.

Trees and Landscape

68. There are a large number of trees on the site and a Tree Survey accompanies the application.
69. Eight trees in the survey are off-site on the other side of the watercourse that forms the eastern boundary of the site. Of the thirty trees on site nine of them are recommended for removal and their conditions and reason for removal are detailed in the report and agreed with. The proposal is therefore considered acceptable in relation to Local Plan Policy EP9. Looking specifically at some of these trees, trees numbered 21 and 22 are to be removed and are positioned where the proposed outbuilding will be situated. T21 is a single stem Sycamore with a 30% lean over the pond with extensive bark loss at its base, T22 is a single stem Ash, with extensive bark loss in the basal area and a fungus on its exposed roots. There is therefore no objection to their removal. Trees numbered 24 and 25 in the survey are the most prominent to be removed on the frontage closest to the site access, however it is evident from visiting the site that these are two sycamore trees in a poor condition having been topped in the past and there is no objection to their removal.

Ecology

70. It is considered that the application is acceptable in relation to ecology subject to conditions recommended by the County Ecologist.

Flood Risk

71. The site is not within a flood zone as identified by the Environment Agency, therefore a Flood Risk Assessment is not required.

Coal Mines

72. The building itself is within a Coal Referral Area. A Coal Mining Risk Assessment accompanies the application and has been sent to The Coal Authority. Their response will be placed on the addendum.

Overall Conclusion

73. It is considered although current policy in the form of the NPPF, the Core Strategy and its associated SPD do not require marketing of community facilities proposed for alternative uses, they all seek to resist the loss of facilities backed up by evidence that they are no

longer viable or required. It is not considered in this case that sufficient evidence has been put forward by the applicant to demonstrate that it is no longer financially viable. Once a pub has been converted to a dwelling it is a community facility that is never likely to be replaced and the Council do not wish to see such facilities lost easily given their importance.

74. In addition, the extensions and outbuilding proposed are considered significant and inappropriate in the Green Belt. In addition, allowing large extensions as part of a conversion would result in them becoming part of the 'original dwelling' in terms of future extensions which would impact on the openness of the Green Belt.

75. The application is therefore recommended for refusal.

Planning Policies

National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: DC7A, DC10, TR4

Supplementary Planning Documents (SPD):

- Rural Development SPD

Joint Core Strategy

Policy 25

Site Allocations and Development Management Policies Development Plan Document Publication Version

Policy HW6

Planning History

89/00637/FUL - Kitchen utility room and lounge extension. Permitted 9th September 1986.

Recommendation: Refuse Full Planning Permission

Reasons

- 1. The National Planning Policy Framework, Policy 25 of the adopted Joint Core Strategy and its associated Rural Development SPD seek to resist the loss of facilities backed up by evidence that they are no longer viable or required. It is not considered in this case that sufficient evidence has been put forward by the applicant to demonstrate that the public house is no longer financially viable and it therefore contrary to the above policies.**
- 2. Policy DC7A of the Local Plan and the emerging Rural Development SPD support the re-use of existing buildings in the Green Belt without the need for additional buildings. The proposed outbuilding is particularly large consisting of a double garage at ground level with a larger garden store and gym below accessed from a lower ground level. Although its siting is unusual due to the topography of the land and therefore only the double garage is visible from public vantage points, this does not overcome its inappropriateness in the Green Belt even though there is little further harm to the Green Belt in terms of its impact on openness. It is not considered that there are very special circumstances to outweigh this. The proposal is therefore considered contrary to Policy DC7A of the Local Plan, the Rural Development SPD and the NPPF.**
- 3. Policies on the conversion of buildings in the Green Belt support conversion without significant extension or additional outbuildings. Allowing conversion of the property to a dwelling would start a new chapter in the history of the building in planning terms and if extensions were permitted at the same time they would form part of the 'original dwelling'. The Council would then find it difficult to resist further extensions to the property in the future which would have a detrimental impact on the openness of the Green Belt. The proposal is therefore considered contrary to Policy DC7A of the Local**

Plan, the emerging Rural Development SPD and the NPPF. It is not considered that very special circumstances have been put forward that would outweigh this.