

Item 4b **12/00867/FUL**

Case Officer **David Stirzaker**

Ward **Pennine**

Proposal **Retrospective planning application for erection of office & store building to serve riding school**

Location **Crostons Farm Lucas Lane Whittle-Le-Woods ChorleyPR6 7DA**

Applicant **Mrs Gillian Mair**

Consultation expiry: 3 November 2012

Application expiry: 9 November 2012

Proposal

1. This application seeks retrospective planning permission for the erection of a timber office and store building and follows on from an investigation by the Council's Planning Enforcement Team.
2. The building in question has already been erected in the south-western corner of the curtilage of the application site. The building measures 7.7m wide by 2.6m deep by 2.7m high. The building is clad with horizontal timber cladding and has two openings in its front elevation. The building has a flat roof. There are windows in each of the side elevations.
3. The application site is located in an area of Safeguarded Land and is accessed from Lucas Lane. The south and west of the site is bounded by residential development which is within the Whittle-Le-Woods settlement.
4. Following negotiations, the applicant has agreed to re-site the building 1.5m from the boundary with the residential properties to the south (9 and 14 Orchard Drive). Amended plans have been submitted showing this positioning of the building.

Recommendation

5. It is recommended that this retrospective application is granted conditional planning permission.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Traffic and Transport

Representations

7. To date, 14 no. letters of objection have been received from local residents. Each of these letters are the same but have been signed by different local residents. The contents of this letter can be summarised as follows: -
- The building in question has been erected without planning permission
 - This has meant that the building has been erected without consultation and such consultation would have meant that the building would have been erected in a more appropriate area of the farm
 - With the building being so close to the property, if there was a fire, it would spread via the trees and affect the adjacent property
 - Storage of flammable materials and chemicals would also be a concern
 - The farmer could easily relocate the building to a more suitable location
 - If this building is approved in its current location, it will give it planning gain so there are concerns that it could be replaced with a larger structure/house
 - The structure has been built next to a protected tree and it should not be positioned so close and the roots could be affected as water will be prevented from draining into the land
8. No letters of support have been received.
9. Whittle Le Woods Parish Council have not raised any objections to the application.

Consultations

10. **The Director People and Places (Tree Consultation)** does not raise any objections to the application in relation to the impact of the building on the health of the protected tree.
11. **Lancashire County Council (Highways)** do not raise any objections to the application.

Applicants Case

12. The building has been erected to provide a small office and a store room. The applicant states that prior to the erection of the building, there was nowhere on site for the owners to meet with clients and take payments for lessons. The applicant advises that the building is a wooden structure without foundations and is in keeping with the surrounding buildings. The applicant also asserts that the development is needed for the operation of the equestrian livery yard and riding school at Crostons Farm which is appropriate to a rural area.

Assessment

Principle of the development

13. The application site is in an area of Safeguarded Land. Such areas are afforded the same protection as areas of Green Belt and Policy DC3 of the Adopted Chorley Local Plan states that only development permissible under Policy DC1 (Green Belt) and Policy DC2 (Area of Other Open Countryside) will be permissible on Safeguarded Land.
14. However, paragraph 28 of the National Planning Policy framework (NPPF) provides support for economic growth in rural areas by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings

and well-designed new buildings and Policy 13 of the Central Lancashire Core Strategy provides broad support for the appropriate growth of rural businesses.

15. The recently adopted Central Lancashire Supplementary Planning Document on Rural Development states that new buildings will only be considered favourably if the proposal relates to the site's main use and if the building is essential to the operation of the business.
16. The building is modest in scale and the applicant states that it is needed because prior to its erection, there was nowhere on site for the owners to meet with clients and take payments for riding lessons. It is considered that the building is essential to the operation of the business and is related to the main use of the site. Taking into account all of the pertinent planning policies, it is considered that the 'principle' of the building is an acceptable one.

Impact on the neighbours

17. With regards to the visual impact of the building, the building is currently sited adjacent to the boundaries with 9 and 14 Orchard Drive. In terms of the relationship with 9 Orchard Close, the building will be moved 1.5m from the boundary with this property which comprises a fence approximately 2m high. The upper part of the building will therefore be visible from the garden of this property and some of the windows in this property, with the closest being those in the single storey rear extension added to the property. However, there are several trees adjacent to the building and some existing planting adjacent to the fence in the garden of 9 Orchard Close so this will have a filtering effect on views of the building, which will be sited 6.2m from the single storey rear extension. This being the case, it is not considered that the building will have a detrimental visual impact on the occupiers of this property.
18. In terms of the impact on 14 Orchard Drive, the building is currently sited adjacent to the end of the garden of this property. The existing trees on the application site will filter views of the building and there is also existing planting adjacent to the boundary with the application site in the garden of this property. It is not therefore considered that the building will have a detrimental visual impact on the occupiers of this property.
19. Whilst the building will be sited 6.2m from the dwelling to the southeast (9 Orchard Close), it will not accommodate horses so the normal concerns over smells and noise associated with such a building are not applicable in this case. The use of the building itself should not therefore generate unacceptable levels of noise and disturbance. Moreover, the building has been in place for several months and no objections have been raised by local residents in relation to noise and disturbance.
20. In terms of the windows in the side elevations, one of these faces onto the boundary with 9 Orchard Close. However, the view from the window is onto the boundary fence so there will not be direct overlooking from it.
21. Objections have however been raised by local residents in relation to the building due to water running off the roof onto neighbouring land. The applicant has agreed to move the building so as it is 1.5m from the boundary and also cut back the roof and fix a proper system of guttering to it. This will resolve the issue of rainwater run off. With regards to the issue of the building being a fire hazard, the building due to its size being under 30m² and position more than 1m from the boundary, is exempt from requiring approval under the Building Regulations.

Design

22. The design of the building is simple in character with horizontal timber boarded elevations and a flat roof. The scale of the building is modest as it occupies a footprint of only 7.7m by 2.6m with an overall height of 2.7m. There are two stable style doors in the front elevation of the building. The appearance of the building is typical of equestrian type buildings and it sits comfortably on the site adjacent to the existing trees and hardstanding area in front of it.
23. Given the scale and design of the building, it is not considered that the building will have a detrimental impact on the character and appearance of the locality.

Trees and Landscape

24. One of the trees adjacent to the building is protected by a Tree Preservation Order. However, the building is not sat on traditional foundations and the Council's Director of People and Places (Tree Consultation) has visited the site and as a result has not raised any objections to the application based on the nature of the building. The only concern raised is that relocation works could damage the tree so a condition is recommended requiring the protected tree, and other trees, to be suitably protected whilst works take place.

Traffic and Transport

25. The building is only to improve the facilities on the site and it will not accommodate horses. The building should not therefore lead to an increase in vehicular movements to and from the site. LCC (Highways) advise that due to the size of the building, it would be of little material highway impact.

Overall Conclusion

26. The building proposed is modest in scale and of a design appropriate to its urban fringe location and use. The applicant has agreed to move the building 1.5m from the boundary with the residential properties to the south to reduce the visual impact of the building.

Other Matters

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN5 / DC3 / EP8 / EP9 / EM4 / TR4

Supplementary Planning Guidance:

- Design Guide

Central Lancashire Core Strategy

Policy 13: Rural Economy

Policy 17: Design of New Buildings

Policy 29: Water Management

Supplementary Planning Document on Rural Development

Planning History

- 86/00893/FUL - Erection of stables – Permitted on 03.02.1987
- 87/00901/FUL - Erection of toilet Building – Permitted on 02.02.1988
- 88/00928/FUL - Erection of indoor riding school – Permitted on 07.03.1989
- 12/00651/FUL - Retrospective planning for office & store erected at Riding school –
Withdrawn on 24.08.2012

Recommendation: Permit retrospective planning permission

Conditions

1. Within three months of the date of the permission hereby granted, the building shall have been moved to the position detailed on the amended site plan received on 23rd October 2012 and shall be retained as such at all times thereafter.
Reason: To define the permission, to ensure the development is carried out in accordance with the approved plans, to mitigate the impact of the building on the neighbours and in accordance with Policy Nos. GN5, EP8 and EP9 of the Adopted Chorley Borough Local Plan Review.
2. The building shall only be used as an office and store associated with the riding school on the site and shall not at any time be used for the stabling of horses or the housing of livestock.
Reasons: To define the permission and in accordance with Policy No. EP8 of the Adopted Chorley Borough Local Plan Review.
3. Within three months of the date of the permission hereby granted, the overhanging section of the roof at the rear of the building shall be cut back and a suitable system of guttering installed and connected to the soakaway, in accordance with the approved plan received on 23rd October 2012. The roof and guttering shall be retained and maintained at all times thereafter.
Reasons: To define the permission and in accordance with Policy No. 29 of the Central Lancashire Core Strategy.