

Item 4b **12/00982/FUL**

Case Officer **Matthew Banks**

Ward **Eccleston And Mawdesley**

Proposal **Change of use of an existing detached garage and store/games room to a residential dwelling.**

Location **Land 50M North West Of Wrenalls House Ridley Lane Mawdesley Lancashire**

Applicant **Mr Nick Hepplestone**

Consultation expiry: **30 November 2012**

Application expiry: **7 December 2012**

Proposal

1. Change of use of an existing detached garage and store/games room to a residential dwelling.

Recommendation

2. It is recommended that this application is granted full conditional planning approval subject to the signing of a Section 106 legal agreement (for a payment towards Public Open Space) and a Unilateral Undertaking (removing permitted development rights for further outbuildings at the site).

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information;
 - Principle of the development;
 - Design and impact on the streetscene;
 - Impact on the neighbour amenity;
 - Impact on highways/access;
 - Impact on ecology;
 - Other matters.

Representations

4. To date, 3no. letters of objection have been received in relation to this application. The contents of which have been summarised below:
 - The Campaign to Protect Rural England (CPRE) Lancashire objects to the change of use due to it being sited within the Green Belt;
 - CPRE is concerned that Green Belt land is being nibbled away by precisely this type of small scale development. Lancashire is increasingly under attack from it.
 - The development is a form of 'back-door planning', causing urban sprawl and eroding the separation between places that make them distinct.
 - From a site visit it is clear the address is located at the settlement fringe with views to open countryside.
 - The five tests of Green Belt still very much apply here, there is no exceptional case (required by the NPPF) to trigger its release.
 - It is of no surprise to the residents of this area that this conversion application has been

proposed.

- The site chosen seems as far away from the main residence as possible. A double garage, games room, hobby room and store would normally be attached or alongside the main residence for convenience of use, not 50m away.
- The GPDO definition of the residential curtilage area of the farmhouse would seem to be questionable.
- The driveway to the garages would normally be off the farm driveways, whereas at this site there appears to be a temporary/unauthorised entry onto Ridley lane at a very narrow section which could be hazardous.
- There is hardly enough room for 2 vehicles to pass at this point on Ridley Lane.
- The NPPF (paragraph. 190) dealing with the re-use of a permanent building does not seem to define how long a building has to have been "permanent" to qualify. This could obviously allow an insidious erosion of the Green Belt land by building to purpose and then later converting.
- The development is not appropriate within the Green Belt.
- Should the change of use be granted, the peace and privacy enjoyed by 'The Nook' will be lost.
- Planning permission would not be required to erect a further garage at the boundary with 'The Nook' increasing noise with 4 cars being accommodated.
- The application form states there are no trees or hedges at the site, when there clearly are.
- The development does not assist in safeguarding the countryside from encroachment and could 'open the flood gates' for anybody owning Green Belt land to build a second residence (or more), slowly eating away at the Green Belt.
- The development will not benefit the community, the economy or environment and so should not be granted.
- The NPPF States that local planning authorities should protect Green Belt land and should only release it in exceptional circumstances. These have not been demonstrated.
- The development sets a dangerous precedent for future properties on Green Belt land.
- The applicant should have carried out some informal consultation with neighbouring residents prior to submission.

Consultations

5. **Parish Council – object** – The garage was built under permitted development rights and so the application to convert it should not be approved. The application is exploiting planning regulations.
6. **Lancashire County Council Ecology Service** – It is not clear whether or not the building affected by the proposed works has any features with the potential to support roosting bats. This needs to be assessed before the application is determined.
7. **Lancashire County Council Highways** – raise no objection to the amended access and parking layout.
8. **CBC Planning Policy** – A financial contribution of £1379 towards the off-site provision of casual/amenity greenspace and equipped play areas is required from this development in accordance with the Interim Planning Guidelines associated with Policy HS21 of the Adopted Chorley Borough Local Plan Review.
9. **CBC Waste and Contaminated land officer** – no comments to make.
10. **United Utilities** – none received.

Assessment

Background information

11. The application site comprises an outbuilding sited within the domestic curtilage of Wrenalls farmhouse. The application site is situated between the farmhouse and the last property 'The Nook' which forms the end of what is considered the end of the 'built up' part of Ridley Lane.

12. The land to which the outbuilding is positioned is relatively flat and the building itself sits approximately 12.6m back from the edge of Ridley Lane. There is an existing vehicular access to the building in question.
13. The building itself was erected as 'permitted development' under Schedule 2, Part 1, Class E of the Town and Country General Permitted Development Order 2008 (as amended).
14. In 2005 a Lawful Development Certificate (05/01022/CLPUD) was granted in respect of the outbuilding. The building has been constructed and used for purposes incidental to the enjoyment of the main dwellinghouse ever since. The Council accepted at the time of determining the certificate that the land to which the building would be sited formed part of the residential curtilage of Wrennalls farmhouse.
15. The applicant now seeks permission to convert the outbuilding to a residential property which would have its own residential curtilage but share the existing access.

Principle of the development

16. The application site is within the Green Belt and so the relevant guidance outlined in the National Planning Policy Framework (NPPF) applies.
17. The NPPF states that a local planning authority should consider the construction of new buildings as inappropriate in the Green Belt unless it falls within one of the exceptions. These include, amongst other things, the re-use of buildings provided that the buildings are of permanent and substantial construction.
18. The building under question was erected a number of years ago under permitted development and comprises a single storey structure with block and rendered walls and grey roof tiles for the roof. The building is of substantial construction and has a significant degree of permanence having foundations affixed to the ground.
19. It is therefore considered the proposed development is appropriate development within the Green Belt. Additionally, it is considered that no greater significant harm will come to the openness of the Green Belt in this case as the development primarily seeks conversion of an existing structure (barring some minor alterations required to make the conversion functional, including a modest front porch and the addition of various windows and doors). However, none of these features are considered to significantly affect the character, appearance or openness of the Green Belt to a greater degree than the existing development to warrant refusal of the application on these grounds.
20. Aside from the above, it has been noted that the proposed development seeks permission to convert a domestic outbuilding which comprises a double garage, store, hobby room/studio, WC and snooker room. All of these features are considered incidental to the enjoyment of the dwellinghouse and would be lost should the proposed conversion be granted.
21. As such, to ensure the applicant does not seek to replace these features through the erection of new outbuildings at the site (under permitted development) which would further erode the rural character of the area, a Unilateral Undertaking has been submitted surrendering permitted development rights to erect further outbuildings for both the application property (Wrennalls House) and the converted outbuilding.
22. The residential curtilage at this site is substantial and currently offers ample space for the applicant to erect additional outbuildings at the site (under permitted development) out of control of the local planning authority. The extent of domestic curtilage in this case means that such outbuildings could be potentially harmful to the rural character of the area. The Unilateral Undertaking will ensure that permitted development rights (for outbuildings) are surrendered in this case, meaning that the applicant would have to apply for planning permission for additional outbuildings at the site in the future. The Unilateral Undertaking therefore offers benefits in that additional outbuildings will not be erected in this Green Belt location without first gaining permission from the local planning authority.

23. It should also be noted that surrendering permitted development rights by Unilateral Undertaking has other benefits over removing such rights by planning condition. The first being that the applicant cannot appeal a Unilateral Undertaking (unlike a planning condition) and the second being that the obligations within the Unilateral Undertaking come into immediate effect from signing of the agreement, whereas the requirements of a planning condition only come into force upon commencement of the development.
24. As such, subject to a signed Unilateral Undertaking, the proposed development is considered to accord with the relevant guidance within the NPPF in Green Belt terms.

Design and impact on the streetscene

25. At a national level the NPPF states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
26. The NPPF also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
27. At a local level, Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including (amongst other things) design, materials and ensuring development is sympathetic to surrounding land uses.
28. The existing development comprises a single storey building set back from the highway by approximately 12m. The application site and surrounding area is very green in character, comprising a number of established trees, hedgerows and shrubbery. To the south of the outbuilding is an existing access which provides limited views of the development when passing by. The remainder of the boundary treatment fronting the road comprises trees and shrubbery which provide partial screening from the streetscene.
29. When considering the resulting impact on the streetscene, it must be acknowledged application site comprises an existing building of which the only proposed alterations are to install windows and doors to make it habitable and to erect a porch to the front elevation.
30. As such, it is considered the proposed development will essentially retain a similar appearance to that which exists on site, thereby not intensifying or worsening the resulting impact on the streetscene or character of the area. The proposed windows and doors have been sited to ensure a habitable space can be created within, whilst the front porch would remain as a subservient structure, providing a degree of cover when entering the property.
31. If planning permission is granted, it is expected the surrounding land will become more domesticated than it is at present. However, the site to which the outbuilding is located already forms part of the domestic curtilage of Wrennalls farmhouse and so could, if desired, be domesticated in a more intense way without planning permission anyway.
32. As such, it is considered the proposed conversion and alterations to the existing outbuilding will not result in significant detrimental harm to the character or appearance of the streetscene or surrounding area. The development is therefore considered to be in accordance with the NPPF and Policy 17 of the Central Lancashire Core Strategy.

Impact on the neighbour amenity

33. At a national level, the NPPF states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
34. Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Central Lancashire Core Strategy also states that development

should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.

35. Policy HS4 of the Adopted Chorley Borough Local Plan Review states that proposals for residential development will be permitted provided that a number of criteria are satisfied including (amongst other things), that the development will provide reasonable privacy and amenity for the future residents and the residents of neighbouring properties.
36. The outbuilding is positioned to the west of Wrennalls farmhouse in an area of domestic curtilage. To the west is 'The Nook' which comprises a neighbouring residential property.
37. Given the position of the development on the fringe of the built development, it is considered that the resulting impact on neighbour amenity will be relatively localised, with the greatest impact being on 'The Nook'.
38. In assessing this relationship, it is relevant to note that the converted outbuilding would have no windows in the side elevation facing 'The Nook' (which would be retained by planning condition) and is separated from it by substantial trees and hedges which form the boundary treatment.
39. Additionally, it is relevant to note that the outbuilding has a current lawful use for purposes incidental to the enjoyment of the dwellinghouse, which by its very nature could mean a degree of noise and disturbance to the adjacent property. It is not considered conversion of the outbuilding to a residential property would result in any greater significant detrimental harm to the amenity of 'The Nook', than the existing development. Furthermore, the development will not result in any significant overlooking or overshadowing to this property.
40. It has been noted that the converted outbuilding would be sited in the curtilage of Wrennalls House. However, the farmhouse occupies a generous plot, retaining adequate private amenity space for both the occupiers of Wrennalls House and the proposed dwelling.
41. It is not considered the converted outbuilding will raise any other significant neighbour amenity issues.
42. The development is therefore considered to be in accordance with the NPPF, Policy 17 of the Central Lancashire Core Strategy and Policy HS4 of the Adopted Local Plan Review 2003.

Impact on highways/access

43. The application site is currently served by a single formal vehicular access point, positioned approximately half way in-between the existing outbuilding and Wrennalls House. The original submission sought to utilise a less formal access to the south-east of the application site (to serve the converted outbuilding). However, comments received from Lancashire County Council raised concerns in respect of visibility in using the less formal access and so the submitted plans were amended.
44. The amended scheme now seeks to utilise only the existing formal access point from Ridley Lane (currently serving Wrennalls house) by creating an additional driveway from this access to serve the converted outbuilding. The existing access at Wrennalls house enjoys adequate visibility and ample space for vehicles to pull clear of the highway whilst entering and existing the site.
45. Lancashire County Council (LCC) Highways consider that the amended access alterations are acceptable from a highway safety perspective.
46. The converted building would retain an existing area of hardstanding to the front which would provide adequate off-road parking space and a vehicular manoeuvring area. This would be linked to the existing access via a new driveway positioned approximately 5m back from the edge of Ridley Lane. The existing access and parking arrangements for Wrennalls house will effectively remain unchanged barring the new driveway created to the west to serve the converted outbuilding.

47. The development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Impact on ecology

48. Policy EP4 of the Adopted Chorley Borough Local Plan Review states that planning permission will not be granted for development which would have an adverse effect on protected species.
49. As part of the application advice was sought from LCC Ecology who advised that it was not clear whether or not the building affected by the proposed works has any features with the potential to support roosting bats. LCC Ecology advised that this needed to be assessed before the application could be determined (favourably).
50. The applicant was contacted to this effect and employed the services of a suitably qualified ecologist who has concluded that there is no evidence of roosting bats within the building and no habitat value associated with the interior or the roof. It is considered there is only localised, very low potential value associated with the outer walls which will not be affected.
51. The report states that the development raises no implications in respect of the legal protection of bats or nesting birds, and so there is no requirement for further actions or precautions to ensure compliance with wildlife legislation.
52. As such, it is not considered significant detrimental harm would come to protected species as a result of the development and so the proposal is in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review

Overall Conclusion

53. On the basis of the above, the application is accordingly recommended for approval subject to conditions.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy

Policy 17

Adopted Chorley Borough Local Plan Review

Policies GN5, HS4 and TR4

Planning History

The site history of the property is as follows:

Ref:	78/00825/FUL	Decision: PERFPP	Decision Date: 12 February 1979
Description:	Extensions (kitchen/2 bedrooms/lounge/garage)		
Ref:	75/00944/OUT	Decision: REFOPP	Decision Date: 5 January 1976
Description:	Outline application for 2 Bungalows		
Ref:	74/00301/FUL	Decision: REFFPP	Decision Date: 26 June 1974
Description:	Site for 2 bungalows/garages		
Ref:	97/00662/FUL	Decision: PERFPP	Decision Date: 27 October 1997
Description:	Erection of conservatory to rear,		
Ref:	05/00448/FUL	Decision: REFFPP	Decision Date: 14 June 2005
Description:	Proposed detached garage and studio		
Ref:	05/01022/CLPUD	Decision: PERPUD	Decision Date: 17 November 2005
Description:	Proposed erection of a single storey building comprising double garage, games		

room, hobby room, store and toilet with construction of a driveway

Ref: 91/01011/FUL **Decision:**REFFPP **Decision Date:** 16 December 1991
Description: Erection of detached bungalow and garage

Ref: 91/00818/FUL **Decision:**REFFPP **Decision Date:** 29 October 1991
Description: Erection of detached bungalow and garage

Ref: 90/00818/FUL **Decision:**PERFPP **Decision Date:** 12 October 1990
Description: First floor bedroom and shower room extension over existing kitchen and erection of porch to side

Ref: 78/00678/FUL **Decision:**PERFPP **Decision Date:** 31 July 1978
Description: Extension and alterations

Ref: 77/00626/FUL **Decision:**PERFPP **Decision Date:** 13 September 1977
Description: Extension, alterations and vehicular access

Ref: 75/00601/OUT **Decision:**REFOPP **Decision Date:** 9 September 1975
Description: Outline application for 2 bungalows

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- Change of use of an existing detached garage and store/games room to a residential dwelling.
- Approve subject to conditions.

Recommendation: Permit (Subject to Legal Agreement)

Conditions

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in the west elevation of the dwelling hereby permitted.
Reason: To protect the amenities and privacy of the adjoining property and in accordance with the National Planning Policy Framework, Policy 17 of the Central Lancashire Core Strategy and policy HS4 of the Adopted Chorley Borough Local Plan Review.
3. The approved plans are:

Received on:	Drawing Ref:	Title:
29 October 2012	137_2012_01	Existing plan and elevations
5 October 2012	137_2012_02	Existing site plan

Reason: To define the permission and in the interests of the proper development of the site.
3. The external facing materials detailed on the approved plans shall be used and no others substituted without the prior written approval of the Local Planning Authority.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.