



## Representations

**Heath Charnock Parish Council** have raised objections, which can be summarised as follows: -

- The access is unsuitable for further traffic
- The Parish Council also comment that the view of Cockers Farm when approaching from the north comprises an unsightly spread of buildings

**No representations have been received.**

<b>Objection</b>	<b>Support</b>	<b>Not specified</b>
Total No. received: None received	Total No. received: None received	Total No. received: None received

## Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
LCC (Highways)	Initially raised concerns regarding the level of car parking being proposed. No objections raised in relation to the use of the access and the level of vehicular traffic. Amended plans have been submitted proposing an additional 15 no. spaces on an existing area of hardstanding to the west of building no. 2. On this basis, LCC (Highways) do not raise any objections to the application.
Environmental Health Officer	There are no records of any statutory nuisance complaints. No objections to the application

### **Proposed development**

1. This retrospective application seeks planning permission to regularise the use of two former agricultural buildings on the site for employment and business purposes. No alterations are proposed to the buildings and no external works are proposed within the site either other than the marking out of 15 car parking spaces on an existing hard standing.
2. In the supporting information, the applicant states that following the collapse of the farm business on the site, sub-division of the said buildings enabled the formation of various business units which have been in use for approximately nine years. The units vary in size and the uses comprise a mix of A1, B1, B2 and B8. Building no. 1 includes a farm shop and horse blanket cleaning business which is a sui-generis use whilst building no. 2 includes stables. The predominant use in the buildings is B8 and the total floor space of the units is 2144m<sup>2</sup>.

### **Background information**

3. The application site comprises Cockers Farm which is on Long Lane, Heath Charnock and is in the Green Belt. Access to the site is via a track which adjoins Long Lane to the north and runs between Ivy Cottage and Cockers Farmhouse. The wider site contains a stable block to the east of building no. 2 and a further former agricultural building to the south of building no. 1 which was granted permission in 2007 (Ref No. 06/01322/COU) for use as an office and machinery storage building associated with a landscaping company.
4. The applicant's supporting information states that the uses of the buildings have been taking place for approximately 9 years. Also, the residential accommodation detailed on the plans in building no. 1 is the subject of an Enforcement Notice requiring the cessation of the use of this part of the building as a dwelling. The application proposes that this will be changed to office space associated with the units.
5. The applicant is also in the process of completing the construction of a detached dwelling on the site which will provide the applicants living accommodation (Ref No. 98/00709/FUL). Works to construct the dwelling commenced within the five year time limit following the appeal decision in 1999 but did not continue hence the permission remained extant.

### **Assessment**

#### **National Planning Policy:**

6. The relevant national planning policy guidance/statements are as follows:
  - National Planning Policy Framework (the Framework)

7. The Framework states:

*'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'*

8. The Framework confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
9. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
10. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

11. At the heart of Framework is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
  - Specific policies in the Framework indicate development should be restricted.

### **The Development Plan**

12. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Adopted Central Lancashire Core Strategy (2012) and relevant adopted Supplementary Planning Documents (SPD's).
13. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Adopted Chorley Borough Local Plan Review**

14. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans.

15. The relevant policies of the Local Plan are as follows:

- **GN5** - Building Design and Retaining Existing Landscape Features and Natural Habitats
- **DC1** – Development in the Green Belt
- **EP20**- Noise
- **EP21A** - Light Pollution
- **EM2** – Development criteria for industrial and business development
- **TR4** – Highway Development Control Criteria

### **Central Lancashire Core Strategy July 2012**

16. The adoption of the Core Strategy (July 2012) postdates the Framework and as such is wholly consistent with the Framework. The following Core Strategy Policies are of relevance to this application:

- **Policy 1** - Locating Growth identifies locations that are appropriate for growth and investment.

- **Policy 10** – This relates to employment sites and premises and confirms that all existing employment premises and sites last used for employment will be protected for employment use.
- **Policy 13** – This aims to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses.

#### Supplementary Planning Documents

- Central Lancashire Design Guide and Rural Development Supplementary Planning Document (SPD) October 2012

#### **Emerging Policy**

17. Chorley Local Plan 2012-2026. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
18. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
19. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
20. The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21<sup>st</sup> November 2013. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The Policies relevant to this application are as follows:
  - ST4: Parking Standards
  - HS9: Conversion of Rural Building in the Green Belt and Other Designated Areas
  - EP3: Development Criteria for Business and Industrial Development
  - BNE1: Design Criteria for New Development
  - BNE6: Light Pollution

#### Principle of the Development

21. Para 90 of the Framework states that the re-use of buildings in the Green Belt, provided that the buildings are of permanent and substantial construction is an acceptable form of development. Para 28 of the Framework states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to new sustainable development. To promote a strong rural economy local plans should:
  - Support 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.
22. Policy 13 of the Core Strategy supports the alternative use of farm buildings where they are no longer needed for agriculture but which enable farm diversification and the Rural Development SPD (adopted October 2013) sets out the approach to development in the rural areas of Central Lancashire. It encourages appropriate growth in the rural economy and aims to ensure rural economic development is supported and encouraged within clearly defined parameters. The SPD covers the re-use of buildings in the countryside and expands on Core Strategy Policy 13. Para 50 states that redundant modern

agricultural buildings could in principle be re-used for workshop or storage use. Re-use for business use is usually preferable.

23. Para 18 indicates employment development proposals should be conveniently located in relation to the surrounding road network, provide a safe access, and be adequately serviced. Para 19 indicates the Council will support the development of small business units in rural areas (mainly Use Class B1) including farm diversification enterprises in buildings that are no longer required for their original purpose.
24. As the re-use of the buildings comprises economic development in the Green Belt and a rural area, as well as farm diversification, notwithstanding the fact that the uses are already taking place, it is considered that the 'principle' of the use of the buildings for the specified purposes is an acceptable one, subject to the other material considerations set out in the remainder of this report.

#### Impact on neighbours

25. There are residential properties to the north east of the application site. The nearest property is Cockers Farmhouse which is adjacent to building no. 1. This property also bounds the site access as does Ivy Cottage which is on the eastern side of the access. Limbrick House is to the north of the site. However, no objections have been received from the occupiers of any of the above properties or any other local residents.
26. The nearest building (building no. 1) is gable on to the northern site boundary and does not include any windows in the elevation facing Cockers Farmhouse and Limbrick House. The part of the building nearest to these properties at ground floor level comprises a shop and the first floor comprises a store.
27. In terms of building no. 2, the gable end of this building does not contain any windows. However, the dwelling presently being constructed on the site will sit between the gable end of building no. 2 and the boundary with Limbrick House. Also, the boundary between the site and Limbrick House and Cockers Farmhouse is an established hedge which is approximately 4m high.
28. There are no records of any statutory nuisance complaints being received by the Council and no objections are raised to the application on such grounds. In order to ensure that the existing situation is maintained, a condition is recommended preventing any changes to the use of the buildings. In terms of operating hours, the application forms specify that the units are in use from 8am to 6pm Monday to Friday and 8am to 5pm on a Saturday with no use on Sundays or Bank Holidays. Accordingly, a condition is recommended restricting the use of the units to these times and days.
29. It is not therefore considered that permitting the ongoing uses of the buildings will result in detrimental harm to the living conditions of the occupiers of the adjacent residential properties given the uses of the units can be controlled as well as the opening hours.

#### Design & Scale

30. The application does not propose any changes to the existing buildings in terms of new openings or extensions. The additional parking spaces detailed on the amended site layout plan are proposed on an existing hardstanding area which is already used for car parking, albeit on an ad hoc basis. Given there are no changes to the buildings or additional hard standings proposed, there are no design and scale implications resulting from this application.
31. In terms of the comments made by the Parish Council regarding the visual appearance of the site, these are noted but they relate to the existing situation on site and as stated, this application does not propose any extensions or new hard standing areas nor does it propose any areas of open storage.

### Traffic & Parking

22. As stated, LCC (Highways) originally expressed concerns in relation to this application based on the level of car parking provision as well as a lack of cycle and motorcycle spaces. The applicant has amended the site plan and red edge to now include an area of existing hard standing area adjacent to building no. 2 and this is capable of providing a further 15 spaces resulting in a total of 37 spaces which is in accordance with the Parking Standards in the emerging Chorley Local Plan. This has addressed the concerns of LCC (Highways) and a condition is recommended requiring these additional spaces to be marked out within 3 months of permission being granted. Also based on the parking standards is the need for 2 no. parking spaces for disabled drivers as well as 8 no. cycle and motorcycle spaces.
23. Whilst Heath Charnock Parish Council has raised an objection specifically citing the access, this aspect of the development has not resulted in an objection from LCC (Highways). Therefore, without an objection from LCC (Highways) on the access whereby it's continued use, in accordance with para 32 of the NPPF would be deemed to have a severe impact on highway safety, there are no grounds to refuse the application and thereafter defend such a decision at appeal.

### **Overall Conclusion**

25. The 'principle' of the change of use of the buildings is considered to be acceptable given the supportive nature of the pertinent planning policies.
26. In terms of neighbour amenity, it is not considered that the use of the units, which is already taking place, is or will have a detrimental impact on the living conditions of the occupiers of the nearest residential properties and there are no records of statutory nuisance complaints. Conditions restricting the use of the units and limiting opening hours will ensure the existing situation is safeguarded.
27. No changes are proposed to the buildings aesthetically and the additional car parking detailed on the site plan is proposed on an existing hard standing area. LCC (Highways) have no objections to the access or car parking provision.

### **Planning Policies**

28. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained within the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

### **Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
88/00892/COU	Change of use of farm to livery stables and riding school together with new access road and car park alterations to public house car park and associated landscaping	Withdrawn	22.12.1988
88/00906/COU	Conversion of barn to dwelling	Refused	11.04.1989
89/00396/COU	Change of use of building to livery stables together with new farm access road alterations to public house car park and associated landscaping	Refused	07.11.1989
94/00306/COU	Change of Use of former farm office to agricultural worker's	Refused	17.01.1995

	dwelling		
94/00542/FUL	Siting of 2 feed hoppers	Withdrawn	07.07.1997
94/00964/FUL	Erection of building for use as free range poultry unit and provision of feed silo	Refused	27.11.1996
95/00044/FUL	Provision of four lighting poles to existing field	Withdrawn	14.07.1997
96/00452/FUL	Retention and improvement of existing farm access	Refused	28.08.1996
96/00680/OUT	Outline application for the erection of agricultural worker's dwelling	Refused	12.03.1997
97/00116/FUL	Retention of farm building to accommodate livestock/storage of farm foodstuffs and equipment	Refused	30.04.1997
98/00059/OUT	Outline application for the erection of agricultural worker's dwelling	Refused	10.06.1998
98/00486/FUL	Erection of agricultural building for housing livestock	Permitted	14.10.1998
98/00709/FUL	Erection of agricultural dwelling	Refused	16.12.1998
98/00761/FUL	Extension and alterations to car park, junction improvements and alterations to form farm access road	Permitted	18.02.2000
99/00528/FUL	Provision of lean-to veranda to rear of stone barn for use as hen scratching area	Permitted	29.09.1999
99/00775/FUL	Single storey extension to existing agricultural building	Permitted	16.02.2000
00/00304/AGR	Agricultural determination for egg packing building	Refused	09.05.2000
00/00402/FUL	Egg packing building	Permitted	06.07.2000
03/00372/AGR	Agricultural determination for the erection of a poly tunnel	Permitted	08.05.2003
03/01080/FUL	Creation of new access road	Withdrawn	20.01.2004
04/00393/COU	Change of use of redundant barn to residential	Withdrawn	07.06.2004
05/00625/FUL	Proposed new vehicular access to Long Lane	Withdrawn	23.08.2005
06/00011/FUL	Proposed new vehicular access road to Long Lane from Cockers Farm to include a bridge over the river Yarrow	Withdrawn	13.03.2006
06/00153/FUL	Proposed stable block	Withdrawn	10.04.2006
06/00420/FUL	Proposed stable block	Permitted	12.06.2006
06/01004/FUL	Proposed new access road to include bridge over River Yarrow	Refused	08.11.2006
06/01322/COU	Retrospective application for the change of use from agricultural building to storage for landscape and agricultural machinery and office	Permitted	12.09.2007
10/00180/FUL	Proposed conversion of existing barn in to live/work unit	Permitted	29.06.2010
10/00846/DIS	Application to discharge conditions nos: 5, 6, 10, 12, 13 and 14 of planning application	Discharged	13.12.2010

	10/00180/FUL which permitted the conversion of the barn to a live/work unit		
11/00146/DIS	Application to discharge conditions nos: 5, 6, 10 and 14 of planning application 10/00180/FUL which permitted the conversion of the barn to a live/work unit	Discharged	19.04.2011
11/00147/FUL	Application for a minor material amendment to the approved plans for changes to the site layout	Permitted	15.04.2011
11/00730/AGR	Application for agricultural prior notification to re-position an existing poly tunnel	Withdrawn	07.09.2011
11/00807/FUL	Application to re-locate existing poly tunnel within farm complex	Permitted	12.10.2011
12/00314/ADV	2 free standing signs located in the entrance to Cockers farm. 2 Free standing signs located on Long Lane approaching the entrance to Cockers Farm	Withdrawn	09.05.2012
14/00124/FUL	Amendments to window and door openings of planning approval 98/00709/FUL for the erection of an agricultural dwelling	Pending Consideration	N/A

### Suggested Conditions

No.	Condition									
1.	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><b>Title</b></td> <td style="width: 30%;"><b>Drawing Reference</b></td> <td style="width: 40%;"><b>Received date</b></td> </tr> <tr> <td>Site Plan</td> <td>024/PL/02</td> <td>6<sup>th</sup> June 2014</td> </tr> <tr> <td>Location Plan, Existing Elevations and Floor Plans</td> <td>024/PL/01/A</td> <td>6<sup>th</sup> June 2014</td> </tr> </table>	<b>Title</b>	<b>Drawing Reference</b>	<b>Received date</b>	Site Plan	024/PL/02	6 <sup>th</sup> June 2014	Location Plan, Existing Elevations and Floor Plans	024/PL/01/A	6 <sup>th</sup> June 2014
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Site Plan	024/PL/02	6 <sup>th</sup> June 2014								
Location Plan, Existing Elevations and Floor Plans	024/PL/01/A	6 <sup>th</sup> June 2014								
2.	<p>No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the site.</p> <p><i>Reason: In order to protect the amenities of the area, and to maintain adequate parking areas</i></p>									
3.	<p>The units hereby permitted shall be used only for the approved purposes as specified in the Planning Support Statement received on 17<sup>th</sup> December 2013 and for no other purpose whatsoever, (including any other purpose in Use Class A1, B1, B2 and B8 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).</p> <p><i>Reason: A change of use of the premises would have an unacceptable impact on neighbour amenity and/or the character and appearance of the area</i></p>									
4.	<p>Within 3 months of the date of the permission hereby granted, the car parking spaces detailed on the site plan received on 6<sup>th</sup> June 2014 (Ref No. 024/PI/02) shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car parking spaces shall not thereafter be used for any purpose other than the parking of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas</i></p>									
5.	<p>The use of the units hereby permitted shall be restricted to the hours between 8am and 6pm on weekdays, between 8am and 5pm on Saturdays and there shall be no use of the units on Sundays or Bank Holidays.</p> <p><i>Reason: To safeguard the amenities of local residents</i></p>									
6.	<p>Within 3 months of the date of the permission hereby granted, facilities shall be provided within the site for the parking of 8 no. cycles and the parking of 8 no. motorcycles and such parking spaces shall be retained and maintained as such at all times thereafter.</p> <p><i>Reason: To ensure adequate parking is provided for means of transport other than the car.</i></p>									