

Item 3f **14/00975/FUL**

Case Officer **Ian Heywood**

Ward **Wheelton and Withnell**

Proposal **Erection of a single dwelling with associated garaging and infrastructure for occupation by an agricultural worker.**

Location **Brinscall Hall Farm
Dick Lane
Brinscall
Chorley
PR6 9DQ**

Applicant **Mr Joey Drinkall**

Consultation expiry: **8 October 2014**

Decision due by: **6 November 2014**

Recommendation **Permit Full Planning Permission (Subject to legal agreement)**

Executive Summary

The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan. For the reasons set out below it is considered that the proposals are consistent with the aims of the development plan and the Framework and represent a sustainable form of development within the Parish of Withnell.

Representations

Councillor Margaret France: Objects to the proposed development on the following grounds:

- Inappropriate development in the Green Belt
- Inappropriate materials
- Highways safety/safety of walkers
- Impact on the appearance of the area

Withnell Parish Council: Objects to the proposal on the grounds that 'a development of this size in the Green Belt is not appropriate. The proposed materials are also not in keeping with other buildings in the area. The Parish Council also question the "agricultural worker" statement for a dwelling and garages of this size'.

In total five representations have been received which is summarised below

Objection

Total No. received: 5

- Inappropriate development in the Green Belt – isolated location
- Poor access
- Inappropriate materials
- Impact on the appearance of the area
- Building too large for the alleged need
- Impact on amenity of walkers who use the footpath.

Consultees

| Consultee | Summary of Comments received |
|---|---|
| Lancashire County Council Highways | No objections |
| Lancashire County Council Ecology | No comments have been received |
| Lancashire County Council County Land Agent | Supports the need for an agricultural workers dwelling on the site. |
| Chorley Council Tree Officer | No objections |
| Chorley Council Planning Policy | See the body of the report |

Policy Position with regard to the emerging Chorley Local Plan 2012 – 2026

1. 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.
2. 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.
3. 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.”*
4. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the policies referred to below can be afforded significant weight.

Description of the site

5. The site is located within the Green Belt in a rural situation to the south west of the village of Brinscall and positioned at the southern extremity of Dick Lane 320 metres to the south of Brinscall Hall (itself a Grade II listed Building and therefore a designated heritage asset as defined by Annex 2 to the Framework).
6. Immediately to the north of the site are three substantial agricultural buildings where Brinscall Hall Farm farming operations have been based for a number of years (since 2007). This followed the sale of the original barns and farm house, located close to Brinscall Hall, and their separation from the agricultural land holding in 2005. To the east and south of the site is located the track bed of the former Chorley to Blackburn (Cherry Tree) railway line that is now used, at least in part, as a footpath (numbers 3 and 5). This is bordered by a significant number of trees that largely obscures longer distance views to the east of the site. Another public footpath, number 21, runs along Dick Lane but turns to cross the former railway line just to the north of the application site. The site is surrounded on the remaining sides to a large extent by open countryside.
7. To the north of the modern agricultural buildings are the remains of a former farmstead known as Shop Fold. The remains of a farm house and a barn can still be seen, however it is clear that these buildings have long since been abandoned. All the aforementioned buildings were constructed of local stone, which is the predominant vernacular building material.
8. Dick Lane is a single-track, unadopted, road that is currently used partly as footpath 21 and also by farm vehicles, including the farmers own vehicle, to gain access to the site of farming operations. Whilst it is roughly surfaced, passage by non-farm vehicles is quite reasonable.
9. Currently the application site is vacant with use occasionally for storage of farm equipment or poly-wrapped hay rolls (animal feed) and is formed of hard standing and disturbed ground.
10. The farming operation is based on sheep and livestock and covers a 124 Acre site owned by the applicant at Brinscall Hall. (The applicant rents approximately 5000 acres at a site in Anglezarke). Approximately 400 breeding ewes are lambed and 50 cows are calved at Brinscall Hall.
11. The nearest neighbouring residential property to the site is The Lodge, which is located 80 metres south east of the site on the eastern side of the former railway line and is largely screened by trees that line this, the route of footpath no.3/5.

Assessment

Principle of the Development

12. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1 and EP7; Adopted Central Lancashire Core Strategy (2012), Policy 13; Emerging Chorley Local Plan 2012 – 2026, Policy HS10. Also of relevance is the Framework (National Planning Policy Framework) Section 9, paragraphs 87 – 92.
13. The site is within the Green Belt. Paragraph 89 of the Framework states that, '*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: (first bullet point) buildings for agriculture and forestry*'.
14. Policy 13 of the Adopted Central Lancashire Core Strategy (2012) seeks to, *Achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in the following ways: (paragraph e) Encouraging appropriate new farm buildings and structures where they can be shown to be necessary for increasing food production.*
15. Policy HS10 of the emerging Chorley Local Plan 2012 – 2026 states that, *outside the defined settlements and existing urban areas shown on the policies map, the erection of a new dwelling will only be permitted when accommodation is required to enable agriculture, horticulture, forestry (or other rural based enterprise) workers to live at, or in the immediate vicinity of, their place of work. New permanent dwellings will be allowed to support existing agricultural or forestry activities on well-established agriculture or forestry units provided that:*
 - i. There is a clearly established functional need;
 - ii. The functional need relates to a full time worker or one primarily employed in agriculture, forestry or rural based enterprise activities;
 - iii. The unit and the agricultural or forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - iv. The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available; and
 - v. The siting of the proposed dwelling is well related to the existing farm buildings or its impact on the landscape could be minimised.
16. The County Land Agent has commented that in his opinion the proposal meets the aforementioned tests in terms of functional need and that the need could not be accommodated elsewhere in the locality in another dwelling which is suitable and available.
17. The unit was established in 2007 so has been in existence for approximately seven years.
18. The siting of the proposed dwelling is immediately adjacent to the farm buildings and is tucked into a corner of the site where there are clear boundaries marked by existing fences, tree planting and the former railway line footpath.
19. Consequently it is considered that the proposal meets the requirements of the aforementioned policies and that therefore it falls to be considered as appropriate development within the Green Belt.

Design

20. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008); Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire

Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56.

21. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*
22. Whilst local stone is the dominant vernacular building material in Brinscall there are quite a number of brick built buildings within the area. Similarly there are a number of properties with rendered masonry elevations and tiled roofs. The choice of brick elevations and a tiled roof for the proposed building is therefore not alien to the area and in this instance is considered to be acceptable. The proposed dwelling is therefore considered to be an acceptable design for this site.
23. It is therefore considered that the proposal represents an acceptable quality of design and that consequently it accords with the aforementioned policies.

Impact on the amenity of neighbours

24. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
25. The nearest neighbouring residential property is located at 'The Lodge' which is situated 80metres south east of the site and which is largely screened by mature trees. It is therefore considered that the proposed development will not have a material impact upon the amenity currently enjoyed by the neighbours to the site.

Highway Safety and Parking

26. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4. The Lancashire County Council Highways Officer has commented that he has no objection to the proposed development and that it meets the requirements in terms of highways safety and parking.
27. The proposed development is therefore considered to accord with the aforementioned policies.

Ecology

28. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP4; Adopted Central Lancashire Core Strategy (2012), Policy 22; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats. A suitably worded condition will safeguard any protected species or their habitats within the site.
29. The proposed development is therefore considered to accord with the aforementioned policies.

Trees

30. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP9; Emerging Chorley Local Plan 2012 – 2026, Policy BNE10. These policies seek to protect trees from development pressure where they have some amenity value.
31. The proposed development does not require works to any trees. However to safeguard any trees within or adjacent to the site a condition will require the submission and approval of tree protection details prior to the commencement of the development.

32. The proposal is therefore considered to be in conformity with the aforementioned policies.

Public Right of Way

33. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy LT10; Adopted Central Lancashire Core Strategy (2012), Policy 24; Emerging Chorley Local Plan 2012 – 2026, Policy ST1. The proposed development does not block or require the diversion of any of the public footpaths that intersect with the site. However a suitably worded informative will appraise any future developer of their legal obligations with this regard. The existing public footpath network will therefore be retained.

34. The proposed development is therefore considered to accord with the aforementioned policies.

Drainage and Sewers

35. Pertinent Policies are: Adopted Chorley Local Plan Review (2003), Policy EP18. The development proposes the use of independent drainage for both foul and surface water disposal. To secure the details a suitably worded condition has been suggested.

36. The proposed development is therefore considered to accord with the aforementioned policy.

S.106 Agreement

37. Pertinent Policies are: Adopted Central Lancashire Open Space and Playing Pitch SPD (2013). A Section 106 Agreement has been drafted that seeks financial contributions with the following heads of terms:

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| Amenity Greenspace | £140 |
| Equipped play area | £134 |
| Natural/semi-natural | £557 |
| Allotments | £15 |
| Playing Pitches | £1,599 |
| Total | <u>£2,445</u> |

CIL

38. The development is liable for the Community Infrastructure Levy (CIL) which equates to £13,065.

Sustainable Resources

39. Pertinent Policies: Adopted Central Lancashire Core Strategy (2012), Policy 27. Suitably worded conditions will secure compliance with this policy in terms of the Code for Sustainable Homes.

Overall Conclusion

40. The application falls to be considered as appropriate development in the Green Belt. It is considered that it will result in no material impact upon the amenity of neighbours and accords with local and national policy in terms of highways, arboriculture and ecology. Consequently the application is recommended for approval.

Planning Policies

41. 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 with 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

Nil.

Proposed Conditions

| No. | Condition |
|-----|---|
| 1. | <p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p> |
| 2. | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: BS.14-024/03 Proposed Plans & Elevations Received on 09.09.14</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p> |
| 3. | <p>The development hereby permitted shall not commence unless and until, plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p> |
| 4. | <p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p> |
| 5. | <p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained</i></p> |
| 6. | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p><i>Reason: In the interests of neighbour amenity.</i></p> |
| 7. | <p>The development hereby permitted shall not commence unless and until the applicant has received approval in writing from the local planning authority that the recommendations of the Ribble Ecology reports received on 14 August 2014 have been implemented in full.</p> <p><i>Reason: To safeguard protected and endangered species and their habitats.</i></p> |
| 8. | <p>The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working at Brinscall Hall Farm in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.</p> <p><i>Reason: To ensure that the dwelling are kept available to meet the needs in the locality for agricultural or forestry workers' accommodation, as the site is within an area where residential development for purposes other than the essential requirements of agriculture, or forestry, are not normally permitted.</i></p> |
| 9. | <p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate,</p> |

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|-----|--|
| | <p>certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p> |
| 10. | <p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p> |
| 11. | <p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p> |

Proposed Informatives:

Please Note: The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

Please Note: The grant of planning permission does not infer any permission to block or divert any public footpath. All public footpaths must remain open and free from obstruction both during the course of construction and upon occupation of the dwelling hereby permitted.

Diversion of any footpath requires the consent of Lancashire County Council to whom a separate application must be made.