

<b>3e</b>	<b>14/00844/FUL</b>
<b>Case Officer</b>	<b>David Stirzaker</b>
<b>Ward</b>	<b>Chisnall</b>
<b>Proposal</b>	<b>Use of building as fencing and garden furniture workshop on permanent basis (temporary planning permission (Ref No. 11/00581/COU) granted for 3 year period in 2011)</b>
<b>Location</b>	<b>Lancaster House Farm, Preston Road, Charnock Richard, Chorley, PR7 5LE</b>
<b>Applicant</b>	<b>GM Demolition</b>
<b>Consultation expiry:</b>	<b>29<sup>th</sup> August 2014</b>
<b>Decision due by:</b>	<b>29<sup>th</sup> October 2014</b>

**Recommendation  
Permit Planning Permission**

**Executive Summary**

**The main issues to consider are whether the permanent use of the building for the originally approved purposes is acceptable, its impact on the amenities of neighbours, the character and appearance of the locality, parking provision and highway safety. For the reasons set out below, it is considered that the proposed extension is consistent with the aims of the Framework and in accordance with the provisions of the development plan.**

### Representations

**Charnock Richard Council** do not raise any objections to the application

### Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
Environmental Health Officer	Following a check of records, there are no previous issues concerning this site or the operation of this company so based on this there are no objections to the application.  The only potential concern is if, for some reason, the nature of the business intensifies or another business, within the same classification, moves to the site. However it is appreciated that this could not be addressed at this point.
LCC (Highways)	Do not raise any objections to the application.

### Proposed development

1. This application seeks planning permission to make permanent the temporary change of use of an existing building from agricultural use to a fencing and garden furniture workshop. The permission for this use was granted for a temporary 3 year period in 2011.
2. The application site comprises a former agricultural building local at Lancaster House Farm which is on Preston Road, Charnock Richard and is in the Green Belt.
3. The property in question is owned by former Councillor Mr Harold Heaton and the previous application which gave the temporary permission was reported to Development Control Committee on 4<sup>th</sup> October 2011.

### **Assessment**

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

4. The relevant national planning policy guidance/statements are as follows:
  - National Planning Policy Framework (the Framework)
5. The National Planning Policy Framework (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.'*
6. 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.
7. 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).
8. 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).
9. 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**

10. 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.
11. 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

12. 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.
13. The relevant policies of the Local Plan are as follows:
  - GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
  - EP20 – Noise
  - EM2 – Development Criteria for Industrial/Business Development
  - TR4 – Highway Development Control Criteria

#### Central Lancashire Core Strategy July 2012

14. 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 13 – Rural Economy
  - Also of relevance is the Central Lancashire Rural Development SPD

#### ***Emerging Policy***

15. 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.
16. 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.
17. 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.”*
18. 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

- EP3: Development Criteria for Business & Industrial Development
- BNE1: Design Criteria for New Development

#### Principle of the Development

19. The 'principle' of the use of the building was accepted by virtue of the permission granted in 2011 (Ref No. 11/00581/COU). However, since this time, the Framework has replaced PPG's (Planning Policy Guidance Notes) and PPS's (Planning Policy Statements) and the as set out above, the Central Lancashire Core Strategy has been adopted whilst the policies in the emerging Chorley Local Plan are also pertinent.
20. As already stated, the application site is washed over by the Green Belt. Policy DC1 of the Adopted Chorley Borough Local Plan Review restricts development in the Green Belt to that listed within the policy, unless very special circumstances are demonstrated to outweigh the harm that would come to the green belt by reason of inappropriateness although the re-use of an existing building is deemed to be appropriate development. Paragraph 90 of the Framework states that the re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate development.
21. Policy DC7A of the Adopted Local Plan allows the re-use of existing buildings and sets out a preference for the re-use of a building to provide accommodation for commercial, business and employment uses.
22. Policy 13 of the Core Strategy provides support for rural businesses and criteria (f) advocates support for farm diversification schemes involving the conversion of existing buildings. The Central Lancashire Rural Development SPD also provides broad support for employment uses in rural areas and states that the conversion of existing buildings is one way in which employment opportunities can be created.
23. The change of use of the building for the production of fencing panels and garden furniture workshop was undertaken with minimal alterations to the existing building and this application does not propose any further changes to the building.
24. On the basis of the above and in relation to consideration of the use against the latest development plan policies, the 'principle' of the use of the building is considered to be an acceptable one.

#### Impact on neighbours

25. The surrounding area is rural in character with very few sparsely positioned residential properties. The nearest residential property other than Lancaster House Farm is situated on the opposite side of Preston Road, over 60m from the building. To the east is the M6 Motorway which provides a degree of background noise in the surrounding area.
26. The building is within an existing farm unit within a rural area of the borough. However, the unit has recently modified its farming practice from rearing of cattle (which needed indoor accommodation in the winter months), to the grazing of sheep all year round. The re-organisation of the farm business has resulted in a redundant agricultural building which the applicant intends to sub-let to as part of the farm diversification.
27. In assessing the impact of the change of use on neighbour amenity, a fall back position was considered at the time of the application. This was that the farm was once fully operational which would have resulted in daily noise and disturbance and also vehicular movement (including farm machinery) coming to and from the site on a regular basis.
28. Taking this into consideration, it was considered that the use of the building to produce fence panels and garden furniture would not result in any greater significant detrimental harm in terms of neighbour amenity than would be experienced if the farm were operational.
29. In addition to the above the Council's Environmental Health Team was consulted regarding noise and emissions but raised no objections to the change of use although a

condition does restrict the hours of operation in the interests of neighbour amenity. In the latest comments on this application, the Council's Environmental Health Team raise no objections stating that no complaints have been made in relation to the business operating from the building. Therefore, no objections are raised.

30. Given the use of the building has been taking place for the past 3 years and that it has not generated any noise complaints, it is not considered the permanent use of the building cause significant detrimental harm to neighbour amenity that would warrant refusal of the application. The previous working hours conditions are recommended to be re-imposed if planning permission is granted.

#### Traffic & Transport

31. The access and parking arrangements at the site will remain unchanged with the primary access to the site being from Preston Road. This situation was deemed acceptable at the time of the 2011 application as was the provision of 6 no. off-road parking spaces to the east of the building to provide parking space for workers and customers. Retention of the outside storage area adjacent to the car parking area still enables the provision of the parking spaces to the required dimensions.
32. No changes are proposed by this application and LCC (Highways) have considered the application on this basis in not raising any objections or concerns with the permanent use of the building.

#### **Overall Conclusion**

33. The 'principle' of the use of the building as a fencing and garden furniture workshop is considered to be an acceptable one, as was the case in 2011.
34. With regards to neighbour amenity, no objections have been raised by local residents and Environmental Health have no received any complaints either regarding noise and disturbance at the site. The previously approved working hour's condition is recommended to be re-imposed if planning permission is granted.
35. In terms of traffic and parking, the situation will stay the same and LCC (Highways) have not raised any objections to the application on this basis. A condition is recommended to ensure that the car parking shown on the site plan is retained.
36. In terms of outside storage of materials, the applicant has provided an amended site plan detailing this and agreeing that it will be limited to a height of 1.2m above ground level. A hedgerow is also proposed to be planted adjacent to the car park to screen the stored materials. Conditions are recommended securing the landscaping and specifying the areas of stored materials to that detailed on the site plan and to prohibit outside storage exceeding a height of 1.2m above ground level.

#### **Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
00/00174/FUL	Excavation of land to form second coarse fishery pond	PERFPP	19 April 2000
02/01097/AGR	Application for agricultural determination in respect of the erection of a replacement barn	PAAGR	28 November 2002
95/00144/COU	Use of existing pond for coarse fishing and existing hardstanding for parking of up to fifteen cars	PERFPP	15 June 1995
97/00087/COU	Change of use of farm building to upholstery workshop	PERFPP	9 April 1997
04/00157/COU	Change of Use of redundant farm buildings to storage facility	WDN	15 April 2004
05/00038/COU	Change of Use of redundant	PERFPP	9 March 2005

	farm buildings to part workshop and storage of furniture		
11/00132/ADV	Display of non - illuminated wall mounted sign	PERADV	6 June 2011
11/00581/COU	Change of use of existing building from agricultural use to fencing and garden furniture workshop	PERFPP	4 October 2011

### Suggested Conditions

No.	Condition									
1.	<p>The use of the building hereby permitted shall be for a fence and garden furniture workshop only. The building shall be used for no other purpose in Class B of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To protect the locality of the area, to ensure that any subsequent use is appropriate for the site and to protect the amenity of the neighbouring residents.</i></p>									
2.	<p>The use hereby permitted shall be restricted to the hours between: 08.00am and 17.00pm Monday – Friday and; 10.00am and 14.00pm Saturday, Sunday and Bank Holidays.</p> <p><i>Reason: To safeguard the amenities of local residents.</i></p>									
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 869 1353 965"> <thead> <tr> <th data-bbox="368 869 791 900">Title</th> <th data-bbox="791 869 1086 900">Drawing Reference</th> <th data-bbox="1086 869 1353 900">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 900 791 931">Location Plan</td> <td data-bbox="791 900 1086 931">14/062/P01 Rev A</td> <td data-bbox="1086 900 1353 931">7<sup>th</sup> October 2014</td> </tr> <tr> <td data-bbox="368 931 791 965">Site Plan</td> <td data-bbox="791 931 1086 965">14/062/P02 Rev A</td> <td data-bbox="1086 931 1353 965">7<sup>th</sup> October 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location Plan	14/062/P01 Rev A	7 <sup>th</sup> October 2014	Site Plan	14/062/P02 Rev A	7 <sup>th</sup> October 2014
Title	Drawing Reference	Received date								
Location Plan	14/062/P01 Rev A	7 <sup>th</sup> October 2014								
Site Plan	14/062/P02 Rev A	7 <sup>th</sup> October 2014								
4.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shown on the Site Plan (Ref No. 14/062/P02 Rev A) received on 7<sup>th</sup> October 2014 shall be carried out in the first planting and seeding seasons following the date of the permission hereby granted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..</p> <p><i>Reason: In the interest of the appearance of the locality</i></p>									
5.	<p>Any goods, materials or equipment stacked, stored or deposited on the site shall only be done so only in the areas detailed on the approved Site Plan (Ref No. 14/062/P02 Rev A) received on 7<sup>th</sup> October 2014 and shall not exceed a height above ground level of 1.2 metres.</p> <p><i>Reason: In the interests of the amenity of the area</i></p>									
6.	<p>The use of the building hereby permitted for a fence and garden furniture workshop shall cease and any plant, material or equipment associated therewith shall be removed and the site restored to its former condition on or before three years from the date of this permission.</p> <p><i>Reason: In response to the nature of the use hereby sought and to allow the Local Planning Authority to monitor the need for the agricultural use of the building in the future.</i></p>									