

Report of	Meeting	Date
Director of Development and Regeneration (Introduced by Cllr Peter Malpas, the Executive Member for Economic Development and Regeneration)	Executive Cabinet	26/06/07

## HOUSEHOLDER DESIGN GUIDANCE SUPPLEMENTARY PLANNING DOCUMENT

### PURPOSE OF REPORT

- The purpose of this report is to outline to Members a proposed modification to the above document and to seek endorsement of the recommendation to adopt the document, as amended, for the purposes of interim control and a period of public consultation.

### CORPORATE PRIORITIES

- The adoption of guidance about design is directly relevant to the Council's vision to make Chorley the place of choice for living, working and investing and to the Council's Strategic Objective of developing the character and feel of Chorley as a good place to live.

### RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	√
Reputation	√	Regulatory/Legal	√
Financial		Operational	√
People		Other	

- The Council's pro-active stance on producing design guidance is in line with government advice. It is important that the guidance is modified in order to address the particular issue outlined in this report, so as to provide the Council with a defensible position in dealing with applications and at appeal. A failure to modify the guidance is likely to have adverse implications for the Council's reputation as a local planning authority, both in terms of the information it provides and the development control function it performs.

### BACKGROUND

- The Householder Design Guidance document was approved for adoption by the Executive Cabinet in February 2007, as supplementary planning guidance. The modification now proposed arises from circumstances surrounding a Section 78 appeal, which suggest that case law could undermine the position taken in section 4 of the guidance, which deals with the extension and/or replacement of dwellings in the countryside. Government guidance aims to restrict the scale of replacement dwellings in the Green Belt so that new building is not materially larger than the original that it replaces. However, case law has established that, once built, a replacement dwelling

becomes the original. So if the replacement dwelling is larger than the building it replaces, it may be difficult to resist proposals to make it inappropriately bigger still. It is therefore vital that our policy on replacement dwellings is robust enough to safeguard the Council's position.

6. Having carefully assessed the situation, it is considered that the modification shown at section 4 (paragraphs 4.1 to 4.9) of the attached version of the guidance (Appendix A) will put the Council in a better position to handle applications for replacement dwellings and/or extensions without compromising the fundamental principles of planning policy with regard to the protection of the countryside. It emphasises the need to restrict the size of replacement dwellings and removes any mention of a percentage figure in relation to the scale of extensions to rural dwellings, allowing each proposal to be treated on its own merits.

#### **COMMENTS OF THE DIRECTOR OF FINANCE**

7. There are no financial implications associated with this report.

#### **COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

8. There are no HR implications arising from this report.

#### **CONCLUSION**

9. It is anticipated that the proposed modification will provide a robust basis for negotiation and for consistent and defensible decision making in respect of the replacement and/or extension of dwellings in the countryside, in the face of apparent tensions between the aims of planning policy and the logic of case law.

#### **RECOMMENDATION**

10. That the Executive Cabinet endorse the adoption of the modification to the Householder Design Guide as presented in Appendix A for the purposes of interim control and a period of public consultation.

#### **REASONS FOR DECISION**

11. To address apparent tensions between the aims of planning policy and the logic of case law and so ensure that, in its role as local planning authority, the Council is in able to safeguard the countryside in line with both national and local policy.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

12. Two other options were considered and rejected. The first was to make no amendment to the guidance. This was demonstrably unwise, given experience at the recent appeal. The second option involved creating a local definition of 'original dwelling' for the purposes of the design guidance. This was rejected on the grounds that it would create confusion, as it would necessarily differ from the existing, widely understood definition of the term. The third option would have involved the use of Section 106 agreements. This was rejected principally on the grounds that it would be both burdensome and cumbersome to administer. All other options were also rejected because the issue can readily be resolved by adopting appropriate amendments.

JANE E MEEK  
DIRECTOR OF DEVELOPMENT AND REGENERATION



**Background Papers**

<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Householder Design Guidance	February 2007	SPG	Planning Policy

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Mary Clemence	5286	7 June 2007	ADMINREP/1106LM4