

**Item 3C**                      **15/00920/FUL**

**Case Officer**              **Helen Lowe**

**Ward**                         **Chorley North East**

**Proposal**                    **Retrospective application for agricultural storage building**

**Location**                    **Land at Philipsons farm, Higher House Lane, Heapey**

**Applicant**                   **Mr J Aylward**

**Consultation expiry:**    **20<sup>th</sup> October 2015**

**Decision due by:**        **16 November 2016**

**Recommendation**        **Refuse**

**Executive Summary**      **This is a retrospective application for the retention of a single storey lean to extension to an existing agricultural building. The application site is located within an area of other open countryside. Development will be permitted where it can be demonstrated that it is needed for the purposes of agriculture, forestry or other uses appropriate to the rural area. It is not considered that it has been demonstrated that building is reasonably required and the proposal is therefore recommended for refusal.**

## Representations

<b>Heapey Parish Council</b> no comments received
<b>In total two representations have been received which are summarised below</b>
<b>Objection</b>
Total No. received: Two
<ul style="list-style-type: none"><li>• The owners have recently submitted a prior approval application to convert part of the existing building in to a dwelling, this clearly indicates that the storage use is not essential and therefore does not comply with the guidelines set down by the Framework;</li><li>• The explanation provided by the applicant falls significantly short of demonstrating that the proposal is needed and is reasonably necessary;</li><li>• The applicant has failed to identify why the existing agricultural buildings, which form part of the holding, cannot accommodate the proposal and why the size of the building proposed is necessary. Without sufficient evidence to demonstrate the necessity of the building it must be concluded that the building is not reasonably necessary or needed;</li><li>• If the building was needed and reasonably necessary the applicant would not have submitted a prior approval application to convert the building to residential use a matter of weeks before the submission of this application;</li><li>• Notwithstanding the representations outlined in this letter, if the Council is minded to approve the application it is requested that any approval is subject to a condition limiting the future use of the building.</li></ul>

## Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
Lancashire County Council Estates	<ul style="list-style-type: none"><li>• The application site is run as part of a business, supplying a butchers in Westthoughton;</li><li>• The business owns approximately 260 acres across three site, with approximately 70 acres at the application site, 15 acres is rented on a yearly basis;</li><li>• The business currently has a flock of approximately 200 breeding ewes with the male lambs sold and the female lambs fattened for sale through the butchers. 30 suckler cows are also reared within the business with a further 150 cattle bought in to fatten;</li><li>• the application site is predominantly used within the sheep rearing enterprise although there were also some bulling heifers kept in one of the buildings at the application site;</li><li>• In addition to the sheep and cattle, the applicant is rearing approximately 100 turkeys for the Christmas market within one of the buildings;</li><li>• The applicant and his partner keep 5 horses at the application site which are stabled within one of the existing buildings;</li></ul>

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|  | <ul style="list-style-type: none"><li>• Agricultural operations are undoubtedly undertaken from the unit;</li><li>• Currently three buildings with planning permission exist on site, with permission granted for the purpose of agriculture. The stabling of horses cannot be considered as agriculture and therefore the use of one of the three buildings for this purpose is contrary to the planning permission that was granted. A horse van is also kept in one of the buildings;</li><li>• Whilst the building that is the subject of this application is currently used for agricultural purposes, should the non-permitted uses within the other buildings cease, then there would be sufficient space within those buildings that have planning permission to accommodate those items currently stored in the lean to.</li><li>• There is no justified need for the building subject to this planning application.</li></ul> |
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## **Assessment**

### Background

1. This is a retrospective application for the erection of a single storey lean to extension to an existing agricultural building. The larger building was granted consent in 2004 (application reference 04/00744/FUL) and was to be used as a general purpose agricultural building. A public right of way runs to the north (FP 37) and to the east (FP 6) of the application site, but is unaffected by the proposals.
2. The applicant has stated that the extension that is the subject of the existing application was erected seven years ago and is used as secure storage for equipment and an isolation room for sick animals which require medical attention from the vet. There is also a small office within the extension.
3. It transpired that the extension that is the subject of this application did not have planning consent when an application for prior approval for the use of the extension as residential accommodation as submitted earlier this year (reference 15/00789/P3PAO).

### Principle of the Development

4. The application site is located within an Area of Other Open Countryside, as identified in the Local Plan Policy BNE2 of the Local Plan is therefore applicable. This states that development will be permitted provided that the applicant can demonstrate that it is needed for (amongst other things) the purpose of agriculture or forestry, or other uses appropriate to the area.
5. The County Land Agent has advised that there is sufficient space within the buildings that do have planning consent to accommodate the uses within the extension, if the approved buildings were being used in accordance with their consent (i.e. for agricultural purposes only).
6. Furthermore, it is considered that the recent application to use the extension as a dwelling indicates that the building is not required for agricultural purposes.

### Neighbour Amenity

7. The nearest residential property is Higher Healey cottage, located approximately 110m to the north east. Higher Healey House is approximately 120m to the east. The application site is at a significantly lower level than the neighbouring residential properties and well screened by mature trees.
8. It is considered that the extension is sufficiently far from the neighbouring dwellings to present any undue loss of amenity and it is not readily visible from the adjacent public footpaths.

### Design and Appearance

9. The extension is constructed from concrete panels and tin cladding. The existing building to which is attached is constructed from the same materials. These are considered to be appropriate for an agricultural building and the extension is in keeping with the existing buildings on the site.

## **Overall Conclusion**

10. The extension is not considered to be reasonably necessary for the purposes of agriculture and the application is therefore contrary to policy BNE2 of the Local Plan.

## **Planning Policies**

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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

## Planning History

Reference	Description	Decision	Date
02/01221/AGR	Application for Determination in respect of the erection of an agricultural storage building,	Withdrawn	24 December 2002
03/00012/FUL	Erection of agricultural building for storage & livestock,	Approved	30 April 2003
04/00354/FUL	Erection of agricultural livestock and storage building,	Refused	19 May 2004
04/00605/FUL	Erection of agricultural livestock and storage building,	Withdrawn	7 July 2004
04/00744/FUL	Retrospective application for general purpose agricultural building,	Approved	24 August 2004
04/00964/FUL	Erection of agricultural livestock and storage building,	Approved	19 November 2004
06/00160/AGR	Agricultural Storage Building	Withdrawn	20 February 2006
15/00343/FUL	Agricultural Building for Midden Storage	Approved	20 July 2015
15/00789/P3PAO	Prior approval application under Part 3, Class Q (a) and (b) of The Town and Country (General Permitted Development) Order 2015 to convert part of an existing agricultural building into a dwelling along with the building operations necessary to convert the building	Withdrawn	11 September 2015

**Suggested Conditions**

<b>No.</b>	<b>Condition</b>
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