

Item 3c	15/01116/FUL
Case Officer	Nicola Hopkins
Ward	Euxton South
Proposal	Retrospective application for the creation of an area of hardstanding to be partly used for parking and partly for agricultural storage (resubmission of application 15/00088/FUL)
Location	Five Acres Plant Centre, Five Acres, Dawbers Lane Euxton
Applicant	RTJ Northwest Ltd
Consultation expiry:	9th December 2015
Decision due by:	1st January 2016 (time extension agreed until 18th January 2016)

Recommendation

Refuse retrospective planning permission for the following reason:

The car park/ area of hardstanding represents further encroachment into the Green Belt than the existing built development at the site in conflict with one of the five Green Belt purposes. It is considered that there is sufficient space within the confines of the existing built development at this site to accommodate parking without the need for this additional car park and there is no justification as to why hardstanding for agricultural storage is required at this site, as such it has not been demonstrated that the land is genuinely required for agricultural purposes. The proposal represents inappropriate development which is harmful to the Green Belt and it is not considered that sufficient very special circumstances have been provided which outweigh the harm the development will have on the Green Belt.

Representations

Euxton Parish Council no comments received

In total 2 representations have been received which cite the following grounds of objection:

- This is additional parking over and above existing parking which was deemed acceptable for the site.
- The scale and size of the parking area is not in keeping with this Green Belt area.
- Approximately 40 bales of hay have been put on the site and this area has never been used for such storage.
- This area used to be used for growing plants the use for parking cars has adversely impacted on the neighbours' amenities.
- The car park is used late in the evening and at weekends and vehicles are left over night.
- A number of high intensity lights have been installed to illuminate the car park- these are left on overnight.
- Lorries now use the access adjacent to the car park and are often parked along the road causing highway safety concerns to motorists and pedestrians.
- Significant loss of residential amenity to the nearby listed building.
- This is simply a re-hash of application 15/00088/FUL which was refused permission and has an outstanding enforcement order against it dated 27 October 2015 – it is queried why this has not been enacted.
- Failure to do so is playing into the hands of Mr Ashcroft, buying him time and allowing him to continue to use this illegal car park instead of having 6 months to remove it.
- The hardstanding and fencing is within the Green Belt, was completed despite being unauthorised and no attempt to cease using it or to remove it has been made despite planning permission being refused.
- The fact that it is proposed to reduce the hardstanding in size does not in any way mitigate its impact in the Green Belt or the visual effect of the vehicles and the associated car lights and flood lights on the surrounding area.
- The owners of Five Acres did not lodge an appeal against the refusal and are attempting to introduce a new aspect into the equation as a red herring.
- The so called 'agricultural storage' is black and green wrapped haylage which must be an additional commercial use of the site because the land does not support the growing of grass for this.
- Resident consider that Mr Ashcroft has deliberately placed these at the front/roadside of the hardstanding in order to intimidate the neighbours.
- Also green bales of haylage have been put behind the gate as a deliberate act of provocation because there was a previous agreement from Mr Fairclough, one of the owners of the site, to plant some hawthorn hedging. Mr Ashcroft tore them out when residents objected previously to the car park.
- The application form states that the hours of working on this site are: 09.00 - 17.00 Monday -Friday + 09.00 - 17.00 Saturday and this is currently untrue as vehicles are regularly on the car park prior to 08.00, sometimes 06.00, later than 17.00 and albeit fewer in number are also there on Sundays. Paragraph 1 of the Very Special Circumstances section of the application states very clearly that the car park would only be used in line with the operating hours of the site which does not happen.
- Paragraph 3 of the VSC statement claims that directing car parking away from the main area is to avoid conflict with neighbours. This objection and those of other neighbours shows this is not the case. There has been no attempt to avoid conflict.

- The original application, in the design statement, unambiguously stated there was sufficient car parking and turning room for the staff and the traffic on the site and yet the applicant is now retrospectively again applying for a car park that has already been constructed without permission.
- To the rear of the car park there has now been placed a container/office building and para 8 of the VSC statement is implying that this site is going to be further developed within the Green Belt and appears to some sort of threat in that it is 'being overseen by a member of the Council' who should of course have no input into the decision regarding this retrospective planning application.
- The arguments used show that this site is increasingly becoming industrial and does not qualify as a horticultural one. There is a believe that this planning creep must be stopped and the enforcement order put into place.
- The applicant has not demonstrated any Very Special Circumstances as to why the original refusal for this hardstanding on land within the Green Belt should be changed and the Enforcement Notice should be issued immediately.

Consultees

Consultee	Summary of Comments received
LCC Highways	The proposed 30no. spaces still appears more than required for the operations on site. However, as stated in the response to the refused application, considering the location of the site, Highways would have no objection to the retrospective application.

Assessment

Background information

1. The Five Acres site was traditionally an established horticultural site, comprising numerous buildings used for horticultural purposes in conjunction with the associated land. However, in more recent years, part of the site (namely that which is nearest Dawbers Lane) diversified without the benefit of planning permission. This was regularised in 2010 through the approval of a Certificate of Lawfulness application which confirmed that Class A1, B1, B2 and B8 uses had been in place for at least ten years from the date of submission of the application (application ref: 10/00500/CLEUD).
2. Part of the site is occupied by Hedges Direct which is an internet based company specialising in growing an extensive range of hedging plants and they occupy a good portion of the site.

Proposed Development

3. This application relates to the creation of a hard-surfaced area of land located to the west of the complex of buildings at the Five Acres site. The area of hardstanding has already been created and as such this application is submitted retrospectively. The total area of hardstanding created measures 68.5 metres in length by 25.9 metres in width (1774.15m²).
4. Members will note that a planning application for the creation of an area of hardstanding, to be used for car parking, was refused earlier this year and this application relates to the same piece of hardstanding. However, as part of the previous application the proposed area of car parking covered the majority of the hardstanding. In respect of this application, a smaller area of the hardstanding is proposed to be used for car parking. The car park will measure 52 metres in length by 19 metres in width (988m²).
5. The fence that has been erected around the edge of the car park would be brought in so as to define the parking area. It is proposed that the remaining hard-standing would be used for agricultural storage purposes. Additional planting is also proposed along the northern and western boundaries.

Principle of the development- Green Belt

6. The application site is previously undeveloped agricultural land located in the Green Belt. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- *mineral extraction;*
 - *engineering operations;*
 - *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - *the re-use of buildings provided that the buildings are of permanent and substantial construction; and*
 - *development brought forward under a Community Right to Build Order.*
7. The proposed development is considered to be an engineering operation in accordance with paragraph 90 of the Framework. Engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
8. As such there are two considerations in respect of the proposal and the appropriateness of the development in the Green Belt as follows:
- 1) *Will the development preserve the openness of the Green Belt?* Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. The creation of an area of hardstanding effectively preserves the openness of the Green Belt and whilst the use of such an area for car parking and agricultural storage may impact on the visual amenities of the area and result in encroachment into the Green Belt it cannot be said, in this case, that purely the creation of an area of hardstanding would not preserve the openness of the Green Belt.
 - 2) *Will the development conflict with the purposes of including land in the Green Belt?* Paragraph 80 of the Framework sets out the five Green Belt purposes which the scheme is assessed against as below:

Purpose 1 (to check the unrestricted sprawl of large built-up areas).
The proposal does not involve any built development and as such would not result in the encroachment of built development into the Green Belt.

Purpose 2 (to prevent neighbouring towns merging into one another)
Development of the site would not lead to the coalescence of neighbouring towns (Chorley and Standish). In respect of the neighbouring villages the development would not lead to a coalescence of neighbouring villages.

Purpose 3 (to assist in safeguarding the countryside from encroachment;).
The area of hardstanding extends outside of the defined curtilage associated with the established lawful uses at this site (established as part of 10/00500/CLEUD). When the certificate application was considered the areas used for horticultural uses, such as the part of the site subject to this application, were not included as the officer noted that they were outside the red edged plan. Accordingly the lawful use of the land is for horticultural uses. Additionally such uses are appropriate uses of agricultural land which do not necessarily require consent. It is understood that previously the ground was laid with gravel, with a visqueen layer underneath, and was used for growing Alpine plants which in the case of the activities on this site falls within the definition of agriculture (which is specifically omitted from the Framework definition of previously developed land). It is considered that the proposal represents the encroachment of engineering operations outside of the established and defined built form at this site representing encroachment into the countryside which is by definition inappropriate development in the Green Belt.

Purpose 4 (to preserve the setting and special character of historic towns;).
This does not apply as the site is not located near a historical town.

Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).
It is not considered that the proposal conflicts with this purpose as the proposal does not involve new built development which would be more appropriately sited on brownfield land (which is the reasoning behind this purpose).

9. As such it is considered that the proposal, which involves the encroachment of hard engineered operations into an area of previously undeveloped agricultural land, falls to be considered inappropriate development. As such the tests of paragraph 88 of the Framework are engaged. In this case very special circumstances (VSC) need to be demonstrated which outweigh the harm the development will have to the Green Belt.

Proposed Car Parking Area

10. In support of the proposed car parking area, the following very special circumstances have been advanced by the applicant:
- The site area of the car park does not and would not contain any buildings. The land is only used for car parking in line with the operating hours of the site, and at a less intensive level when there are fewer staff at the site, on weekends and bank holidays. This means that at some periods the car park is empty. The land remains to have a more open character than if there was a building on it.
 - Sustainable modes of transport do exist for employees, many of the employees choose to car share. The proposed car park allows the site to direct car users out of the main service area of the site allowing space for HGV's to enter and manoeuvre through the site without conflict with staff and visitors' vehicles. As the development improves the access and vehicle movements it is considered that this could be put forward as a VSC.
 - The proposed car park is an on-site staff provision; the benefit of directing car users away from the main HGV service area also enables the site to avoid conflict with neighbours and the surrounding area. The on-site provision eliminates the need for cars, LGV's and HGV's to park and manoeuvre on the public highway/verges or encroach on neighbouring land. This mitigation of conflict, both on the site and on public/neighbouring land is put forward as a VSC.
 - The site places paramount importance on health and safety and without the car park facility, that is the subject of this application, the site would not be able to operate within the health and safety parameters that have been established and are regularly reviewed by risk assessments.
 - The site is a growing rural business which is improving the economic condition within Chorley. The business is innovative and as such, successful. It enhances links between smaller businesses and therefore creates a hub which ensures an element of prosperity in the countryside.
 - Since October 2011, the size of the permanently employed team has increased from 8 to 38 from what has proven to be an area from which it has been possible to attract high calibre individuals. The applicant has stated that they have significant trading links with local plant growers and purchase goods and services from a wide range of companies in the Chorley area.
 - Hedges Direct relocated the business to Chorley in October 2011. The site at Five Acres included the opportunity to develop all core operations on one site that is ideally positioned in relation to transport links. It also enabled the business to recruit high calibre new team members from the immediate and surrounding catchment areas. In reaching this decision the business took a sequential approach to various locations within the Chorley area, with Five Acres being the most suitable alternative site.
 - The Hedges Direct MD is in the process of a funding application to the European Agricultural Fund for Rural Development to assist in building projects on the site. This is being overseen by a member of the Council as part of the Lancashire Local Enterprise.
11. It is important to note that from an openness perspective the creation of a car park in this case cannot be said to impact on openness. However, the use of the car park, which results in an extension to the established built up part of this site, does result in an extension of 'urbanised' parts of the site (i.e. the established built form at this site).
12. It is noted that a number of the employees choose to car share (the number of staff cited refers to 38 however, when the previous application was considered a figure of 39 was provided. It is therefore assumed that the number of staff employed is within the high 30s). The number of parking spaces actually demarcated has reduced to 30 (the originally submitted plans only showed 29) although the extent of hardstanding within the proposed fenced off area extends beyond the demarcated parking spaces and details sufficient hardstanding for 40 parking spaces.

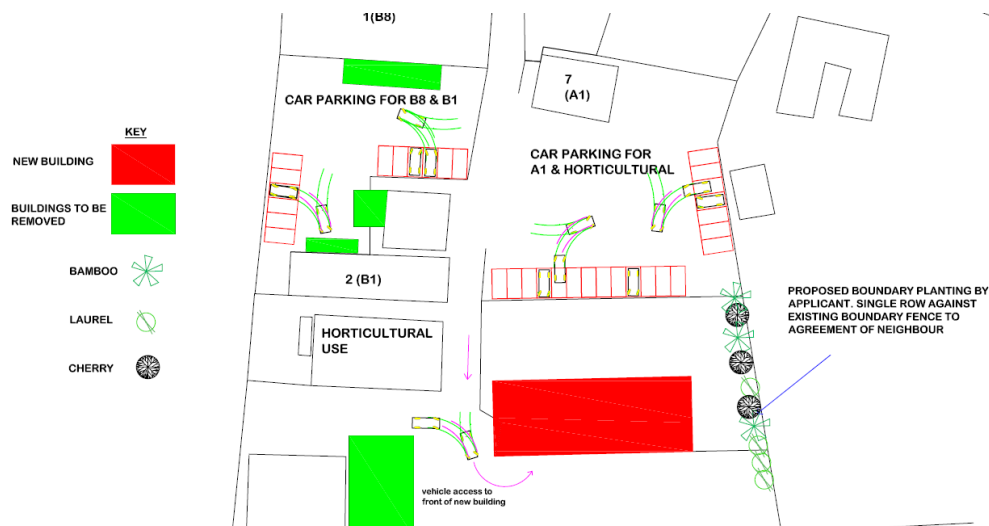
This was queried with the agent for the application who has confirmed that *The car parking area is the shape and size it is owing to the existing entrance and exit points. The area needs to remain rectilinear in form to allow for manoeuvring etc. The number of parking spaces could be controlled by condition.* Whilst the requirement for an entrance/ exit to the car park along with manoeuvring space is required, the amount of hardstanding proposed is excessive for 30 car parking spaces and results in an unnecessarily large area of hardstanding which is contrary to the purposes of including land within the Green Belt. Whilst the number of spaces could be conditioned the harm in this instance is the encroachment of the hardstanding into the Green Belt which is overly large for the 30 parking spaces it is suggested are required.

13. It is noted that the supporting information states that *Sustainable modes of transport do exist for employees many of the employees choose to car share.* A recent planning permission (14/01241/FUL) at the site included the following condition:

Within two months of this planning approval a Business Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures to reduce car borne trips to the site by the staff currently employed at the site. The measures in the agreed Travel Plan shall then thereafter be complied with.

Reason: The site is an unsustainable site located within a rural area. Sequentially preferable sites are available for the office accommodation however due to the needs of the business the office accommodation needs to be located on site. However due to the number of staff employed it is considered that there is a need reduce the number of car borne trips and to encourage the use of public transport within this location.

14. It is noted that the requirements of this condition have not been met (the agent has been advised of the breach and a draft Travel Plan has been provided although no formal discharge application has yet been submitted). The condition was worded specifically taking into account the fact that rural businesses are not necessarily located within sustainable locations but with the intention to secure some alternative modes of accessing the site such as car sharing/ cycle to work schemes which seems to be supported by the applicant within the submitted VSCs. This is further supported by the recent planning permission for the amenities block at the site which includes shower facilities to enable staff to choose to cycle to the site.
15. Whilst it is appreciated that there needs to be a clear separation between HGV movements and car parking, there is an existing, historic, large area of hardstanding which could be adequately used for parking without the need for an additional car park. During previous site visits this area of hardstanding has been clear and available for both parking and HGV movements.
16. It has been noted during previous site visits that the HGVs associated with Hedges Direct were parking and being filled within the Hedges Direct part of the site leaving the large area of hardstanding between Hedges Direct and the garden centre clear. Previously a plan has been submitted to discharge the parking condition attached to planning approval 12/00035/FUL which details proposed parking arrangements which were considered acceptable:



17. It is considered that this plan could be adapted to provide parking and facilitate HGV movements without the need for further encroachment into the Green Belt.
18. This was suggested to the applicant and their agent as part of the consideration of previous application. As part of this current application, the supporting information states that the justification for the car park is that the remaining areas of the site are used by other vehicles in connection with the businesses which occupy the site. To support this a vehicle route tracking plan has been provided to show the space requirement for the vehicles. This is identical to that submitted as part of the previous application.

Dispatch Vehicles

19. The supporting information confirms that the dispatch vehicles consist of two articulated lorries and one artic trailer which are delivered to the site at the start of the working day and removed, once loaded. These vehicles are used by Hedges Direct for loading of orders dispatched from the site at 6pm. The largest dispatch items consist of root ball plants stored in building 6, such as standard trees, which are prepared, packed onto pallets and placed on the yard via forklift ready for loading. During peak season, which equates to 62% of the trading year, the agent has stated that 4 articulated lorries are used by Hedges Direct to dispatch product.
20. During a site visit on 18th November at mid-morning, there were no articulated lorries or trailers on the site (the agent for the application has confirmed that the time of the site visit was during an extremely bad weather week and this affected all forms of transport and in particular ferry crossings. The agent considers that this explains why the space was not being used at that time on that day) notwithstanding the statement within the supporting information.
21. There needs to be space on each side of the artics so that packed pallets can be loaded by forklift; each artic lorry can hold between 44 to 50 pallets. The artic trailer is used for dispatch of orders of boxed plants and smaller sundry items stored and packed in building 8. There needs to be space around the trailer for pallets packed with boxed items to be loaded by forklift. The trailer is loaded with up to 300 boxes within the operating hours of a normal day to meet orders.
22. The articulated lorries and artic trailer dispatch vehicles are a haulage service engaged under contract by Hedges Direct. Smaller dispatch vehicles also visit the site. Up to three 7.5T or 18T vehicles and two vans visit the site each day, to be loaded with dispatch at the site. These vehicles are on site between 45 – 90 minutes and as such require access and a parking space as close as possible to building 8; these vehicles are loaded by hand.
23. As such it is clear that the vehicles need to be parked as close to buildings 6 and 8 as possible which is area 10 on the submitted plan (with a larger area (area 14) retained free for forklift movements to the main dispatch buildings 6-8 and the goods storage building 13.)

24. The supporting information details that there is sufficient space for three articulated lorries to station within area 10 whilst keeping space free for two smaller vehicles. This is detailed on the submitted plan wholly within area 10 including manoeuvring space.
25. The previously submitted supporting information confirmed that the business has a minimum of 3 articulated vehicles sat on site each day, which are continually loaded from both sides of each vehicle, throughout the full trading day. These vehicles are stationary once delivered and can't be moved until collection at 6pm. Area 10 appears to detail adequate space for these business needs.

Delivery Vehicles

26. The supporting information confirms that up to 46 deliveries visit the site over the course of a normal trading week. These consist of 8 articulated lorries, sixteen 7.5 to 18 tonne vehicles and 22 small vans. The artic deliveries bring stock on loaded pallets or metal racks. These are a separate haulage entity to the site. Two spaces are retained in the main yard for delivery artics.
27. Incoming goods on wooden pallets generally consist of larger plant stock such as standard trees, from other growing sites. The wooden pallets are unloaded from the delivery vehicles via forklift, placed on the yard and the plant stock is then distributed across the site, mainly to the growing beds (area 14).
28. Once relieved of stock, empty wooden pallets are stored in building 11. Delivery artics will also collect empty pallets from the site, which are returned to a packing and distribution centre in Preston. These wooden pallets are loaded from building 11 onto the delivery artics via forklift.
29. The metal racks carry plant stock which are then moved to the growing beds. These metal racks are stored in area 12. Similar to the wooden pallets, empty racks are stored on the site and returned to a distribution centre or other sites, via the delivery vehicles.
30. Smaller delivery vehicles visit the site and reflect the typical vehicle size. Up to three 7.5T or 18T vehicles and two vans visit the site each day, to be loaded with dispatch at the site. Delivery vehicles can also accommodate some dispatch items from the site, such as boxed items in building 8.

Idling Vehicle Space

31. The supporting information states that this is an area which is required for both dispatch and delivery vehicles to wait stationed in the event that there is not sufficient access room available in area 10 of the yard. As shown on the plan, there is only sufficient space for 3 dispatch articulated lorries to station within area 10 whilst keeping space free for 2 delivery artics. During peak season a fourth dispatch artic is required and as such cannot access the yard until a delivery artic in the yard is ready to leave. The idling space is the best location for the artic as it allows other vehicles to take the route through the site as shown.
32. As set out within the supporting information there are two articulated lorries and one artic trailer for dispatch purposes (notwithstanding the fact that during a mid-week site visit none of these vehicles were present on site). There is space for 3 articulated lorries to be stationed within area 10 whilst keeping space free for 2 artics which appears sufficient for both dispatch and delivery vehicles. Whilst it is noted that during peak season 4 articulated lorries are used for dispatch from the site it is considered that idling space for one articulated vehicle would be sufficient to enable the delivery articulated vehicle to unload and exit the site. The submitted vehicle tracking plan shows space for 6 articulated vehicles and 2 delivery vehicles which appears excessive based upon the requirements of this business. It appears that area 9 can be fully utilised for parking whilst ensuring sufficient space for dispatch and delivery vehicles (area 10) for the existing business needs along with idling space adjacent to building 6. This would retain area 9 free for parking.

Separate Business

33. The supporting information confirms that there are two other situations in which separate businesses operate and have a related vehicle route requirement. Building 6b is currently used by Hic Bibbi's in connection with the growing beds in the western most portion of the site. As this is a

horticultural operation, Hic Bibbi's need access to the building with a trailer towing tractor and other large scale machinery used for growing. Therefore an area has been shown on the route tracking plan to show the vehicle space requirement in relation to this use and has been marked HB.

34. However this building does not have planning permission (as it has not been constructed in accordance with the approved plans) and the approved plans detail suitable access arrangements for horticultural use without the need to access via the northern elevation. At a site visit on 18th November 2015 it was clear that this building has been subdivided internally into what appears to be three separate units with the end unit being used by a separate business and clearly not a horticultural use.
35. Although the approved plans have no internal subdivisions there is no condition restricting this and as such on the proviso that the building is used for horticultural purposes this is an acceptable use of the building. It is important to note that the supporting information submitted by the agent on 10th June 2015 in respect of application 15/00088/FUL confirmed that the left side of 6b is occupied by a joiner.
36. The approved plans for this building incorporate roller shutter doors in the east, west and south elevations adequate to enable forklift access and there is no evidence to detail why access is required along the northern elevation. Removal of this access would enable this land to be used for parking/ vehicle movements/idling vehicles.
37. The agent has been advised on several occasions of this breach and clarity has been requested in respect of the use of the end unit which does not appear to have the benefit of planning permission as this building was given consent as a horticultural building. To regularise the situation on site a retrospective application for the erection of a new horticultural building, an amendment of planning approval 12/00559/FUL, was submitted in December (15/01180/FUL). The proposed description and application type was queried with the agent given it was clear on site that the end unit is not in horticultural use and a revised description was suggested but no response received to date.
38. The agent for the application has not confirmed how his client wishes to proceed in respect of the above application and as such it is currently invalid.
39. The supporting information confirms that the site occupied by building 5 benefits from planning consent for the erection of a replacement building which will house Class B8 units and horticultural use. It has not been finalised whether these units will be occupied by Hedges Direct (as an expansion to their rented premises) or that it will be available to separate tenant.
40. Without an identified end user it is not clear why 4.5 metres of space is required in front of this building given that the main use is horticultural use, accessed by forklifts, with only a small element of B8 storage and distribution use. Whilst the B8 use will need loading and unloading space no evidence has been provided to support the assertions made for the amount of space detailed on the submitted plan.

Outside Storage

41. It is important to note that all of the planning consents to date for this site restrict outside storage (see the following conditions) and as such the outside storage requirements are not justification for the loss of alternative parking arrangements:
 - 12/00035/FUL** - No materials or equipment associated with the use hereby permitted shall be stored on the site other than inside the building.
Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.
 - 12/00559/FUL** - No materials or equipment associated with the use of Buildings 1 or 2 hereby permitted shall be stored on the site other than inside the building(s).
Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.
 - 14/01241/FUL** - No materials or equipment associated with the use hereby permitted shall be stored on the site other than inside the building.

Reason: In the interests of the amenity of the area

15/00165/FUL - No materials or equipment associated with the use hereby permitted shall be stored on the site other than inside the building.

Reason: In the interests of the amenity of the area

42. The supporting information states that the use of these outside areas for storage and operations relates to a fundamental requirement of the business and as such forms justification to support the area being unavailable for car parking. It is impractical for the business to operate with these impositions and to expect no activity relating to the business to take place on the yard. Large packed items for dispatch or delivery have to be loaded onto artics by forklift.
43. In terms of outside storage, the supporting information cites the 2010 Certificate of Lawfulness, which includes areas 9 and 10 on the proposed plan as it is considered that the conditions preventing this activity are unreasonable owing to the amount of time these areas have been used for outside storage/activity. The lawful development certificate was granted based on the red edge forming the planning unit that incorporates the outside areas and is not exclusive to the buildings. The evidence which supported the grant of the certificate explained the use of the area. However the decision in respect of the certificate relates to the following uses:
*The information provided does show that the buildings, as shown on the attached plan (Drawing no. ML/LW/4719), have been used for the specified uses for over 10 years, and therefore are considered lawful: * Building 1 used for storage (B8 use). * Building 2 used for office use (B1 use). * Building 3 used for office use (B1 use). * Building 5 used for retail plant centre sales (A1 use). * Building 6 used for retail plant centre sales (A1 use). * Building 7 uses for retail plant centre sales (A1 use). * Car parking area in relation to B1 use (office) and B8 use (storage). * Car parking area in relation to retail plant centre sales (A1 use). This consent does not apply to Building 4 as the evidence submitted does not show that the building has been used for B2 General Industrial use.*
44. The approved plan shows areas 9 and 10 as car parking for the retail use not storage areas. This notwithstanding the applicants could have appealed the conditions if they considered them unreasonable although the timescale for appeal has expired they could apply to remove them clearly detailing the required storage areas which could take into account vehicle movements and parking.

Proposed horticultural use of the land

45. The supporting information states that the remaining area of hardstanding (786.15m²) will be used for agricultural storage purposes as set out within the supporting statement as follows:

8. The proposal is to retain the whole of the hard-standing and to make a clear definition between the areas used for car-parking and agriculture. The site is the Green Belt.

9. The proposed area for agriculture is considered to be appropriate development for two reasons, one that the NPPF states that engineering operations is not inappropriate development within the Green Belt, and two, the use of this area for an agricultural purpose is not defined as development within planning legislation and reflected in the National Framework.

10. The creation of a hard-standing effectively preserves the openness of the Green Belt. The use of the area of hard-standing for agricultural purposes such as storing wrapped bales or machinery, rather than a fixed structure, is a suitable land use which is part and parcel of the countryside. The large amount of agricultural land extending beyond the hard-standing remains open and does not conflict with the purpose of including land within the Green Belt.

11. The extent of the hard engineering works into the countryside does however represent some encroachment although it is considered that because part of this will be used for agriculture and that it matches the remainder of the land, which is concrete and gravel, the encroachment can be mitigated against.

12. The difference between the hard-standing and land to the west is only very slight in physical nature. That land has been adapted, via engineering operations, for horticultural purposes and as such is formed of gravelled areas served by concrete paths, along with irrigation systems. The land has been this way for 15 years or more and can be confirmed by local knowledge. It is also

important to emphasise that this land is not redundant and remains a functioning component of the wider holding owned by the applicant.

13. To return the area of land removed from the car-park to enable it to be used for growing purposes, or in connection with it, would not necessarily require any alteration to its material form; as explained above this hard-standing could be used in any manner directly related to an agricultural land use (which includes horticultural activity) and not represent a harmful or urbanising effect on the Green Belt, nor would it be considered an inappropriate use.
46. Notwithstanding the above no justification as to why so much land is required as originally no information was provided as to the need for or use of this land. The agent for the application does not consider that VCS's are required to support an agricultural use of hard-standing in the Green Belt as VSC's were not required for the use of hard-standing for agricultural uses on appeal ref APP/D2320/W/15/3003118.
47. The appeal referred to above was at the Fayle Transport site and related to a retrospective planning application for the creation of an area of hardstanding associated with the agricultural land holding on the opposite side of Dawbers Lane (14/01187/FUL). It is noted as part of the Inspector's decision that she agreed that the proposal would result in encroachment into the Green Belt which is contrary to the third Green Belt purpose.
48. Notwithstanding the Inspectors decision it is important to note that nowhere in the Framework states that use of an area of hardstanding for agricultural purposes does not fall to be considered inappropriate development and therefore very special circumstances need to be demonstrated.
49. The proposed area of hardstanding to be used for agricultural storage in the case of this application is similar to the scheme at Fayle Transport where the Inspector agreed that the proposed hardstanding at Fayle Transport resulted in encroachment into the Green Belt. The fact that this conflicts with one of the purposes of including land in Green Belt means that the only conclusion that can be made is that it is inappropriate development. As such very special circumstances are required to justify the proposed part of the site to be used for agricultural storage.
50. As part of the appeal at Fayle Transport the Inspector considered that the hardstanding was genuinely required for agricultural purposes in that:
- The appellant also owns approximately 40 acres of land on the opposite side of Dawbers Lane to the site which are farmed on his behalf by a local tenant farmer. The information submitted with the appeal states that the hardstanding is required in order to store wrapped bales of silage produced from this land and agricultural equipment ancillary to this.*
- The appellant is clear in the information submitted with the appeal that the hardstanding would be used by the tenant farmer who farms the land opposite on his behalf. Although the appellant does own some of the agricultural machinery that would be stored there.*
51. This was reinforced by one of the conditions imposed by the Inspector which states: *the area of hardstanding hereby approved (as shown on 'site plan: LG/KF/2910') shall be used for the storage of wrapped bales and agricultural machinery produced from and associated with the 40 acres of agricultural land located to the north side of Dawbers Lane*
52. In the case of this site, it is unclear why this land is required for agricultural purposes. The land in the immediate vicinity of the site is used for growing including gravelled areas and irrigation systems associated with the horticultural business at this site which the agent confirms has been laid out in such a way for over 15 years. Although at the site visit wrapped bales were observed it is not clear where this has been produced from. Nor is there any evidence to state why an area of 786.15m is required for agricultural storage. All of the horticultural operations/ businesses at this site have been in operation for some time and there is no evidence provided with the application as to why this area of land is now required for any type of agricultural storage including produce or machinery.

53. As no evidence has been submitted that this area of hardstanding is genuinely required for agricultural purposes and, in the absence of very special circumstances, this part of the proposal cannot be supported within this Green Belt location. The proposal results in encroachment of hardstanding into the Green Belt further eroding the openness of this Green Belt location.

Overall Conclusion

54. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

55. Whilst engineering operations are not necessarily inappropriate in the Green Belt it is considered that the car park/ area of hardstanding encroaches further into the Green Belt in conflict with one of the purposes of including land in Green Belt. As such the development represents inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

56. The reduction of the number of car parking spaces on the amended plans does not involve a reduction in the amount of hardstanding created as the amended plans propose to retain the excess land (the land not identified as parking spaces) as hardstanding.

57. Whilst this land may have been formed of gravelled areas to enable its use for growing purposes, it is clear that it is no longer required for growing purposes and there are no details contained within the supporting information to detail what the land, not identified as parking spaces, will be used for specifically or why additional hardstanding is required for agricultural purposes.

58. No justification has been provided as to why additional hardstanding space is required nor has sufficient evidence been provided that the current areas of hardstanding could not be used for parking. In conclusion, sufficient very special circumstances have not been provided in support of the proposal that outweighs the harm that will be caused to the Green Belt by reason of inappropriateness and it is, therefore, recommended that the application is refused.

59. Following the refusal for this hardstanding last year the agent for the application confirmed in August: *I have been speaking with Hedges Direct DM and stakeholders and they have confirmed for me that plans to re-locate parking for their staff around the site (within the developed curtilage) and off site, are underway. Accordingly the use of the area of hard-standing will no longer be used for Car Parking in connection to that business on site.* Following receipt of this application and the comments previously made the agent has confirmed that the comments made in August meant: *consideration was being given to parking within the developed curtilage of the site, which when looking at the red edge of the lawful development certificate, there is not enough space to relocate the parking safely and within the curtilage taking into account the needs of the business... So that plan was abandoned and thus the application is re-submitted*

60. Members should note that authority to take enforcement action against this unauthorised area of hardstanding was granted at Committee in October. However, it was agreed that Officers would await the outcome of the decision on any planning application being submitted before taking enforcement action. If Members decide to refuse this application then Enforcement Action will be taken.

Planning Policies

61. 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 proposals has had regard to guidance contained with 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
83/00576/FUL	Open fronted farm storage	Approved	October 1983

	building.		
90/01147/COU	Change of use of land for storage of touring caravans.	Withdrawn	
92/00762/AGR	Agricultural notification for erection of agricultural building	Prior approval not required	November 1992
04/01439/FUL	Phase 1 of a 3 phase plan for horticultural glass houses	Approved	February 2005
04/01440/FUL	Phase 2 of a 3 phase plan for horticultural glass houses	Approved	February 2005
04/01441/FUL	Phase 3 of a 3 phase plan for horticultural glass houses	Approved	February 2005
05/00735/FUL	Formation of new access, driveway, turning area, erection of fence to rear, conversion of store room into double garage and demolition of conservatory	Approved	September 2005
10/00500/CLEUD	Application for certificate of Lawfulness (existing use) for B8 (storage & distribution), B1 (offices) and A1 (retail plant centre).	Certificate granted	Feb 2011
11/00696/PAR	Application for agricultural prior notification for the erection of an agricultural building for the storage of machinery (tractors, trailers, mowers, bailers and cultivation equipment) and hay	Refused	25 August 2011
11/00696/PAR/1	Application for agricultural prior notification for the erection of an agricultural building for the storage of machinery (tractors, trailers, mowers, bailers and cultivation equipment) and hay.	Withdrawn	
11/00925/FUL	Erection of storage and distribution building (B8) with ancillary staff room to house plants, packing boxes, pallets, fertiliser, potting machine, van, forklift truck and tools be used in connection with horticultural enterprise.	Withdrawn	
12/00035/FUL	Erection of storage and distribution building (B8) with ancillary staff room to house plants, packing boxes, pallets, fertiliser, potting machine, van, forklift truck and tools be used in connection with horticultural enterprise (re-submission of previously withdrawn planning application 11/00925/FUL).	Approved	March 2012
12/00380/FUL	Replacement of existing building (B8 use) with new mixed use building (B8 and horticultural).	Withdrawn	
12/00381/FUL	Replacement of existing building (B1 use) with new building (horticultural use).	Withdrawn	
12/00491/DIS	Application to discharge conditions 4 (hard-ground	Conditions discharged	June 2012

	surfacing materials); 5 (samples of external facing materials); 6 (scheme of landscaping); and 11 (car parking and vehicle manoeuvring details) of planning approval 12/00035/FUL.		
12/00559/FUL	Application for the removal of an existing horticultural building; the replacement of an existing storage and distribution building (B8 use) with a new mixed use building (B8 and horticultural use); and the replacement of an existing B1 building with a new horticultural building.	Approved	July 2012
13/00381/FUL	Application to erect 1No. poly tunnel.	Approved	July 2013
13/00382/FUL	Application to erect 1No. poly tunnel.	Approved	July 2013
14/00072/FUL	Application to amend the location of the approved poly tunnel (approved under application 13/00381/FUL)	Approved	March 2014
14/00073/FUL	Application to amend the location of the approved poly tunnel (approved under application 13/00382/FUL).	Approved	March 2014
14/00605/FUL	Erection of a building, replacing an existing horticultural building, to accommodate storage space (Use Class B8) and first floor office accommodation (Use Class B1) and an extension to an existing building to accommodate machinery storage.	Withdrawn	
14/01241/FUL	Erection of a building, replacing an existing horticultural building, to accommodate storage space at ground floor and first floor office accommodation along with the provision of 6 parking spaces	Approved	January 2015
15/00165/FUL	Section 73 application to vary condition 1 (approved plans) and condition 3 (approved plans) attached to planning approval 12/00035/FUL which approved the erection of a storage and distribution building (B8) with ancillary staff room be used in connection with horticultural enterprise	Approved	April 2015
15/00166/FUL	Erection of a detached single storey building to form replacement staff toilets	Approved	April 2015
15/00088/FUL	Retrospective application for the creation of a car parking area	Refused	July 2015