

Item 3g **15/01222/FUL**
Case Officer **Caron Taylor**
Ward **Heath Charnock And Rivington**
Proposal **Change of use of existing double detached garage to a tea room (including external alterations)**
Location **Higher Derbyshires
Gilsbrook
Rivington Lane
Rivington
Bolton
BL6 7SA**
Applicant **Mrs Caroline Jones**
Consultation expiry: **29th January 2016**
Decision due by: **8th February 2016**

Recommendation
That the application is approved.

Representations

In total 6 representations has been received which are summarised below	
Objection	Support
Total No. received: 1	Total No. received: 5
<ul style="list-style-type: none"> • The lane to Higher Derbyshires is quieter and more relaxed than much of Rivington. It is a private road, footpath and bridleway which is locked and gated at the Horwich end. There is therefore only the occasional farm or residents vehicle; • It would attract more traffic which cannot be guaranteed to park elsewhere which in any case would bring yet more pressure to existing parking; • There are enough tea rooms already; • The existing road surface will take more traffic, and who is to deter people driving up there; • If a change of use is granted will this lead to further development in the future? 	<ul style="list-style-type: none"> • The other tearooms in the area are often too busy to get a seat; • It will give people more choice; • The area is frequented by many walkers, cyclists etc. and an additional tea room will be beneficial and enable people to appreciate the tranquillity of such a beautiful area; • It is ideally located.

Consultees

Consultee	Summary of Comments received
The Coal Authority	Standing advice – low risk area.

Assessment

Principle of the Development

1. The application site is situated in the Green Belt. It is accessed by a private track (owned by United Utilities) from Rivington Lane. It is not within Lever Park (Historic Park and Garden). The property is in an isolated position with no immediate neighbours.
2. Higher Derbysheires is a detached property set back from the track which is a public bridleway. The current property is a replacement dwelling permitted in 2010. It has a detached double garage to the front of the property to the left of the access from the bridleway/track, which is at a lower level than the house. The boundary at the front of the property is a close boarded fence with double electric wooden gates. The garage is sited behind a fence when viewed from the track so only the roof and approximately 0.5m of the walls are visible.
3. The application is to convert the garage to a tea room. This will not involve any extension to the building. Paragraph 90 of the National Planning Policy Framework (the Framework) states that the re-use of buildings is not inappropriate in the Green Belt provided the buildings are of permanent and substantial construction and the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. The garage is of substantial block construction (the render has not been finished) with a slate roof. It is therefore considered that the proposal is acceptable in principle in the Green Belt.

Design

4. The proposal will involve making some external alterations to the garage. The existing garage door will be replaced with windows and a pedestrian entrance door. The garage measures 7m by 7m and will have a small internal seating area, a small kitchen area and a WC internally. The 'red edge' of the application is around the garden of the property, so on fine days chairs and tables may be outside in the garden area. This is considered acceptable subject to a condition that chairs and tables are not put out outside the garden of the property so as not to obstruct the bridleway.
5. The applicant advises that they will either open the double gates to allow access for customers, or they may install a small pedestrian gate in the fence next to the gates (this would not require planning permission providing it is not more than 2m high). The garage is currently blockwork – it has not been finished since built. The applicant advises it will be rendered, which is considered acceptable.

Neighbour Amenity

6. There are no immediate neighbours to the property. Gilsbrook House is situated approximately 300m to the north and is passed if the application property is approached from this direction. The nearest properties to the west are those on Rivington Lane over 180m away. Due to the distance to other properties it is not considered the proposal will have a detrimental impact on the amenities of them.

Highways

7. The property is accessed via a private track off Rivington Lane on land owned by United Utilities. The track is marked as a private road so it not open to public vehicles (it is not a public highway) but occasionally vehicles do use it e.g. United Utilities vehicles, residents accessing properties and farmers. The track is however a public bridleway so the tea room could be accessed by the public on foot, horseback and bicycle, not by car. The applicant intends walkers, horse riders and cyclists passing the property to visit the tea room and any vehicular traffic generated by the proposal may be considered as trespass by United Utilities as the land owner. The road is gated at the Horwich end which reduces the potential for unauthorised vehicles.
8. The access to the property and garage to be converted to a tea room are set back form the bridleway by approximately 17m. Therefore the proposed use, even with chairs and tables outside will not be readily visible until viewed from near to the access point, and the use will be contained within the existing garden area. It is not considered that the size or nature of the use will impact unacceptably on the immediate area or in itself attract significantly more traffic to the area.

Overall Conclusion

9. The proposal is considered acceptable subject to conditions including that chairs and tables should not be sited outside the garden of the property.

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
10/00286/FUL	Demolition of the existing dwelling and erection of new dwelling and detached garage	Permitted	21 st June 2010
10/00802/FUL	Demolition of the existing dwelling and erection of new dwelling and detached garage - amendment to approval 10/00286/FUL	Permitted	22 nd November 2010
12/01192/MNMA	Application for a minor non-material amendment to allow the garage to be built of block and render with stone quoins, rather than all stone as approved under permission 10/00286/FUL (which was for demolition of the existing dwelling and erection of new dwelling and detached garage).	Permitted	13 th December 2012
13/00098/FUL	Two-storey side extension, full height to existing dwelling	Permitted	18 th April 2013

Suggested 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> <table border="1" data-bbox="320 528 1305 781"> <thead> <tr> <th data-bbox="327 528 651 589">Title</th> <th data-bbox="651 528 970 589">Drawing Reference</th> <th data-bbox="970 528 1299 589">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 589 651 649">Location Plan</td> <td data-bbox="651 589 970 649">N/A</td> <td data-bbox="970 589 1299 649">14th December 2015</td> </tr> <tr> <td data-bbox="327 649 651 710">Site and Location Plan</td> <td data-bbox="651 649 970 710">SJ/HDTR/002 Rev 0</td> <td data-bbox="970 649 1299 710">14th December 2015</td> </tr> <tr> <td data-bbox="327 710 651 781">Garage Plan</td> <td data-bbox="651 710 970 781">SJ/HDTR/001 Rev 0</td> <td data-bbox="970 710 1299 781">14th December 2015</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	N/A	14 th December 2015	Site and Location Plan	SJ/HDTR/002 Rev 0	14 th December 2015	Garage Plan	SJ/HDTR/001 Rev 0	14 th December 2015
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3.	<p>The change of use to a tea room applies to the garage of the property shown on the approved plans only (not the dwelling). Any chairs and tables placed outside the former garage associated with the tea room, must be contained within the garden of the property (within the red edge as shown on the approved location plan).</p> <p><i>Reason: To clarify the permission and ensure the use does not spill out of the grounds of the property onto the public bridleway which may cause an obstruction or may impact on the character of the area.</i></p>												