

Item 3f **16/00169/FUL**

Case Officer **Ian Heywood**

Ward **Heath Charnock & Rivington**

Proposal **Variation of condition 9 to permission granted under application 02/00722/FUL to allow continuous occupation of caravan pitches between 1st March and 31st October.**

Location **Wilcocks Farm Caravan Site,
Dean Head Lane,
Rivington,
Bolton
BL6 7SJ**

Applicant **Mr & Mrs David and Julie Wood**

Consultation expiry: **21 March 2016**

Decision due by: **22 April 2016**

Recommendation **Refuse Full Planning Permission**

Executive Summary

The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan. For the reasons set out below it is considered that the proposals are inconsistent with the aims of the development plan and the Framework and do not represent a sustainable form of development within the Parish of Rivington.

Representations

Parish Council: Rivington Parish Council has not made any comments on the application.
In total one representation has been received which is summarised below
Objection
Total No. received: One
<ul style="list-style-type: none">One neighbour (actually a visitor to the area rather than a neighbour) has objected to the application on the grounds that in his view if this application were to be granted it would lead to inappropriate development in the Green Belt in the future as further buildings would be erected and all the caravans would become a permanent fixture. He sees this, together with other development of stables at the farm as over-commercialisation of this farm site within this Green Belt location.
Support
Total No. received: Nil

Consultees

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

Description of the site

1. The site is an established touring caravan park set on a rural farm within the Green Belt in the rural area of Rivington on the eastern boundary of the Borough. It is adjacent to a working farmstead including a number of agricultural barns, stables and the grade II listed farm house. Consent for the touring caravan site was granted in 2002 at which time permission was also granted for an amenity block.
2. The nearest neighbours to the site are at Morris Barn, over 315 metres to the north, Bradleys Farm, 350 metres to the south and Moses Cockers Farm, over 580 metres to the south west of the site.
3. Given the elevated and exposed location the site is visible from a considerable distance and a number of public footpaths pass nearby.

Assessment

Principle of the Development

4. Pertinent policies are: Central Lancashire Rural Development SPD (2012); Adopted Chorley Local Plan 2012 – 2026, policy BNE1. Also of relevance is the Framework, section 9, paragraphs 87 - 92.
5. The application seeks to vary a previously applied condition that states, '*The caravan site hereby permitted shall only be used for the parking of touring caravans whilst occupied and, in particular, no permanent or mobile homes shall be stationed on the site nor shall any unoccupied caravans be stored or parked on the site*', which was imposed so as to allow the development of a tourism facility but at the same time maintain as far as possible the openness of and therefore limit the harm to the Green Belt, to allow touring caravans to be sited or parked on the site continuously, whether occupied or not, between March and October.
6. This change will completely alter the basis upon which the original permission was granted. Rather than the pitches being occupied on a temporary basis for short periods of time at any one time, this application, if approved, would allow the permanent occupation of pitches continuously between March and October, effectively creating an open caravan storage facility.
7. The applicant claims to have made the application on the basis of requests received from current users of the site who wish to be able to leave their caravans on site continuously during the caravanning season rather than repeatedly towing them to and from the site on a regular basis.
8. Section 9 of the Framework deals with Green Belt land. Paragraphs 87 - 88 of the Framework state: (para 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.*' (para 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.*'
9. The Adopted Central Lancashire Rural Development SPD (2012) mirrors paragraph 89 of the Framework. Policy HS9 of the Adopted Chorley Local Plan 2012 - 2026 sets out exceptions where development need not be considered to be inappropriate in the Green Belt and Other Designated Rural Areas. In this case the following are considered to be pertinent:
 - a. The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
 - b. The proposal would not harm the character or quality of the countryside or landscape;
10. The Adopted Chorley Local Plan 2012 – 2026, policy BNE1 states, *Planning Permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development:*
 - a. *The proposal does not have a significantly detrimental impact on the surrounding*

area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials;

11. In this case the creation of permanently occupied caravan pitches, albeit only between March and October, falls to be considered as inappropriate development in the Green Belt. Furthermore the applicant has failed to provide any very special circumstances that might outweigh this inappropriateness or any other harm caused. The proposal will not enhance the tourism potential of the site and does not contribute to the enhancement of the rural economy. The proposed development is therefore considered to be contrary to the aforementioned paragraphs of the Framework.
12. The application fails to meet any of the exceptions cited within the Rural Development SPD as indicated above and is considered to have a significantly greater detrimental impact upon the openness of the Green Belt and the purposes of including land within it and would be harmful to the open character of the Green Belt at this point. The proposed development is therefore considered to be contrary to the requirements of the Rural Development SPD.
13. It is considered that the development will have a significantly detrimental impact on the surrounding area as the introduction of permanently parked caravans will cause significant blight to the appearance of the area. The proposed development is therefore considered to be contrary to policy BNE1 of the Local Plan.

Impact on the appearance of a listed building and the significance of a designated heritage asset

14. Paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the 'Special considerations affecting planning functions'.

15. Section 66 states:

- *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- *Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*

16. Section 72 states:

- *In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953

17. Paragraphs 129, 131, 132, 133, 134, 136 and 137 of the Framework (National Planning Policy Framework) are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.
18. Paragraph 129 states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'
19. Paragraph 131 states that, '*in determining planning applications, local planning authorities should take account of:*
 - *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness.*'

20. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
21. Paragraph 133 states, *'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - *The harm or loss is outweighed by the benefit of bringing the site back into use.'*
22. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
23. Paragraph 136 continues by stating that, *'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'*
24. Paragraph 137 states that, *'Local planning authorities should look for opportunities for new development within Conservation Areas or World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably.'*
25. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
26. The Adopted Chorley Local Plan (2015), Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'*
27. In this case the permanent siting of caravans within close proximity of the listed building is considered to cause harm to the setting of that building and thus cause harm to its appearance. It is the degree of permanence of the caravans compared to the existing consent and the potential for additional paraphernalia associated with their location on a more permanent basis – the use of awnings and other touring caravan related equipment - that all have the capability of degrading the setting of the listed building that is considered to be unacceptable. The proposed development is therefore considered to be contrary to S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. It follows also therefore that the proposed development will also cause unacceptable harm to the significance of the designated heritage asset by eroding its setting. The mostly rural surroundings will be replaced by a sea of permanently parked caravans, potentially including awnings and other related equipment, that is considered harmful. The proposed development is therefore considered to cause less than substantial harm to the significance of a designated heritage asset whilst at the same time fails to demonstrate

any compensatory public benefits. It is therefore considered to be contrary to the aforementioned paragraphs of the Framework, specifically paragraph 134, Policy 16 of the Core Strategy and policy BNE8 of the Local Plan.

Highway Safety and Parking

29. Pertinent Policies are: Adopted Chorley Local Plan 2012 – 2026, Policies BNE1 and ST4.

30. It is considered that the proposed development could result in a reduction in the number of caravan movements to and from the site and could therefore be beneficial in terms of highways safety.

Impact on the amenity of neighbours

31. Pertinent Policies are: Adopted Chorley Local Plan 2012 – 2026, Policy BNE1(b) and (g).

32. Given the considerable distance to any neighbouring property it is considered that the proposed development will have no material impact on the amenity currently enjoyed by those properties.

Ecology

33. Pertinent policies are: Adopted Central Lancashire Core Strategy (2012), policy 22; Adopted Chorley Local Plan 2012 – 2026, policy BNE9. Also of relevance is the Framework, section 11.

34. There is no evidence to suggest that the continuous parking of touring caravans from March to October inclusive will have any greater impact on the ecology of the area than a site operating purely touring caravans during the same period.

Overall Conclusion

35. The application is recommended for refusal

Planning Policies

36. 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

Ref: 02/00722/FUL **Decision:** PERFPF **Decision Date:** 30 October 2002

Description: **Extension of existing touring caravan site and replacement of an existing lean to building to form amenity block**

Proposed Reasons for Refusal

No.	Reason
1.	The proposed development falls to be considered as inappropriate development within the Green Belt that will cause unacceptable harm to the openness and special character of the area and the reasons for including the land within it.

2.	The proposed development will cause harm to the appearance of a listed building by causing harm to its setting. This will result in less than substantial harm to the significance of this designated heritage asset, however no compensatory public benefit of the proposal has been demonstrated.
----	---