

Item 3k	16/00261/FUL
Case Officer	Nicola Hopkins
Ward	Lostock
Proposal	Change of use of agricultural land to create an area of hardstanding for the storage of trailer components
Location	Barlow Trailers & Livestock, Denizes Farm, Southport Road
Applicant	Barlows Trailers
Consultation expiry:	27th April 2016
Decision due by:	17th May 2016 (time extension agreed until 27th May 2016)

Recommendation
Approve full planning permission

Representations

Ulnes Walton Parish Council has raised the following concerns:

- The gradual, creeping erosion of the Green Belt for industrial type purposes and the impact on surface water drainage in the local area.
- The Parish Council considers the proposal to be inappropriate development within the Green Belt and would request the purported Very Special Circumstances described are rigorously examined for validity.

Assessment

Proposed Development

1. The application relates to the creation of a concreted yard area, forming an extension to the existing premises, into what is currently agricultural land. The proposed use of this area is for storage of the trailers. The extension to yard area will measure approximately 59 metres in length (2 triangular pieces of hardstanding are proposed either end of the main area of hardstanding), east to west; it will project 20 metres northwards, from the existing limit of the yard area. A total of 1280 square metres of hardstanding is proposed.

Principle of the Development

2. 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.*

3. 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.
4. 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 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 will 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 trailer business on this site and as such represents further encroachment into 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).

5. 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 need to be demonstrated which outweigh the harm the development will have to the Green Belt.
6. During the site visit it was identified that a greater proportion of the site was being used for storage purposes that was granted consent in 2004 (04/00362/FUL). The extent of storage was specifically identified within the 2004 consent and was surrounded by areas of landscaping. These landscaped areas have been used for storage in breach of the condition attached to the 2004 consent. The agent for the application was advised of this breach and advised to regularise the situation on site as part of this application.
7. In response the agent has confirmed that on site at present storage is taking place outside of the storage area permitted under application 04/00362/FUL because of the increasing demands on the business. This area, outside of that approved in 2004, is an existing hardstanding area which belongs to the agricultural component of the site. The new hard-standing will be used for the trailer business and subsequently land returned to the agricultural use on the site.
8. One of the very special circumstances put forward in respect of this application is that the extra land is required to enable the business to store the trailers un-stacked which will in turn allow the trailers to be prepared for dispatch quicker. Historically it was always envisaged that products would need to be stacked, hence the following condition which was attached to the 2004 permission:
7. No trailers, goods, materials or equipment stacked, stored or deposited on the site shall exceed a height above ground level of 3.0 metres.
Reason: In the interests of the visual amenity of the area and in accordance with Policies EM5 and DC1 of the Adopted Chorley Borough Local Plan Review.

9. It is however appreciated that business practices change and it is clear on site that stacking the products does not create the most efficient way of ensuring speedy dispatch. In terms of stacking the trailers the agent for the application has confirmed the following: *Stacking the trailer components is unsafe and inefficient. The business has grown since 2004; at that time stacking trailer components was acceptable owing to the level of demand on the business to supply and the amount of storage space available to them.*

This practise is now impeding the productivity, the key impact being that the business has had to reduce its number of trading days. This is because they need extra staff to carry out the time consuming unstacking and manoeuvring that is related to the exacerbated storage area. The new storage area will ensure that the business does not need to stack the items and as such dispatch can be improved and trade increased.

10. A total of 1280m² of additional hardstanding is proposed for storage purposes and the agent for the application has set out the reasons why so much additional hardstanding is required as follows (based on the sales which have occurred this year):
- There is a 30% increase in orders across the two months. On average 30% of these sales are of used stock and 70% of sales are of new stock.
 - In January and February there were 110 items of new stock on the site. In March there was a total of 139 new stock items on site. Therefore there was a 23% increase in new stock on the site between February to March.
 - Based on current figures and the dimensions of these items, the average on site space requirement for new stock held on the site currently is 1176 square metres.
 - Used stock on site is shown as a fixed figure as monthly stock levels of used stock aren't produced by the business, although the stock levels given represent the on-site stock level at the time of the application. In March there was a total of 74 used items on site.
 - Based on the current figures and the dimensions of these items, the average on site space requirement for the used stock is 628 square metres. Used stock is currently held at the rear of the site with the new stock.
 - Vehicles and components for hire on site are part of the site's permanent fleet. At present these figures are fixed and do not demonstrate a demand or supply. What can be shown by these figures is how much space on site is needed to accommodate the entire hire fleet.
 - There are 70 vehicles and trailers in the hire fleet. Based on the current figures and the dimensions of these items, the average on site space requirement for stock in the hire fleet held on the site is approximately 552 square metres. The area of the site used for this is at the southern portion of the site.
 - Overall, at the time of the application, there are 213 new and used items in stock on site, resulting in a space requirement of 1804 square metres. The consented storage area available to the site at the rear is approximately 2100 square metres. However, this does not account for manoeuvring the trailer components or there being space between the trailers for manual checking and maintenance.
 - The turning circle required on site has been determined on the wheel base of largest item the business stocks, this item has a wheelbase of 7.27 m. This item can be for sale as new or used and has a turning circle with radius of 6.1 metres. The area at the rear of the site that is needed for manoeuvring and transporting the items is approximately 625 square metres.
 - Space for manual checking should account for 900 mm on the long two sides at least, therefore the whole the amount of space around the trailers on site for manual checking whilst in the storage area equates to approximately 383 square metres.
 - Therefore, taking into account the consented storage area at the rear, the amount of space needed for manual checks and the amount of space for access and manoeuvring, the space that can be used for trailer components is approximately 1010 square metres. Based on current stock levels and demand, the business has a storage capacity deficit of approximately 800 square metres.

- The proposed new hard-standing is 1280 square metres in size. The space needed for access and manoeuvring is approximately 200 metres. In the area of the proposal the access route does not take up as much space as it does across the remainder of the consented storage area. This gives an area to store trailers at 1000 square metres. It is on this basis that it is considered that the proposed hard-standing is justified on the basis of the needs of the business.
11. During the officer's site visit, the owner of the trailer business explained that one of the reasons why the application had been submitted was to enable a formal access route for vehicles to be set out within the site as the current situation is not formalised. This is supported by the submitted information which states that *The environmental conditions on the site will also in turn be improved, as it will create safer conditions for manoeuvring. It will negate the need to stack trailers and reduce the intensity of the existing storage provisions.* The agent for the application has provided an amended plan which sets out how access will be achieved along with manoeuvring space and turning circles which will assist in making the business more efficient.

Visual Impact

12. The proposal results in encroachment of hardstanding into the Green Belt and as such the visual impact of the development is a key consideration.
13. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained as follows:
- 21. Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue...*
- The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.*
- 22. The loss of openness (i.e. unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances.*
14. When interpreting paragraph 89 of the Framework the Judge in *Timmins v Gedling BC and Westerleigh Group Limited* [2014] analysed the relationship between openness and visual impact. He held inter alia:
- 74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building that is camouflaged or rendered unobtrusive by felicitous landscaping.*
15. In this case the Judge concluded that:

78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is therefore wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.

16. As the development falls to be considered inappropriate development the landscape/ visual impact of the proposed development is a key material consideration in terms of the overall balance as to whether there is harm.

17. Whilst the creation of hardstanding may not, on its own, adversely impact on the openness of the Green Belt the use of the hardstanding has the potential to adversely impact on the visual amenities of this rural area. In the case of the proposed area of hardstanding this part of the site is viewed in the context of the existing business at the site, as shown from the photo below. As such it is not considered that the visual impact of the development within this part of the site will be adversely affected by the proposed area of hardstanding as it will be viewed in the context of the existing built development and storage at the site. The fact that trailers will not be stacked reduces the visual impact of storage in this location and additional hedgerows are proposed which will effectively screen the development from the nearby receptors.



Conclusion

18. The proposal represents inappropriate development in the Green Belt for which very special circumstances are required. One of the key principles of the Framework relates to promoting a strong rural economy by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas. This is reflected within Policy 13 of the Adopted Core Strategy which seeks to support appropriate expansion of rural businesses.

19. The additional area of hardstanding will enable the business to expand to meet its current needs whilst enabling the more efficient operation of the business. This is considered to constitute very special circumstances sufficient to outweigh the harm the proposal will have on the Green Belt. The area of hardstanding proposed is the minimum required for the businesses needs and additional screening will assist in reducing the visual impact of additional storage on the site. Additionally the additional hardstanding will mean that the areas of the site which do not have consent for hardstanding can be returned back to the consent which was granted in 2004.

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
88/00173/FUL	Construction of bus shelter	Approved	14 June 1988
92/00242/COU	Change of use of agricultural buildings and yard to the manufacture display and retail sale and hire of trailers.	Approved	7 July 1992
93/00149/FUL	Erection of agricultural building	Approved	27 April 1993
93/00810/FUL	Erection of portal framed building for manufacture retail display and hire of trailers.	Approved	26 April 1994
95/00711/FUL	Erection of ground-floor flat with function room over	Withdrawn	
97/00359/FUL	Alterations to improve entrance and provision of new farm access.	Refused	6 August 1997
97/00360/FUL	Extension of livestock building & erection of attached agricultural storage building.	Approved	9 July 1998
97/00361/FUL	Erection of dwelling house.	Refused	6 August 1997
98/00194/TPO	Felling of oak tree (T1) covered by T.P.O. No 6 (Ulnes Walton) 1997.	Refused	14 July 1998
99/00624/ADV	Display of two advertisement hoardings	Withdrawn	
01/00190/FUL	Erection of agricultural buildings	Withdrawn	
01/00344/FUL	Erection of agricultural buildings	Approved	6 March 2002
02/00652/TPO	The felling of one oak tree T1 covered by Tree Preservation Order No.6 (Ulnes Walton) 1997.	Refused	29 August 2002
04/00362/FUL	Conversion of barn to customer facilities, change of use of agricultural buildings to use in connection with existing trailer business, erection of dog kennels, extension of domestic curtilage and change of use of agricultural land to external trailer store.	Approved	30 June 2004

07/00186/TPO	Felling of tree within Chorley BC TPO6 (Ulnes Walton) 1997.	Refused	3 December 2007
08/00319/FUL	Erection of 2 no. agricultural buildings	Withdrawn	
08/00723/FUL	Erection of 2no. agricultural buildings	Approved	4 August 2008
10/00779/AGR	Prior notification for the erection of a lean to extension.	Withdrawn	
10/00780/FUL	Full planning application for the erection of three sided agricultural building.	Approved	18 November 2010
10/01021/FUL	Erection of a lean to extension.	Approved	17 January 2011
11/00075/FUL	Erection of a single storey building for the storage of sales and hire equipment.	Withdrawn	
11/00271/FUL	Variation of Condition 13 pursuant to planning permission 04/00362/FUL to allow up to 1,800 sqm of space for the display of hire and sales equipment.	Refused	10 August 2011
11/00577/FUL	Proposed new building (between two existing buildings) to provide undercover storage area for sales and hire equipment.	Refused	2 September 2011
12/00282/FUL	Section 73 application to vary condition 1 of planning approval 08/00723/FUL to amend the position of the access through the site and the position of the landscaping.	Approved	11 May 2012
12/00283/FUL	Proposed new building (between two existing buildings) to provide undercover storage area for sales and hire equipment (resubmission of application 11/00577/FUL).	Approved	11 May 2012
13/00502/ADV	Retrospective application for advertising consent for 2 x fascia signs (the signs have already been erected) at either side of entrance on Southport Road.	Consent granted	1 August 2013
14/00816/TPO	Works to trees covered by TPO 6 (Ulnes Walton) 1997 - Removal of oak tree.	Consent granted	15 September 2014

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>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>									
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><tr><th>Title</th><th>Drawing Reference</th><th>Received date</th></tr><tr><td>Location Plan</td><td>N/A</td><td>17TH March 2016</td></tr><tr><td>Site Plan</td><td>LG/MB/3018</td><td>12th May 2016</td></tr></table> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>	Title	Drawing Reference	Received date	Location Plan	N/A	17TH March 2016	Site Plan	LG/MB/3018	12th May 2016
Title	Drawing Reference	Received date								
Location Plan	N/A	17TH March 2016								
Site Plan	LG/MB/3018	12th May 2016								
3.	<p>No trailers, goods, materials or equipment stored on the area of hardstanding hereby approved shall be stacked.</p> <p>Reason: In the interests of the visual amenity of the area and based upon the supporting information which falls to be considered a very special circumstance in respect of this Green Belt location.</p>									
4.	<p>A scheme for the landscaping of the area of hardstanding hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land and indicate the types and numbers of trees and shrubs to be planted, their distribution on site. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development, to provide screening to the approved area of hardstanding and secure a high quality design.</p>									
5.	<p>The area of hardstanding hereby approved shall be used for the storage of trailers, good and equipment associated with Barlows Trailers only; and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). In particular the area of hardstanding hereby approved shall not be used as a retail sales area.</p> <p>Reason: To clarify the permission and based upon the information submitted in support of the application which constitutes very special circumstances within this Green Belt location.</p>									
6.	<p>Prior to the use of the area of hardstanding hereby approved the areas of the site, included within the blue edge on the site location plan, which do not have consent for activity, parking, display or storage associated with the trailer business (with the exception of Denizes Farmhouse, Garden and Orchard) shall be landscaped in</p>									

	<p>accordance with planning approval 04/00362/FUL.</p> <p>Reason: Based upon the supporting information which constitutes very special circumstances in support of the development hereby approved within the Green Belt location.</p>
7.	<p>Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the area of hardstanding hereby approved shall be passed through trapped gullies with an overall capacity compatible with the site being drained.</p> <p>Reason: To prevent pollution of the water environment and to ensure suitable drainage of the area of hardstanding.</p>