

Item 3h	16/00263/FUL
Case Officer	Iain Crossland
Ward	Clayton-le-Woods and Whittle-le-Woods Ward
Proposal	Change of use from public amenity space to residential garden curtilage
Location	66 Cedar Field Clayton-Le-Woods Chorley PR6 7RW
Applicant	Mrs Eilenne Finney
Consultation expiry:	05 May 2016
Decision due by:	26 May 2016

Recommendation

It is recommended that this application is approved subject to conditions.

Executive Summary

The main issues to consider are the loss of open space and the impact on the character and appearance of the surrounding area. As assessed below the proposals are considered to be acceptable when assessed against the relevant criteria.

Assessment

The Site

1. The application site comprises an area of amenity green space to the side of a 66 Cedar Field, Clayton le Woods. The site comprises a grassed lawn to the west side of the dwelling at 66 Cedar Field. It fronts the highway to the west and is bound by a hedgerow and public right of way to the south. The character of the area is predominantly residential, and consists of housing estates with dwellings of modern design. The area is interspersed by amenity green space and there is a linear park running north to south through the estate which is largely wooded and follows the watercourse of Carr Brook. The estate at Cedar Field is largely open plan.

The Proposal

2. The proposed development is for the change of use of an area of public amenity space to residential garden curtilage to the side of 66 Cedar Field. This would bring a triangular section of land within the domestic curtilage of 66 Cedar Field, measuring approximately 120 square metres in area.

Assessment

Principle of the Development

3. The National Planning Policy Framework (the Framework) states that applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
4. The application site is located in the core settlement area of Clayton le Woods. The Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
5. Policy HW2 of the Chorley Local Plan 2012 – 2026 states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless certain criteria can be met. These are assessed below.
6. This approach is reflected and supported in the National Planning Policy Framework (The Framework).

Loss of Public Open Space

7. The proposal involves the loss of a small parcel of amenity open space, which falls to be considered as public open space under Policy HW2 of the Local Plan. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal is assessed against these criteria below:
8. *b) It can be demonstrated that the loss of site would not lead to a deficit of provision in the local area in terms of quantity and accessibility;*
The Chorley Local Plan 2012 – 2026 Open Space Policies Evidence Base demonstrates that there is currently a surplus of amenity greenspace in Clayton Brook/Green. Therefore, the loss of this site would not lead to a deficit in provision in the local area in terms of quantity and accessibility.
9. *c) The site is not identified as being of high quality and/or high value in the Open Space Study;*
The site has not been identified or assessed as part of the Open Space Study and is not therefore classified as high quality and/or high value.
10. *d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area;*
The site is not accessed for recreation and its retention is not therefore required to satisfy a recreational need in the local area.

11. e) *The site does not make a significant contribution to the character of an area in terms of visual amenity;*

This site makes some contribution to visual amenity on the local area, however, it appears as part of the garden at 66 Cedar Field rather than as amenity land. The land however is still owned by the Council and has just been maintained by the owners of 66 Cedar Field, the owners now wish to regularise the situation, purchase the land from the Council and formally change the use into garden land.

As a result the change of use in itself would have little impact on visual amenity. In the context of the extensive amenity open space that surrounds the property it is considered that the application site in itself does not make a significant contribution to the character of the area in terms of visual amenity.

12. The proposal accords with criterion b) to e) of Policy HW2 and therefore satisfies the requirements of this policy allowing for the loss of the existing open space.

Design and impact on the character of the area

13. The application site comprises a triangular shaped area of land that has the appearance of a grassed lawn. The site is located immediately adjacent to 66 Cedar Field and appears as a natural continuation of the garden at this property. There is a clear break with the adjacent public footpath and amenity land to the south with a hedgerow and trees separating the two. Although the site does contribute to the open character of the estate, the change of use to garden curtilage itself would not alter this situation significantly. The land forms a logical extension to the existing curtilage, with a clear break to the adjacent land and its change of status to garden curtilage would not detract from the appearance or character of the area to a harmful extent.

14. The development is therefore considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 - 2026.

Overall Conclusion

15. The proposed development would not impact unacceptably on the overall appearance and character of the area. Although a small part of the amenity open space would be lost the impact is considered acceptable. On the basis of the above, it is recommended that planning permission be granted.

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

There is no relevant planning history to consider.

Suggested Conditions

No.	Condition									
1.	<p>The development shall be carried out in accordance with the following plans:</p> <table><tr><td>Title</td><td>Plan Ref.</td><td>Received On:</td></tr><tr><td>Location Plan</td><td>16003-01</td><td>18 March 2016</td></tr><tr><td>Site Plan</td><td>16003-02</td><td>18 March 2016</td></tr></table> <p>Reason: To define the permission and in the interests of the proper development of the site.</p>	Title	Plan Ref.	Received On:	Location Plan	16003-01	18 March 2016	Site Plan	16003-02	18 March 2016
Title	Plan Ref.	Received On:								
Location Plan	16003-01	18 March 2016								
Site Plan	16003-02	18 March 2016								