

**Item 3f**                      **16/00102/FUL**

**Case Officer**              **Iain Crossland**

**Ward**                              **Chisnall Ward**

**Proposal**                      **Retrospective application for retention of Wendy house as a stable, canopy forming tractor storage, boundary fence and gates and access and hard standing**

**Location**                      **Land Opposite 71  
Church Lane  
Charnock Richard**

**Applicant**                      **Mr Steven Hough**

**Consultation expiry:**      **04 March 2016**

**Decision due by:**            **01 April 2016**

**Recommendation**

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

## Representations

**Charnock Richard Parish Council:** No comments have been received

**1 representation has been received objecting to the proposed development on the following summarised grounds:**

- Impact on the Green Belt
- The applicant has carried out unauthorised development and activity at the site and has not complied with enforcement notices. How can permission be granted on this basis?
- Impact on the character and appearance of the local area

## Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
GMEU Ecology	No overall objections to the application on nature conservation grounds

## **Assessment**

### The Site

1. The application site forms part of a parcel of land located to the north of 71 Church Lane, Charnock Richard, and lies within the Green Belt. The land has no particular use and has been used in the past for grazing purposes although more recently a number of unauthorised activities involving vehicle storage and repair have been carried out on site.
2. The site has a vehicular access from Church Lane, with a gated entrance and timber fencing running adjacent to the highway and along the boundary with 110 Church Lane. There is a hard surfaced track and areas of hardstanding inside the site entrance and within the site. There are several small buildings and structures on the site including an open canopy structure, two shipping containers, a Wendy house and a shed.
3. The character of the area is rural being located on the fringe of a village. There is open agricultural land to the north and residential development of a suburban character to the south.

### The Proposal

4. The application seeks planning permission for the retention of the Wendy house for use as a stable, the canopy structure canopy forming tractor storage, boundary fence and gates and access and hard standing.
5. The Wendy house building is a timber structure and measures 3m by 3.6m. There is a dual pitched roof with a ridge and eaves height of 2.3m and 1.5m respectively. The building would require some adaptation including the insertion of a new stable door. The open canopy structure measures 4.7m by 5.5m in area. There is a mono-pitched roof supported on four poles, with heights of 2.4m and 2.7m.
6. The fence adjacent to Church Lane is approximately 1.9m in height and the fence between the site and 110 Church Lane is 2.5m in height.
7. It is noted that there are a number of structures across the site that are unauthorised and are the subject of an enforcement notice. The applicant seeks to regularise the fencing, hard standing, canopy and Wendy house through this planning application. Should the application be approved, the remaining structures are the subject of separate enforcement action. As the existing enforcement notice includes structures that may become lawful as a result of this application, then the existing enforcement notice would no longer be applicable and a new replacement enforcement notice will be required.

## **Assessment**

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Impact on character and appearance of the locality

Issue 3 – Neighbour amenity

Issue 4 – Ecology

### Principle of development

8. Paragraph 89 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to inappropriate development. One exception is the provision of appropriate facilities for outdoor sport and outdoor recreation, which are not considered inappropriate by the National Planning Policy Framework (The Framework) as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The Central Lancashire Rural Development SPD sets out more detailed guidance in relation to equestrian development. In assessing the acceptability of equestrian development the SPD sets out matters relating to scale, siting, design, site treatment, highway safety and reinstatement, which should be taken into account. These are assessed below

### Impact on the Green Belt

10. In accordance with the Framework, appropriate facilities for outdoor sport and recreation are not considered inappropriate provided that they preserve the openness of the Green Belt. The Central Lancashire Rural Development SPD provides more detailed guidance on this and the development is assessed in relation to this guidance
11. Scale: The stable building is for private use and will accommodate one pony, which is in accordance with the Central Lancashire Rural Development SPD. It is noted that the provision of a machine store is not specifically supported within the SPD. This would, however, provide space for a tractor and machinery for cutting grass and managing the land, as well as the storage of feed, which is considered to be an acceptable ancillary facility. The canopy is of a similar scale to the ancillary facilities normally associated with a small private stable building. The scale of the overall development is modest for a private stables development and supporting facilities, therefore, the impact on the openness of the Green Belt is considered to be acceptable.
12. Siting: The stable building and canopy are positioned on an area of the existing hardstanding, and are viewed against the backdrop of trees and hedgerow, which helps them to blend in to the landscape. The stable building is located more than 30m from any nearby properties, thereby complying with the guidance set out in the SPD. No arrangements for the storage of manure are have been provided and therefore it is recommended that a condition be attached requiring such details.
13. Design: The stable building and canopy are modest in size. The stable building has a timber frame with timber cladding. The building has a ridge height of 2.3m with an area of 3m by 3.6m. This is a very small stable building, however, it is capable of supporting a single pony as specified by the applicant. The conversion of the existing Wendy house structure would involve the insertion of a new stable door and removal of a stove and chimney. The canopy is also fairly modest in scale with a maximum height of 2.7m, measuring 4.7m by 5.5m in area, and is open sided, which helps to retain a sense of openness. Although the stable building and canopy are separate structures, they are positioned close together, and preserve an acceptable degree of openness.
14. Site Treatment: The access track and hardstanding appears to have been in situ for some time, and although it extends 26m into the site, this allows the stable building to be situated away from ponds and marshy land. On this basis, the length of track is considered to be acceptable in this instance.
15. Highway Safety: The site is served by an existing vehicular access which is to be retained as part of this development, and very few vehicle movements would be involved.
16. Re-instatement: A condition is recommended, which would require the removal of the stable building and restoration of the land to grass should development become unused for more than 6 months.
17. On the basis of the above the, it is considered that the development meets the guidelines set out within the Central Lancashire Rural Development SPD.

### Impact on character and appearance of the locality

18. The stable building is a maximum of 2.3m in height, and very modest in size for a stable. The facing materials of timber cladding are appropriate for such a building and although the painted finish results in a somewhat domestic appearance, there is nothing to prevent any such stable building from being painted. The canopy is 2.7m high and open sided. This has a very open nature and blends into the site. As such its appearance is considered to be appropriate in the context of the area.
19. The building is of a modest scale and fairly well screened. As such, it is considered that the development does not have any detrimental impact on the character of the locality.
20. The fencing that has been erected adjacent to Church Lane is timber and extends approximately 96m in length and has a maximum height of 1.9m. The fence generally blends in well to the

landscape and views of the fence are filtered by dense vegetation along the highway verge between the highway and fence.

21. There is a taller timber fence of 2.5m in height between the application site and 110 Church Lane. This extends for a length of approximately 11m and is largely hidden from the street scene.
22. Although the fences are not what would normally be encountered in rural areas and on grazing land, the site is on the fringe of the settlement opposite a residential housing estate and its appearance in this context is not entirely alien.
23. On the basis that the boundary fencing is largely well screened, despite its height, and that the buildings to be retained on site are modest for such purposes, it is considered that the impact on the appearance of the site and character of the local area is acceptable.

#### Impact on neighbour amenity

24. The stable building is located approximately 45m from the nearest property at 16 Lichen Close. As such there would be minimal impact on the amenity of neighbouring occupiers from this aspect of the proposed development.
25. The boundary fencing adjacent to Church Lane is approximately 12m from the nearest properties and is positioned to the north of them. Due to the positioning and degree of separation, the impact on the levels of amenity enjoyed by nearby residents would not be unduly affected.
26. The boundary fencing between the site and 110 Church Lane is located approximately 65m from the property at 110 Church Lane. Due to the positioning and degree of separation the impact on the levels of amenity enjoyed by residents at 110 Church Lane would not be unduly affected.

#### Ecology impact

27. The application site is within the Biological Heritage Site (BHS) at 'Fishers Farm Ponds'. This local wildlife site is designated for its amphibian interest. It is not considered that the structures with which the application is concerned, and it is proposed are retained, will cause any substantive harm to the special nature conservation interest of the BHS, since the ponds and areas of optimal terrestrial habitat for amphibians have not, and will not, be greatly affected.

#### **Overall Conclusion**

28. The 'principle' of the proposed stable is an acceptable one. The design and scale of the stable building is appropriate in this context and is consistent with a small private development. The development will not detrimentally harm the openness of the Green Belt and there is a suitable distance between the site and the adjacent residential properties to ensure that living conditions will not suffer detrimental harm.

#### **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 at the site

#### **Suggested Conditions**

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory</i>

	<i>Purchase Act 2004.</i>									
2.	<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></td> <td>09 May 2016</td> </tr> <tr> <td>Proposed Plans, Elevations, and Site Plans</td> <td>ML/AD/5408</td> <td>09 May 2016</td> </tr> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Title	Plan Ref:	Received on:	Location Plan		09 May 2016	Proposed Plans, Elevations, and Site Plans	ML/AD/5408	09 May 2016
Title	Plan Ref:	Received on:								
Location Plan		09 May 2016								
Proposed Plans, Elevations, and Site Plans	ML/AD/5408	09 May 2016								
3.	<p>No source of external illumination or sound amplification shall be installed on the development hereby permitted.</p> <p><i>Reason: To protect the open and rural character of the locality.</i></p>									
4.	<p>The stable building hereby permitted shall only be used for the private stabling of horses and storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.</p> <p><i>Reason: To define the permission and in the interests of the visual amenities and character of the area.</i></p>									
5.	<p>Where use of the stable building for the authorised purposes does not commence within 6 months of completion or ceases for a period exceeding 6 months within 10 years of its substantial completion it shall be removed and the land grass seeded.</p> <p><i>Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need.</i></p>									
6.	<p>Notwithstanding any such detail shown on the submitted plans or application form, the following external facing materials shall only be used for the stable building and no others substituted without the approval of the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>• Elevations: timber boarding and block work to a maximum height of 1.2m;</li> <li>• Roof: mineral felt;</li> <li>• Windows and doors: timber.</li> </ul> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality</i></p>									