

## **APPLICATION REPORT – 16/00614/FUL**

**Validation Date: 7 July 2016**

**Ward: Chisnall**

**Type of Application: Full Planning**

**Proposal: Part-retrospective application for the change of use of barn to use for corporate entertainment in connection with a shooting school, and an office and storage space for use in connection with the farm businesses, and associated car parking**

**Location: Swifts House Farm Bentley Lane Heskin Chorley PR7 5UY**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Fiddler**

**Agent: Ms Sophie Marshall**

**Consultation expiry: 31 August 2016**

**Decision due by: 1 September 2016**

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**This application was deferred from the previous development control committee meeting in order for a site visit to take place on 2<sup>nd</sup> November 2016.**

### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

2. The application site comprises a traditional agricultural barn building located within the curtilage of Swifts House Farm in the rural district of Heskin. The barn itself is a Grade II listed building of traditional agricultural character. The building is faced in stone and there is a corrugated panel roof. The building is set in a cobbled courtyard and forms part of the original farm yard. The site is located in the Green Belt in an area of rural character.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The proposed development is for the change of use from an Agricultural Barn to a mixed use for corporate entertainment in connection with a shooting school and an office and storage space for use in connection with the farm businesses.
4. The use of part of the barn for corporate entertainment would provide a venue that would be used for shooting school groups to meet, receive instruction, relax, dine and take refreshments (such as breakfast, lunch and afternoon tea). There would be no music used in connection with this use, and the use would operate between the hours of 09:30 and 18:30.

5. Off street car parking for 10 vehicles would be provided in the yard on the opposite side of Bentley Lane from the barn and Swifts House Farm itself.

## REPRESENTATIONS

Cllr Whittaker request that the application be determined by committee

Five letters of objection have been received raising issues that are summarised below:

- Impact on the amenity of local residents through noise, privacy and disturbance
- Impact on the character of the area
- Impact on Green Belt
- Impact on highway safety
- Recent Planning permission on Farm Depot is already being contravened. Permission states that all vehicle stored, MUST be under cover. This is not happening. Will this Condition also apply?
- An attempt to circumvent the system through repeated applications.
- The applicant would not comply with conditions

## CONSULTATIONS

**Lancashire Highway Services** – No objection

**Regulatory Services - Environmental Health** – No comments received

**Conservation Officer** - I consider the proposed development to be acceptable as it will preserve the appearance of both the listed building and the adjacent listed building and thus also sustain the significance of these designated heritage assets.

**West Lancashire Borough Council** - raises an objection to the proposal due to concerns regarding the nature of the entertainment venue and the provision of a shooting school and the potential for noise disturbance in close proximity to neighbouring properties. In addition, the Council is concerned that the proposal will result in increased traffic to and from the site on this rural road.

### **Heskin Parish Council**

- a) there is no indication of what exactly a "shooting school "is. What type of guns?
- b) There is no indication of where the shooting will take place. There are houses nearby.
- c) the "entertainment" is similar to that applied for in the past and could lead to disturbance for nearby residents and serious loss of amenity.
- d) the site is very close to two sharp bend and people crossing the road could be in danger.
- e) parking has previously been applied for and its been established that any parking should be out of site or indoors.

The Council feel strongly that this application should be refused. It's in the wrong place and will cause great disturbance to residents both in Heskin and Hilldale, and Wrightington (both West Lancs).

### **Hilldale Parish Council**

Grounds for objection:

1. Adverse impact on the amenity of local residents, including noise & disturbance
2. Adverse impact on the character of the area
3. Adverse effect on highway safety

### **Wrightington Parish Council**

Wrightington Parish Council wish to register their objections to these proposals, as they have done in the past, as the access to the site is completely inadequate with extremely poor sight lines and, the proposals would result in over development of the site which would have a detrimental impact on the Green Belt and rural nature of the surrounding land.

## PLANNING CONSIDERATIONS

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Impact on designated heritage asset

Issue 3 – Impact on character of the locality

Issue 4 – Impact on neighbour amenity

Issue 5 – Impact on highways/access/sustainable location

### Principle of the Development

6. The Framework is supportive of sustainable development and most specifically in the context of this rural site states that Local Authorities should *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings*. This includes the promotion of the development and diversification of agricultural businesses. It is accepted that the existing barn that is the subject of this application is unsuitable for modern farming practices as it is inaccessible to modern agricultural machinery and vehicles as well as providing inadequate ventilation for storage of bales or for keeping livestock. The proposed use would allow the existing agricultural enterprise to develop and diversify, making use of an underused building that is a heritage asset.
7. In terms of fulfilling the three dimensions to sustainable development: economic, social and environmental the proposal, which is an agricultural diversification project, would have a clear economic role in this respect. Socially, the venue could provide a facility of local people to use and in terms of its environmental role, the proposal would be beneficial insofar as it would help protect the historic environment by providing a viable re-use for a listed building.
8. Policy 13 of the Central Lancashire Core Strategy supports recreational uses in rural areas and allows for the sensitive conversion and alternative use of farm buildings. The policy goes on to state that any such development should be of an appropriate scale and be located where the environment and infrastructure can accommodate the impacts of expansion. The proposed development does not constitute a new large scale leisure development, and it would not be contrary to the aims of Policy 1 and 13 of the Central Lancashire Core Strategy.
9. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development and conversions provided that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
10. Policy BNE1 goes on to state that planning permission will be granted provided that the proposal would not adversely affect the character or setting of a listed building.
11. Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. This 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.'

### Impact on a designated heritage asset

12. Both Swift's House Farm and the barn, which is the subject of this application, are designated heritage assets as defined by annex 2 to the Framework. Both are Grade II listed buildings. In this case it is not proposed to make any physical alterations to the building either internally or externally, it is merely the use that is changing. Whilst previously some alterations have been undertaken as regards the interior of the building it is considered that these are temporary and easily reversible and do not materially affect the structure, character, appearance and therefore also the significance of the building. As a heritage

asset it is recognised that it would be beneficial that a viable re-use of Swifts House Barn is found.

13. It is considered that the proposal will sustain the significance of both the designated heritage assets on the site and also that imbued within their setting. The application accords with both national and local policy and is consequently considered to be acceptable in relation to the impact on a designated heritage asset.

#### Impact on the Green Belt

14. The application site is located in a rural location on Bentley Lane in the Green Belt. No external alterations are proposed as part of the development.
15. The Framework is silent on change of use proposals, however, the re-use of buildings is considered not inappropriate in Green Belt provided that the buildings are of permanent and substantial construction.
16. The proposed use would introduce a corporate entertainment facility and office and storage to support the existing farm businesses onto an agricultural site in an area characterised by the activities associated with agriculture and rural pursuits. Although the proposed use differs from those traditionally associated with the locality there would be no physical impact on the character of the landscape. As such no harm would be presented to the purposes of including land within the Green Belt.

#### Impact on character of the locality

17. There would be no external alterations to the property and therefore no impact on the appearance of the building or locality.
18. The proposed development would introduce a different type of use onto the site through the establishment of a corporate entertainment facility, however, this would be small scale and low intensity given the type of use as a meeting and convening place for instruction, refreshment and briefings. There would be limited arrivals and departures at the property and these would be restricted to daytime hours only. There would be no music played at the venue. As a result of these factors the noise and disturbance that would be generated would be of such low levels that there would be no change in the character of the area.
19. The use of the building for office and storage in connection with the farm business would have little noticeable impact.
20. It is therefore considered that the scope of the proposed use would have little impact on the character of this rural location and would not result in any harmful change to the existing character.

#### Impact on neighbour amenity

21. The application building is located approximately 110m from the nearest dwellings at Hawkshead to the east along Bentley Lane and Harrock Glen to the south west along Bentley Lane. Other properties on Bentley Lane to the south west are approximately 190m away and on Barmskin Lane to the north east are approximately 250m away.
22. It is considered that the office and storage aspects of the proposal would have a very limited impact on the amenity of neighbouring occupiers, owing to their small scale and distance from the nearest properties, along with their associate with the existing farm businesses.
23. The corporate entertainment use would be in connection with a shooting school. The building would be used for shooting school groups to meet, receive instruction, relax, dine and take refreshments (such as breakfast, lunch and afternoon tea). There would be no music used in connection with this use. It is anticipated that the building would be used by such groups mainly from 10.00 a.m. until 6.00 p.m. and would cater for shooting groups of up to 30 people. It is possible that the use would extend beyond these hours due to early health and safety briefings and early/late arrivals/departures. It is therefore recommended that a condition is attached to any grant of planning permission limiting the operating hours

to between 09:30 and 18:30 allow for some early and late arrival, but to prevent operation into the evenings, so as to protect neighbouring occupiers from noise and disturbance associated with people arriving at and leaving the venue at more sensitive times of day.

24. It is noted that a number of objections have been received in relation to potential noise and disturbance from the site. It is acknowledged that the noise that could be generated from within the venue itself through amplified and non-amplified music and through the noise and disturbance associated with people arriving at and leaving the venue was a specific concern in relation to a previous application at the site, which resulted in refusal of the application. This proposal differs in that no music would be played in the building as a result of the proposed use, and it is recommended that this is confirmed via an appropriate condition. In addition to this lower number of people using the building would be anticipated and the hours of operation would be confined to the daytime and not the evenings. As such any noise and disturbance from those arriving at and leaving the venue is likely to be of a low level and would not take place during the more sensitive times of the day, such as evenings, which are intrinsically quieter.
25. It is therefore considered that the levels of noise and disturbance generated by the use of the building itself and as a result of arrivals and departures would be relatively low level and would not be harmful to the amenity of neighbouring occupiers.
26. A number of concerns have been received in relation to the actual shooting activities of the shooting school. This does not form part of the planning application and the proposed development relates solely to the use of the barn itself. It is understood, however, that the applicant currently runs a clay pigeon shooting school at a nearby site. The proposal that is assessed here is to allow the building to be used for shooting school groups to meet, receive instruction, relax, dine and take refreshments in support of this activity. The shooting activity does not have to take place on site for the building to be used in this way. In addition it is noted that clay pigeon shooting may be permitted on land for not more than 28 days in total in any calendar year under Schedule 2, Part 4, Class B of the General Permitted Development Order 2015. As such shooting could take place at a number of separate locations over the year without the need to apply for planning permission.
27. No details have been provided as to operation of the shooting activities themselves.

#### Impact on highways/access/sustainable location

28. The car parking for the proposed entertainment venue, office and storage would be located on the opposite site of Bentley Lane in a former agricultural yard now used as part of a facility for the storage of caravans. The site currently has an established vehicular access to Bentley Lane and is in the control of the applicant.
29. There would be car parking provision of 10 spaces. The LCC Highways officer previously estimated that 10no. parking spaces would be required for the entertainment aspect of the proposal, 2no for the office and a single space for the storage and warehousing. Despite there being 3no less spaces than required, LCC Highways considers that the depot area is large enough with adequate hard-standing to accommodate parking in excess of the number required and that there would still be room available for turning and dropping off / picking up visitors and patrons to the entertainment centre. In addition to this the office and storage are unlikely to create an additional demand on parking being used in connection with the existing farm businesses.
30. With regards to the safe use of the parking area and venue the LCC Highway Officer observed on site that although Bentley Lane is subject to 60mph, the actual vehicle speeds on the approach to the site appeared very low. This was as a result of limited forward visibility and the road bend inherently serving as traffic calming feature and forcing drivers to reduce speeds to be able to safely negotiate the bend. The majority of drivers were therefore observed exercising the necessary caution on approach to the site access. Traffic volumes were not identified to be a problem as the frequency of use of Bentley Lane seemed no different from other rural roads within the Chorley Borough.

31. On this basis it is considered that there would be adequate car parking and pick up / drop off space to support the proposed use, and that the existing established access is safe. No objection is raised by the LCC Highways Officer in relation to this proposal.
32. It is worthy to note that in response to an appeal on the previous planning application the Planning Inspector reflected the views of the LCC Highways Officer and considered that the proposal for an entertainment venue, office and storage would not be detrimental to highway safety.

#### Other matters

33. Recent Planning permission on Farm Depot is already being contravened. Permission states that all vehicles stored, MUST be under cover. This is not happening. Will this Condition also apply?: It is noted that an application for the change of use of the buildings and yard on the Farm Depot area of Swifts House Farm from B2 use to B8 use was approved in February 2012 (ref.11/01104/COU). Condition 3 of this application restricts the storage of materials and equipment to inside the buildings only. No outside storage was in evidence at the time of an unannounced site visit in July 2016. This would not prevent the parking of cars within the yard area proposed as part of this planning application.
34. An attempt to circumvent the system through repeated applications: there is no limit on the number of applications that can be made in relation to a specific site. Each application must be determined on its merits with due regard to the development plan policies and national policy at that time.
35. The applicant would not comply with conditions: Any conditions that are attached to the grant of planning permission must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. If planning conditions are breached then this would be subject to necessary enforcement action.

#### **CONCLUSION**

36. It is considered that the proposed development on this site would not be inappropriate in the context of this Green Belt location and the significance of a designated heritage asset would be maintained. The impact on the character of the area and neighbour amenity are acceptable as is the impact on highway safety. It is therefore considered that the proposal is acceptable and that planning permission should be granted subject to conditions.

**RELEVANT 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.

#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 11/00171/COU **Decision:** WDN **Decision Date:** 19 April 2011  
**Description:** Change of use of barn to use for holding 12 licensed events per year with a temporary car park and the erection of a temporary marquee from May - Sept.

**Ref:** 13/00925/CLEUD **Decision:** REFPUD **Decision Date:** 7 January 2014  
**Description:** Application for Certificate of Lawful Use in respect of Barn west of Swifts House Farm for offices, storage and entertainment venue.

**Ref: 14/00540/COU Decision: REFFPP Decision Date: 18 November 2014**  
**Description: Retrospective application for a change of use from Agricultural Barn to an Office, Storage and Entertainment Venue (Sui Generis)**

**Ref: 76/00157/FUL Decision: PERFPF Decision Date: 5 April 1976**  
**Description: Beef house (for approx. 100 cattle)**

**Suggested Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Title</b>	<b>Drawing Reference</b>	<b>Received date</b>
Location plan and site plan		05 July 2016
Proposed floor plan	C2310	05 July 2016
Proposed elevations	C2310	05 July 2016

*Reason: For the avoidance of doubt and in the interests of proper planning*

3. The parking and associated manoeuvring facilities shown on the plans hereby approved made available in accordance with the approved plan prior to the use of Swifts House Barn for corporate entertainment; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).

*Reason: To ensure provision of adequate off-street parking facilities within the site*

4. No music of any type shall be played or reproduced in the building or on the site hereby permitted

*Reason: In the interests of the amenity of the area and nearby residential properties.*

5. The corporate entertainment use hereby permitted shall only operate between the hours of 09.30am and 18.30pm Monday – Sunday.

*Reason: In the interests of the amenity of the area and nearby residential properties.*