

APPLICATION REPORT – 16/00863/OUT

Validation Date: 22 September 2016

Ward: Eccleston And Mawdesley

Type of Application: Outline Planning

Proposal: Erection of 2 no. detached dwellings

Location: Land North Of Little Bluestone Cottage Blue Stone Lane Mawdesley

Case Officer: Mr Iain Crossland

Applicant: Mr & Mrs Collins

Agent: Mr Harry Tonge

Consultation expiry: 24 October 2016

Decision due by: 17 November 2016

RECOMMENDATION

1. It is recommended that this application is refused.

SITE DESCRIPTION

2. The application site is located in the Green Belt and comprises an open area of greenfield land that has in the past been used as pasture. It is located between residential dwellings at Little Bluestone Cottage to the south and Moorhey to the north. The site is bound by Blue Stone Lane to the west and there is open land to the east and a nearby pond.
3. The area is rural in character and the topography generally flat with an isolated dwelling to the south and linear form of residential development to the north. The character of the buildings in the locality is mixed with traditional agricultural style buildings and more modern dwellings in evidence close to the site.

4. DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks outline planning permission, with all matters reserved, for the erection of two detached dwellings.

REPRESENTATIONS

6. No objections have been received.

CONSULTATIONS

7. **Mawdesley Parish Council:** No comments have been received.
8. **Greater Manchester Ecology Unit:** No objection on the basis that an appropriate condition is attached to any grant of planning permission requiring a Method Statement for the avoidance of harm to amphibians.

9. **Lancashire Highway Services:** The proposed development is acceptable in principle subject to a condition to secure an appropriate access scheme.

10. **United Utilities:** No comments have been received.

PLANNING CONSIDERATIONS

11. The application site is located within the Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.

12. 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.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;

13. The application site is located outside the settlement area of Mawdesley and falls to be considered as an 'other place' when considering the location of development in relation to Policy 1 of the Core Strategy. Policy 1(f) of Core Strategy Policy 1 reads as follows: *"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."*

14. The policy specifically allows for 'appropriate infilling' in 'smaller villages' and within 'substantially built up frontages'. This raises the question of whether the site can be considered to be within a smaller village or substantially built up frontage. The site falls some distance outside the settlement area of Mawdesley in an area that contains some linear development but with no defined settlement or village centre. There are no amenities or characteristics in the immediate area that would be consistent with a village and as such the site is not considered to be within a village.

15. As such the proposal does not fall to be an exception to Green Belt policy in accordance with paragraph 89 of the Framework nor does the proposal accord with Policy 1 of the Core Strategy.

16. If this part of the Borough did fall to be considered a village or the site formed part of a substantially built up frontage the next test would be whether the development constituted appropriate infilling.
17. The site is located adjacent to a built up frontage of nine dwellings that extend in linear form to the north of the site. Policy HS7 of the Chorley Local Plan 2012 - 2026 deals with rural infilling and provides a definition of infill development.
18. Policy HS7 which relates to rural infilling states:

Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:

- a) The existing buildings form a clearly identifiable built-up frontage;*
- b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
- c) The proposal would complement the character and setting of the existing buildings.*

Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.

When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.

19. The dwellings to the north of the site form a linear pattern, which forms a clearly identifiable frontage, however, the site is not considered to lie within this frontage. This is because the dwelling to the south is isolated from this frontage and appears as a single isolated dwelling rather than forming part of the grouping to the north, being located approximately 60m apart. In addition the character of the application site and dwelling to the south are more agricultural in character setting them apart from the more coherent and domestic built form to the north. As such the proposed development would extend the frontage rather than fill a small gap in an otherwise built-up street frontage.
20. As such it is not considered that this part of the Borough is a smaller village or that the development constitutes infill development, which results in inappropriate development within this Green Belt location.
21. The proposal is, therefore, considered to be inappropriate development within the Green Belt and therefore not in accordance with the Framework, Policy 1(f) of the Central Lancashire Core Strategy and Policy HS7 of the Chorley Local Plan.

Impact on character and appearance of locality

22. There are a range of property types in the area, with both traditional and more modern design styles. Detached dwellings are commonplace. The proposed development is outline at this stage with all matters reserved. As such there are no detailed plans. The indicative drawings illustrate the possibility of designing dwellings that take reference from the character of nearby dwellings and share similar characteristics in terms of their scale and positioning.
23. There is evidence that adequate residential curtilage could be provided with space for parking and general amenity. No landscaping scheme or boundary fencing scheme is included so it is recommended that appropriate details would be required by condition if the development were considered acceptable in principle.
24. The surrounding area has a strong sense of openness, however, extending over grassland to the south. The proposed dwellings would inevitably diminish the existing sense of openness in this location, which is of paramount importance to the character of the area. As such there would be a detrimental impact to the character of the area.

Impact on neighbours

25. The indicative site plan demonstrates that two dwellings could be developed in a layout that would afford an appropriate degree of separation in relation to neighbouring dwellings and could be designed so as not to harm the amenity of the residential occupiers of those dwellings. If outline planning permission were to be forthcoming it is considered that the proposed dwellings could be designed in a way that would not cause harm to the amenity of any existing neighbouring occupiers at Moorhey or Bluestone Cottage, or the amenity of any future occupiers of the proposed dwellings.

Highway safety

26. The proposed development would create direct driveway access to the proposed dwelling onto Blue Stone Lane, which is a classified road. It is considered possible to create this access without causing severe harm to highway safety. The details of this access would be confirmed as part of any application for reserved matters consent.
27. It is considered that the development of two dwellings on the site could provide sufficient off road car parking space to serve the dwellings with at least 3 no. spaces in accordance with Policy ST4 of the Chorley Local Plan.
28. It is also noted that LCC (Highways) have no objection to the proposed development.

Ecology

29. The site comprises a field of semi-improved grassland, an area of bare earth and ruderal herbs colonising an area of gravel and trees, shrubs and a hedgerow at the site boundaries. It is noted that there are ponds within 100m of the site. Pond 3 as described in the Ecological Survey and Assessment report prepared and submitted as part of the application has been assessed as having potential to support great crested newts. There is direct connectivity between this pond and the site and the site supports reasonable terrestrial habitat for amphibians.
30. The development proposal would not lead to the loss of any breeding ponds, sufficient terrestrial habitat will remain to support amphibian populations following any development and wider habitat connectivity will be retained. As such the long-term conservation status of amphibians, including great crested newts if present, is unlikely to be harmed by the development, providing that precautions are taken to avoid any direct harm to amphibians that may be using the site during any site clearance or groundworks required to facilitate the development.
31. It is therefore recommend that, a condition is attached to any grant of planning permission requiring a Method Statement for the avoidance of harm to amphibians as described in section 5.6 of the ERAP Ecological Survey and Assessment Report of (ref. 2016-229), and should be required to be implemented in full.

Public Open Space

32. The Development Plan requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
33. A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites (i.e. 11 or less) and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).
34. The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again

but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.

35. The Court of Appeal judgement does however state that “the aim or goal of a policy’s author is that his policy should be followed” this remains subject to “the proper operation of s 38(6)” and that the policy guidance does not have to explicitly express that an alternative view can be reached as “the changes were introduced as policy, not binding law”. The judgement goes on to highlight “In the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy” (evidence submitted on behalf of the SofS)
36. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to National Policies and how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.
37. It is considered that the benefit of securing a public open space contribution on the basis of two dwellings would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to existing open space, however, the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.
38. Therefore a public open space commuted sum is not requested for this scheme.

Sustainable Resources

39. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

40. As such there would be a requirement for the dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Community Infrastructure Levy

41. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1

September 2013. The proposed housing development will be chargeable development and the charge is subject to indexation.

CONCLUSION

42. The proposed development is not considered to be infilling in a village and therefore constitutes inappropriate development, which in the absence of very special circumstances is contrary to the National Planning Policy Framework, Policy 1(f) of the Core Strategy and Policy HS7 of the Chorley Local Plan 2012 – 2026.

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.

Reason for refusal

No.	Reasons
1.	The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The proposed development would be detrimental to the character and openness of the Green Belt by virtue of developing a site that would not constitute infilling and is not located within a village. No very special circumstances have been submitted that outweigh the harm to the Green Belt, which would be caused by the proposed development. As such the proposed development is contrary to the National Planning Policy Framework, Policy 1(f) of the Central Lancashire Core Strategy and policy HS7 of the Chorley Local Plan 2012 – 2026.