

APPLICATION REPORT – 17/00539/FUL

Validation Date: 25 May 2017

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Erection of detached two storey dwelling with garage/workshop and stables following demolition of existing stables, kennels and workshop.

Location: High Heys Farm Langton Brow Eccleston Chorley PR7 5PB

Case Officer: Mike Halsall

Applicant: Mr & Mrs Karl Whaite

Agent: Clark Planning Consultants Ltd.

Consultation expiry: 30 June 2017

Decision due by: 15 September 2017

RECOMMENDATION

1.1 Grant full planning permission.

SITE DESCRIPTION

1.2 High Heys Farm includes dog kennels and cattery, stables and fishing lakes. There is a variety of buildings on the site including a farmhouse and agricultural buildings as well as buildings associated with the established uses on the site. Access is gained via a track from Langton Brow which winds up towards the farmhouse and beyond to the other elements.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The proposal relates to the erection of a detached two-storey dwelling with a garage/workshop and stables, following the demolition of existing stables, kennels and a workshop.

RELEVANT HISTORY OF THE SITE

Ref: 01/00443/FUL **Decision:** PRRRTF **Decision Date:** 5 July 2001
Description: Rebuilding and replacement of 23 kennels,

Ref: 12/00442/AGR **Decision:** PAAGR **Decision Date:** 29 May 2012
Description: Application for prior notification of agricultural building to be used for housing sheep and lambs and for storing farm machinery and a straw or hay crop

Ref: 15/01085/FUL **Decision:** PERFPP **Decision Date:** 9 February 2016
Description: Erection of detached single storey dwelling following the demolition of the existing kennels/workshop

REPRESENTATIONS

1.4 One letter of objection has been received which, in summary, questions the established use of the site, claims the buildings are agricultural, hence not previously developed land, and so the proposed new dwelling should be assessed against policy HS10 of the Chorley Local Plan (Agricultural workers dwellings). The objection states that the buildings in question by virtue of their design and construction are typical of an agricultural building and not materials of choice for either kennels or stables. It also states that the current use of the buildings has not been the subject of any planning permission nor certificate of lawfulness. The objection claims that the proposed residential development is contrary to both the local plan and the National Planning Policy Framework and there is no very special circumstances argument offered to justify a departure from such policies.

1.5 The above issues raised within the objection letter are dealt with at the Planning Considerations section of this report.

CONSULTATIONS

1.6 Parish Council – no response received to date.

1.7 CIL Officers – On approval, this application would be CIL Liable, as it involves the creation of a new dwelling.

1.8 Health & Safety Executive – responded stating they have no comments to make.

1.9 Planning Policy – to avoid repetition, the comments from planning policy are incorporated into the planning considerations section below.

1.10 Lancashire Highway Services – responded stating they have no objections.

1.11 United Utilities – has offered general guidance to the applicant on a drainage strategy which has been forwarded to them.

1.12 Greater Manchester Ecology Unit – responded to state that it has no overall objections to the application on ecological grounds but advise the following, which can be controlled by condition:

- If bats are found at any time during any approved building demolition works then works must cease immediately and advice sought from a suitably qualified person about how best to proceed.
- The applicant should check the buildings for nesting birds before commencing any demolition works. If nesting birds are present works will need to be delayed until young birds have fledged.

PLANNING CONSIDERATIONS

Principle of the development

1.13 This proposal is for a new dwelling, garage/workshop and stables located in the Green Belt, outside of any defined settlement boundaries. The application site is currently the location of a mixture of uses as stables, kennels and workshop. As identified within the Planning History section of this report, there is an extant planning permission on this site for the demolition of the kennels/workshop building and erection of a single storey dwelling.

1.14 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

1.15 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.

1.16 Paragraph 89 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this, as follows:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

1.17 Policy BNE5 of the Local Plan reflects paragraph 89 of the Framework in allowing the reuse, infilling or redevelopment of previously developed sites in the Green Belt, as follows:

The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:

In the case of re-use

- a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
- b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.

In the case of infill:

- c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In the case of redevelopment:

- d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

1.18 The construction of the new dwelling will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:

- The partial or complete redevelopment of previously developed land;
- Which would not have a greater impact on the “openness” of the Green Belt; and
- Which would not have a greater impact on the purposes of including land in the Green Belt.

1.19 The Framework contains a definition of previously developed land which includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be

developed) and any fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings. It is therefore necessary to determine the established use of the site to see if meets the Framework's definition of previously developed land.

1.20 The existing site consists of stables, kennels and a workshop with an area of hardstanding. The combined footprint of the existing buildings which are to be demolished is 562m². The combined footprint of the three proposed buildings is 261m². The difference in floorspace is -304m².

1.21 Whilst the proposed development is located on a farm, the existing uses of the buildings it is proposed to demolish are not agricultural in their use. High Heys Farm is considered to be a hybrid site with intermingling uses of agriculture, stables, kennels / cattery and leisure fishing. This has been demonstrated by a site visit undertaken by the current case officer and also historic visits to the site by other members of the Council's planning team. The application site is therefore considered to meet the definition of previously developed land as set out in Annex 2 of the Framework. Therefore, contrary to the assertions of the objector to this scheme, policy HS10 of the local plan is not considered relevant to this proposal as it relates to agricultural workers dwellings.

1.22 Given the site is in the Green Belt, the starting point is what exists on the site at the present time. Whether the proposed dwelling has a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test.

1.23 Given the decrease in floor area and overall volume of built development which would be realised by the implementation of the proposed development, 304 square metres and 880 cubic metres respectively, it is considered that the proposal would have no greater impact upon the openness of the Green Belt than what currently exists.

1.24 Finally, it is necessary to establish whether the proposal would have a greater impact on the purposes of including land in the Green Belt than the existing development. Paragraph 80 of the Framework lists the purposes of including land within the Green Belt, as follows:

- 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.

1.25 The proposed development is located on a previously developed site and would be contained within the same footprint as existing buildings which are of a larger scale. The proposal would therefore have no greater impact upon the five purposes of including land within the Green Belt, listed above, than the existing development.

1.26 In light of the above, the proposal is not considered therefore to represent inappropriate development in the Green Belt and is acceptable in principal.

Design and amenity

1.27 Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that:

- a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*

- b) *The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.*
- c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
- d) *The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
- e) *The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas;*
- f) *The proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site;*
- g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;*
- h) *The proposal includes measures to help to prevent crime and promote community safety.*

1.28 The proposed buildings are of a modest scale would be located on a similar, albeit much smaller footprint, compared to the existing buildings. The design is considered appropriate for the location.

1.29 Section F of the Central Lancashire Rural Development SPD, paragraph 39 provides information on the types of information the Council will take into account when assessing applications for equestrian development. Regarding scale “*a small private development will involve no more than three horses. For development proposals involving more than three horses, the applicant should submit a statement with the planning application detailing why accommodation of the size proposed is needed.*” In terms of design/materials, traditional designs will generally be the most appropriate, clad externally in timber and with an internal timber frame, with a maximum ridge height of 3.5 metres for stables. The proposed design of the stables was amended by the applicant during the determination process, at the request of the case officer, to meet the requirements of the SPD.

1.30 There are no other dwellings located in the vicinity of the application site, meaning there would be no impacts upon residential amenity from overlooking, overbearing or overshadowing.

1.31 It is considered that there is no conflict between the proposed development and policy BNE1 of the Local Plan.

Ecological Impacts

1.32 An ecological survey has been carried out in support of the application. The findings of the survey are that bats were not present at the time of survey, but that the building has at least some limited potential to allow bat access. If bats are found at any time during any approved building demolition works then works must cease immediately and advice sought from Natural England. All UK bats and their resting places are protected in law. A suitable informative will be added to the planning permission.

1.33 Several swallow and other bird nests were found in buildings. Informative notes, as advised by the Council’s ecology advisor, will be imposed on any permission in relation to this.

1.34 Whilst the Greater Manchester Ecology Unit have responded to state that it has no overall objections to the proposal and has made recommended mitigation measures similar to

those suggested within the applicant's ecological survey report. No unacceptable impacts upon ecological receptors are therefore expected subject to the imposition of conditions.

Access and Parking

1.35 Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. The proposed dwelling would include three bedrooms and so the provision of two parking spaces would be required to comply with Policy ST4. It is considered that there is sufficient room on-site for the provision of two parking spaces and their provision could be required by planning condition. Furthermore, Lancashire County Council Highways have responded to the consultation on the planning application and has raised no objections. The proposal is therefore considered acceptable in this regard.

Community Infrastructure Levy

1.36 The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Public Open Space

1.37 The Development Plan requires public opens space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

1.38 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).

1.39 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.

1.40 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 SoS)

1.41 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.

1.42 It is considered that the benefit of securing a public open space contribution on the basis of one dwelling (which would be £134) 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 play 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 Section106 agreements.

1.43 Therefore a POS commuted sum is not requested for this scheme.

CONCLUSION

1.44 The application proposes the redevelopment of a previously developed site within the Green Belt which would have no greater impact upon the openness of the Green Belt or the purposes of including land within it than the existing development. Other aspects are also considered to be acceptable. The application is therefore recommended for approval.

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.

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 approved plans below:

Title	Plan Ref	Received On
Location Plan	16/038/L01	25 May 2017
Proposed Site Layout & Indicative Drainage Layout	16/038/P01	31 July 2017
Proposed Stables and Garage & Workshop - Floor Plans & Elevations	16/038/P03	31 July 2017
Proposed Dwelling - Floor Plans & Elevations	16/038/P02	25 May 2017

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

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy

efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

5. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.

6. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

7. No part of the development shall be occupied or brought into use until details of the car parking provision has been submitted to and agreed in writing by the local planning authority. The details shall accord with the Chorley Council Parking Standards. The approved car parking provision shall be retained at all times thereafter specifically for this purpose.

Reason: To ensure the provision of adequate car parking on site and in the interest of highway safety.