

APPLICATION REPORT – 17/00621/FUL

Validation Date: 19 June 2017

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Demolition of existing storage buildings and erection of one detached bungalow

Location: Back House Farm Hall Lane Mawdesley Ormskirk L40 2QY

Case Officer: Mike Halsall

Applicant: Mr Ian Austin

Agent: Mr Chris Weetman

Consultation expiry: 16 August 2017

Decision due by: 15 September 2017

RECOMMENDATION

1. The application is recommended for approval.

SITE DESCRIPTION

2. The application site is located on land to the west of Back House Farm. It currently contains two storage buildings of wooden construction, one of which is open fronted. The existing buildings do not benefit from planning permission but have been clearly demonstrated to have been in situ for long enough to be immune from enforcement action. However, during the course of the determination period for this application, there has been some debate as to the established use of the buildings with neighbours claiming an agricultural use, prior to the current owners occupying the buildings in 2010. The applicant claims the buildings have been in an uninterrupted mixed use for a minimum period of 10 years for equestrian and general domestic storage. This issue is addressed later in the report.
3. To the south of the application site is a stable block granted planning permission by virtue of decision ref. 05/00833/FUL. The land to the west consists of agricultural fields. Access to the site is provided off Hall Lane to the north.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The proposal relates to the demolition of the existing buildings and the erection of a detached bungalow in their place.

RELEVANT HISTORY OF THE SITE

Ref: 05/00833/FUL **Decision:** PERFPP **Decision Date:** 17 November 2005
Description: Erection of a stable block

REPRESENTATIONS

5. There was initially an administrative error with the planning application and the initial neighbour notification letters were not posted, despite the system showing that they had been. This was later rectified and the letters were posted and the consultation period extended to account for this error.
6. Objections have been received from five individuals on the following grounds:
 - More and more buildings are being erected in the Green Belt
 - A recent approval at Willowfield has resulted in more cars using the access track
 - The stables have been rented out meaning more horse boxes are using the track
 - The access track has no passing places and has deteriorated, more collisions have been taking place
 - Emergency vehicles using the track is a concern
 - Parking outside the proposed dwelling would cause an obstruction on the road.
 - The track is unsafe for pedestrians
 - The proposal is contrary to Green Belt policy of the National Planning Policy Framework and policies BNE5 and HS9 of the Local Plan
 - The proposal is contrary to policy BNE1 in terms of noise generated by the use of the new property and other issues.
7. One of the five individuals is a former resident of Backhouse Barn, located opposite the application site, from 1997 until 2013. They state that when they moved in the building was actually part of a working agricultural holding and remained in that vein until the previous owners, who used it to store their tractor and associated implements, sold the property in 2010.
8. All of the above issues raised by representors, where relevant to the current planning application, are addressed within the Planning Considerations section below. It is worth noting here that policy HS9 which relates to the conversion of rural buildings in the Green Belt is not relevant to this proposal.

CONSULTATIONS

9. Parish Council – the Parish Council objects to the planning application on the following grounds, (summarised):
 - The form and design would be materially different to the current buildings, not in keeping with the surrounding area and would be out of character
 - The proposal would have greater impact than the present use with permanent human occupation, car movements and the general noise and activity of daily life
 - The site is not brownfield as it is in the Green Belt and has full utility as a hay store and tack room for the adjacent stable which is what it should be used for
 - The proposal would bring substantial change which would degrade the current rural stables setting
 - Loss of visual amenity
 - Increase in noise pollution
 - Increased vehicle movements
 - Approval of this could create a precedent for building on agricultural land in the Green Belt.
10. The above concerns are addressed within the Planning Considerations section below.
11. CIL Officers – responded to state that this is a CIL Liable Development.
12. Greater Manchester Ecology Unit – no response has been received.
13. Lancashire Highway Services – responded with no objections to the scheme due to the addition of two vehicles, which would likely arise from the approval of the proposed development, using the access being negligible. Highway Services have recommended a

condition be attached to any grant of planning permission requiring the submission of car parking details.

PLANNING CONSIDERATIONS

The principle of the proposed development

14. The application site is located within the Green Belt. 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.
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.
16. Paragraph 89 of 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.
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:
18. 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.

19. 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 than the existing development; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt than the existing development.
20. 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.
21. As noted earlier in this report, there has been some debate as to the established use of the buildings to which this application relates. For a use to become established it must have been in continued use for 10 years or more. The evidence before the council is as follows:
- Case for previously developed land (i.e. the site having been in equestrian/residential use):

From the site visit by the case officer, the buildings appear to be currently in use as storage associated with the nearby stables and also for domestic purposes as outbuildings for general storage purposes. The buildings are also identified as outbuildings within the case officer report for application ref. 05/00833/FUL in 2005 (for the erection of stables to the south of the application site) in 2005. There is also photographic evidence of this use from that time. The applicant has confirmed this to be the case.
 - Case for agricultural use at some point in the past 10 years (i.e. the site not previously developed land):

Neighbouring residents opposed to the proposal have provided evidence in the form of historic photographs and statements which they claim demonstrate that the buildings were used for agricultural purposes prior to the current owners purchasing the property in 2010. This is by virtue of tractors being parked within the buildings and the use of the buildings to store implements used to maintain the land.
22. It is understandable that someone seeing a tractor and other associated tools/implements within a building would form the assumption that the buildings were in use for agricultural purposes. However, for a use to be classed as agricultural it needs to be tied to an agricultural use. There is no evidence in front of me which suggests the buildings in question have been used in support of an agricultural use during the past 10 years. The parking of a tractor within a building and other industrial grass cutting equipment does not demonstrate an agricultural use and on the balance of probability, it is determined that the application site has an established mixed use associated with the nearby stables and as residential outbuildings. Equestrian uses fall within the definition of previously developed land. Furthermore, the application site sits within a planning unit of mixed use, namely residential and equestrian. The application site is therefore considered to be previously developed land, as defined within the Framework.
23. As it has been established that the site is previously developed land, to be considered appropriate in the Green Belt, it must be determined whether the proposed use would have

a greater impact on the openness of the Green Belt than the existing use. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. 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.

24. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. It is important to note that merely the presence of existing buildings on the application site does not justify new buildings.
25. The proposal has an identical footprint to the existing buildings. Given the decrease in overall volume of built development which would be realised by the implementation of the proposed development, from 315 cu.m to 233 cu.m, it is considered that the proposal would not have a greater impact upon the openness of the Green Belt than what currently exists on site. This is despite an overall increase in height of 200mm which is considered to be outweighed by the overall reduction in volume of built development.
26. 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.
27. The proposed development is located on a previously developed site and would be on the same footprint of an existing building 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.
28. In light of the above, the proposal is not considered therefore to represent inappropriate development in the Green Belt.

Access and Parking

29. There has been concern raised by representors and the Parish Council in relation to highway safety with the additional cars which would be using Hall Lane should the proposal be approved and also parking outside the application site causing an obstruction.
30. 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 two 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.
31. Lancashire Highway Services has responded to state it has no objection to the proposals due to the negligible impact of an additional two cars using Hall Lane. The Framework is clear at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is far from the case in this instance. The proposal is considered to be acceptable in terms of access and parking.

Design and amenity

32. 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.*
33. The proposed dwelling is of a modest scale, being a two bedroom bungalow on the same footprint as the existing buildings. The design is considered appropriate for the location, having a simplistic design with a porch extending to the front which creates visual interest. The construction materials can be controlled by planning condition to ensure these are suitable.
34. There is a substantial separation distance of 25m between the proposed dwelling and the nearest other residential dwelling, Back House Farm, meaning there would be no unacceptable impacts upon residential amenity from overlooking, overbearing or overshadowing. This accords with the Council's minimum recommended separation distances set within the Householder Design Guidance Supplementary Planning Document (SPD).
35. There are trees adjacent to the application site to the north and west which the applicant has confirmed would remain in-situ. As such, their protection during construction works can be controlled by planning condition.
36. Noise has been raised as an issue of concern by local residents and the Parish Council. There is nothing to suggest the proposed residential use of this site would have any greater noise impact than the existing comings and goings associated with the existing use of the buildings. As stated above, there is a substantial separation distance between site of the proposed dwelling and the nearest residential dwelling. Noise is not considered to be a material consideration in the determination of this planning application.
37. With regards to crime and community safety, the replacement of storage buildings with a residential dwelling which would bring additional residents to the area would likely have a positive impact upon community safety and crime.
38. In light of the above, it is considered that there is no conflict between the proposed development and policy BNE1 of the Local Plan.

CIL

39. 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.

CONCLUSION

40. The proposal is considered to represent an appropriate redevelopment of a previously developed site (brownfield land), 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. Furthermore, the proposal would have no unacceptable impacts upon the environment or the amenity of occupiers of residential dwellings in the local vicinity. The proposal demonstrably accords with the requirements of the Framework and the policies of the Development Plan and 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:

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

Title	Plan Ref	Received On
Location Plan	N/A	19 June 2017
Site Plan	N/A	19 June 2017
Proposed Cottage	143-011	19 June 2017
Proposed Site Layout	143-014	25 August 2017

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 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 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 it 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 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 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.

8. During the construction period, all trees on or adjoining the site shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.