

APPLICATION REPORT – 18/00148/FUL

Validation Date: 19 February 2018

Ward: Adlington And Anderton

Type of Application: Full Planning

Proposal: Siting of four storage containers following demolition of storage building (retrospective)

Location: Land Opposite The Mill Barn Grimeford Lane Anderton

Case Officer: Simon Forster

Applicant: Mr D Winstanley

Agent: Mrs Melanie Scarff

Consultation expiry: 16 March 2018

Decision due by: 22 June 2018

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reason:

The siting of four storage containers comprises a series of buildings by virtue of their permanence. The storage containers are inappropriate development in the Green Belt and, therefore, harmful by definition. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt. The proposal is, therefore, contrary to the National Planning Policy Framework.

SITE DESCRIPTION

2. The application site is a broadly rectangular parcel of land located on Grimeford Lane approximately 40m to the south west of the grade II listed Heskins Farm. The site is generally level and comprises a builder's storage yard occupied by six storage containers. The siting of four of the storage containers, following the demolition of a storage building which formerly occupied the site, are the subject of this retrospective planning application. The boundaries of the application site are flanked by native trees and shrubs on all sides and access to the site is via a five bar gate located off Grimeford Lane.
3. A Certificate of Lawfulness was granted in July 2011 confirming that the application site had been used for the storage of building materials falling within Use Class B8 for a period of 10 years preceding the date of the Certificate application, confirmed through relevant documentary evidence.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission retrospectively for the siting of four steel storage containers, following the demolition and removal of an existing storage building. Each steel storage container measures approximately 2.4m by 6m and has a height of 2.57m. These have been sited immediately adjacent to one of the existing containers, which would be retained in situ.

5. It is stated within the design and access statement submitted with the application that the existing five bar gate would be clad in solid timber to reduce the visibility of the site from Grimeford Lane if planning permission were to be granted.

REPRESENTATIONS

One representation has been received citing the following grounds of objection:

- The newly sited four containers occupy a greater footprint than the original wooden storage shed.
- Properties overlook the application site and the new containers are unsightly and highly visible.
- Relocation of containers within the application site or screening should be considered.

CONSULTATIONS

6. Anderton Parish Council - Have confirmed that they have no specific objection to this application providing that it does not degrade the visual amenity of the area and is acceptable to local residents. The council does note, however, that the four containers have a greater spatial volume and footprint than the demolished storage building.

PLANNING CONSIDERATIONS

7. The main issues for consideration are as follows:

- Principle of development
- Impact on the character and appearance of the locality
- Impact on neighbour amenity
- Impact on the setting of a listed building

Principle of development

8. The application site is located wholly within the Green Belt. The lawfulness of the use of the site for Class B8 storage has been confirmed by the previous grant of a Certificate of Lawfulness for an Existing Use or Operation (reference 11/00402/CLEUD).
9. 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.
10. The National Planning Policy Framework (The Framework) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It also states that local authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:
 - Bullet point 6 – 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.
11. 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.
12. The siting of four storage containers following demolition of an existing storage building is considered to be operational development, for which planning permission is required, on the

basis of the combined size of the four containers grouped together, the permanence of the containers (given that the applicant does not indicate that they will be removed after any length of time), having regard to the difficulty in moving the containers and the engineering works, which were necessary to create a level platform on which to site the containers.

13. An appeal decision of *Mr Stuart Sayce versus Herefordshire Council* [2012] for the siting of storage containers on a site with lawful use for light industry and storage facilities was dismissed with the Inspector concluding that the proposed containers were buildings and their erection was operational development for which express planning permission was required. The Inspector considered that whilst each individual container was limited in size, the appearance of the containers side by side in groups would have the appearance of a substantial structure. The Inspector also considered that whilst the containers have no physical attachment to the land, this would be outweighed in any balancing exercise by the nature of the operations required to place them on the land and their permanence. The Inspector noted that permanence was considered to be the decisive factor of the three.
14. The development does constitute operational development and as the site is previously developed, there is the potential to engage bullet point 6 of the paragraph 89 of the Framework.
15. Bullet point 6 states that partial redevelopment of previously developed sites is only considered not to be inappropriate when there would be no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
16. 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'.
17. It is considered that in respect of the Framework that the site previously had an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the application site does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
18. Whether the new buildings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.
19. The scale of the four shipping containers (as sited) in this location has a larger footprint and significantly greater volume than the storage building that previously occupied the application site. The development inevitably has a greater impact on openness than the development as it existed prior to the siting of the containers. This results in harm to the openness of the Green Belt, therefore, the test in bullet point six of paragraph 89 cannot be met. On this basis, the development is considered to be inappropriate development in the Green Belt. .

Impact on the character and appearance of the locality

20. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states:

'Planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development 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.'

21. Currently the character in the vicinity of the application site is defined by some limited residential development at The Mill Barn and the grade II listed Heskins Farm combined with

the large retail and warehousing development to the north west of Grimeford Lane in addition to the use of the application site as a builder's yard and storage area. Visually the application site is relatively contained by the vegetation flanking its boundaries and is located adjacent to a number of large retail and warehousing units to the north of the application site. In this context it is not considered that the development harms the character and appearance of the locality.

Impact on neighbour amenity

22. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states:

'Planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.'

23. The closest neighbouring properties to the application site are Anden Farm and The Mill Barn. The development has comprised the demolition of a timber storage building and the siting of the four additional storage containers with an associated increase in the mass of built form on the application site. Any impacts of the development on residential amenity must be considered in the context of the lawful Class B8 use of the application site.

24. The application site is visible in oblique views from the ground floor and first floor habitable windows of The Mill Barn. However, given the distance of over 30m between the dwelling and the storage containers, the lawful Class B8 use of the site, the tree and hedge planting which flank the boundaries of the site and the applicant's assertion that a solid gate would be erected at the entrance should consent be granted, it is not considered that the development has an unacceptable effect on the residential amenities of the occupiers of The Mill Barn.

25. Anden Farm also has some limited views over the application site from habitable room windows. However, it is noted that tree and hedge vegetation lines the boundary between Anden Farm and the application site providing some screening and in views from this direction, the mass of the flat roof storage containers do not appear to be significantly greater than the storage building which previously occupied the application site given the height of its ridgeline.

26. In this context, it is not considered that the development has an unacceptable impact on neighbour amenity.

Impact on the setting of a listed building

27. The grade II listed Heskins Farm is located approximately 40m to the north east of the application site opposite the large warehousing and retail site off Grimeford Lane. The application site is concealed from this Listed Building by tree and hedge planting which flank the boundaries of the application site. In this context, it is not considered that the development results in any harm to the setting of Heskins Farm Listed Building.

CONCLUSION

28. The siting of four storage containers is inappropriate development in the Green Belt and therefore harmful by definition. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt. The proposal is, therefore, contrary to the National Planning Policy Framework. It is therefore recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

Ref: 96/00381/FUL **Decision:** REFFPP **Decision Date:** 7 August 1996
Description: Erection of 1 detached house

Ref: 02/00512/COU **Decision:** WDN **Decision Date:** 9 April 2008
Description: Change of use of land from allotment to storage of landscaping materials

Ref: 11/00402/CLEUD **Decision:** PERPUD **Decision Date:** 8 July 2011
Description: Application for certificate of lawfulness for existing builder's yard and storage area

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.