

## **APPLICATION REPORT – 18/00543/FUL**

**Validation Date: 24 May 2018**

**Ward: Wheelton And Withnell**

**Type of Application: Full Planning**

**Proposal: Application under S.73 ref 14/00881/FUL (for the Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, extension of existing garage, creation of associated vehicular parking areas and creation of three vehicle passing places (two entirely new and one existing to be improved/enlarged) on Dick Lane) re amendment to approved plans to add single-storey rear extensions to plots 3 - 6, raising of the ridge and eaves height to plots 3 - 6 by 1.5 metres and amendments to the proposed extension to the existing stable/garage.**

**Location: Brinscall Hall Farm Dick Lane Brinscall Chorley PR6 8QL**

**Case Officer: Mr Ian Heywood**

**Applicant: Mr Gordon Seymour**

**Agent: Mr Tony Lawson**

**Consultation expiry: 6 July 2018**

**Decision due by: 17 August 2018**

---

### **RECOMMENDATION**

1. It is recommended that the planning permission is granted subject to conditions.

### **SITE DESCRIPTION**

2. The site comprises a number of stone former agricultural buildings – barn, covered stock yard and large shippon. Farming operations ceased here some years ago and were transferred to another site located to the south of this location leaving the buildings effectively redundant and empty. An existing small stable/garage building is situated opposite the main range of buildings close to the farm house, the latter now being in separate ownership. Within the site are a number of large areas of concrete hardstanding, which anecdotal evidence suggests extends some way to the west of the existing buildings. Historic mapping shows that until the mid-20<sup>th</sup> Century the current barn buildings were somewhat larger than is currently the case and extended closer to the current access track than is currently the case.
3. Brinscall Hall and its former outbuildings, one of which having been converted to a single dwelling, are located to the east and south of the site. A modern detached house is also to be found in this locality but otherwise the site is surrounded by open countryside within the Green Belt. Whilst Brinscall Hall is of some local historic interest it is not designated in any way, either nationally or locally.

4. A public footpath runs along the access track in a generally east to west direction, whilst a second footpath bisects this at the western end of the site and runs in a generally north to south direction.
5. The complex of buildings in this area is served by Dick Lane, which for much of its southern length is only the width of a single vehicle and is an unadopted highway. This is a sylvan, tree lined avenue with open fields to either side and is virtually straight for its entire length.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. Permission was previously granted in 2016 for the conversion and alteration of the barn and shippon to create six dwellinghouses with associated curtilages and parking areas and the reuse of the existing stable as a double garage. The approved works included the demolition of a large covered stock yard building to the rear of the barn and the removal of substantial areas of concrete hardstanding. It also included the addition of single-storey rear extensions to plots one and two, which would be formed from the original barn.
7. The current proposal seeks minor material amendments to this approved scheme that include the addition of single-storey extensions to plots three to six, the raising of the ridge and eaves height to the former shippon, comprising plots three to six, by one and a half metres and removing the proposed extension to the existing stable/garage building that was to be on the eastern end of the building and replacing it with a much smaller extension on the western end of the building to be used as the required bird nesting/roosting site. This latter amendment follows advice from the applicant's ecologist.
8. Originally the proposal included the erection of a detached double garage at the western end of the site, but following discussions with the Council this has now been removed from the proposal. The proposal also includes the deletion of the integral garage to plot six and the space being utilised instead as living accommodation. The two parking spaces being re-allocated within a surface parking area at the western end of the site.

## **REPRESENTATIONS**

9. Two neighbours have made comments on the application, some received before the detached garage was removed from the proposal. These cite the following grounds for objection:
  - a. Overdevelopment and loss of/incursion into the Green Belt;
  - b. Lack of clarity on the plans submitted;
  - c. Lack of information regarding trees that may be affected;
  - d. Questionable valuation figures provided – these suggest that the work will of necessity be poor quality;
  - e. Contrary to information provided, asbestos was found in the building;
  - f. Poor quality workmanship in the construction of the passing places;
  - g. Lack of consideration to neighbours;
  - h. Questionable drainage on Dick Lane;
  - i. The difficulty of gaining access in winter months;
  - j. Query over land ownership;
  - k. Questionable viability – if it doesn't stack up financially, why bother?
10. In response to these:
  - a. This is considered to no longer be the case since the originally proposed detached double garage has been removed from the scheme through the proposed amendments.
  - b. The submitted plans are accurate.
  - c. No trees are to be affected by the proposed development. There remains a requirement to protect all trees in or adjacent to the development site during the construction period.
  - d. There is no direct correlation between the viability figures originally provided and the quality of the works to be undertaken now.

- e. This is not a material planning consideration to the current application as the asbestos found previously has now been removed.
- f. The passing places were not complete at the time the comments were made.
- g. There is no direct evidence of this apart from the temporary blocking of the public right of way, which has now been removed.
- h. The method of constructing the passing places on Dick Lane is the same as that which was previously approved.
- i. LCC Highways raised no objections to the approved scheme on these grounds.
- j. Land ownership details have been verified with the Land Registry.
- k. The motives for a developer in developing a site are not a material planning consideration. The only question is whether the proposed development is acceptable in planning terms.

## **CONSULTATIONS**

- 11. CIL Officers have confirmed that the development is CIL Liable.
- 12. Lancashire County Council Public Rights Of Way Officer has not made any comments on the application.
- 13. Withnell Parish Council object to the proposed development, their comments having been made prior to the amendments to the proposal, on the grounds of encroachment into the Green Belt without demonstrating any very special circumstances.

## **PLANNING CONSIDERATIONS**

### Principle of development

- 14. The principle of development was established here under the previous permission (application ref. 14/00881/FUL). This present application seeks to amend the details of the dwellings that were approved.
- 15. It is, however, noteworthy that since permission was granted previously the National Planning Policy Framework has been revised in July 2018. It is section 13 that now refers to 'Protecting Green Belt Land'.
- 16. Paragraph 143 states that, 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
- 17. Paragraph 144 continues, '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 resulting from the proposal, is clearly outweighed by other considerations'.
- 18. Paragraph 145 supports the extension or alteration of buildings provided that it does not result in disproportionate additions over and above the size of the original building, and paragraph 146 supports the re-use of buildings provided that the buildings are of permanent and substantial construction. This reflects the provisions set out in the Framework at the time the previous application was assessed and granted.
- 19. Overall the amount of built development on the site would be reduced as a result of the proposed development, and the development remains to be considered as being in conformity with The Framework and is therefore not inappropriate in the Green Belt.
- 20. All other policies within the Development Plan remain unaltered and were considered at the time the previous approval was granted, although it is noted that the Chorley Local Plan 2012 – 2026 is now adopted and carried full weight, whilst it was emerging at the time of the previous planning application.

### Design

21. The proposed amendments to the approved plans for the proposed dwellings would involve the addition of single storey rear extensions, an increase in the height of both the eaves and ridge height of 1.5 metres, all to plots 3 to 6, and the removal of the proposed extension to the existing stable/garage building from the eastern end of that building to the western end together with a considerable reduction in the size of that extension.
22. The proposed amendments would be relatively small additions, in the case of plots 3 to 6 and a reduction in the case of the existing stable/garage building. The amendments to plots 3 to 6 are not considered to be significant. Anecdotal historic evidence shows that the height of the shippon, the building being converted into plots 3 to 6, was originally at least 1.5 metres taller than is currently the case.
23. Given the fact that the extent of demolition still exceeds the volume of the proposed extensions, and that significant areas of concrete hardstanding are being removed, the amount of built development within the overall site would be less than existed previously.
24. The proposed amendments are considered to maintain the design and character of the buildings and to perpetuate the design philosophy that was previously approved such that the proposed development would not have an unacceptable adverse impact on the appearance of the surrounding area.

### Impact on the amenity of neighbouring occupiers

25. The proposed amendments would be located approximately 25.5 metres, in the case of the proposed extension to the existing stable/garage building, and approximately 50 metres from the nearest neighbouring property at Brinscall Hall Bungalow. They would be positioned on the far side of adjacent buildings or would be completely blocked from view by other buildings from this property, or any other neighbouring property.
26. It is not considered, therefore, that the proposed amendments would have any greater impact on the quiet amenity currently enjoyed by neighbouring occupiers than that which would result from the implementation of the previously approved scheme.

### Highways safety and parking

27. The proposed amendments are considered to have no material impact on highway safety or parking. It is proposed that the same requirement to complete the passing places on Dick Lane is required prior to the commencement of development to ensure that highway safety levels are maintained.

### Ecology

28. The proposed amendments are considered to sustain the ecological principles established by the approved scheme and it is recommended that a suitably worded condition should secure this.

### Public Right of Way

29. The proposed amendments are considered to have no material impact upon the adjacent public rights of way or the users thereof.

### Drainage and sewers

30. The proposed amendments are considered to maintain the principles accepted under the approved scheme.

### **CIL**

31. 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.

## FINANCIAL CONSIDERATIONS

32. The previous applicant put forward a viability argument that demonstrated that the proposed development was not financially viable to the extent that it was possible to make any financial contributions towards either public open space or affordable housing.
33. The current applicant has put forward a revised and updated viability argument that confirms the viability position remains unchanged. Whilst the situation has improved since the original approval was granted the improvement is not significant. Whilst the value of the completed properties has risen slightly, so too have the development costs. This demonstrates that it is not financially viable to impose a planning obligation for the provision of a commuted sum for the provision of off-site affordable housing or public open space.

## CONCLUSION

34. The proposed amendments to the previously approved development are considered to conform with the principles that were accepted with that previously approved scheme. The proposed development is considered to not have an unacceptable adverse impact on the character or appearance of the immediate area, nor would it cause any significant harm to the amenity of neighbouring residents. It is also considered to be acceptable in terms of highway safety and parking, ecology, public rights of way and drainage. It is therefore considered that the development accords with the National Planning Policy Framework, the Central Lancashire Core Strategy and the Chorley Local Plan 2012 – 2026. Consequently it is recommended for approval, subject to a series of compliance conditions.

## RELEVANT HISTORY OF THE SITE

**Ref:** 13/01089/FUL **Decision:** WDN **Decision Date:** 13 January 2014

**Description:** Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, construction of two blocks of garages, extension of existing garage to create bin store and creation of associated vehicular parking areas.

**Ref:** 14/00881/FUL **Decision:** PERFPP **Decision Date:** 17 August 2016

**Description:** Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, extension of existing garage, creation of associated vehicular parking areas and creation of three vehicle passing places (two entirely new and one existing to be improved/enlarged) on Dick Lane.

**Ref:** 18/00082/DIS **Decision:** PEDISZ **Decision Date:** 14 March 2018

**Description:** Application for approval of details reserved by condition 5 (scheme for foul & surface water drainage), 6(samples of external facing materials) and 12(precautionary survey for Barn Owl) to permission granted under reference 14/00881/FUL: Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, extension of existing garage, creation of associated vehicular parking areas and creation of three vehicle passing places (two entirely new and one existing to be improved/enlarged) on Dick Lane.

**Ref:** 18/00456/DIS **Decision:** PEDISZ **Decision Date:** 22 May 2018

**Description:** Discharge of conditions 5 (site drainage) and 12 (Barn Owl Survey) re 14/00881/FUL - Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, extension of existing garage, creation of associated vehicular parking areas and creation of three vehicle passing places (two entirely new and one existing to be improved/enlarged) on Dick Lane.

**Ref:** 18/00460/MNMA **Decision:** PEMNMZ **Decision Date:** 31 May 2018

**Description:** Application for a minor non-material amendment to planning permission 14/00881/FUL (Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, extension of existing garage, creation of associated vehicular parking areas and creation of three vehicle

passing places (two entirely new and one existing to be improved/enlarged) to remove the proposed parapet to the single storey rear extensions to plots 1 and 2 (existing barn).

**Ref:** 18/00589/DIS **Decision:** PEDISZ **Decision Date:** 9 July 2018

**Description:** Application to discharge conditions 13 (provision of permanent roosting/nesting space for Barn Owl), 14 (no demolition or vegetation clearance works during 1st March to 31 August inclusive unless surveys by a competent ecologist show that nesting birds would not be affected) and 15 (replacement habitat and nesting spaces for birds) of planning permission 14/00881/FUL: Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, extension of existing garage, creation of associated vehicular parking areas and creation of three vehicle passing places (two entirely new and one existing to be improved/enlarged) on Dick Lane.

**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 development hereby permitted must be implemented before 17 August 2019.

*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:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	17/116/L01 REV A	22 June 2018
Proposed Site Plan	17/116/P01 REV B	3 July 2018
Barn 1 Proposed Plans and Elevations	17/116/P02	24 May 2018
Garage/Stable Block - Plans and Elevations with Proposed Ecology Shed	17/116/P04	22 June 2018

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

3. The development hereby permitted shall be constructed in accordance with the approved site drainage plan and details as submitted on 11th May 2018 including the WPL Diamond sewage treatment plant or Klargestor equivalent and drawing F6678 received on 26 January 2018.

*Reason: To ensure satisfactory means of drainage.*

4. The development hereby permitted shall be constructed using the approved materials as supplied as samples on 10th August 2015 and within the email submitted on 7th September 2015 and the use of 'Warm Core' aluminium windows as detailed on 26 January 2018.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

*Reason: In the interests of maintaining the openness of the Green Belt.*

6. The parking and / or garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

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

7. The retained garage/stable building shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or convert the space into living or other accommodation.

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoids hazards caused by on-street parking.*

8. No external lighting associated with the application shall be installed without the prior approval, in writing, from the local planning authority.

*Reason: To safeguard protected species and their habitats.*

9. The approved provision of nesting and roosting sites for Barn Owls and nesting birds as detailed in the Pennine Ecology report received on 11 June 2018 and letter from Natural England dated 25 June 2018 shall be retained within the development in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To safeguard nesting and roosting sites for protected and endangered species of bird.*

10. During the construction period, all trees to be retained 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.*

11. The development hereby permitted shall be constructed in accordance with the SAP calculation report produced by Elmhurst Energy plus the confirmation in the post completion SAP report that either ground source or air source heat pumps or a biomass boiler have been used to confirm performance with the stated Dwelling Emission Rate.

*Reason: To ensure best use of sustainable resources in both the construction and occupation of the dwellings.*

12. The development hereby approved shall not commence until the passing places on Dick Lane have been completed. The three passing places shall be constructed utilising the 'Golpa Gravel reinforcement System', each passing place can be located on the northern side of Dick Lane and each passing place shall be 10 metres in length with 10 metres tapers at each end. The passing places should be designed to include culverts for the current drainage ditches and must avoid damage to adjacent trees that are the subject of a Tree Preservation Order. The passing places shall be retained in perpetuity thereafter.

*Reason: In the interests of highway safety.*