

APPLICATION REPORT – 18/00613/FUL

Validation Date: 18 June 2018

Ward: Brindle And Hoghton

Type of Application: Full Planning

Proposal: Erection of buildings and plant comprising gin distillery (retrospective)

Location: Holmes Farm Sandy Lane Brindle Chorley PR6 8LZ

Case Officer: Mr Iain Crossland

Applicant: Mr Gerard Singleton

Agent: Mr John Welbank

Consultation expiry: 16 July 2018

Decision due by: 13 August 2018

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the Green Belt to the north of Sandy Lane and Holmes Farm, adjacent to the M61 Motorway at Brindle. It comprises a warehouse type building that accommodates gin distilling plant and a bar area. Areas of hard standing have been extended to serve the building. There is an established band of trees between the site and M61 motorway to the west, however, the land to the south and east between the site and Sandy Lane is open agricultural land.
3. The site is accessed through Holmes Farm via an access from Sandy Lane. Prior to the development of the gin distillery building the site was open agricultural grassland. According to the application form the building was completed in November 2016.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission retrospectively for the erection of a building and plant comprising a gin distillery. The main building is a warehouse type building of industrial agricultural appearance. It measures approximately 18m by 18m and has a dual pitched roof with a ridge height of approximately 6.25m and eaves heights of approximately 4.5m and 3m. The building is faced in concrete panels and dark grey profiled sheeting.
5. To the east side of the warehouse are a boiler and a fuel store. The boiler is a flat roofed structure measuring 2m by 3.6m approximately and includes a chimney pipe projecting approximately 8m from ground level. The fuel store measures approximately 2.25m by 3.5m and has a mono-pitched roof with a maximum height of approximately 2.4m.

6. To the north side of the warehouse are two tanks associated with the distillery. There is an area of hard standing set aside for outdoor storage and car parking to the east of the warehouse.

REPRESENTATIONS

7. One letter has been received citing the following grounds of objection:
 - One off events would continue to take place at the distillery including tours and private events, with food being served.
 - The building does not blend into the landscape and has a visual impact from Sandy Lane.
 - The application does not represent the intentions of the developer.
 - Vehicular access is not suitable for large events.
 - No need for another drinking establishment.
 - Disturbance from vehicles leaving the venue late in the evening through noise and light from headlights.
 - Disturbance from customers leaving and hanging around the venue prior to leaving.
 - Smells from food.
 - Impact on property values.
 - A premises licence has been granted by the Council without planning permission being in place.
 - The applicant has claimed that the building is a converted cow shed but it is a new building.
 - Concerns about the future intentions of the applicant.

CONSULTATIONS

8. Brindle Parish Council – Comment that regard should be had to traffic, noise and advertising.
9. Regulatory Services - Environmental Health: Comment that it is not envisaged that the proposal would have a negative impact on neighbouring properties and therefore there are no objections to the application and no further comments required.
10. Lancashire Highway Services: Have no objection on the basis that the application is for a gin distillery only and not a public bar or entertainment venue.
11. United Utilities: No comments received.

PLANNING CONSIDERATIONS

Principle of development

12. The Framework is supportive of sustainable development in rural areas and most specifically in the context of this rural site states at paragraph 83 that Local Authorities should *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land based rural enterprises*. The proposed use would allow the existing agricultural enterprise to diversify and would introduce a commercial distillery to the site, which would make use of the barley produced by the farming enterprise.
13. Support for rural businesses and farm diversification is reflected in the Central Lancashire Core Strategy policy 13, with the caveat that such proposals should not undermine the purposes of the Green Belt.
14. 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.

15. National guidance on Green Belt is contained in Chapter 13 of the Framework, which states:

133. 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.

134. 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.*

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

144. 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.

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

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) 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;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
– not have a greater impact on the openness of the Green Belt than the existing development; or
– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

16. The site was previously open agricultural land with no buildings or development in situ. The development comprises a warehouse and plant to support a gin distillery. Such a development does not fall within any of the exceptions to inappropriate development in the Green Belt set out at paragraph 145. The proposed development must, therefore, be considered inappropriate, which is harmful by definition, and to which substantial weight must be attached.

17. As it has been established that the development results in definitional harm to the Green Belt, any other harm caused by the development must also be considered and added to the definitional harm.

18. There are five purposes of the Green Belt as set out in the Framework and detailed above.

19. Considering each in turn:

20. Purpose 1 (to check the unrestricted sprawl of large built-up areas)
The application site is located immediately adjacent to the M61 motorway and the settlement area of Clayton Brook / Clayton Green, which extends south from the settlement of Bamber Bridge. Due to the position close to the settlement boundary and motorway the development effectively extends the built up area and contributes to a level of sprawl from the built up area into the Green Belt resulting in moderate harm.
21. Purpose 2 (to prevent neighbouring towns merging into one another)
The development of the site does not result in neighbouring towns merging into one another.
22. Purpose 3 (to assist in safeguarding the countryside from encroachment)
The development results in encroachment into the countryside as the buildings and hard standing have been developed within an area of open agricultural land. This results in an incursion of built form within a previously undeveloped part of the Green Belt resulting in substantial harm.
23. Purpose 4 (preserve the setting and special character of historic towns)
The site is not located within or near to a historic town, and the building is not located within the setting of any listed buildings.
24. Purpose 5 (to assist in urban regeneration by encouraging the recycling of derelict and other urban land)
The development is essentially industrial in nature, which the Framework and local plan policies seek to encourage within appropriate urban sites, and to which derelict and urban land are more ideally suited. As the development involves use of greenfield land outside the settlement it is considered that the development does not assist in urban regeneration, as derelict and other urban land opportunities have not been considered by the applicant resulting in moderate harm.
25. On the basis of the above it is considered that there is other harm to the Green Belt caused by the harm to purposes 1, 3 and 5 of including land in the Green Belt, as the development results in the unrestricted sprawl of large built-up areas, a degree of encroachment into the countryside and does not assist in urban regeneration by encouraging the recycling of derelict and other urban land.
26. As the development results in definitional harm to the Green Belt and other harm through unrestricted sprawl of large built-up areas, encroachment and not assisting in urban regeneration there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

Appearance and visual impact

27. The main building is of a functional design resembling an industrial warehouse type building, or the type of modern storage building found on some agricultural units. The design is not, therefore, uncommon amongst modern agricultural developments. The use of dark grey sheeting, its siting close to the western boundary of the site and scale relative to nearby trees and existing farm buildings are such that the building does not appear incongruous in its surroundings. The development also incorporates a boiler and fuel store. The boiler has a chimney of approximately 8m in height, which contributes to the industrial character of the development and is a less harmonious element of the development. The other buildings and plant are smaller in scale and functional in appearance. These have a limited impact on the appearance of the site.
28. The development as a whole is not visible from public views to the north, south or west. This is due to the presence of a dense band of trees and vegetation to the west of the site between the site and motorway, and intervening buildings and structures to the south of the development between the site and Sandy Lane. Although views are open to the north there are no highways or rights of way. The buildings are, however, open to view from the east at Sandy Lane. The scale of the main warehouse building and materials used are such that the building does blend into the landscape to some extent, and does not form a prominent

feature due to its positioning, scale and appearance. However, the warehouse building and boiler chimney do have a visual impact, resulting in some moderate visual harm adding an element of industrial character to an area otherwise characterised by open agricultural land and buildings when viewed from Sandy Lane.

Impact on neighbour amenity

29. The warehouse building is sited approximately 80m from the nearest residential property at Holmes Farm, which is within the same ownership as the application site. The warehouse is located approximately 150m from the nearest property on the opposite side of Sandy Lane at Silverdale. The warehouse is not visible from this property due to intervening structures, however, the entrance to the site is opposite the property. Other properties to the west of the site are on the opposite side of the M61 and are over 130m away. To the east the nearest dwellings are at least 200m away. Given the degree of separation the buildings and plant themselves have no direct impact on any neighbouring occupiers.
30. The operation of the distillery itself generates limited noise and smells and results in a limited number of traffic movements, which are generally during the daytime. The operation of the distillery is not considered harmful to amenity in itself.
31. A previous application included the provision of a bar that would have been open to the public and available for private events. It was considered that the levels of noise generated through the use of the bar, and noise and disturbance generated as a result of the combination of vehicular and pedestrian activity, could not be reasonably controlled to an extent that there would be no impact on the amenity of nearby occupiers residing in a rural location. Subsequently the impact on the amenity of neighbouring occupiers was cited as a reason for refusal of the application.
32. It is noted that a neighbouring occupier has concerns over the use of the premises for private events and parties despite the bar no longer forming part of the application. It is considered that some activities such as occasional distillery tours linked to the main business of distilling gin could take place on a basis that would be considered ancillary to the use as a gin distillery. Activities of this type that could take place as an ancillary activity to the main use would be so small in scale and limited in frequency that it is not considered they would result in any impact on neighbour amenity through noise and disturbance.
33. If at any stage such activities or events exceeded that which could be considered ancillary then enforcement action may be required and/or a subsequent planning application for the use or activity would need to be submitted. Whether or not such activities are no longer ancillary is a matter of fact and degree, and such a judgement would need to be taken in the event that an issue is identified.

Highway safety

34. The site is accessed via an existing vehicular access on to Sandy Lane, which has been used for some time by farm vehicles and other vehicles accessing the Holmes Farm site. Sandy Lane is classified as B5256 and is categorised as a secondary distributor road with a speed limit of 30mph fronting the site access.
35. Lancashire County Council Highways (LCC) are of the opinion that the proposed development of a gin distillery on its own would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Green Belt balancing exercise

36. It has been established that there is definitional harm to the Green Belt as the development is inappropriate development in the Green Belt and there is considered to be other harm to three of the purposes of including land in the Green Belt through allowing unrestricted sprawl of large built-up areas, encroachment into the countryside, and not assisting in urban regeneration.
37. It is also considered that there is some further harm in terms of the visual impact.

38. With a view to demonstrating very special circumstances the applicant's agent has set out the following;
- The development is a farm diversification scheme through adding value to barley grown in adjacent fields through the distillation into gin.
 - Creating rural employment within the local food and drink sector while supporting a farming enterprise.
 - The farm income has significantly declined in recent years. The 2017 accounts that accompany the application indicate a profit of just £8000. This is insufficient to even support one wage and provides no opportunity for reinvestment. All of the profit is based on the existing Single Farm Payment received by the farm. There is a threat that under Brexit there will be a shift in SFP. If the SFP reduced, the farm would be unsustainable. As a result the farm business has sought to diversify to protect the business from economic uncertainty. The chosen diversification was based on the need to add value to the farm's existing barley crop. Through the distillery the barley is processed into both craft ale and gin. A full business plan accompanies the application demonstrating the need to diversify. It also demonstrates how, through the new diversification both the farm and distillery can become a sustainable business into the future that creates employment and allows for further reinvestment in the farm business.
 - The inability to reuse existing buildings: Within Green Belt policy the preference is to reuse existing buildings before new build is considered. Holme Farm has a range of traditional brick buildings. Most of the existing buildings have low roofs and the individual rooms are small. As a result they would not be large or high enough for the distillery equipment. They are also all used for farming operations including workshops and machinery. As a result none of the existing buildings were either suitable or available for the proposed use. For this reason the only option was a new larger building with an open span which was capable of housing all the distillery equipment (see accompanying business plan for further details on the chosen location).
 - In terms of noise, as the building is located directly alongside the motorway there will be no material impact. In terms of landscape impact the site has changed use from a haulage yard to a distillery. As the use is now all contained within a dark green building the visual impact could be argued to have improved from the previous use. Finally, the site is screened from most directions with mature woodland. As a result there is minimal visual impact.
39. It is noted that the development has been conceived to support the diversification of the farming enterprise and has resulted in employment generation, which is supported by the Framework and Chorley Local Plan 2012 – 2026. The use of the barley grown on the farm directly by the distillery is commendable and environmentally sustainable in reducing vehicle journeys. Only limited weight can, therefore, be attached to this benefit.
40. The creation of several jobs on the site is positive and contributes to economic sustainability in the area, however, the mere creation of jobs cannot be a very special circumstance in itself, given that this could be repeated many times over on many separate cases. Only limited weight can, therefore, be attached to the creation of a small number of jobs.
41. The economic viability of the farming business has been clearly in decline over recent years based on the detailed business accounts provided, and the Single Farm Payment (SFP) subsidy that is currently received is critical to the farming business as a going concern. The subsidy is considered to be under threat given the uncertainty over the UK's impending separation from the European Union from which the subsidy originates. Given that the gin distillery diversification project utilises crops grown at the farm and has been designed to protect the wider farming enterprise in challenging and uncertain economic circumstances it is considered that this in itself carries significant weight.
42. There are a number of buildings on the Holmes Farm site and it would normally be expected that an existing building be utilised to accommodate the activities of the farm. It is accepted, however, that this is not always possible and the applicant has demonstrated why this could not have been achieved on this occasion. Firstly due to the unsuitable nature of the buildings themselves in accommodating the distillery equipment and secondly due the

existing buildings being in use for other farm requirements. This adds weight to the circumstances set out above.

43. The location of the motorway relative to the site does have an impact on ambient noise levels and will reduce the relative impacts from noise inside the unit, although this is relatively limited. The design of the building and its siting are considered to be sensible, however, the building is visible from Sandy Lane and does have some landscape impact, in what was an otherwise undeveloped part of the site. The applicant refers to a haulage yard although no evidence can be found as to whether this is lawful and there is no planning history relating to this therefore no weight can be attached to these factors.
44. It is recognised that the development has enabled an existing agricultural enterprise to diversify and create jobs. Given the existing threats to the viability of this particular farming enterprise and the importance of farming in the management of the countryside landscape it is considered that the matters set out above when taken together amount to the very special circumstances required to overcome the definitional harm to the Green Belt and additional harm caused through encroachment, which must be accorded substantial weight in line with the Framework, in addition to the other harm generated in relation to the visual impact.

Other matters

45. No need for a further drinking establishment and impacts associated with a drinking establishment: The use of the premises as a drinking establishment does not form part of this application.
46. Impact on property values: This is not a material planning consideration.
47. A premises licence has been granted by the Council without planning permission being in place: The planning and licensing regimes operate under different and separate legislation. It is, therefore, possible to be granted a premises licence but not planning permission, and vice versa.
48. The applicant has claimed elsewhere that the building is a converted cow shed but it is a new building: It is noted that the application building is a new building and has been purpose built to accommodate the distillery. This is reflected in the report.
49. Concerns about the future intentions of the applicant: The Council can only consider the application that is submitted. Other activities may require the grant of planning permission and such activities would potentially be subject to enforcement action where any necessary planning permissions do not exist.

CONCLUSION

50. The distillery building and plant are inappropriate development in the Green Belt and result in other harm to the Green Belt through allowing unrestricted sprawl of large built-up areas, encroachment into the countryside, and not assisting in urban regeneration. The design and scale of the buildings and plant is appropriate, however, there is visual harm. It is, however, considered that in this instance there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm. It is, therefore, recommended that the application be approved subject to conditions.

RELEVANT HISTORY OF THE SITE

- Ref:** 76/00118/OUT **Decision:** REFOPP **Decision Date:** 15 June 1976
Description: Outline application for bungalow and change of use of storage building to garage and store
- Ref:** 81/00639/OUT **Decision:** REFOPP **Decision Date:** 18 August 1981
Description: Outline application for bungalow
- Ref:** 00/00726/FUL **Decision:** REFFPP **Decision Date:** 2 November 2000

Description: Erection of 22.5m lattice tower, 6 antennas, 2 microwave dishes, 1 equipment cabin and ancillary apparatus,

Ref: 01/00159/MAS **Decision:** PERMAS **Decision Date:** 28 March 2001

Description: Prior notification of siting of telecommunications equipment consisting of 15 metre pole, 9 antennas, 2 communication dishes and 1 equipment cabin.

Ref: 18/00324/FUL **Decision:** REFFPP **Decision Date:** 30 May 2018

Description: Erection of building and plant comprising gin distillery and bar (retrospective)

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

No.	Condition												
1.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="336 920 1319 1081"> <thead> <tr> <th data-bbox="336 920 730 949">Title</th> <th data-bbox="730 920 1019 949">Drawing Reference</th> <th data-bbox="1019 920 1319 949">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 949 730 978">Location plan</td> <td data-bbox="730 949 1019 978">2017-09-EX02</td> <td data-bbox="1019 949 1319 978">11 April 2018</td> </tr> <tr> <td data-bbox="336 978 730 1008">Proposed site plan</td> <td data-bbox="730 978 1019 1008">2017-09-P02</td> <td data-bbox="1019 978 1319 1008">11 April 2018</td> </tr> <tr> <td data-bbox="336 1008 730 1081">Proposed plans and elevations</td> <td data-bbox="730 1008 1019 1037">2017-09-P01</td> <td data-bbox="1019 1008 1319 1037">11 April 2018</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location plan	2017-09-EX02	11 April 2018	Proposed site plan	2017-09-P02	11 April 2018	Proposed plans and elevations	2017-09-P01	11 April 2018
Title	Drawing Reference	Received date											
Location plan	2017-09-EX02	11 April 2018											
Proposed site plan	2017-09-P02	11 April 2018											
Proposed plans and elevations	2017-09-P01	11 April 2018											
2.	<p>The buildings hereby approved shall be used for the distilling and storage of spirits and brewing and storage of beer and for no other purpose (of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).</p> <p><i>Reason: To protect the amenities of local residents.</i></p>												