

## APPLICATION REPORT – 18/00521/FUL

**Validation Date: 3 July 2018**

**Ward: Ecclestone And Mawdesley**

**Type of Application: Full Planning**

**Proposal: Change of use of existing agricultural buildings to storage of plant and machinery in association with a groundwork contractors.**

**Location: Sarscow Farm Sarscow Lane Ecclestone Leyland PR26 8LS**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Roberts**

**Consultation expiry: 20 August 2018**

**Decision due by: 28 August 2018**

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### RECOMMENDATION

1. It is recommended that the application is refused for the following reasons:

No.	
1.	The proposed development would be inappropriate development in the Green Belt and therefore harmful by definition. There would also be other harm to the Green Belt through encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm. The proposal is therefore contrary to the National Planning Policy Framework.
2.	Due to the rural character of the location, and narrow tree lined character of Sarscow Lane that provides a public right of way the construction of four passing places would be harmful to the landscape character through the loss of trees, hedgerows and the urbanising effect of the road widening works contrary to policies BNE1, BNE10, HS9 and EP3 of the Chorley Local Plan 2012 – 2026.

### SITE DESCRIPTION

2. Sarscow Farm, historically known as Little Sarscow, was at one time a quite substantial farm complex set in open countryside within the Green Belt. The wider planning unit includes the farm house and several agricultural buildings situated in a close grained cluster at the end of Sarscow Lane that leads to the site from Southport Road.
3. Sarscow Lane itself is a single-track private lane that serves Sarscow Farm, the agricultural land on either side and to the south of it and a limited number of other properties. It is lined by a significant number of mature trees that are the subject of a Tree Preservation Order (TPO). Drainage ditches variously line one or both sides of the lane at different points along its length, which restricts the carriageway width within these areas.

4. The buildings that form the subject of this application are agricultural sheds. They are positioned to the north of the farm house and older agricultural buildings. At the time of the site visit the buildings within the application site were no longer in use, however all appear to be in a reasonably sound condition.
5. There are no immediate neighbours to the site, the nearest being the property known as Oakfield being located approximately 360 metres to the north, or Butterfly Hall that is approximately 380 metres to the north west.
6. A public footpath, no.2, runs in a north to south direction along Sarscow Lane.
7. It is noted that the older barns clustered around the farm house were subject to a recent application for planning permission for a change of use to offices (application ref. 17/01046/FUL). This was approved in March 2018. The larger more recent agricultural sheds that are subject to the present application were excluded from this previous planning application and it was understood at the time that these would be retained for agricultural purposes as per their lawful use.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

8. The application seeks planning permission to change the use of existing agricultural buildings to the storage of plant and machinery in association with a groundwork contractors. No increase in the amount of built form is proposed. Other agricultural buildings on the site already benefit from planning permission to be used as offices associated with the groundwork contractors.
9. Engineering works are also proposed that would involve the creation of 4no. passing places on Sarscow Lane, which would be necessary to enable the passage of plant and machinery along Sarscow Lane between the site and highway network.

#### **REPRESENTATIONS**

10. Representations in objection to the proposed development have been received from the occupiers of 4 addresses. These relate to the following issues:
  - The impact on the openness of the Green Belt.
  - Impact on the character of the area.
  - Highway safety.
  - Loss of protected trees.
  - Ecological impact.
  - Visual impact.
  - Impact on neighbour amenity.
  - Safety of pedestrians using the right of way along Sarscow Lane.

#### **CONSULTATIONS**

11. Ulnes Walton Parish Council: No comments have been received.
12. Greater Manchester Ecology Unit: Have advised that further information is required to determine the ecological impact.
13. Lancashire Highway Services: Comment that the proposal is acceptable in principle.
14. Lancashire County Council Public Rights Of Way: No comments have been received.
15. Ramblers' Association (Chorley Branch): No comments have been received.
16. Environment Agency: Do not wish to be consulted on this application.
17. Council's Tree Officer: Any comments will be reported.

18. Waste & Contaminated Land Officer: Have confirmed that they have no comments to make.
19. Lead Local Flood Authority: Have confirmed that they have no comment to make on the above application.

## **PLANNING CONSIDERATIONS**

20. The National Planning Policy Framework (the Framework) is strongly in support of proposals that sustain and enhance economic growth, and most specifically in the context of this rural site states 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.
21. The application site is located wholly within the Green Belt between the settlements of Croston and Eccleston. 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.*

*146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

22. The proposed change of use of the buildings would engage with exception d) contained within paragraph 146 of The Framework, involving the re-use of buildings provided that the buildings are of permanent and substantial construction and on the proviso that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The application buildings appear to be in a good state of repair and are readily convertible to the proposed use. The proposed use of the buildings

would not result in any expansion of the buildings and, therefore, the use of the buildings themselves as proposed would comply with this exception.

23. The proposed development would require the construction of 4 passing places along Sarscow Farm to facilitate the movement of heavy plant and machinery. The passing places would involve the expansion of the carriageway along parts of the lane and is considered to be an engineering operation. This would engage with exception b) contained within paragraph 146 of The Framework, involving engineering operations providing that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

24. As such there are two considerations in respect of the proposals and the appropriateness of the development in the Green Belt as follows:

1) *Will the development preserve the openness of the Green Belt? Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. The creation of the hardstanding effectively preserves the openness of the Green Belt, given that it is a low lying operation to the surface.*

2) *Will the development conflict with the purposes of including land in the Green Belt? Paragraph 134 of the Framework sets out the five Green Belt purposes which the scheme is assessed against as below:*

*Purpose 1 (to check the unrestricted sprawl of large built-up areas).*

The application site is in a location surrounded by open land and is not of a scale or location that would result in urban sprawl.

*Purpose 2 (to prevent neighbouring towns merging into one another)*

Development of the site would not lead to the coalescence of neighbouring towns. In respect of the neighbouring villages the development would not lead to a coalescence of neighbouring villages.

*Purpose 3 (to assist in safeguarding the countryside from encroachment;).*

The passing places would increase the width of the lane by up to approximately 9.5m in places, from a present track width of between 3m and 4m, other than at the point where the lane joins Southport Road, which is wider. The four passing places would have lengths of approximately 25m at passing place 4, 38m at passing place 3, 47m at passing place 2, and 25m at passing place 1. The overall impact would be to introduce an intrusion of hard urban development into Green Belt countryside, which would break through the existing hedgerow and tree line expanding a narrow lane into a wider more heavily engineered form. This would result in a harmful encroachment into the Green Belt.

*Purpose 4 (to preserve the setting and special character of historic towns;).*

This does not apply as the site is not located near a historical town.

*Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).*

It is not considered that the proposals conflict with this purpose.

25. On the basis of the above it is considered that there is harm to the Green Belt caused by the harm to purpose 3 of including land in the Green Belt, as the development of the passing places results in an unacceptable degree of encroachment into the countryside. The proposal, therefore, represents inappropriate development within this Green Belt location.

26. As the development results in harm to the Green Belt through encroachment there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

27. Policy HS9 of the Chorley Local Plan 2012-2026 provides further detail in relation to the conversion of rural buildings in the Green Belt, through a series of criteria, all of which should be met. The proposal largely complies with this policy, however, criteria g) states *The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact.*
28. The proposed development would involve the construction of 4 passing places of significant size that would result in the loss of 12 trees and 68m of hedgerows. This is assessed in more detail below but it is considered that it would result in an undue environmental impact and is, therefore, contrary to policy HS9 of the Chorley Local Plan 2012-2026.
29. The proposal is subject to the development criteria for business and industrial development set out in policy EP3 of the Chorley Local Plan 2012 – 2026 and is assessed against the relevant criteria below.
- 30.a) *they are of a scale and character that is commensurate with the size of the settlement;*  
The proposed development is of a character that is anomalous in the context of this agricultural location. The existing buildings that would be converted are of a functional design and would be largely unaltered. However, the way in which the buildings would operate and be used would differ. Although as agricultural buildings they would have contained some machinery and vehicles, they would largely have been used for the shelter of animals and storage feed. The proposed development would introduce storage of 8 large vibro rigs, 5 loading shovels, 3 large driven rigs, and 3 small driven rigs, although the applicant has stated that there would usually be only 2-3 machines stored on the premises at any one time. Along with the necessary construction of 4 passing places this would result in a more industrial character within an agricultural location.
- 31.b) *the site is planned and laid out on a comprehensive basis;*  
The site has been planned and laid out on a comprehensive basis, in combination with a previously approved development involving the change of use of other buildings on the site to offices.
- 32.d) *the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*  
The site itself is located some distance from the nearest dwellings and would be used for the storage of plant and machinery within existing buildings, therefore, high levels of noise and disturbance would not be anticipated. It must also be considered that a working farm can generate noise and disturbance, which may exceed that of the proposed use. The applicant has stated that the use would generate 1 HGV using the lane every 2-3 days, once or twice a week worst case. The proposed development is, therefore, unlikely to cause any unacceptable harm through noise and disturbance.
- 33.e) *the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*  
The existing access would not be adequate in its current form, and would have to be re-engineered to accommodate 4 passing places. If this can be achieved then LCC Highways consider that the proposed access is adequate.
- 34.f) *the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*  
The location is served by public transport via a bus route along Southport Road and Sarscow Lane itself is a public right of way.
- 35.g) *open storage areas should be designed to minimise visual intrusion;*  
No open storage is proposed as part of the application, and this could be secured by condition.
- 36.h) *adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;*

The site is well screened by existing hedges and trees, although it is noted that some of this screening would be lost through the provision of passing places.

- 37.i) *on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*  
The application site adjoins open countryside. There is already landscaping to the periphery of the site, and this could be improved through a landscaping scheme, the details of which could be secured by condition.
- 38.j) *the development makes safe and convenient access provision for people with disabilities;*  
The site is relatively flat and the storage areas open fronted.
- 39.l) *the proposal will not result in surface water, drainage or sewerage related pollution problems;*  
It is recognised that the nature of the plant and machinery and its use is such that harmful substances could be washed off or leaked from them. It is considered that the proposed development could, however, be implemented with causing surface water, drainage or sewerage related pollution problems through the inclusion of appropriate mitigation measures.
- 40.m) *the proposal incorporates measures which help to prevent crime and promote community safety.*  
No particular measures have been proposed.
41. In consideration of the factors assessed above it is considered that the proposed development would fail to meet criteria a) as the construction of the passing places and use of the site for plant and machinery would result in a development of industrial character that would be incongruous in the context of this rural location of rural character.

#### Impact on trees and hedgerows

42. Sarscow Lane is a narrow tree lined country lane that supports a public right of way linking Southport Road with a network of footpaths north of the River Yarrow. The trees along Sarscow Lane are mature and form an integral part of the character of the lane and public right of way that it provides. The trees are subject to a group Tree Preservation Order (TPO) Chorley BC TPO 1 (Eccleston) 2018.
43. The proposed development includes the construction of 4 passing places along Sarscow Lane. The applicant has submitted a Tree Survey and Arboricultural Method Statement in support of the application. This identifies that 12 trees would be felled, 4 trees would require crown raising and a total of 68m of hedgerow would be removed. The report sets out that of the trees to be removed 1 is classed as category A (significant high quality), 3 are category B (moderate quality) and 8 are category C (low quality). Of the 4 trees to be crown raised 1 is category A and 3 are category B. The hedgerows to be removed are assessed as being well furnished or generally well furnished.
44. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that proposed for development should 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.
45. Policy BNE 10 of the Chorley Local Plan 2012 – 2026 deals more specifically with trees and hedgerows and states *Proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted.*
46. Policy 10 goes on to state that *replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.*

47. It is noted that the trees along Sarscow Lane were recently protected through the making of Chorley BC TPO 1 (Eccleston) 2018 and that this group TPO was used to protect the trees as they were considered to have landscape significance in this location, high public amenity value to those users of Sarscow Lane and that they were under threat from potential development. Given that the TPO was made recently it is not considered that the circumstances resulting in the TPO have changed and, therefore, the trees remain worthy or protection.
48. The trees and hedgerow contribute positively to the character of the lane and landscape in this location, and in doing so provide public amenity as they are highly visible along the lane and right of way. The loss of the trees and hedgerows as proposed in order to make way for road widening would, therefore, be harmful to the character of the area.
49. The proposed development would result in the storage element of a groundwork contractors being able to operate from the site (the administrative offices already have planning permission). This would bring some economic benefits, however, the benefits of this side of the business would be limited in comparison with the office element that was previously approved. In addition to this the offices and plant storage previously operated on separate sites and so it would appear that it is not essential that the two are co-located.
50. It is not considered that the benefits of the proposed plant and machinery storage use at Sarscow Farm and subsequent road widening would outweigh the loss of the trees and hedgerows given their contribution to landscape character and public amenity, particularly in consideration of the urbanising effect of the proposed passing places. It is not considered that replacement planting and landscaping could mitigate this impact on landscape character and public amenity.

#### Ecology

51. No ecology report has been submitted in support of the proposed development and, therefore, no assessment of the ecological impact can be carried out. It is noted, however, that there are a number of potential impacts that would need to be understood, assessed and mitigated against where possible.
52. There are a number of ponds close to the site and the hedgerows and trees that would need to be removed could provide high value terrestrial habitat for great crested newts. Whilst the buildings appear low risk it is not possible to tell from the information supplied whether there would be any impact on bats. The previous application for the adjacent buildings indicated that a barn owl was present in the buildings subject to this application.
53. It is noted that policy HS9 of the Chorley Local Plan 2012-2026 contains criteria h) which states that *the development would not result in the loss of or damage to any important wildlife habitat or protected species*. The presence of bats and barn owls in the buildings to be converted would, therefore, need to be established and the impact understood and mitigation be possible in order to comply with this criterion.

#### Highway safety

54. The site is accessed via Sarscow Lane which connects with Southport Road. The proposed development would involve widening Sarscow Lane in 4 locations, including at the junction with Southport Road. Lancashire County Council Highways (LCC) have no objection in highway safety terms.
55. LCC are of the opinion that the proposed development requires 33no. parking spaces to be provided, and that only 6no. spaces are proposed. If adequate space is not provided on site, the already narrow Sarscow Lane may be further narrowed by parked vehicles with safety implications. Such vehicles may also be displaced onto Southport Road. The proposed plans of the building to be converted in consideration of the parking standards set out in the Chorley Local Plan 2012 – 2026 would suggest, however, that only 10 spaces would be required for the proposed use. Given the areas of hardstanding at the site it considered that the required parking levels could be easily accommodated.

### Green Belt balancing exercise

56. It has been established that there is harm to the Green Belt as the proposal is inappropriate development in the Green Belt as the proposed engineering works would result in encroachment into the countryside, and thereby conflicts with one of the purposes of including land within the Green Belt.
57. It is also considered that there would be further harm in terms of the impact on the character of the landscape through the removal of trees and hedgerows and the urbanising effect that the proposed road widening works would have, contrary to policies BNE1, BNE10, HS9 and EP3 of the Chorley Local Plan 2012-2026.
58. No very special circumstances have been advanced in support of the proposed development, however, it is recognised that the proposed development would provide some economic benefits through bringing associated employment and business rates into the borough, albeit displaced from a location outside the borough. The development would also make use of agricultural buildings that are currently unused. These factors cannot be considered to be very special circumstances, given that they could be repeated many times over on many separate cases. Only limited weight can, therefore, be attached to the creation of jobs, business rates and re-use of unused buildings.
59. It is not, therefore, considered that there are any very special circumstances required to overcome the harm to the Green Belt through the encroachment resulting from the road widening works, which must be accorded substantial weight in line with the Framework, in addition to the other harm generated in relation to the impact on landscape character through the loss of trees and hedgerows and construction four passing places of significant scale.

### **CONCLUSION**

60. The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm to the Green Belt through encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm. The proposal is, therefore, contrary to the National Planning Policy Framework.
61. Furthermore, due to the rural character of the location, and narrow tree lined character of Sarscow Lane that provides a public right of way the construction of four passing places is considered to be harmful to the landscape character of the area through the loss of trees, hedgerows and the urbanising effect of the road widening works contrary to policies BNE1, BNE10, HS9 and EP3 of the Chorley Local Plan 2012 – 2026.
62. It is, therefore, recommended that the application is refused.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 17/00239/FUL **Decision:** PERFPP **Decision Date:** 4 May 2017

**Description:** Conversion of existing barn to dwelling including part demolition, new extensions and external works.

**Ref:** 17/01046/FUL **Decision:** PERFPP **Decision Date:** 6 March 2018

**Description:** Change of use of barn from agriculture to offices (use class B1), retention of farm house for residential (use class C3), retention of barns for agricultural use, provision of 19 parking spaces for use by office staff, and alterations to Sarscow Lane, to create 3 no. passing places.

**Ref:** 94/00335/AGR **Decision:** PAAGR **Decision Date:** 18 May 1994

**Description:** Application for agricultural determination for general purpose agricultural building

**Ref:** 92/00070/FUL **Decision:** REFFPP **Decision Date:** 16 April 1992

**Description:** Infilling of ditches and extension to farm yard

**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.