

APPLICATION REPORT – 22/00741/PIP

Validation Date: 7 July 2022

Ward: Eccleston, Heskin And Charnock Richard

Type of Application: Permission In Principle

Proposal: Permission in principle application for the demolition of the existing glasshouses and the erection of up to five dwellings

Location: The Nurseries Southport Road Eccleston Chorley PR7 6ET

Case Officer: Mike Halsall

Applicant: Mr John Ashcroft

Agent: Paige Linley

Consultation expiry: 27 July 2022

Decision due by: 19 August 2022

RECOMMENDATION

1. The applicant has appealed to the Planning Inspectorate against the Council's non-determination of the planning application. As such, it is recommended that the Planning Committee be minded to resolve to refuse permission in principle for the following reason:

The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The proposed development is not considered to represent limited infilling and would be 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, Policy 1(f) of the Central Lancashire Core Strategy and policy HS7 of the Chorley Local Plan 2012 – 2026.

SITE DESCRIPTION

2. The application site is located in the Green Belt and comprises horticultural glasshouses which form part of a larger site, formerly operated by Whiterigg Alpines UK Ltd and currently by Hic Bibi Wholesale Nurseries. The site is rectangular in shape and is located on the southern side of Southport Road, approximately 1.2km to the north of Eccleston. The area is characterised by ribbon development located either side of Southport Road in a mixture of residential, agricultural/horticultural and industrial/commercial uses.
3. The site is bound by Southport Road to the north beyond a substantial hedgerow, a single-storey office building, car parking area and internal access road to the east, planting beds and polytunnels to the south all associated with the nurseries business, and a dwelling to the west on the other side of an unnamed access track that serves a handful of dwellings.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks permission in principle for the demolition of the existing glasshouses and the erection of up to five dwellings at the site.

5. It is worth noting that due to a system error the description of development was initially entered incorrectly. This was quickly rectified, and revised neighbour notification and consultation letters were issued to identify the change to the description of development. The site notice displayed the correct description of development when erected.

REPRESENTATIONS

6. Objections have been received from the occupants of five addresses, including the owner of the nurseries business that currently occupy the application site. The comments received are summarised as follows:
 - The existing business employs 15 staff through the busy season, if the glasshouses are removed it would be ruinous to the business
 - The social and economic costs of the application are too high risking closure of a longstanding business and loss of jobs for the sake of a handful of new houses
 - Shaw Green is not a parish village or even a village; it is merely a historic name for a small area within Euxton. The application site is on the outskirts of Eccleston.
 - The pub, restaurant and butchers are all located in Euxton
 - Shaw Green does not appear on any local addresses and is not recognised by the Council or the Post Office
 - The site cannot be classed as rural infilling
 - The gap is too large to be filling of a small gap
 - The other approvals referenced by the applicant were passed for different reasons and so are not comparable
 - The proposal is unacceptable in the Green Belt and would seriously impact openness
 - No very special circumstances exist – paragraphs 147 and 149 of the Framework
 - Loss of residential amenity from overshadowing, overlooking and loss of outlook
 - New dwellings would not compliment the street scene and not fit with the current pattern of development
 - Traffic
 - Highway safety
 - Flood risk
 - Loss of trees and hedges
7. Paragraph 012 of the National Planning Practice Guidance (NPPG) on Permission in Principle, states that *“the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.”*
8. Many of the neighbour comments/objections relate to technical matters that will be assessed as part of any future detailed consent application and fall outside of what the Council can assess as part of this current application, as set out in the above paragraph from the NPPG. All other matters referred to that are material considerations, i.e. those relating to location, land use and amount of development, are assessed in the Planning Considerations section of this report.

CONSULTATIONS

9. Eccleston Parish Council: have not responded on this occasion.
10. United Utilities: have responded with advice for the applicant with regards to the level of detail relating to the drainage aspects of the proposal that should be included in the forthcoming detailed consent application, should this application be approved.

PLANNING CONSIDERATIONS

11. In terms of location, land use, and amount of development, the key consideration in the determination of this application is that the site is situated within the Green Belt.
12. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework) which states:

“137. 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.

138. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

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

148. 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.

149. 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.”*

13. The application site is located outside the settlement area of Ecclestone and falls to be considered as an ‘other place’ when considering the location of development in relation to Policy 1 of the Central Lancashire Core Strategy. Policy 1(f) of Core Strategy Policy 1 reads as follows:

“In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.”

14. Whilst the application site contains buildings, in the form of glasshouses, these are in horticultural use and so the site does not meet the definition of previously developed land of Annex 2 to the National Planning Policy Framework. Therefore, with regards to the impacts and acceptability of the proposal in the Green Belt, the application site should be assessed as an open site, free from any built development.
15. The supporting statement submitted with the application seeks to engage with paragraph 149.e) of the Framework, the contention being that the development would represent limited infilling in a village, which is an exception to inappropriate development. Policy 1(f) of the Core Strategy reflects this exception and allows for 'appropriate infilling' in 'smaller villages' and within 'substantially built up frontages'. This raises the question of whether the site can be considered to be within a smaller village or substantially built up frontage.
16. The site is located in excess of 1km from the nearest settlement, Eccleston, which is surrounded by countryside. For the purposes of the development plan there is a settlement boundary that defines the extent of the village, and the application site is located some distance from this. In consideration of whether or not the site is within a village it is recognised that the definition of a village is not limited to that of the defined settlement area and that the wider functional area must be considered.
17. The applicant is of the opinion that the site forms part of the parish village of Shaw Green which they consider would constitute a small village in Chorley. The applicant considers that Shaw Green has a range of amenities for future residents within close proximity to the site, including a public house, butchers, Indian restaurant and public transport connections. It is for this reason that the applicant considers the site is within the settlement and should be deemed as within a small village where appropriate infill development is acceptable under the aforementioned policies.
18. The applicant also refers to a number of recent Council and appeal decisions in the wider Chorley area which they consider supports their case for the site representing infill development. It is not considered however that these are directly relevant to the current application, for example, application ref. 22/00366/PIP at Fell View off Southport Road close the site was assessed under paragraph 149g of the Framework as the redevelopment of previously developed land, rather than as an infill site in a village under paragraph 149e. Under 149g there is no requirement to demonstrate the site is within a village.
19. The applicant draws particular reference in their supporting statement, and subsequent email exchanges with the case officer, to Council decisions 13/01224/FUL, 19/00484/PIP and appeal decision ref. APP/D2320/W/21/3283978. These are assessed below and compared to the current proposal.
20. Planning approvals 13/01224/FUL and 19/00484/PIP relate to the erection of a dwelling at Gate House, Preston Road, Charnock Richard. The officer report for the latter decision states that *"this area of Charnock Richard is known as Welch Whittle, which has just over 100 properties mainly located on Town Lane, Preston Road and The Foxwood. There is a public house, The Hind's Head on the corner of Preston Road and Chorley Lane. A previous application (ref. 13/01224/FUL) considered that this group of houses, given its size, location and historic identity is a village for the purposes of this policy."*
21. It is acknowledged that the application site is similar in terms of local amenities to the above referenced Gate House site, however, as noted within the summary of comments from neighbours, the area in which the application site is located is not recognised as a village. The applicant refers to the area as the parish village of Shaw Green, but has not identified the source of this reference. Shaw Green is not referenced in the Chorley Local Plan 2012-2026 and does not appear in any of the addresses in this area. The addresses, as is the case with the application site, refer to Eccleston. Shaw Green is therefore not considered to be a recognised village or 'parish village' in Chorley. The area surrounding the application site only includes approximately 40 houses, commercial/industrial units at Ash Lea Farm that includes a farm shop, a pub, an Indian restaurant and agricultural and horticultural land

uses. It is not considered that the application site is directly comparable to the schemes referenced by the applicant.

22. Turning to appeal decision ref. APP/D2320/W/21/3283978 which overturned the Council's refusal of permission in principle decision ref. 21/00744/PIP, this related to the erection of one dwelling on land adjacent to Garwick, Chapel Lane, Heapey. Whilst the Council did not consider the site represented infill development, it was agreed that the site was located within a village. The officer report for the decision stated that *"the site is located close to the settlement area of Wheelton, the edge of which lies approximately 110m to the north west of the site. Wheelton is a small village surrounded by countryside, which comprises a local centre as designed within the Chorley Local Plan 2012-2026 that contains a number of services including a shops and a public house. The local centre lies approximately 440m to the north of the application site. Beyond the local centre Wheelton supports a play area, churches, a primary school and other public houses, not all of which are within the settlement area. In consideration of whether or not the application site is within a village it is recognised that the definition of a village is not limited to that of the defined settlement area and that the wider functional area must be considered. It is also recognised that the functional area of Wheelton, in which people live and carry out daily activities, extends beyond the settlement boundary. Given the extent of available amenities in Wheelton and presence of a local centre Wheelton is very clearly a village. The application site is within walking distance of the village centre and other amenities within Wheelton and therefore it is considered that the site does form part of the functional area of the village."*
23. The Garwick site is located in close proximity to the recognised settlement of Wheelton (110m) compared to the application which is located over 1km for the nearest recognised settlement of Eccleston as the crow flies. By road, the separation distance is approximately 2.2km. There is a distinct lack of built development between the site and the settlement with the land consisting mainly of open agricultural fields. It is acknowledged that the definition of a village is not limited to that of the defined settlement area, but given the substantial separation distance of the application site to the Eccleston, it is not considered that the application site is located in the functional area of Eccleston.
24. In light of the above, it is not considered that the application site is located within a village and so conflicts with paragraph 149.e) of the Framework and Policy 1(f) of the Core Strategy.
25. Turning to the matter of infill, policy HS7 of the Chorley Local Plan 2012 - 2026 deals specifically with rural infilling and provides a definition of infill development, which states as follows:

'Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:

- a) The existing buildings form a clearly identifiable built-up frontage;*
- b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
- c) The proposal would complement the character and setting of the existing buildings.*

Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.

When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.'

26. The applicant is of the opinion that the site is infill development and represents a gap in a clearly identifiable built-up frontage along the south of Southport Road. Their supporting statement states:

“To the west of the site there is a row of semi-detached dwellings with frontages onto Southport Road. There are more dwellings located to the east of the site before a natural break leading onto Dawber’s Lane and Runshaw Lane. Whilst Policy HS7 states that limited infilling would typically constitute one or two dwellings, the site can accommodate more than one or two dwellings and would infill an existing built-up frontage. This PIP application sets out a range from 1no. to 5no. dwellings that could be developed at the site, and therefore if the LPA considered the site to only have suitable potential for less dwellings, we would be happy to negotiate if appropriate to a lesser number... The development is also of an appropriate small scale for infill development, with the site representing an appropriate gap in the frontage for up to 5no. dwellings. The general layout of properties proposed would bear close relation to the layout of the existing properties around the site and demonstrate an active frontage onto Southport Road. Whilst design and layout are not matters of relevance to this Stage 1 PIP application it is considered up to 5no. dwellings can be developed on site which complements the setting and character of the existing street scene and local area, and in line with Core Strategy Policy 5 in terms of housing density. Taking the above factors into account, the proposals are deemed to fully accord (subject to a range of 1no. to 5no dwellings) with the requirements of Policy HS7 and Policy 1(f), representing appropriate infill development. The proposals also represent appropriate development within the Green Belt, representing limited small-scale infilling in accordance with Paragraph 149(e) of the NPPF.”

27. It is acknowledged that the site forms a gap in an identifiable built-up frontage between the small office building to the east and no.29 Southport Road to the west. The site lies within the frontage, with buildings either side, and its development would not extend the frontage. The final proposal could also be designed to complement the character and setting of the existing buildings. The issue here is that the gap between the two existing buildings either side of the site is approximately 90m. Some of the dwelling plots on this section of Southport Road are relatively wide and stretch to approximately 25 / 30m in some instances. However, more common plot widths in the area are closer to 15m. For the proposal to fit with the character of the area, it is considered that the site would need to accommodate between 3 and 5 dwellings, with the higher number considered more appropriate. As such, it is considered that the application site is too wide to fit the definition of infill development provided in policy HS7, i.e. *‘the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.’*
28. It is acknowledged that the proposal is for between 1 and 5 dwellings and the Council could restrict the number of dwellings as part of any approval, but the gap is too large to fill with one or two dwellings to fit with the requirements of policy HS7. If more dwellings are allowed, this would go beyond the remit of an infill development as defined in policy HS7, as explained above. The proposed development does not, therefore, meet the definition of infill development for the purposes of policy HS7 of the Local Plan.
29. The proposal is, therefore, considered to be inappropriate development within the Green Belt and therefore not in accordance with the Framework, Policy 1(f) of the Central Lancashire Core Strategy and Policy HS7 of the Chorley Local Plan 2012 - 2026.

Other issues

30. The applicant references the Council’s lack of a 5 year supply of housing land and that the positive impacts of the addition of up to 5 houses should be balanced accordingly.
31. The proposal would boost the supply of housing, albeit on a small scale, in a situation where there is no five-year supply and, as a result, moderate weight can be given to the social benefits of the proposal. It is considered that the economic benefits of the proposal would be minimal and would relate mainly to the creation of construction jobs.
32. Although the above factors are accepted to contribute to outweigh the harm, it needs to be considered if the circumstances put forward amount to very special circumstances. A careful balancing of material considerations needs to be applied to the application.

33. The definitional harm to the Green Belt from inappropriateness must be given substantial weight in the planning balance. It is considered that the social benefits from the creation of housing and the economic benefits from job creation would be cancelled-out by the loss of a local business at the site.
34. The material considerations put forward do not provide sufficient weight in favour of the proposal and in terms of the Framework in this case it is considered that the social and economic benefits of the proposal do not outweigh the environmental dimension from Green Belt harm. Very special circumstances therefore do not exist sufficient to clearly outweigh the identified harm.

CONCLUSION

35. The proposed development is not considered to be infilling in a village and, therefore, constitutes inappropriate development, which in the absence of very special circumstances is contrary to the National Planning Policy Framework, Policy 1(f) of the Core Strategy and Policy HS7 of the Chorley Local Plan 2012 – 2026. The application is therefore recommended for refusal.

RELEVANT HISTORY OF THE SITE

Ref: 13/00762/P3PAJ **Decision:** AAPR **Decision Date:** 2 October 2013
Description: Prior approval application under Part 3, Class J of The Town and Country (General Permitted Development) (Amendment) Order 2013 to change of use of existing offices (Use Class B1(a)) to a dwellinghouse (Use Class C3).

Ref: 74/00545/FUL **Decision:** REFFPP **Decision Date:** 5 February 1975
Description: Extension and alterations

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.