

WEST LANCASHIRE BOROUGH COUNCIL

**Planning and Compulsory Purchase Act 2004 (as amended)
The Town and Country Planning (Local Planning) (England) Regulations 2012**

**NOTICE OF ADOPTION OF DEVELOPMENT IN THE GREEN BELT
SUPPLEMENTARY PLANNING DOCUMENT**

**In accordance with Regulations 14 & 35 of the Town and Country Planning
(Local Planning) (England) Regulations 2012, notice is given that West
Lancashire Borough Council adopted its Development in the Green Belt
Supplementary Planning Document on 2 October 2015**

Title of Document:	Development in the Green Belt Supplementary Planning Document (SPD)
Subject Matter:	The SPD provides guidance on development within the Green Belt.
Area covered by Document:	The SPD is applicable to any land within West Lancashire Borough designated as Green Belt under the West Lancashire Local Plan 2012-2027 Development Plan Document.
Adoption Date:	2 October 2015
Modifications (Changes) made:	See Appendix 1 to this Adoption Statement for a schedule of changes made (as a result of consultation or for the purposes of other improvements)
Legal Challenge	Any person aggrieved by the adoption of the Development in the Green Belt Supplementary Planning Document may make an application to the High Court for permission to apply for judicial review of the decision to adopt this Supplementary Planning Document. Any such application must be made promptly and in any event no later than 3 months after the date on which the Supplementary Planning Document was adopted.

Availability of Documents:

The adopted SPD, this Adoption Statement and the Consultation Statement are available for inspection by following the link from www.westlancs.gov.uk/planningpolicy and also at the following locations during normal opening hours:

Council offices

Opening hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun
WLBC, 52 Derby St, Ormskirk	09:00 – 17:00				09:00 – 16:45	Closed	Closed
Contact centre, Concourse, Skelmersdale	09:00 – 17:00				09:00 – 16:45	Closed	Closed

Libraries

Opening hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Ormskirk Library, Burscough St, Ormskirk, L39 2EN	09:00 - 19:00	09:00 - 17:00	09:00 - 17:00	09:00 - 17:00	09:00 - 19:00	09:00 - 16:00	Closed
Skelmersdale Library, Southway, Skelmersdale, WN8 6EL	09:00 - 19:00	09:00 - 17:00	09:00 - 17:00	09:00 - 19:00	09:00 - 17:00	09:00 - 16:00	Closed
Up Holland Library, Hall Green, Up Holland, WN8 0PB	9.30-13:00; 14:00-19:00	9:30-13:00	Closed	9.30-13:00 14:00-17:00	9.30-13:00; 14:00-19:00	9.30-12:30	Closed
Burscough Library, Mill Lane, Burscough, L40 5TJ	9.30-12:30; 13:30-18:00	9:30-12:30; 13:30-17:00	Closed	9.30-12:30; 13.30-17.00	9.30-12:30; 13:30-18:00	9.30-12:30	Closed
Tarleton Library, Mark Square, Tarleton, PR4 6TU	09:30 - 19:00	09:30 - 17:00	Closed	09:30 - 17:00	09:30 - 19:00	09:30 - 13:00	Closed
Parbold Library, The Common, Parbold, WN8 7EA	9.00 - 18:00	9:00-17:00	Closed	9:00-17:00	9:00-18:00	9:00-12:30	Closed

Further information:

Further information, or advice, can be obtained by phoning 01695 585046 or by emailing localplan@westlancs.gov.uk

Appendix 1 Development in the Green Belt Supplementary Planning Document (SPD)

Schedule of changes made to the Final SPD following public consultation in May / June 2015

Additional inserted text is shown in blue and underlined. Deleted text is shown in ~~blue~~ and ~~struck through~~. Changes have been made either as a result of representations received on the SPD during the public consultation exercise, or in order to improve the clarity of the document.

Page / Policy	Change to	Reason for change
3	Once adopted, the SPD will <u>be used by</u> West Lancashire Borough Council in determining planning applications.	To improve clarity with regard to the function and purpose of the SPD.
3	Some minor development is permitted by the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 <u>2015</u>	To reflect updated policy / legislation
3	However all applications will be judged on their merits and on a case by case basis -, having regard to the adopted Development Plan and any other material planning considerations including national planning policy and this SPD	To improve clarity with regard to the function and purpose of the SPD.
7	in accordance with the sequential test in Policy GN5 . <u>The area of search could be the settlement, ward or parish; it is not necessarily restricted to 'nearest adjacent settlement'.</u>	To improve clarity.
8	The term openness is taken to mean the absence of buildings or development ⁺ <u>on over or under the land.</u>	To more accurately reflect national policy.
8	If the new position would not be in keeping with its surroundings, <u>be more prominent or</u> would be less in keeping or would have a greater <u>perceived</u> impact upon the openness of the Green Belt,	To improve clarity.
8/9	<u>the Council will reserve the right to remove permitted development rights for extensions and outbuildings to prevent future additions that cumulatively development which may have an adverse</u> impact upon the openness of the Green Belt. <u>This may include extensions and outbuildings, fences, or activities such as external storage.</u>	To improve clarity.
9	These are set out in the Town & and Country Planning (General Permitted Development) (<u>England</u>) Order 2008, 2015 . However this does not automatically apply to all buildings, for example: <ul style="list-style-type: none"> • buildings not in residential use certain types of properties converted to residential use <u>or previously extended</u> may have had their Permitted Development rights removed	To reflect updated policy / legislation, and to improve clarity.

Page / Policy	Change to	Reason for change
10	<p>Previously developed land does not include <u>Developed Land excludes:</u></p> <ul style="list-style-type: none"> • land that is or has been occupied by agricultural or forestry buildings; • <u>land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;</u> • land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; <u>and</u> • land that was previously developed but where the remains of the permanent <u>structure</u> or fixed surface infrastructure <u>structure</u> have blended into the landscape in the process of time ; • waste disposal or landfill sites 	To more accurately reflect national policy.
10	In line with the NPPF, the Council will consider redevelopment proposals of previously developed sites based on their impact upon the openness of the Green Belt and the purpose of including land within it.	To more accurately reflect national policy.
10	If the criteria in the policies are <u>guidance is</u> not met <u>followed</u> , proposals are unlikely to be successful unless the applicant can demonstrate very special circumstances. Although the policies will be the basis for making a judgment on planning applications put before the Council, it must be stressed that all applications will be judged on their merits on a case by case basis <u>having regard to the adopted Development Plan and any other material planning considerations including national planning policy and this SPD.</u>	To improve clarity with regard to the function and purpose of the SPD.
Policy GB1 p11	<p>A proposal for the replacement of an existing dwelling within the Green Belt must <u>should</u> satisfy each of the following criteria:</p> <p>a) The existing dwelling is lawful and permanent in nature;</p> <p>b) The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces Outbuildings within 5m of the existing dwelling will be included within this volume calculation;</p> <p>c) The replacement dwelling should not materially harm the openness of the Green Belt through excessive scale or bulk. It should also be in keeping with the character of the area and appropriate in terms of design and materials;</p> <p>d) The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces</p> <p>e) The replacement dwelling should be on or close to the <u>site footprint</u> of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will <u>have no adverse impact on openness or</u> achieve significant environmental improvements or road safety benefits.</p>	<p>To improve clarity with regard to the function and purpose of the SPD.</p> <p>To improve clarity.</p> <p>To improve clarity.</p>
Policy GB1 p11	<p>... 'Green Belt Assessment', which should include:</p> <ul style="list-style-type: none"> • full details of the volume calculations (in cubic metres) of the existing dwelling (or dwellings); <u>as well as any outbuildings</u> 	To improve clarity.

Page / Policy	Change to	Reason for change
	<p><u>Detached outbuildings will not be included as part of the volume of the existing dwelling. However, if any outbuildings of permanent and substantial construction are to be demolished in tandem with the demolition of the existing dwelling, an extra allowance may be made in terms of the increase in volume of the proposed dwelling. The extra volume permitted under this 'allowance' will typically be less than the volume of the outbuildings being demolished.</u></p>	<p>To improve clarity, in particular with regard to how outbuildings will be considered.</p>
<p>Policy GB1 p11</p>	<p><u>The applicant will also be required to carry out a survey of any protected wildlife species and their habitat which may be present in the existing building, and its curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.</u></p>	<p>To better reflect national policy.</p>
<p>Policy GB1 p11</p>	<p>Where appropriate, a condition will be attached to any permission requiring the demolition of the existing property before any replacement is occupied <u>and remediation of the site following demolition of the dwelling.</u></p>	<p>To improve clarity.</p>
<p>Policy GB1 p12</p>	<p><u>The Council, where appropriate, will reserves the right to</u> remove permitted development rights for <u>development which may have an adverse impact upon the openness of the Green Belt. This may include extensions and outbuildings from replacement dwellings in the Green Belt, fences or activities such as external storage.</u></p>	<p>To improve clarity.</p>
<p>12</p>	<p>Conversely, there may be cases where the limits could be marginally exceeded if a replacement dwelling is <u>particularly well</u>-designed, in such a way that its impact on openness is minimised.</p>	<p>To improve clarity.</p>
<p>12</p>	<p>If the applicant proposes a replacement dwelling in a different location <u>to on the same site as</u> the existing</p>	<p>To improve clarity.</p>
<p>12</p>	<p><u>The Council will consider the appropriateness or otherwise of the</u> removal of permitted development rights <u>on a case by case basis. The purpose of the removal of permitted development rights</u> for extensions and outbuildings <u>and other structures</u> from replacement dwellings in the Green Belt <u>will is to</u> prevent future <u>cumulative</u> additions that may <u>cumulatively adversely</u> impact upon the openness of the Green Belt.</p>	<p>To improve clarity.</p>
<p>12</p>	<p><u>The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.</u></p>	<p>To better reflect national policy.</p>
<p>13</p>	<p>... there may also be churches, chapels, schools, public houses, <u>stables</u> and <u>others other buildings</u> for which an alternative use may be sought</p>	<p>To improve clarity; stables are dealt with in a separate policy.</p>

Page / Policy	Change to	Reason for change
Policy GB2 p13	<p>A proposal for the conversion of an existing non-residential building within the Green Belt must<u>should</u> satisfy each of the following criteria:</p> <p>(a) The building must<u>should</u> be of permanent and substantial construction and capable of conversion without major change, <u>demolition</u> or extension;</p> <p>(b) The proposals will maintain the character of the building, retaining essential features and detailing, as well as traditional forms and layouts;</p> <p>(c)<u>(b)</u> The proposals will maintain and enhance the <u>site features, and the</u> character and wider landscape setting of the area and site features;</p> <p>(d)<u>(c)</u> The proposals will seek to improve the external appearance of the building, in line with the Borough Council's Design Guide SPD-;</p>	To improve clarity, including with regard to the function and purpose of the SPD.
Policy GB2 p13	<p>A proposal for the replacement of an existing non-residential building within the Green Belt with another non-residential building must<u>should</u> satisfy each of the following criteria:</p> <p>(a) The existing building is<u>should be</u> lawful and permanent in nature;</p> <p>(b) The total volume of the replacement building should not be more than 20% larger than the volume of the building it replaces;</p> <p>(c) <u>The replacement building should not materially harm the openness of the Green Belt through excessive scale or bulk or by virtue of its location. It should also be in keeping with the character of the area and appropriate</u> in terms of design and materials-;</p> <p><u>(d) The replacement building should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness and/or it will achieve significant environmental improvements or road safety benefits.</u></p>	To improve clarity, including with regard to the function and purpose of the SPD.
Policy GB2 p14	<p>... 'Green Belt Assessment', which should include:</p> <ul style="list-style-type: none"> • full details of the volume calculations (in cubic metres) of the existing building(s); <u>on site</u>; 	To improve clarity
Policy GB2 p14	<p>Where appropriate, a condition will be attached to any permission, requiring the demolition of the existing property buildings before <u>the commencement of use of</u> any replacement is brought into use, and remediation of the site following demolition.</p> <p><u>For both conversions of buildings and replacement buildings, the applicant will also</u> be required to carry out a survey of any protected wildlife species <u>and its habitat</u> which may be present in the existing building, and its curtilage. <u>Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.</u></p>	To improve clarity and to better reflect national policy.

Page / Policy	Change to	Reason for change
14	There are some buildings which may not be suitable for conversion, for example those of lightweight or less permanent construction such as glasshouses or timber stable buildings; buildings which are structurally unsound, missing substantial sections of wall or roofs, ruined beyond recognition, eyesores which should be removed in the interests of landscape conservation; and / or buildings at risk of flooding. Conversion of non-residential buildings to housing should provide acceptable standards of accommodation in terms of room sizes and amenity.	To improve clarity.
15	Conversely, there may be cases where the limits could be marginally exceeded if a replacement building is particularly well- designed, in such a way that its impact on perceived openness is minimised.	To improve clarity.
15	The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.	To better reflect national policy.
Policy GB3 p15	Vacant previouslyPreviously developed sites in the Green Belt POLICY GB3 – REDEVELOPMENT OF VACANT PREVIOUSLY DEVELOPED SITES IN THE GREEN BELT Proposals for the redevelopment of vacant previously developed sites within the Green Belt will be permitted	To better reflect national policy.
Policy GB3 p15	The applicant will also be required to carry out a survey of any protected wildlife species and their habitat which may be present in any existing building(s) and their curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.	To better reflect national policy.
15	the Council would take into consideration a number of issues including: <ul style="list-style-type: none"> • PreviousExisting and previous buildings which occupy or may have occupied the site, including their size and layout-; • HowIf no longer present, how long ago the buildings occupied the site, and for what period of time. 	To improve clarity.
16	WLLP Policy RS2 (Affordable and Specialist Housing) and WLLP Policy AH1 (Affordable Housing Requirements) of the Affordable Housing SPD 2015, if the Policy RS2 threshold for providing affordable housing has been exceeded.	To improve clarity

Page / Policy	Change to	Reason for change
	<p>For sites currently or most recently in employment or retail use (e.g. Use Classes A1, B1,B2, B8) or as agricultural/horticultural workers' dwellings, WLLP Policy GN4 (Demonstrating Viability) would need to be satisfied, unless such development were Permitted Development under the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014.<u>2015</u></p> <p>WLLP_Policy RS5 (Accommodation for Temporary Agricultural/Horticultural Workers) permits the re-use of existing buildings within the Green Belt for accommodation for temporary agricultural and/or horticultural workers provided that it complies with other policies in the Local Plan and national planning policy. WLLP Policy EC2 (The Rural Economy) states</p>	
16	<p>Where new dwellings are permitted in the Green Belt, theThe Council will reserve<u>reserves</u> the right to remove permitted development rights for extensions and outbuildings in order to prevent future additions that cumulatively<u>development which may have an adverse</u> impact upon the openness of the Green Belt. <u>This may include extensions and outbuildings, fences or activities such as external storage.</u></p>	To improve clarity.
Policy GB4 p17	<p>Proposals for an extension to an existing building within the Green Belt must<u>should</u> satisfy each of the following criteria:</p> <p>(a) The existing building is lawful and permanent in nature;</p> <p>(b) The total volume of the proposal, together with any previous extensions, alterations and non-original outbuildings, would not result in an increase of more than 40% above the volume of the original building (including, in the case of residential properties, any outbuildings or parts of outbuildings within 5m of the existing dwelling).</p>	To improve clarity, including with regard to the function and purpose of the SPD.
Policy GB4 p17	<p>'Green Belt Assessment' submitted to the Council, which should include:</p> <ul style="list-style-type: none"> • full details of the volume calculations (in cubic metres) of the 'original' property(-ies);<u> plus any original domestic outbuildings;</u> • volume calculations (in cubic metres) of any subsequent extensions <u>/ outbuildings;</u> and • volume calculations of the proposal. 	To improve clarity.
Policy GB4 p17	<p><u>Outbuildings of permanent and substantial construction (i.e. generally not sheds or green houses) and other attached covered structures such as car ports or porches will be taken into account in determining whether a proposal complies or not with the requirements of criterion (b) in that the volume of any outbuilding or extension which does not form part of the 'original building' will be taken into account in assessing whether or not the 40% threshold has been reached.</u></p>	To improve clarity.

Page / Policy	Change to	Reason for change
Policy GB4 p18	<p><u>The Council reserves the right to remove permitted development rights for further extensions and outbuildings to prevent future additions that cumulatively subsequent development which may have an adverse impact upon the openness of the Green Belt. This may include extensions and outbuildings, fences or activities such as external storage.</u></p>	To improve clarity.
Policy GB4 p18	<p><u>The applicant may also be required to carry out a survey of any protected wildlife species and their habitat which may be present in any existing building(s) and their curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.</u></p>	To better reflect national policy.
18	<p>There may be cases where an extension of less than this volume would be considered to have an unacceptable impact upon the <u>perceived</u> openness of the Green Belt in certain locations. Figure 1 (a) and (b) <u>overleaf 2 (page 20)</u> illustrate examples of extensions of less than 50<u>40</u>% of the size of the original property which, due to their form and projection from the original building, may be judged to have a <u>greater perception of</u> negative impact upon openness. Figure 23 on the other hand, illustrates an extension of 50<u>40</u>% of the original property. Due to its position in relation to the property, the impact of this form of extension upon the <u>perceived</u> openness of the Green Belt would be substantially less than either the extensions in Figures 1 or 2. <u>Similarly, it may be possible to have an extension, similar to that shown in Figure 1 (a) or (b), 3, but of marginally more than 40% of the original property, whose impact upon the perceived openness of the Green Belt is also substantially less than the extensions in Figures 1 or 2.</u></p>	To improve clarity.
18	<p><u>In summary, the prominent or easily visible expansion of a building will detract more from the perceived openness of the Green Belt than would a more concealed or compact form of expansion. For example, the infilling of space between existing parts of the building, so that no further outward projection is involved, would often have no material effect on the perceived openness of the Green Belt. Most outwardly projecting extensions are likely to detract to some degree from the perceived openness of the Green Belt. In some cases very small outward additions to an already disproportionately extended building may often have no further material impact on the perceived openness of the Green Belt and may be allowed. However it is not possible to set out prescriptive rules in this respect and every case will be examined on its own merits.</u></p>	To improve clarity.
19	<p>Any additions to<u>on</u> the <u>buildingsite</u> that have been constructed since the 'original' building date will be considered cumulatively ... This approach is taken because small reductions in openness, repeated many times, can cumulatively have a material detrimental effect. <u>In the case of domestic properties, detached outbuildings are included as, despite their detachment, these are considered as extensions. (New detached domestic outbuildings would otherwise constitute inappropriate development in the Green Belt).</u></p>	To improve clarity.

Page / Policy	Change to	Reason for change
19	No development will be permitted in Green Belt areas which would result in the extension of domestic gardens as this is deemed to have a potential impact on openness and conflicts with the purposes of including land in the Green Belt .	To better reflect national policy.
19	The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.	To better reflect national policy.
20	Figures 1 & 2: Illustration of the impact-3: Impact of extensions upon the perceived openness of the Green Belt	To improve clarity.
Policy GB5 p21	The siting of the stable building should not have any adverse effect upon protected wildlife habitats or species , heritage assets or agricultural interests.	To better reflect national policy.
23	The British Horse Society provide further advice on issues of pasture management in the publication 'Advice on Pasture Management'.	To improve clarity.
23	The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.	To better reflect national policy.