

<b>No.10</b>	<b>APPLICATION NO.</b>	2018/0864/FUL
	<b>LOCATION</b>	Netholme Farm Park Lane Tarleton Preston Lancashire PR4 6JN
	<b>PROPOSAL</b>	Demolition of existing dwellinghouse and erection of replacement dwellinghouse.
	<b>APPLICANT</b>	Mr Stephen Mayor
	<b>WARD</b>	Tarleton
	<b>PARISH</b>	Tarleton
	<b>TARGET DATE</b>	24th October 2018

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Mee has requested it be referred to Planning Committee to consider the impact on the openness of Green Belt.

## **2.0 SUMMARY**

- 2.1 The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness and visual amenity of the Green Belt. The application fails to demonstrate any special circumstances which would outweigh the resultant harm.

## **3.0 RECOMMENDATION: That planning permission is REFUSED.**

## **4.0 THE SITE**

- 4.1 The application site is located to the west of Netholme Farmhouse, Park Lane, Tarleton. It is flanked by an agricultural building to the north and trees/shrubbery to the southern and western boundaries, and forms part of the domestic garden area for the farmhouse.

## **5.0 PROPOSED DEVELOPMENT**

- 5.1 Planning permission is sought for the demolition of the existing dwelling house and erection of a replacement dwelling house further into the site.

## **6.0 RELEVANT HISTORY**

- 6.1 2017/1194/LDC - Certificate of Lawfulness - Use of land as domestic garden area. Granted 22.02.2018
- 6.2 2017/0366/FUL - Demolition of existing dwelling and erection of replacement dwelling/house. Withdrawn.
- 6.3 2013/1065/FUL - Proposed livestock building. Granted 15.01.2014
- 6.4 2013/0269/COU - Change of use from agricultural storage building to light industrial use (Class B1). Granted 30.04.2013
- 6.5 2007/1091/FUL - Siting of log cabin for occupation by seasonal agricultural workers. Granted 13.06.2008
- 6.6 2006/0789 - Erection of log cabin style accommodation and mobile home for use by seasonal agricultural workers. Refused 20.11.2006

- 6.7 2002/0254 - Application for determination as to Whether Prior Approval is Required for Details - Extension to existing agricultural building for use as store. Permitted Development
- 6.8 2000/0663 - Consideration of Details for Prior Approval - Excavation of land to form pond area. Details approved.

## **7.0 CONSULTEE RESPONSES**

### **7.1 Environment Agency (12/11/18)**

No objection in principle to the proposed development.

### **7.2 Highway Authority (13/09/18)**

The proposal is for a 3 bedroom replacement dwelling with vehicular access via the existing farmyard access from Park Lane.

No details have been submitted regarding parking provision. Provided adequate parking based on the West Lancashire Local Plan recommendation can be provided, the Highway Development Support has no objection to this application.

### **7.3 Principle Engineer (Drainage) (01/10/18)**

No objection subject to conditions.

### **7.4 United Utilities (01/10/18)**

Conditions recommended.

## **8.0 OTHER REPRESENTATIONS**

8.1 None

## **9.0 SUPPORTING INFORMATION**

9.1 Ecology Appraisal – Simply Ecology (October 2018);  
Design and access statement;  
Landscape and visual impact assessment;  
Planning Statement;  
Flood Risk Assessment.

## **10.0 RELEVANT PLANNING POLICIES**

10.1 National Planning Policy Framework (NPPF) and West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

10.2 The site is located within the green belt as designated within the West Lancashire Local Plan.

### **West Lancashire Local Plan (2012-2027) DPD**

Policy SP1- A sustainable development framework for West Lancashire

Policy RS1 – Residential development

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Policy IF2 – Enhancing Sustainable Transport Choice

## Policy GN5 – Sequential Tests

SPD Design Guide  
SPD Development in the Green Belt

All the above Policy references can be viewed on the Council's website at:  
<http://www.westlancs.gov.uk/planning>.

### 11.0 **ASSESSMENT**

11.1 The main areas of consideration for determining this application:

Principle of Development and impact on Green Belt;  
Design and appearance of the development;  
Highways;  
Impact upon neighbouring properties;  
Impact upon existing trees / landscaping;  
Ecology;  
Flood Risk;  
Drainage.

#### **Principle of Development**

11.2 Policy GN1 of the West Lancashire Local Plan (WLLP) states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

11.3 National guidance contained in the NPPF was published in July 2018. Paragraph 145 states 'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt'. It provides a list of exceptions including: "the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces."

11.4 The Council's SPD for development in the Green Belt is relevant to this proposed development and offers further guidance. The SPD allows for the replacement of a dwelling in the Green Belt subject to the following criteria:

*The existing dwelling is lawful and permanent in nature;*

*The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces;*

*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;*

*The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces;*

*The replacement dwelling 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 or achieve significant environmental improvements or road safety benefits.*

- 11.5 The existing dwelling house is currently in residential occupation and substantial in construction. The applicant has provided volume calculations that state the proposed dwelling house would be 35% greater in volume than the dwelling it replaces. This significantly exceeds the Council's SPD guidance figure of 20%. Therefore the proposal would be materially larger than the dwelling it is to replace and in direct conflict with para 145 of the NPPF.
- 11.6 The ridge and eaves height of the proposed dwelling house has been kept low but the width would increase by approximately 2.4m. At two storeys, I consider the additional width would result in significant bulky addition when compared to the existing property, to the detriment of the openness and visual amenity of the Green Belt.
- 11.7 The curtilage of the replacement dwelling is not larger than that established for the dwelling it replaces. This was established under a certificated of lawfulness application 2017/1194/LDC.
- 11.8 The replacement dwelling would be re-sited further west into the site but remain within the established curtilage. I do not consider that the new position of the replacement dwelling would detract from the visual amenity of the green belt.
- 11.9 For the reasons outlined above the development would constitute a materially larger building than the one it replaces. As such it would have a significant adverse impact on the openness of the Green Belt and be considered inappropriate development. Paragraph 143 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.
- 11.10 The applicant has put forward the following special circumstances:

The existing dwelling is very small by modern standards and the proposed dwelling is not considered particularly large;

The replacement dwelling would be set further back from the road and sit against a back drop of existing agricultural buildings. The development is screened by trees and hedgerows;

The replacement dwelling will have less impact upon the openness of the Green Belt than the existing dwelling as a result of its proposed siting and design;

At Ashcroft Farm, Park Lane, planning permission has been granted for a replacement two storey dwelling house and use of part of a barn as a garage and garden store (ref 2009/0589/FUL). The original dwelling was 590 cubic metres and the replacement dwelling was 1240 cubic metres.

- 11.11 Whilst the above circumstances are acknowledged, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. In my opinion the very special circumstances do not outweigh the resultant harm to the Green Belt by reason of inappropriateness and loss of openness. Whilst the applicant draws attention to a decision at Ashcroft Farm, this application predated the current Local Plan, Green Belt SPD and NPPF and therefore there has been a material change in circumstances since determination of the application.

### **Design and appearance of the development**

- 11.12 In terms of design and the external appearance of the development, Policy GN3 of the WLLP together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline

- 11.13 The replacement dwelling (notwithstanding the greenbelt advice above) is generally acceptable in terms of its design and appearance. Satisfactory amenity space will surround the property.
- 11.14 The proposed dwelling would be set further back into the site than the existing property, however given the rural surroundings of the site and scattered pattern of development within the local area, I do not consider this would upset the grain of the development or impact detrimentally upon the street scene.

### **Highways**

- 11.15 The applicant has provided two off road car parking spaces in compliance with Policy IF2. I am satisfied the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

### **Impact upon neighbouring properties**

- 11.16 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.

Given the distance of the development from other neighbouring properties, I do not foresee a detrimental impact upon the residents of nearby properties.

### **Impact upon existing trees / landscaping**

- 11.17 The Council's Arboricultural Officer has considered the proposal with regard to a group of trees to the west of the site and considers it possible to construct the proposed dwelling house without any impact on significant trees. The trees would cause some shading but this would not be excessive.
- 11.18 The Council's Arboricultural Officer has recommended a condition for full landscape details with any approval and a condition for tree protection to provide protective fencing to ensure that development activities do not threaten the health of trees.

### **Ecology**

- 11.19 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the Local Planning Authority to screen the project against the Habitats Regulations and relevant national and local policy.
- 11.20 The applicant has submitted an Ecological Appraisal. This appraisal carried out a survey of trees and buildings on the site to ascertain the likelihood of bats roosting, and to locate any possible evidence that could confirm bat presence. No signs of bat activity were located within or around the trees or the building.
- 11.21 The presence of woodland, grassland and shrubbery, (as well as the surrounding landscape including nearby waterbodies and pastureland), all contribute to potentially suitable (GNC) Great Crested Newt habitat. A field scoping survey was therefore carried out to establish the suitability of the nearby ponds for GCNs. However, the three ponds identified within 250m of site were found to be well stocked with fish, had perimeters

relatively well shaded and with limited macrophyte vegetation. These factors resulted in all three ponds being attributed poor suitability scores for Great Crested Newts

11.22 Given the results of the appraisal, I am satisfied there would be no significant impact on ecology as a result of the development in accordance with Policy EN2 of the Local Plan.

### **Flood Risk / Drainage**

#### Flood Risk

11.23 The application site is located primarily within Flood Zone 2 on the Environment Agency Flood Map, although part of the application boundary to the north is within Flood Zone 3. In the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF), Flood Zone 3 is defined as having high probability of flooding and Flood Zone 2 as having a medium probability of flooding, and the proposal is for a replacement dwelling which is 'more vulnerable' development.

11.24 Development proposed in Flood Zone 3 or 2 should be accompanied by a Flood Risk Assessment (FRA) appropriate to the nature and scale of the proposed development. The submitted FRA demonstrates the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The Environment Agency have confirmed that they have no objection to the application.

#### Foul/surface water drainage

11.25 The supporting information confirms the existing dwelling discharges surface water directly to a water course. The applicant advises that surface water from the proposed dwelling would be likely to be dealt with in the same manner. I am satisfied that an appropriate surface water drainage scheme could be secured by the imposition of a suitably worded planning condition.

11.26 The application form advises foul sewage will be disposed of to the main sewer.

## **12.0 CONCLUSION**

12.1 The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal by virtue of its size constitutes inappropriate development resulting in harm to the openness of the Green Belt. The application fails to demonstrate any special circumstances which would outweigh the resultant harm.

### **Reasons for Refusal**

1. The proposed replacement dwelling would be materially larger than the existing dwelling and represents inappropriate development which would harm the openness of the green belt, contrary to the NPPF, Policy GN1 of the West Lancashire Local Plan 2012-27 Development Plan Document and the Council's SPD on Development in the Green Belt. The application fails to demonstrate very special circumstances to outweigh this harm.