

No.7	APPLICATION NO.	2018/1196/FUL
	LOCATION	183 School Lane Downholland Ormskirk Lancashire L39 7JF
	PROPOSAL	Continued use of land for a mixed use comprising agriculture, residential and keeping of horses, erection of agricultural storage building (part retrospective) and retention of stables and hardstanding works.
	APPLICANT	Mr J Shalliker
	WARD	Aughton And Downholland
	PARISH	Downholland
	TARGET DATE	4th February 2019

1.0 SUMMARY

- 1.1 This application is referred to Planning Committee at the request of Councillor D. Westley to consider the viability of the business and the impact on neighbours.
- 1.2 The application is a retrospective application for an agricultural building but also seeks to regularize the use of land for the keeping of horses, the erection of stables and driveways/hardstanding areas. The use of the land and operational works are appropriate development in the green belt. There are no adverse impacts on residential amenity, the character of the area or highway safety.

2.0 RECOMMENDATION

- 2.1 That planning permission be **GRANTED** subject to conditions.

3.0 THE SITE

- 3.1 The application site consists of a detached two-storey residential property plus several small agricultural buildings located to the south east side of School Lane, Downholland. The site surrounds a former traditional agricultural barn which shares the same access but is now in separate ownership. The site area is approximately 0.65 hectares and was an agricultural smallholding – a mixture of livestock and arable. Stables have been erected on the land.
- 3.2 The present live-stock on-site comprises sheep, pigs, domestic fowl – chickens ducks and geese plus 2 ponies. The fowl are housed in sheds, the pigs in a shelter and the ponies in stables.
- 3.3 The access to the site is from Bescar Lane.
- 3.4 The surrounding area is largely agricultural in nature with many of the neighbouring dwellings located on large farm holdings. There is a residential property on the opposite (north) side of School Lane.

4.0 THE PROPOSAL

- 4.1 The application seeks planning permission for the erection of an agricultural building for the storage of farm machinery, straw and hay, part retrospective as the steel frame has been erected.

- 4.2 The steel frame building measures approx. 14.0m x 6.0m with a height of 3.80m to the eaves and 4.70m to the ridge, the walls and roof would be clad in plastic-coated profiled steel cladding in dark green colour.
- 4.3 The application has been formally amended to reflect its current use and operations for a continued use of land for a mixed use comprising agriculture, residential and keeping of horses, erection of agricultural storage building (part retrospective) and retention of stables and hardstanding works.
- 4.4 The 2 stables measure 8m x 4m and approx. 2.4m high and the ponies utilize a small paddock for grazing.
- 4.5 More formalised hardstanding areas have been created to serve the stable, to provide upgraded access around the former traditional agricultural barn and to provide access and turning areas for the proposed agricultural building.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 8/6/4425 – New dwelling APPROVED
- 5.2 8/6/4944 – Agricultural dwelling APPROVED
- 5.3 8/6/5284 – Agricultural dwelling APPROVED

6.0 CONSULTEE RESPONSES

- 6.1 LCC HIGHWAYS (03/01/2019) - no objections to the proposals and is of the opinion that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.
- 6.2 Environmental Health (22/01/2019) – no objections to the agricultural building provided it is used as described in the application as a store for agricultural machinery, straw and animal feed.

7.0 OTHER REPRESENTATIONS

- 7.1 None.

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:
Statement of agricultural need plus photographs of agricultural machinery
Site Plan and Description of activities.

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan DPD.
- 9.3 National Planning Policy Framework (NPPF)

9.4 West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development

9.5 Additionally the following supplementary planning documents are relevant:
SPD – Design Guide (2008)
SPD – Development in the Green Belt (2015)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

10.1 The main considerations in the assessment of this application are:

Principle of development – Impact upon the Green Belt;
Visual appearance/design/layout;
Highways;
Impact on neighbours.

Principle of Development – Impact on the Green Belt

- 10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.3 Paragraph 145 in the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this rule including “*buildings for agriculture and forestry*”.
- 10.4 It is stated that the building would provide secure covered accommodation for the tractor, scarifier, rotavator, plough, fertilizer spreader and mower used on the small holding but now kept in the open. In addition the building would provide dry storage for animal feed – haylage for ponies, corn and pellets for the fowl. At present the feed is stored in a small dilapidated brick outbuilding adjacent to the main house or within a covered tarpaulin. The building would also be used to house the sheep during the lambing season. The applicant has stated that the income from the small holding is minimal, however he is intending to develop this to become the principle source of income. At present the applicant works as a fitter servicing agricultural plant and vehicles for farmers and contractors.
- 10.5 In terms of the agricultural building to the rear of the site, new agricultural buildings are permitted (subject to design, impact on Green Belt etc.) where the building is reasonably necessary for the purposes of agriculture. The amount of agricultural activity on the land is limited at present due to the condition of the land. The applicant is in the process of erecting small scale polytunnels on the land which would support arable crops and undertaking improvements to the land. I consider that subject to a condition which ensures that the building is only used to store agricultural goods/equipment together with feed/bedding for the horses that the building is appropriate development.
- 10.6 In relation to the stables Para 145 of the NPPF *includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation--- as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.* In this context Policy GB5 of

the Green Belt SPD gives guidance on Stable Buildings in the Green Belt. The stables are small scale, below 3.5m in height, have limited hardstanding and are close to existing buildings. I have no objections in principle to the change of use of the site for the keeping of horses and I also consider the use of land with stables on this scale supports outdoor recreation and is appropriate. Whilst an access drive has been slightly extended and upgraded I still consider that the stables and associated works have limited impact on openness and are appropriate development defined by the NPPF and the Green Belt SPD.

- 10.7 Paragraph 146 in the NPPF states *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”* Engineering operations are one such form of development. More formalised hardstanding areas have been created to serve the stable, to provide upgraded access around the former traditional agricultural barn and to provide access and turning areas for the proposed agricultural building. The site has a longstanding use as a smallholding and much of this hardstanding could have been permitted development when used exclusively as a smallholding prior to the introduction of equine activities. In my view the development would constitute appropriate development in the Green Belt and would not result, in this location, in harm to the openness of the Green Belt.
- 10.8 In relation to national and local green belt policies I consider both the use of the land and operational/built development appropriate and I am satisfied the development would not harm openness or compromise green belt purposes

Visual appearance/design/layout

- 10.9 Policy GN3 supported by the Council’s SPD Design Guide requires 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/character of the area by reason of their height, scale or roofline.
- 10.10 The proposed agricultural building is of an appropriate design commensurate to other modern agricultural buildings. The building will comprise of a steel portal frame and be clad in dark green metal sheeting.
- 10.11 The size, scale and type of materials for the proposed development would be in keeping with other agricultural buildings in the local area. The development would be seen against existing built development and would be appropriate within its agricultural setting. On that basis I consider the development would comply with the requirements of GN3 and the SPD - Design Guide.

Highways

- 10.12 Policy GN3 of the Local Plan requires proposals for development to incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2.
- 10.13 There is plenty of land available within the site for parking and the manoeuvring of vehicles. The Highway Authority has been consulted as part of the application and has no objections to the proposals and is of the opinion that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. I consider that the proposal complies with the requirements of policy GN3 in respect of accessibility and parking

Impact on neighbours

- 10.14 It is a requirement of Policy GN3 that developments should 'retain reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.
- 10.15 Given the separation distance to neighbouring property opposite the proposed buildings are not considered to have any significant adverse impact on the residential amenity of occupiers of the neighbouring properties. The main agricultural building is to be used for storage of agricultural equipment/machinery. The premises have been operating as a farmhouse with smallholding for many years and the activities associated with the uses of the site are appropriate for its rural setting and the development complies with GN3 in respect of residential impacts.

Drainage

- 10.16 The application form indicates that surface water will be drained via soakaway. However no evidence has been submitted to demonstrate that this will be an effective drainage strategy in this area. Therefore it is appropriate to attach an appropriate condition requiring the submission of details of the proposed drainage scheme.

11.0 CONCLUSION

- 11.1 The application has been formally amended to reflect its current use and operational works for a continued use of land for a mixed use comprising agriculture, residential and keeping of horses, erection of agricultural storage building (part retrospective) and retention of stables and hardstanding works. In relation to national and local green belt policies I consider both the use of the land and operational/built development appropriate and am satisfied that the development would not harm openness or compromise green belt purposes and is in accordance with national and local green belt policies. There are no adverse impacts on residential amenity, the character of the area or highway safety and the development complies with Policy GN3.

12.0 RECOMMENDATION

- 12.1 That the application be GRANTED subject to conditions

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following documents and plans:
Applicants Letter, Location Plan and Site Plan received by the Local Planning Authority on 26 February 2019
Proposed Agricultural Building received by the Local Planning Authority on 10 December 2018
2. The hereby approved agricultural building shall be used solely for agricultural purposes and for the storage of feed and bedding for horses.
3. No development shall take place until a scheme for the surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to first use of the agricultural building and maintained as such at all times for the duration of the development.
4. The stable building shall be used for private purposes only and shall not be used for riding school, livery or any other commercial purposes.

Reasons

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.