

<b>No.4</b>	<b>APPLICATION NO.</b>	2019/0201/FUL
	<b>LOCATION</b>	Shireoaks Wigan Road Lathom Ormskirk Lancashire L40 6JN
	<b>PROPOSAL</b>	Demolition of existing barn and storage shed and erection of dwelling and stable block.
	<b>APPLICANT</b>	Mr A Howard
	<b>WARD</b>	Bickerstaffe
	<b>PARISH</b>	Lathom South
	<b>TARGET DATE</b>	3rd June 2019

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## 1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Rigby has requested it be referred to Planning Committee to consider the possible negative impact on Green Belt along with concerns regarding site drainage.

## 2.0 SUMMARY

- 2.1 I am satisfied that the proposed development is not inappropriate development in the Green Belt and is compliant with the NPPF and Policy GN1 of the Local Plan. This is due to status of the land being brownfield (previously developed land) and the proposal complying with paragraph 145 (g); the proposed redevelopment of previously developed land would not have a greater impact on the openness of the Green Belt than the existing development. Furthermore I am satisfied that the site is not located in an isolated/unsustainable location and is therefore compliant with paragraphs 78 and 79 of the NPPF. In design terms, the proposal is considered to be compliant with Policy GN3 of the Local Plan and no issues have been identified with regards to the impact of the proposal on the amenities of neighbouring properties. Lastly the proposal has been assessed in relation to its impact on matters such as drainage, ecology and highways/parking and, subject to conditions, the proposal is considered to be compliant with national and local policy. For these reasons, the proposal is considered to be acceptable and is recommended for approval.

## 3.0 RECOMMENDATION: That planning permission is **GRANTED** subject to conditions.

## 4.0 THE SITE

- 4.1 The site is accessed via an existing access way off Wigan Road, close to its junction with Plough Lane. The site extends behind the dwelling and associated residential land known as Brighthouse Green Farm eastwards. A further dwelling, Woodlands, lies to the immediate north and there are open agricultural fields to the immediate south which are interspersed with small outbuildings. A row of residential properties lie further to the south, facing onto both Wigan Road and Dickets Lane.
- 4.2 The site currently contains two large and substantial outbuildings and a static caravan. These structures have previously been assessed and their presence deemed lawful on the site. The same conclusion has been drawn on the existing access track.
- 4.3 The site has a varied planning history but essentially planning permission was granted in 2017 for a change of use of the land from agricultural to a mixed use consisting of agriculture (Keeping of livestock) and equestrian (the keeping of horses), additional hardstanding area and an all-weather paddock and drainage ditch. This permission has been implemented. The use of the existing buildings were not clarified under this approval

but the approved use of the land included the existing buildings and therefore they have been used in connection with the authorised mixed use of the land.

## **5.0 THE PROPOSAL**

- 5.1 Planning permission is sought for the demolition of existing barn and storage shed and erection of one dwelling and one stable block. The proposed buildings would be located on the footprint of those to be demolished. A parking area is shown to the west of barn 1 on an area of existing hardstanding. The existing caravan is shown to be removed from the site. A garden area for the dwelling is shown to be located to the western side of that building.
- 5.2 The proposed dwelling would be single storey and contain 3 bedrooms; the building would be finished in facing brick and slate roof tiles. The proposed stables would be sited on the footprint of 'Barn 2' and contain 5 separate blocks. The stables would be constructed from timber.
- 5.3 In terms of the site layout, this would largely remain as existing. The hardstanding area is to be retained; some of this was approved under 2016/0642/COU or deemed lawful prior to this and this area can be described as being the land to the south, north and west of barn 1 and the land in between barn 1 and barn 2. The area of hardstanding to the north of barn 2 and paddock did not form part of the previous approved development. The paddock is to be retained as is the boundary (2m high timber fencing) along the southern boundary.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2016/0642/COU – GRANTED (10.03.2017) Change of use of agricultural land from grazing of livestock to the keeping of livestock/horses. Putting in hardstanding area for access, parking and storage area. All weather paddock and drainage ditch.
- 6.2 2006/1133 – REFUSED (04.06.2007) Change of use of existing building and yard area to builders store with ancillary parking.

### Enforcement

- 6.3 E/2017/0261/UEW - Laying of concrete - CLOSED
- 6.4 E/2017/0089/BCN - Breach of condition nos 3, 6 & 9 imposed on planning permission 2016/0642/COU - CLOSED
- 6.5 E/2017/0040/UL - Without planning permission install security lights - CLOSED
- 6.6 E/2015/0114/UEW - Construction of hardstanding and use of site for non-agricultural purposes - CLOSED
- 6.7 E/2015/0007/TSN - Use of site for the siting of residential caravans and parking of associated vehicles - CLOSED
- 6.8 E/2006/0003 - The construction of a hardstanding area and use of the site for non-agricultural purposes - ENFORCEMENT NOTICE COMPLIED WITH
- 6.9 E/2006/0002 - Use of land and buildings for non-agricultural purposes - ENFORCEMENT NOTICE COMPLIED WITH

6.10 E/2006/0001 - Construction of hardstanding - ENFORCEMENT NOTICE COMPLIED WITH

## **7.0 OBSERVATIONS OF CONSULTEES**

7.1 LANCAHIRE COUNTY COUNCIL (HIGHWAYS) (30.04.2019) – The existing site access is located close to the busy junction of Wigan Road and Plough Lane. Condition 2 of previously granted application (2016/0642/COU) restricts the use of the stables and ménage for private use only. Provided the facilities remain as private use and not for use as a riding school, livery or other commercial purposes, I would not expect a significant increase in vehicle movement from the proposed 3 bed dwelling and therefore would not object to the application.

7.2 MERSERYSIDE ENVIRONMENTAL ADVISORY SERVICES (30.04.2019) – No objections. The Council does not need to consider the proposals against the Three Tests set out in the Habitat Regulations.

7.3 DIRECTOR OF LEISURE AND ENVIRONMENT (16.05.2019) – No objection; conditions are recommended.

7.4 COAL AUTHORITY (29.04.2019) – No objection.

7.5 SHELL PIPELINES (30.04.2019) – No pipelines affected.

7.6 HEALTH AND SAFETY EXECUTIVE (30.04.2019) – Does not advise, on health and safety grounds against the granting of planning permission.

7.7 CADENT AND NATIONAL GRID (03.05.2019) – No objection.

## **8.0 OTHER REPRESENTATIONS**

8.1 Lathom South Parish Council

Draw the Council's attention to entrenchment of a separate site area for a residential caravan. Consider the use of the caravan would be superseded by the new dwelling and it should be removed from site.

Query the need for the size of the parking and turning area.

Query regarding proposed drainage methods.

Consider that the conversion of Barn 1 to a dwelling would not comply with the NPPF.

Concerns that the construction methods for the replacement Barn 2 would be too permanent for a stable block and too large for the number of horses that should be kept on such a limited area of land.

Consider that no very special circumstances have been put forward and the application should be refused.

8.2 South Lathom Residents' Association (22.05.2019)

Query regarding the ownership of the site.

Note that there are inaccuracies within the application form including the current use of the site is not B8 and the development involves the creation of one new dwelling.

The previous application was for keeping two horses on site. Consider that the current proposal for five stables is excessive for two horses.

Query the stated need for someone to live on site to care for the horses

Concerns regarding the proposed drainage scheme being unsuitable

Proposal fails to comply with the NPPF and Supplementary Planning Document - Development in the Green Belt.

- 8.3 Six representations have been received from three neighbouring residents. A summary of the issues raised is as follows:

Objection to the proposed development because the land is agricultural and green belt land;

Concerns regarding access to the site and impacts on highway safety. The access road to the land is on a very dangerous junction to the main and side roads causing traffic problems;

In respect of previous planning applications the planning conditions have not been complied with;

This has always been agricultural/farming land and should always remain this;

Query the need to build a house on this land to care for horses. There are no horses on the land and have not been for many years. In previous applications it has been stated by experts that the land is only suitable to sustain two horses;

Concerns regarding the condition and appearance of the land;

Concern that a precedent would be set if this is approved;

The mobile home on the site has been gradually separated off from the rest of the site;

Note there are inaccuracies within the application form / ownership certificates;

The site is currently not supplied with water;

The site has been subject to several enforcement investigations since 2004. The use of the site should not be justified by any previous misuse of the site;

How can the Council ensure that Barn 1 is demolished and not remodelled?

## **9.0 SUPPORTING INFORMATION**

- 9.1 Planning, Design and Access Statement  
Preliminary Ecological Appraisal (Pennine, Nov 2018).  
Coal Mining Risk Assessment

## **10.0 RELEVANT PLANNING POLICY**

- 10.1 The site is located within the Green Belt as designated in the West Lancashire Local Plan.

### **10.2 National Planning Policy Framework (2018)**

Para 5 - Delivering a sufficient supply of homes

Para 12 - Achieving well designed places

Para 13 – Protecting the Green Belt

Para 15 – Conserving and enhancing the natural environment

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

Policy SP1 – A sustainable development framework for West Lancashire

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential development

Policy IF2 – Enhancing Sustainable Transport Choices

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

- 10.4 **Supplementary Planning Document** Design Guide (Jan 2008)

- 10.5 **Supplementary Planning Document** Development in the Green Belt (2015)

## **11.0 OBSERVATION OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

- 11.1 The main considerations for the determination of this application are:

Principle of Development - Green Belt;  
Principle of Development – Sustainability;  
Visual appearance / design / layout;  
Impact upon adjoining land uses;  
Highways / parking;  
Biodiversity;  
Drainage.

#### Principal of Development – Green Belt

- 11.2 The site is located within the Green Belt, therefore the proposal must be considered in the context of the NPPF and Policy GN1 of the Local Plan. Paragraph 133 of the NPPF sets out the government's view that great importance is attached to Green Belts. It states that 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.
- 11.3 Paragraph 145 of the NPPF states "a local planning authority should regard the construction of new buildings as inappropriate in Green Belt". Exceptions to this include the *"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"*.
- 11.4 The site is considered to constitute previously developed land due to the implementation of the permission granted under planning reference 2016/0642/COU which introduced a mixed use of the site to include a non-agricultural use. The proposed development would re-use the footprint of the existing building and the scale of the buildings to be erected would be similar to those existing. Therefore in terms of the replacement nature of the buildings, I am satisfied that the proposal does not have any greater impact on the openness of the Green Belt than the existing development.
- 11.5 Whilst not expressly stated in the description of the development, the proposal shows the retention of an area of hardstanding which does not currently benefit from planning permission. That area is located to the immediate north of barn 2 and the paddock. This area would essentially serve the proposed stable block and associated paddock and it is usual to allow some form of hardstanding around such facilities to cater for movement of vehicles and animals. Therefore, whilst the retention of this area would cause some limited harm to the openness of the Green Belt, it would be perverse to disallow the ability to freely move around an appropriate building (stables) and a lawful area for outdoor sport and recreation. In this context, I find that the retention of this area of hardstanding complies with paragraph 145 (b) of the NPPF, *"the provision of appropriate facilities for outdoor sport, outdoor recreation"*. Furthermore I am satisfied that the retention of the hardstanding would not conflict with the purposes of including land within the Green Belt as it would be contained close to and around existing buildings and would not exceed the visual built limits of the site.
- 11.6 The existing caravan is to be removed from the site and that area of existing hardstanding would be used as a parking area. The proposed garden area for the dwelling is of a suitable size and would not result in encroachment into the Green Belt.
- 11.7 It has been noted that the applicant's submission refers to the need for a dwelling on site in connection with the care of horses; this has also been referred to by local residents within their representations. It is important to note that the proposal has not been assessed on that basis; it does not have to meet any tests relating to 'need' on the basis

that the site represents previously developed land and the redevelopment of the site has been assessed on that basis alone.

- 11.8 On the basis of the above assessment, I find that the proposed development would not cause any greater impact on the openness of the Green Belt and is compliant with the NPPF and Policy GN1 of the Local Plan.

#### Principal of Development – Sustainability

- 11.9 The submission has sought to justify the need for a dwelling at this location. Paragraphs 77 and 78 of the NPPF seeks to avoid new isolated homes in unsustainable locations within the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.
- 11.10 Whilst the submission sets out the applicant's case that there is a need to live at the site to care for horses, as mentioned above the principle of development has not been assessed on that basis. However the site is located close to several bus stops from which regular buses to Ormskirk, Skelmersdale, Southport and Wigan can be caught. In addition there are several school buses which use these routes. The site is located close to Warbreck Garden Centre where there are several local services including a restaurant and a beautician. The village of Westhead is located approx. 500m away where pedestrian access is possible along existing pavements. Further local facilities such as a primary school, nursery, village hall and pub are available in Westhead. It is my view that the dwelling would be situated in a sustainable location.
- 11.11 On that basis, I am satisfied that the proposed development is in accordance with the NPPF.

#### Visual appearance / design / layout

- 11.12 The proposed dwelling would be single storey in height and have similar proportions to the existing Barn 1 which is to be demolished. Both of the proposed buildings would have a traditional style that is considered to be appropriate in this location and the proposed design and size would be acceptable. The proposed dwelling would be constructed in brick with a slate roof. A suitable condition can be imposed to agree details of the exact materials.
- 11.13 The agent has advised that the stables would be constructed in timber which complies with the requirements of GB5 in the SPD - Development in the Green Belt. The new stable block would be approx. 0.6m higher than the existing Barn 2 to allow suitable height for use by horses. The footprint of the building would remain the same as the existing barn. Within the building there is adequate space for storage of animal feeds and other ancillary equine items such as tack. Having regard to the size of the barn which will be demolished I am satisfied that the proposed stable would not have an adverse impact on the character and visual amenity of the area.
- 11.14 Due to the position of the dwelling and stables I consider there would be no adverse impact on the street scene. Overall I am satisfied the proposal would comply with the relevant requirements of policy GN3.

#### Impact upon adjoining land uses

- 11.15 Planning permission has previously been approved for the use of the land for stables and keeping of horses. I consider that due to the distance from nearby dwellings and subject to

conditions as recommended by the Environmental Health Officer the proposed equine use would not result in any adverse impacts on neighbours as a result of noise or odours.

- 11.16 In terms of the proposed dwelling I am satisfied there would be no adverse impacts from overlooking or overshadowing on neighbouring amenity. Overall I am satisfied that the development would comply with policy GN3 as it would provide acceptable amenity levels for future occupants and would not result in undue harm to the residential amenity of neighbouring properties.

#### Highways / parking

- 11.17 I note that concerns have been raised in regard to highway safety in the area. The Highway Authority have advised that they have no objections to the proposal provided that the use of the equine facilities are restricted to private use only. It is considered that the three bedroom dwelling would not result in intensification of use of the access such that would lead to an impact on highway safety.

- 11.18 Suitable parking can be provided within the site in accordance with policy IF2. I am satisfied that the development would not result in a significant impact on highway safety within the local area.

#### Biodiversity

- 11.19 The application has been accompanied by a preliminary ecological appraisal. The Council's Ecologist has assessed the submission and agrees with conclusions made. The Council's Ecologist advises that the Council does not need to consider the proposals against the three tests set out in the Habitat Regulations. Subject to the recommended conditions in respect of nesting birds it is concluded that the proposal would not have a harmful impact on any protected species or their habitat. The proposal would therefore comply with the requirements of policy EN2.

#### Drainage

- 11.20 The drainage details have been revised since this application was first submitted and it is now proposed to discharge foul waste water to the mains sewer located within Wigan Road and this is considered to be satisfactory. The finer details of the connection to the mains sewer would be overseen by the Building Control body as part of the Building Regulation process.

- 11.21 The revised details in respect of surface water disposal proposes disposal to an "existing drainage channel" which runs along the northern boundary of the site and then connects with Dicket's Brook to the east. Whilst I am satisfied that this is a suitable proposal, the use of soakaways should first be considered and, if necessary, discounted before consideration is given to a connection to a watercourse. I am satisfied that such investigations can be carried out by way of a condition. Furthermore, should investigations prove that ground conditions would not support an infiltration method of disposal, I am satisfied that there is suitable fall-back position, i.e. connection to a water course via an existing ditch (approved under 2016/0642/COU).

#### Conclusion

- 11.22 The proposed development is considered to be appropriate development in the Green Belt and is therefore acceptable in principle. The scale, design and siting is considered acceptable given the context of the existing site and its environs. No issues have been

identified with respect to ecology, drainage or highway safety subject to conditions referred to within the main body of the report.

11.23 For the reasons outlined above, I am satisfied that the proposal accords with the NPPF and relevant policies of the Local Plan.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 053-05 received by the Local Planning Authority on 27th March 2019 and plan reference 053-01F and 053-03F received on 15th July 2019.
3. No development shall take place until a strategy for the surface water drainage of the development, including any necessary attenuation measures, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details. The peak surface water rate of discharge is to be limited to 3.0 l/s.
4. In respect of the hereby approved dwelling no development above slab level shall take place until full details and samples of the external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. In respect of the hereby approved stable building no development above slab level shall take place until full details of the external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. Prior to the first occupation of the hereby approved dwelling it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
7. The hereby approved stable building shall be used for private purposes only and shall not be used for riding school, livery or any other commercial purposes.
8. The hereby approved stable building shall be used only for the housing of horses, associated equipment and feedstock and for no other purposes including any other forms of animal boarding.
9. Prior to the first use of the hereby approved stable building details of the location of the manure trailer shall be submitted to and approved in writing by the Local Planning Authority. The manure trailer shall be sited in accordance with the approved details and shall be maintained as such thereafter. For the avoidance of doubt the storage of manure and soiled bedding is not be permitted within 30 metres of the curtilage of nearby residential accommodation.
10. No burning of either hay, straw, soiled bedding or manure shall take place on the site. All bedding and manure shall be removed from the site at least once every four weeks.
11. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.
12. Within one month of the first occupation of the hereby permitted dwelling the existing caravan shall be removed in its entirety from the site and the area of hardstanding shall thereafter be retained for parking.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.



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. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. In the interests of sustainability in accordance with policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. 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.
8. 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.
9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. The developer is advised that building works should not take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings should be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

### **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:

Policy SP1 - A sustainable development framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential development

Policy IF2 - Enhancing Sustainable Transport Choices

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

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.