

No.6	APPLICATION NO.	2020/0424/FUL
	LOCATION	Fylde View Farm Shore Road Hesketh Bank Preston Lancashire PR4 6XP
	PROPOSAL	Application for the installation of a portable cabin for use as a farm shop.
	APPLICANT	Mr Pope
	WARD	Hesketh-with-Becconsall
	PARISH	Hesketh-with-Becconsall
	TARGET DATE	9th November 2020

1.0 SUMMARY

- 1.1 The application seeks planning permission for the installation of a portable cabin for use as a farm shop. Although the farm shop would sell a large percentage of the applicant's own grown produce it is the intention to stock a wider variety of locally sourced produce from other farms as well as bring produce in from wholesale markets when required. On this basis, the development is not considered to be agricultural in nature and is therefore inappropriate development in the green belt. However it is considered that very special circumstances exist to allow this development, notably agricultural diversification and the public benefits of providing such a service to the local community especially during the current coronavirus pandemic.
- 1.2 The development is acceptable in terms of policies relating to residential amenity, siting and design and highway safety. The Flood Risk Assessment that has been submitted is acceptable. As the proposed cabin is a temporary structure, liable to physical deterioration it is recommended that planning permission be granted for a temporary period of 2 years.

2.0 RECOMMENDATION: APPROVE subject to conditions

3.0 THE SITE

- 3.1 The application site is to the north of Shore Road and comprises of a farmhouse and surrounding holding. The application site is located on the edge of the Green Belt, with the designated settlement area of Hesketh Bank being located to the immediate south of the site.

4.0 PROPOSED DEVELOPMENT

- 4.1 Planning permission is sought for the installation a portable cabin for use as a farm shop. The portacabin will measure approx. 6.1m (L) x 2.44m (W) x 2.40m (height).
- 4.2 The proposed opening hours are; Monday – Friday 8am – 6pm, Saturday 8am – 6pm, Sundays and Bank Holidays 9am – 12pm.
- 4.3 There is currently a container on the application site which the applicant has temporarily sited from elsewhere on the holding to sell their own produce (which does not benefit from planning permission). If this application is successful it is proposed to move the container to its original position within one of the buildings on the holding to provide secure storage.
- 4.4 The proposed farm shop portacabin will stock and sell all of the applicant's produce and beef however it is the applicant's intention to work with other local farmers and stock a wider variety of locally sourced, fresh produce to increase the products on offer. Products will also be bought in from wholesale markets when required.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2009/0663/PNP - Consideration of Details for Prior Approval - Erection of agricultural storage building. Approved.
- 5.2 1990/1422 - Two storey domestic extension to side elevation. Granted.

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire County Council Highways (13/07/2020) and (26/09/2020) - No objections.
- 6.2 Environmental Health (14/07/2020) – No objections.
- 6.3 Environment Agency (14/07/2020) - In the absence of a flood risk assessment (FRA), object to this application and recommend that planning permission is refused.

(29/09/2020) – Withdraw objection. Satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

7.0 OTHER REPRESENTATIONS

- 7.1 None.

8.0 SUPPORTING INFORMATION

- 8.1 Planning Supporting Document.
- 8.2 Letters supporting the development from local residents.
- 8.3 Flood Risk Assessment September 2020.

9.0 RELEVANT PLANNING POLICY

- 9.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map.
- 9.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice
EC2 - The Rural Economy
IF1 – Maintaining Vibrant Town and Local Centres

Supplementary Planning Document - Design Guide (January 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main areas to consider in determining this application are:

Principle of Development - Green Belt;
Principle of Development - Maintaining Vibrant Town and Local Centres;
Visual appearance/design/layout;
Impact on Neighbours;
Highways;
Flood Risk / Drainage.

Principle of Development - Green Belt

- 10.2 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. There are exceptions to paragraph 145 which are listed within the NPPF criteria a – g.
- 10.3 In my view the use of a portacabin as a farm shop on the site which, as well as selling their home-grown produce, would also sell at least half of its produce from other farms and wholesale markets would not fit into one of the exceptions listed in paragraph 145. In my view the erection of a farm shop of this description is not development that is required for the purposes of agriculture and would not fall into criteria (a) of paragraph 145 of the NPPF.
- 10.4 Therefore the development would be deemed as inappropriate development in the Green Belt.

Very special circumstances

- 10.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.6 Paragraph 83 of the NPPF states that "planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 83 also encourages the development and diversification of agricultural and other land based rural businesses.
- 10.7 The submission puts forward a case for very special circumstances based on farm diversification and the public benefits of the proposals.
- 10.8 The Applicant runs an agricultural enterprise in West Lancashire extending to approximately 300 acres of Grade 1 agricultural land. The land is situated in various separate blocks forming an agricultural unit located at Fylde View Farm.
- 10.9 The farm is both an arable and livestock farm. The cropping includes cereals, potatoes, cauliflower and other various fresh produce. The farm also rears beef cattle for meat production. On average, the farm has as many as 100 beef cattle at any one time. The farm also has a number of laying hens for egg production.
- 10.10 The farm shop portacabin will stock and sell all of the applicant's produce and beef however it is the applicant's intention to work with other local farmers and stock a wider variety of locally sourced, fresh produce to increase the products on offer. Products bought in would include broccoli, sprouts, asparagus, milk and soft fruits, all sourced from West Lancashire where possible with products being bought in from wholesale markets when required.

- 10.11 Due to the on-going coronavirus pandemic, the agricultural enterprise at Fylde View Farm has changed rapidly. From selling to mainly markets and retail, the farm now sells a lot of its produce direct to local residents of Tarleton, Hesketh Bank and Banks in addition to their existing customers. Produce is collected by local residents from the farm from the current container, however the applicants also run a small delivery service.
- 10.12 The applicants advise that there is no farm shop in or around the Tarleton/Hesketh Bank area following the closure of the farm shop on Coe Lane, Tarleton a number of years ago. The proposal offers a public service to the local community and an opportunity to purchase food which has been grown locally. The proposal also supports a local farming business as higher prices are paid directly to the farmer in comparison to market prices.
- 10.13 It is my view that the proposed development would not just enable agricultural diversification of this existing rural business (which is encouraged through paragraph 83 of the NPPF), I also consider there is a local benefit to the local community of providing such as service especially during the current coronavirus pandemic. I am satisfied that the case put forward within this submission amounts to very special circumstances which outweighs the totality of the identified harm to the Green Belt.
- 10.14 As planning permission is sought for a temporary building i.e. portacabin I consider it suitable that planning permission is granted on a temporary basis for a maximum of two years.

Principle of Development – Retail

- 10.15 The proposal would entail development which is normally associated with town centre uses (retail – a farm shop) in an out of centre location and as such Local Plan Policies IF1 (Maintaining Vibrant Town and Local Centres) are relevant along with paragraphs 86-90 of the NPPF. Policy IF1 indicates that retail and other town centre uses will only be considered in an out of centre location if:

a specific local need is proven for the proposed development; and

there is no suitable site available in a town, village or local centre.

- 10.16 NPPF paragraphs 86 and 87 require such developments to be located in town centres, then edge of centre and out of centre sites with a preference given to accessible sites that are well connected to a town centre.
- 10.17 Whilst I acknowledge the location of this development is not within a town centre location and would not comply with Policy IF1, given that it is a small scale farm shop linked to the agricultural holding on which it is located, I consider on balance that the development is acceptable and would be unlikely to have a detrimental impact upon the existing retail facilities within the village centre of Hesketh Bank. The proposal will in my view have a positive impact in supporting a specific local need and the rural economy generally especially during the current circumstances.

Visual appearance/design/layout and impact upon the Green Belt

- 10.18 The location of the portacabin has been carefully considered by the applicant to ensure that health and safety is not compromised with the use of the working farm yard. The portacabin has been located close to existing development (the dwelling) and will be accessed from an existing track. It is also highly screened due to the location of existing landscaping. I therefore consider that there will be minimum impact upon the Green Belt.

- 10.19 The portacabin is a temporary building, liable to deterioration and the applicant is aware that in such circumstances, planning permission would not generally be granted on a permanent basis for such a structure.

Impact on Neighbours

- 10.20 Policy GN3 requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties.
- 10.21 The nearest dwellings to the site are on the other side of Shore Road. The site is already a working farm and I do not consider that the size and nature of the farm shop operations would generate such a volume of traffic that would give rise to any significant concern. The siting of the building is such that it is at a significant distance from neighbouring properties. The operating hours are also acceptable.

Highways

- 10.22 The site is located off a private access road which is also a Public Right of Way (F/P No.40). Four parking spaces have been provided to serve the development. The Highway Authority has no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Flood Risk / Drainage

- 10.23 The application site is within Flood Zone 3 and the development is categorised a 'less vulnerable use' as per Table 2 of the Flood Risk vulnerability classification within the Technical Guidance to the NPPF. Therefore the development is appropriate.
- 10.24 By request of the Environment Agency (EA) the applicant has submitted a Flood Risk Assessment (FRA).
- 10.25 The EA have reviewed the submitted FRA and is satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. They advise that proposed development must proceed in strict accordance with the submitted FRA and the mitigation measures identified as it will form part of any subsequent planning approval. This will be subject to a planning condition. The Council's Drainage Engineer also raises no objections.

Summary

- 10.26 The development does not comply with Policy GN1 of the WLLP and paragraph 145 of the NPPF in terms of being inappropriate development within the Green Belt. However I consider that there are very special circumstances for allowing this development on this site namely agricultural diversification of an existing rural business and the public benefits of having such a service of providing local produce to the community especially during the current coronavirus pandemic .I do not consider given the scale and type of retail development proposed that it would have a detrimental impact upon the existing retail facilities within the town centre of Hesketh Bank.
- 10.27 The development complies with all other policies and is acceptable in terms of residential amenity, siting and design and highways. The Flood Risk Assessment that has been submitted is acceptable.

11.0 RECOMMENDATION

11.1 That temporary planning permission is GRANTED subject to the following conditions:

Conditions

1. The farm shop portacabin hereby permitted shall be removed and the land reinstated to its former condition, including the removal of all ancillary works and structures, and in accordance with a scheme submitted to approved by the local planning authority, on or before the expiry of a period ending on 12/11/2022.
Reason: The proposal is of a temporary nature only and to enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Details of appearance of portacabin and proposed location plan received by the Local Planning Authority on 14/08/2020 and 26/05/2020.
Reason: 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. The use of the farm shop hereby permitted shall only take place between the hours of 08:00 hours and 18:00 hours Monday to Saturday and 09:00 hours to 12:00 hours Sundays and Public/Bank Holidays & shall not take place at any other time.
To protect the amenity of occupiers of adjacent residential properties and so comply with the provisions of Policy GN1 in the West Lancashire Local Plan.
4. The proposed development must proceed in strict accordance the submitted Flood Risk Assessment (received by the Local Planning Authority on 14/09/2020). The mitigation measures identified shall be implemented in full for the duration of the development.
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. Any questions relating to the position of the public right of way should be directed Lancashire County Council Public Rights of Way Section.

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 Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice
EC2 - The Rural Economy

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.