



PLANNING COMMITTEE: 19<sup>TH</sup> JANUARY 2023

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Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

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**SUBJECT: PLANNING APPLICATION REF: 2022/0669/FUL**

**PROPOSAL: Retrospective Planning Application of Site No 4 for Change of use of area between ponds and the erection of the marquee for use as a holistic studio.**

**APPLICANT: Hurlston Hall Trading Ltd**

**ADDRESS: Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick**

**REASON FOR CALL IN: Application has been called in by Cllr Fowler to consider impact on the greenbelt and surrounding vista and over development**

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**Wards affected: Scarisbrick**

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks retrospective planning permission for the change of use of an agricultural area and the erection of a marquee to be used as a holistic studio.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That the application be refused.

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## **3.0 THE SITE**

- 3.1 Hurlston Hall Golf and Country Club is located off the A570 Southport Road. A private access road, Hurlston Lane, leads to a golf course, clubhouse, driving range and leisure facilities associated with the business.
- 3.2 The application site is situated approx. 60 metres to the west of the private access track.

#### **4.0 PROPOSAL**

- 4.1 The application is retrospective in form and proposes the change of use of the land and the erection of a marquee measuring approx. 8.8m x 8.8m. The marquee is being used as a holistic studio.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2022/0873/FUL - Relocation of existing maintenance yard onto land to west of driving range. Existing track and storage area. Track has been resurfaced with additional gravel. Site area formerly used to store gravel, soil and sand for use on golf course. Area has had the existing drains cleared and permeable hardcore added to aid drainage - Pending consideration
- 5.2 2022/0670/FUL - Retrospective Planning Application of Site No 5 for Change of use of agricultural area to leisure use as golf practice area including green, nets and lighting - Pending consideration
- 5.3 2022/0668/FUL - Retrospective Planning Application of Site No 2 for Change of use of agricultural land to recreational use providing Football pitch, lighting and changing room and toilet facilities - Pending consideration
- 5.4 2022/0667/FUL - Retrospective Planning Application of Site No 1 for change of use from agricultural land to archery range and storage shed and Multi function shelter - Pending consideration
- 5.5 2022/0666/FUL - Extension to the Driving Range and Golf Shop Building to provide swing suite and golf fitting areas, ball dispensing and collection and enhanced driving range bays and provide new state of the art driving range with all weather surface and ball collection - Pending consideration
- 5.6 2022/0553/FUL - Retrospective Planning Application of Site No 3 for conversion of the bowling green into two padel courts and a tennis court with maintenance and sports storage shed - Pending consideration
- 5.7 2022/0283/FUL - Resurfacing of the existing range with Tiger Turf and reconfiguration of existing surface water drains - Pending consideration

- 5.7 2018/0245/FUL - Alterations to site entrance and signage at entrance to Hurlston Hall Golf Club - Granted
- 5.8 2016/0519/FUL - New site entrance and signage at entrance to Hurlston Hall Golf Club - Refused
- 5.9 2014/0158/NMA - Non-material amendments to planning permission 2012/1161/FUL - Granted
- 5.10 2012/1161/FUL - Two storey extensions and refurbishment of existing club house and function rooms - Granted
- 5.11 2009/1218/FUL - Single storey extension to front elevation of the existing driving range building - Granted

## **6.0 OBSERVATION OF CONSULTEES**

- 6.1 None received at the time of writing.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 None received at the time of writing.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Design and Access Statement  
Ecological Appraisal

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document 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 2012-2027 DPD.
- 9.3 **National Planning Policy Framework**  
Promoting healthy and safe communities  
Achieving well-designed places  
Protecting Green Belt land
- 9.4 **West Lancashire Local Plan Policies**  
SP1 - A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EN3 - Provision of Green Infrastructure and Open Recreation Space

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 considerations for this application are:

*Principle of development - Green Belt*

10.2 The National Planning Policy Framework (NPPF) is a key material consideration in assessing the principle of the development. Local Plan policy EN3 states that "Appropriate development for outdoor sports and recreational facilities will be permitted in the Green Belt in accordance with national policy".

10.3 Paragraph 150 in the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such form of development is: e) material changes of use of land (such as changes of use for outdoor sport and recreation, or for cemeteries and burial grounds).

10.4 Paragraph 149 states that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt." There are 7 exceptions to this rule including "b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it".

10.5 Activities such as yoga and Pilates classes take place inside the building. The proposed use of the land is for recreational use however the recreation proposed is not an outdoor one as it requires the use of the structure which has been in place since June 2018. The building itself is situated in a relatively prominent location adjacent to a pond and being clearly visible from Hurlston Lane. It is considered that due to its siting, size and design the building fails to preserve the openness of the Green Belt.

10.6 On that basis it is considered that the proposal fails to comply with the requirements of the NPPF and local plan policy GN1.

### *Design/Layout/Impact on residential amenity*

- 10.6 Policy GN3 along with 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. In addition Policy GN3 allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.7 The marquee is a temporary style of building that is considered to be out of keeping with the rural location on which it has been positioned particularly given the more open nature of the activity surrounding it. It is a relatively large structure that is visible from Hurlston Lane. It is considered that the retention of the building in this location would have an adverse impact on the character of the area.
- 10.8 Due to the position of the marquee in relation to the nearest residential properties and having regard to the proposed use of the building it is considered that there would be no adverse impact on the amenity of any residential property.
- 10.9 Having regard to the above it is considered the development would not comply with the relevant requirements of local plan policy GN3.

### *Highways*

- 10.10 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.11 The proposal forms part of the Golf and Country Club which is served by a large car park located to the north of the application site and accessed via the existing private road. It is considered that the existing parking area can accommodate the required parking required to serve the holistic studio and that the development would comply with the relevant requirements of local plan policies GN3 and IF2.

### *Ecology*

- 10.12 Policy EN2 (1) 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 LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.13 It is noted that the application has been accompanied by Preliminary Ecological Appraisal Report dated April 2022. Within the report it is stated that surveys took

place on 29th March 2022. The recommendation is for presence/absence surveys to be undertaken in respect of Great Crested Newts at all ponds in 250 metres of the site. The marquee has been sited on land adjacent to a pond.

- 10.14 Notwithstanding the above recommendation the application is retrospective in form has been received as a result of enforcement investigations. The application form confirms that works began and were completed in June 2018.
- 10.15 The development was therefore undertaken and completed approximately eight months prior to the preliminary survey taking place. The submission does not propose any additional works at this time. On that basis it is considered that an potential impact on Great Crested Newts or any other protected species would have already taken place prior to the submission of this application. If any disturbance or harm to protected species has taken place appropriate action can be taken under the relevant legislation which is outside of the planning regime.

### *Drainage*

- 10.16 The site is located within Flood Zone 2 and the submission has been accompanied by drainage documentation including a Flood Risk Assessment. The submission has been considered by the Council's drainage engineer who raises an objection to the proposed structure.
- 10.17 The Council cannot agree with the Design and Access Statement which states "The marquee is a temporary type building and therefore will not be affected by potential flooding" from the Design and Access Statement (April 2022)". The building is in Flood Zone 2, so there is clearly a risk of flooding to the building and anyone using it.
- 10.18 The submission fails to assess whether there are any reasonably available sites in Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, the applicant should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required.
- 10.19 It is noted that the Area Building Control Officer was satisfied that building controls and regulations were in place however Building Regulations do not address flood risk.
- 10.20 It is considered that a sequential approach is required and at this time the proposed development is considered to be inappropriate development in an area at risk of flooding without adequate justification for its siting. On that basis the proposal fails to comply with the requirements of the NPPF and local plan policy GN3.3.

### *Very special circumstances*

- 10.21 Paragraph 148 of the NPPF states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.22 I have identified that the proposal would be inappropriate development in the Green Belt as the proposal would result in harm to the openness of the Green Belt. In addition the proposal results in other harm. The proposal is considered to result in harm to the rural character of the locality. Furthermore the proposal would be inappropriately sited in an area at risk of flooding.
- 10.23 It is my view that the submission does not demonstrate any very special circumstances which would outweigh the identified harm to the Green Belt and the other harm resulting from the proposal and I am not aware of any such very special circumstances.

## **11.0 CONCLUSION**

- 11.1 The proposed development is considered to be inappropriate development in the Green Belt and would have an adverse impact on its openness. Furthermore the design, size and siting of the marquee structure fails to respect the rural character of the area. The proposed development is also considered to be inappropriate development in an area at risk of flooding. It is therefore considered that the proposal fails to meet the requirements of the NPPF and Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **12.0 RECOMMENDATION**

- 12.1 That the application should be REFUSED for the following reasons:
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 of the Green Belt. Insufficient special circumstances have been demonstrated to outweigh this harm.
  2. The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and supplementary planning document 'Design Guide' (Jan 2008) in that the proposed marquee is out of keeping with the rural character of the area and by reason of its size and design would be to the detriment of the character and visual amenity of the area.

3. The submission documentation fails to demonstrate that the proposal would not result in unacceptable flood risk. On that basis the proposal fails to meet the requirements of Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document and Chapter 14 of the NPPF.

### **13.0 SUSTAINABILITY IMPLICATIONS**

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

### **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 14.1 There are no significant financial or resource implications arising from this report.

### **15.0 RISK ASSESSMENT**

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

### **16.0 HEALTH AND WELLBEING IMPLICATIONS**

- 16.1 There are no health and wellbeing implications arising from this report.

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### **Background Documents**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life,



home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

**Appendices**

None.