



**PLANNING COMMITTEE: Thursday,
23 May 2024**

**Report of: Deputy Chief Executive
Lead Member for Planning and Community Safety**

Contact for further information: Case Officer: Daniel Fitzpatrick 01695 585374 (e-mail: Daniel.Fitzpatrick@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2023/0980/FUL

PROPOSAL: Erection of granny annexe

APPLICANT: Mr and Mrs Paul Hanshaw

ADDRESS: 163 School Lane, Downholland

REASON FOR CALL IN: Application has been called in by Councillor Westley due to concerns regarding the impact on the Green Belt and has recommended a site visit.

Wards affected: Rural West;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for the erection of a granny annex.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 **To refuse planning permission.**

3.0 THE SITE

3.1 The site relates to a detached two-storey dwelling located on School Lane, Downholland. The dwelling has hardstanding and a small garden to the front, with a larger garden to the rear.

4.0 PROPOSAL

4.1 Erection of granny annexe

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2023/0593/FUL - Erection of a granny annexe and demolition of outbuildings. WITHDRAWN.
- 5.2 1999/0782 - Conservatory at rear. APPROVED.
- 5.3 1999/0353 - Two storey extension at rear; front porch; single storey extensions at sides and rear. Creation of a wildlife / conservation area and grazing areas. APPROVED.
- 5.4 1998/0207 - Replacement dwelling. REFUSED.
- 5.5 1997/0984 - Erection of replacement dwelling. REFUSED.

6.0 OBSERVATION OF CONSULTEES

- 6.1 Heritage and Conservation (10.04.2024) – Advises that the proposal would not meet the statutory test 'to preserve' and would cause less than substantial harm (low end) to the significance of the Grade II Listed Building, No. 153 School Lane.
- 6.2 Canal and River Trust (13.11.2023) – No comment

7.0 OTHER REPRESENTATIONS

- 7.1 One representation received raising the following:
- Impact of setting of Listed Building;
 - The proposal is not reflective of annex accommodation and appears as a separate dwelling; and
 - The Annex should be attached to the main house which has sufficient garden space to accommodate an extension.
- 7.2 Two representations received supporting the application.

8.0 SUPPORTING INFORMATION

- 8.1 Heritage Statement (03.11.2023)
- 8.2 Planning Statement (03.11.2023)
- 8.3 Doctors Letter (14.11.2023) (17.01.2024)

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.

The site is located within the Green Belt as designated in the West Lancashire Local Plan (WLLP) DPD.

National Planning Policy Framework

Achieving well designed places

Protecting Green Belt Land

West Lancashire Local Plan (2012-2027) DPD

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Document (SPD), Design Guide (Jan 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

- Principle of Development
- Impact on the greenbelt
- Impact on listed building
- Impact on visual amenity, design, and character of area
- Impact on residential amenity
- Impact on highway safety

Principle of Development

10.2 The proposal is for a "granny annex" to be erected to the East of the host dwelling in order to provide ancillary accommodation for the elderly occupants. However, given the scale, primary accommodation and detached nature of the proposed building, it would resemble a new dwelling rather than annex accommodation. I will therefore assess the application based on it being a new dwelling within the Green Belt.

Impact on greenbelt

10.3 Paragraph 154 of the NPPF states: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

(a) buildings for agriculture and forestry;

(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;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) 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; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

10.4 Paragraph 155 of the NPPF states: Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

(a) mineral extraction;

(b) engineering operations;

(c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

(f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

10.5 The proposed building will be sited outside of a defined settlement boundary, to the East of No.163 School Lane on a parcel of land that separates No.163 and the Grade II listed building that is No.153 School Lane. One could argue that the site would represent as an infill development. The site is bound by buildings to the east and west, and would be considered a small gap within a built up frontage. However as mentioned, the site is located outside of a defined village settlement, the nearest being Haskayne, and would therefore not meet criterion e) for limited infilling.

10.6 Another consideration would be that the land forms part of the curtilage to no. 163 School Lane and therefore should be considered previously developed, noting that that the NPPF definition only excludes '*land in built-up areas such as residential gardens*'. However on review of the land in question, it is clear that it is a separately enclosed area of land with an absence of any previous or existing development upon it. The Applicant has not put forward any argument on this basis to evidence that the land is part of the curtilage or indeed has been used in such a way for it to be described as a garden. It is my view that the land is a separate parcel of land and not part of the curtilage and cannot therefore be considered previously

developed. Even if this could be argued, it is considered that the proposed development would have a greater impact on the openness of the Green Belt than the existing development as no development or built structure currently exists. The proposal would therefore fail in this regard.

- 10.7 As such the proposed development would result in a new building within the Green Belt that does not fit into any of the above exceptions. The proposed development would therefore be inappropriate development in the terms of National Planning Policy. I consider that, the dwelling would be harmful to the greenbelt as there is no demonstrated need for it in relation to a business or other use and would therefore serve no public benefit. Development within the greenbelt that does not fit into any of the categories within paragraph 154 of the NPPF, can sometimes be deemed acceptable through very special circumstances. I will consider the acceptability of the submitted supporting information later in my report under the heading **Very Special Circumstances**.

Impact on Listed Building

- 10.8 The proposed site is located adjacent to a Grade II Listed Building, no. 153 School Lane. As such Growth Lancashire as the Council's Heritage and Conservation consultee have been consulted as part of the determination of the application. I am also mindful that third party representations have raised concerns in respect of the impact on toward the Listed Building.
- 10.9 As noted above, in assessing the proposed development, the primary issue from a heritage viewpoint concerns the proposal's impact on the setting of the Grade II listed building, no. 153 School Lane immediately east of the proposal site. Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. The Planning Note states that "where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset." HE also states that, although a setting is not a heritage asset in itself, its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.
- 10.10 In the current application, the listed buildings in question, no. 153 School Lane is a single-storey 18th century cruck-framed building with parts dating to the 17th century. The building was altered in the 20th century. The half-hipped thatched roofed building consists of two parts: the lefthand (north- east) part is of painted stone and has two windows with a door in between while the right side is rendered and set back, again with two windows. There is a chimney stack where the two parts meet. Against the right-hand gable is a 20th century lean-to porch. The windows and front door are modern.
- 10.11 The vicinity of the listed building appears to have evolved over time. Whilst the southwestern side of the building has retained its rural character with only No.163

School Lane situated amidst a large field and the addition of four early 20th century semi-detached properties to its west, the northeastern side of the listed building has seen a number of buildings been built, mainly in the second half of the 20th century, some of which likely existed at the time No.153 School Lane was listed in 1968.

- 10.12 The listed building is mostly appreciated from the roadside, through its front elevation, which is highly visible while approaching it from the north along School Lane. During my visit, it was possible to see that the proposal site with the trees and thick hedgerow along the road. The principal view out of the listed building is towards the north/northwest, facing out onto the countryside opposite.
- 10.13 I acknowledge that the immediate setting of the listed building is somewhat varied. The listed building evidenced by historic mapping shows that it once sat in a more open setting. Modern linear infilling along School Lane has diminished the value or contribution made by the setting. However, the encroachment of modern development is more pronounced to the north and to the southwest the listed building is bounded by the paddock and enclosed garden area beyond and this provides a large gap to No.163. Whilst historically there is no evidence to suggest the sites were linked, the proposed site provides a valuable sense of space between No.163 and the listed cottage and this characteristic has largely remained constant throughout the C19 and C20.
- 10.14 I note the comments made in the Heritage Statement in respect to the sites contribution to the setting. Reference to former buildings on the site (prior to the no.153 becoming listed) are I think largely irrelevant to the assessment of impact. The proposal seeks to erect a single storey '*Granny*' annex centrally positioned on the site and set back from the road behind the mature hedgerow. The plans/elevations show that the building will have an L-shaped footprint with two bedrooms facing the roadside, a living room facing the rear and service spaces in between. The roof will have an imitation slate roof and judging from the submitted street scene elevation, its height will be slightly lower than the thatched roof of the adjacent listed building.
- 10.15 The submission documents refer to previous pre-application advice in 2019, which noted that the new 'bungalow' would not result in significant harm to the setting. Clearly this was the Officer's view at the time and whilst the issues remain largely the same, I draw a slightly different conclusion on the matter.
- 10.16 I note that the proposed building is set back from the road and is proposed to be built of traditional materials and design. The existing tree coverage and continuous mature hedgerow are shown to remain and will undoubtedly limit any substantive views of the new building, especially in the summer months. However, I doubt whether screening provided will be complete and the new building will be glimpsed at, especially in the winter months, on approach from the south. In this regard I think the new building would be seen in the same context as the listed building. The degree of screening also depends greatly on the hedgerow being retained, which the LPA have little control over. In this regard I feel the building will simply add to the modern encroachment within the immediate vicinity of the listed building. I am also mindful that when assessing any application for development which may affect the setting of a heritage asset, LPA's may need to consider the implications of cumulative change on the asset (PPG – paragraph 013) and that even minor

change can add to or cause impact and diminish the contribution made by the setting.

- 10.17 I do not consider that the presence of small outbuildings on the proposal site in the past justify a building at this scale. Nor would I consider ancillary domestic buildings to have the same level of presence as the building proposed under this application.
- 10.18 In this regard my view differs from that contained in the Heritage Statement (Section 8 – Impact of the proposal) and feel that the new building will be significant new visual element within the immediate setting to No.153 and as a result the contribution made by the setting to the significance of No.153 will be further diminished by the presence of the new building.
- 10.19 Taking into account the fact that the Granny annex will not be highly prominent, and screening will be provided by the existing hedgerow I feel that any harm would be low and would fall at the bottom end of the *less than substantial* scale as defined by P.208 of the NPPF. Under P.208 whilst the identified harm would be on low it would still need to be weighed against the public benefit of the development. In which it is considered in this case that the benefit is personal and not public as the annex would only benefit the occupiers. However, as mentioned previously in paragraph 10.2, the application is being assessed as a new dwelling. The Council have identified that there is a more than adequate housing supply for the borough at present. It is acknowledged that the "Local Housing Need" (LHN) figure is not a "maximum allowance" and that windfall housing sites can be accepted. However, in this case where harm is identified and there is no under provision of housing in the borough a proposal for new housing does not outweigh the harm. The site currently serves as a paddock to an existing residential property and is comparable to other plot layouts within the locality.

Impact on visual amenity, design, and character of area

- 10.20 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance any attractive attributes through sensitive design including appropriate siting, orientation, scale, materials etc.
- 10.21 The proposal is a large single-storey dwelling, which will provide ground floor living accommodation for the elderly residents of No.163 School Lane. The dwelling will be constructed out of facing brickwork, slate roof, and UPVC doors and windows. School Lane features dwellings from different centuries, built in varying materials.
- 10.22 The proposal will be highly visible from School Lane during the winter months due to the seasonal changes to the boundary treatment, as such, the proposal has the potential to impact the street scene. However, whilst the proposal will be visible from the main highway, I consider the materials used will be sympathetic to the surrounding area, and the proposal would not look out of place on the street scene.
- 10.23 There are many dwellings on and surrounding School Lane that are constructed out of varying materials, featuring differing heights, roof types, and designs meaning the proposal is in keeping. For this reason, the design and finish

satisfactorily meet the requirements of policies GN3 in respect to visual amenity design and character of the area.

Impact on Residential amenity

- 10.24 Policy GN3 of the Local Plan states that proposed developments should retain or create reasonable levels of privacy, amenity for occupiers of the proposed and neighbouring properties.
- 10.25 The dwelling will be situated on a parcel of land separating No.163 and No.153 School Lane. Given the location of the proposal, the remaining distance to neighbouring properties, and the scale and mass of the dwelling. I consider it would not be overbearing to neighbouring properties.
- 10.26 The proposal will feature doors and windows on all elevations. The front elevation windows and doors will look out onto the School Lane, whilst the rear elevation windows and doors will look out onto the existing parking area for No.163 School lane. There are proposed windows on both side elevations which will look towards No.163 School Lane and No.153 School Lane respectively, however, given the distance to the neighbouring dwellings, combined with the fact the windows and doors are located on ground floor level, and the vast amount of screening through hedges, plants, and fences. I consider the proposal would not overlook neighbouring properties. Subsequently, the proposal would accord with Policy GN3 of the Local Plan in this respect.

Impact on Highway Safety

- 10.27 Policy IF2 of the West Lancashire Local Plan 2012-2027 DPD states that development should ensure that parking provision is made in line with the standards set out in Local Plan Policy IF2.
- 10.28 As mentioned previously, the proposal is being assessed as a new dwelling. As indicated on the proposed plans and elevations the dwelling will be a two-bedroom property. Policy IF2 of the Local Plan states that properties with two to three bedrooms require two off street car parking spaces. The proposal will utilise the existing access of No.163 School Lane, and there have been two proposed car parking spaces highlighted on the site plan. These spaces are separate to those currently used by No.163 School Lane for parking, which are highlighted on the proposed site plan as existing parking. Having visited the site, I am confident the proposed parking arrangements can be achieved and the use of the existing shared access would be acceptable. As such, the proposal in my view complies with Policy IF2 of the Local Plan.

Drainage

- 10.29 West Lancashire Borough Councils drainage officer has been consulted as part of this proposal and notified of our intention to assess the application as a new dwelling. No drainage information has been submitted and therefore the officer cannot fully assess a drainage strategy for both foul and surface water.

Very Special Circumstances

10.30 In terms of any other harm, paragraph 142 of the NPPF highlights that one of the essential characteristics of the Green Belt is their openness. For the reasons outlined above under the heading **Impact on the greenbelt** I consider the development results in undue harm to the openness and visual amenity of the Green Belt. Some supporting information regarding the mobility of the proposed occupants has been submitted. This information is considered personal circumstances and I consider it does not constitute very special circumstances.

10.31 Whilst the LPA is sympathetic to the circumstances of the family, planning decisions have to be based solely on the merits of the case and its compliance with current policy rather than the needs of the individual. This is not merely the stance of the Council but is the basis of planning law and similarly operated by the Planning Inspectorate and the reason for this is that whilst personal circumstances change, or land ownership changes, the development will remain indefinitely. On that basis, the LPA does not consider a case for very special circumstances exists nor would those circumstances outweigh the identified harm to the Green Belt. On that basis proposal would remain inappropriate development and therefore contrary to Policy GN1 and the NPPF.

11.0 CONCLUSION

11.1 Given the above, the proposed development is considered to be noncompliant with the NPPF and Policies GN1, GN3, and EN4 of the West Lancashire Local Plan 2012-2027 DPD with regard to impact on the green belt and impact upon a listed building and the application is recommended for refusal.

12.0 RECOMMENDATION

12.1 That the application should be refused for the following reasons:

- The proposed development conflicts with the National Planning Policy Framework, Policy GN1 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and Supplementary Planning Document - Development in the Green Belt in that the proposed annex is akin to a new dwelling and would result in undue harm to the openness of the Green Belt. The proposed development is therefore considered to be inappropriate development in the Green Belt and there are no very special circumstances which would outweigh the totality of the harm identified.
- The proposed development fails to comply with the National Planning Policy Framework, Policies EN4 and GN3 in the West Lancashire Local Plan 2012-2027 DPD and Supplementary Planning Document 'Design Guide' (Jan 2008) in that the proposal would not meet the statutory test 'to preserve' and would cause less than substantial harm (low end) to the significance of the Grade II listed No.153 School Lane.

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.

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.