



**PLANNING COMMITTEE: Thursday,
5 September 2024**

Report of: Assistant Director Planning & Regulatory Services

Contact for further information: Liam Murray (Extn. 3450) (E-mail: liam.murray@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2024/0565/FUL

PROPOSAL: Use and extension of existing outbuilding to ancillary living accommodation in connection with the use of High Platt Farm.

APPLICANT: Mr P Taylor

ADDRESS: High Platt Farm, Gorse Lane, Tarleton

REASON FOR CALL IN: Application has been called in by Cllr Westley

Wards affected: Tarleton Village;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks approval for a change of use of an existing outbuilding to ancillary accommodation and a first-floor extension to the same outbuilding.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission is REFUSED.

3.0 THE SITE

3.1 The application site relates to an existing two storey outbuilding of brick construction located to the rear of the semi-detached two-storey dwellinghouse known as High Platt Farm on Gorse Lane, Tarleton. The wider site is in active agricultural use.

4.0 PROPOSAL

4.1 The proposal is comprised of a change of use of the outbuilding to ancillary living accommodation, comprising living space, bathroom and one bedroom to the first floor. The proposal is also facilitated by a first-floor extension.

4.2 This application follows a previously refused application 2023/0835/FUL and attempts to address the issues raised with some amendments.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 1991/0571 - Greenhouse nursery unit including staff car parking and new vehicular/pedestrian access. REFUSED.

5.2 2003/0167 - Erection of agricultural storage building. GRANTED.

5.3 2005/1422 - Two storey side extension; conservatory at rear. GRANTED.

5.4 2023/0835/FUL – Change of use and extension of existing building to ancillary living accommodation. REFUSED.

6.0 OBSERVATION OF CONSULTEES

6.1 LCC Highways – No objection to the proposal. Condition provided to ensure the building remains ancillary.

6.2 Environmental protection – No objection. Note provided regarding working hours.

7.0 OTHER REPRESENTATIONS

7.1 None received at the time of writing.

8.0 SUPPORTING INFORMATION

8.1 Planning statement.

8.2 Greenbelt volume calculations.

9.0 RELEVANT PLANNING POLICIES

9.1 National Planning Policy Framework (NPPF)

Achieving well designed places

Protecting the Green Belt

9.2 West Lancashire Local Plan (WLLP)

SP1 – Sustainable development framework

GN1 – Settlement boundaries

GN3 – Criteria for sustainable development

RS1 – Affordable and specialist housing

IF2 – Enhancing sustainable transport choices

9.3 **Supplementary Planning Document – Design Guide**

9.4 **Supplementary Planning Document – Development in the Green Belt**

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- i) Introduction
- ii) Principle development – Green Belt
- iii) Principle of development – sustainability of location
- iv) Residential amenity
- v) Design / layout
- vi) Parking

Introduction

10.2 The plans submitted for the proposal demonstrate the location of the outbuilding in the context of the application site (residential property at High Platt Farm as well as the active agricultural unit to the rear). However, the submitted plans do not include a red line demonstrating the residential curtilage of the property at High Platt Farm. Therefore, it is not possible to demonstrate the ancillary relationship between the proposal building and the residential property at High Platt Farm. The ancillary relationship between the application building and the residential property at High Platt Farm is also not clearly established due to the proposed works to the building, as it will be a fully self-contained unit of accommodation, with all the facilities necessary for day-to-day independent living. Considering this, it cannot be reasonably viewed as ancillary as there is no dependence on the primary dwelling. Therefore, the remainder of this assessment will view the application building as an independent unit of accommodation.

Principle of development – Green Belt

10.3 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. National policy for the control of development in the Green Belt is set out in paragraphs 152 - 156 of the NPPF. Paragraph 154 lists the types of development which are considered to be appropriate within the Green Belt.

10.4 Paragraph 154 in the National Planning Policy Framework 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 “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.” The 'original building' is defined within the NPPF as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The Planning Statement submitted in support of the application refers to the 2005 permission which granted various extensions to the dwellinghouse. However, the redline indicated as the 2005 application site

was not accepted by the Council as being the lawful and residential garden area for High Platt Farm. The building subject to this application is not included within the red edge drawn under application 2005/1422. The Applicant claims the building has historically been used as part of the agricultural operations of the site and so is considered to be outside of the residential curtilage of High Platt Farm House, however it has equally been used as ancillary for domestic and business functions which relate to this site, being both accessed from the applicant's rear garden and from the west side elevation which opens out onto the farm stead. The Applicant however has not evidenced this previous use nor attempted to demonstrate the lawful use of the building and the extent of the residential curtilage through the submission of a Lawful Development Certificate. I refer to paragraph 6.12 of the Applicant's Planning Statement which states that the building is not a curtilage building and so affirming that the original building is what currently stands. Whilst this allows an assessment of the volume thresholds permitted under policy, it also affirms that the building is not an extension to the main dwelling as a means to be ancillary, but rather a standalone building and new planning unit. Despite the internal layout indicating a small element of residential living space, the disassociated nature of the building and the additional internal space provided by that of the proposed extension (not dissimilar to the previous application which showed the building providing 3 bedrooms within the same dimensions) could very well allow the building to function as a separate independent dwellinghouse for which other policy considerations apply.

- 10.5 Referring to the original building, the application indicates that the increase in volume for the proposal is approximately 31%. As this is lower than the 40% threshold, the development is not considered to be materially larger in accordance with national and local policy regarding development in the Green Belt. Additionally, as the proposal is for the conversion of an existing permanent structure it is in accordance with the NPPF. In Green Belt terms, the proposal would not be considered inappropriate development.

Principle of development – sustainability of location

- 10.6 High Platt Farm is located within walking distance of Tarleton and the local amenities and wider public transport connections. This means the location of the application should be considered sustainable and in accordance with SP1 and GN3 of the WLLP. The proposal building is surrounded by a number of buildings and cannot therefore be considered isolated.

Residential amenity

- 10.7 Policy GN3 of the WLLP requires any development to regard the privacy, amenity and garden/outdoor space for neighbours (Part 1, paragraph iii).
- 10.8 The application building is located to the rear of the dwellinghouse at High Platt Farm which is a semi-detached property. High Platt Farm dwelling and its associated neighbour have habitable windows upon the rear elevation which look directly onto the opposing elevation of the proposal building which has a window to the first-floor north elevation. The separation distance is approx. 14m which falls below the separation guides for facing habitable rooms (21m) however, the proposed internal layout indicates that this window would serve a bathroom, a secondary room. As such a condition could be imposed to ensure the fixture and

obscure glazing of this window therefore alleviating any potential risk of overlooking or loss of privacy from this aspect on adjoining neighbours. Additionally, the extended first floor will not create any new fenestration overlooking the neighbouring properties. To the rear of the site there is an active agricultural unit meaning there is no harm to residential amenity in regard to overlooking or loss of privacy, however the agricultural operations could have the potential to cause disturbance.

- 10.9 As explained above, the Applicant has confirmed that the building is not part of the residential curtilage and is a standalone building. It is accepted in case law that there would not be a material change of use of a building located within the curtilage of a dwellinghouse, where its residential use forms part and parcel of the dwellinghouse even if it contains the facilities for day to day living. The test however avers that it must remain part of the same planning unit and is occupied by a functionally single household. There are elements in conflict here as the Applicant proposes ancillary use for needs of their extended family, however they also affirm the building falls outside of the curtilage. As such the proposal would result in the creation of a new planning unit capable of independent living as a dwellinghouse and cannot therefore be ancillary. As the proposal is being assessed as its own planning unit, it is important to consider the residential amenity it must afford for proposed occupiers. Due to its location, sandwiched between an existing residential property and an active agricultural unit, there is little room for outdoor / garden amenity for the application building. Considering these existing features surrounding the application site, there is limited space for residential amenity of a new planning unit. This will have a detrimental effect on the sites ability to provide residential amenity for the application building.
- 10.10 I am not satisfied the proposal complies with policy GN3 of the WLLP and the principles surrounding residential amenity set out in the SPD – Design Guide, as it fails to provide adequate amenity space for the new dwelling.

Design / layout

- 10.11 Policy GN3 of the West Lancashire Local Plan 2012-2027 (DPD) requires that new development should be of scale, mass and built form, which responds to the characteristics of the site, its surroundings and also in the case of extensions or alterations to existing buildings, the proposal should relate to the existing building, in terms of design and materials.
- 10.12 The Councils SPD – Design Guide in terms of guiding principles for extensions states; 'Maintain the architectural integrity of the original property and incorporate a lower ridge and eaves height, unless this would result in the unbalanced appearance of the dwelling' and in terms of the principles of form extensions should; 'Be subservient in size, scale and mass to the original dwelling and never dominate or be disproportionate to the existing property'.
- 10.13 As the application building is located to the rear of the dwelling at High Platt Farm, and due to the boundary treatment, the proposal will not be clearly visible from the streetscene. Additionally, as there is an active agricultural unit to the rear of the site, the proposal will not drastically impact the visual amenity of the area. The proposed first floor extension will enlarge the existing first-floor aspect of the application building. The proposed roof is sympathetic to the existing property.

- 10.14 The materials for the walls of the new extension will use brick to mimic the building as it currently exists, while the walls of the original building will be rendered meaning the proposal building will contain a mixture of rendered and brick walls. While the use of render is not common within the immediate area, as the application building does not face directly on to the public highway its impact on the visual amenity is negligible.
- 10.15 I am satisfied the proposal complies with policy GN3 of the WLLP and the design principles set out in the SPD – Design Guide.

Parking

- 10.16 As the proposal is being assessed as its own planning unit, it must comply with policy IF2 which lays out the onsite parking provision in relation to the number of bedrooms. A single-bedroom property must have onsite parking provision for a minimum of one vehicle. I am of the view that there would be room for onsite parking for one vehicle. While this has not explicitly been demonstrated on any plans, I am confident details can be provided if requested.

11.0 CONCLUSION

- 11.1 It is not considered that the proposal adequately demonstrates its ancillary relationship with the residential property at High Platt Farm, and when assessed on its own merits as an independent unit of accommodation fails to provide adequate residential amenity to any future occupier of the property. The proposal is acceptable with regards to its impact upon the openness of the Green Belt, its design, layout and impact on residential amenity of neighbouring properties and can provide adequate on-site parking. However, for the reasons explained above, the proposal would fail and therefore is recommended accordingly.

12.0 RECOMMENDATION

- 12.1 That planning permission be **REFUSED** by the Assistant Director of Planning and Regulatory Services for the following reason:

The Council has considered the proposed development on the basis that it would result in the creation of a new planning unit for residential use otherwise as a separate dwellinghouse to that at High Platt Farm and as such an ancillary use has not been adequately demonstrated. By virtue of this the proposal has failed to provide sufficient private amenity space for occupiers contrary to Policy GN3 of the West Lancashire Local Plan 2012-2027 and the SPD Design Guide (2008).

List of refused plans:

Planning P2B_2023_2543 Drg 01A
Location Plan
Site Plan

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.