



**PLANNING COMMITTEE: Thursday,  
3 October 2024**

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**Report of: Assistant Director Planning & Regulatory Services**

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**SUBJECT: PLANNING APPLICATION REF: 2024/0615/FUL - LAND NORTH OF  
CARR LANE, TARLETON**

**PROPOSAL: Retrospective application for upgrading of hardcore track and panel wall, erection of hardstanding, installation of 24 inch pipe, and access widening and double gate access**

**APPLICANT: Mr Walker**

**ADDRESS: Land North of Carr Lane, Tarleton**

**REASON FOR CALL IN: Application has been called in by Cllr Westley to consider the impact of the development on the safety of pedestrians on the public footpath opposite the entrance and having to share the road; and piping of the ditch and possible flooding**

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Wards affected: Tarleton Village;

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks retrospective planning permission for the creation of a hardstanding for a sheep handling area and the culverting of the adjacent ditch

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 To APPROVE planning permission subject to conditions

## **3.0 THE SITE**

- 3.1 The site relates to land located to the north and north west of Carr Lane in Tarleton. The site is located in the Green Belt as designated in the West Lancashire Local Plan 2012-2027 and forms part of an agricultural units.
- 3.2 An agricultural building lies immediately adjacent the site, used for the storage of grain, crops and machinery. The applicant has land in arable and grass production and the agent has advised that this area has been used as a sheep handling facility since July 2021.

#### **4.0 PROPOSAL**

- 4.1 The proposal seeks retrospective planning permission for the following:
- Piping of the adjacent ditch with a 24 inch diameter pipe
  - Upgrading of walls
  - Installation of hardstanding
  - Widening of access

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

- 5.1 2024/0125/FUL – RETROSPECTIVE – The upgrading of a hardcore track to concrete base and concrete panel walls for sheep handling facilities, construction of a hardstanding area to facilitate access to an existing agricultural building and works undertaken to the adjacent ditch to install a 24 inch pipe and access gate - WITHDRAWN
- 5.2 2022/0640/PNP – Application for Determination as to whether Prior Approval is Required for Details – Erection of agricultural building for grain storage, crop storage and machinery storage – PRIOR APPROVAL NOT REQUIRED

#### **6.0 OBSERVATION OF CONSULTEES**

- 6.1 LCC Highways (20 August 2024) – No objection – as an existing agricultural access, and in accordance with guidance in the NPPF, I do not feel there are highway grounds for LCC Highways to object to the application as submitted.

I have been made aware from residents that they believe the proposed development has resulted in additional traffic with further highway safety concerns regarding traffic speed on approach to the public footpath opposite the development site, and the movement of wide agricultural vehicle combinations on the lane.

These traffic concerns regarding farm vehicles would appear to be there regardless of the submitted development, and I contacted both LCC traffic and the police regarding traffic incidents on Carr Lane.

The police have confirmed there have been no injury collisions reports made to them for the whole of Carr Lane in the last five years. Regarding 'damage only' collisions for the same period there is one report which relates to a vehicle having collided with a parked vehicle in June 2012.

As regards to traffic related incidents reported to the Police in the last five years, there have been two incidents of antisocial/drink driving between 2022 and 2023 and two incidents of excessive speed in 2020.

Most traffic related incidents reported to the police have been relating to parking issues outside the Tarleton Cricket/Football grounds (which I suspect is only during match games).

On the Lancashire Road Safety Partnerships site there have been three speed concerns submission for Carr Lane, July 2022, May 2024 and the most recent which was 7<sup>th</sup> August 2024.

This most recent speed complaint which is showing in the area far north of Carr Lane and suggests diving in excess of the speed limit. But as this is a 30mph zone, traffic speeds below this might be judged to be excessive given the narrow country lane without a footway. This speed complaint has been closed with no further action by the police as speed data is showing low.

As this application purports to involve no increase in traffic to the site as submitted it is difficult under NPPF guidance to raise any objection to the application.

As noticed during our site visit there is overgrowth on the east side of Carr Lane approaching the development site and I have requested that LCC maintenance team take action to cut back the overgrowth of the verge. This should improve conditions for pedestrians, but may increase vehicle speeds. As the verge appears to be highway I am investigating whether this could be paved to provide a continuous footway through the PROW section of Carr Lane. However, this would be dependant on funding. If you are of the opinion the development results in additional traffic, then it would be reasonable and appropriate for the developer to fund these works. Please would you advise on your conclusion on this aspect of the development.

## Conclusion

The proposal utilises an existing agricultural access and as the applicant has stated that there will be no increase in vehicular activity, in the circumstances it would be difficult to prove that the proposal would have a severe impact on highway safety in accordance with guidance in the NPPF. Therefore I have no objection in principle to the application if you feel there is a need in association with existing agricultural use on the site.

6.2 WLBC Drainage Engineer (09 September 2024) – no objection – "Considering further information provided by the applicant in relation to the new culverted watercourse I will accept that:

- Land Drainage Consent is separate to and independent of the grant of planning permission;
- An objection to planning permission on the grounds of the Land Drainage Act 1991 would not stand if an appeal to a decision is made should planning permission be refused on these grounds; and
- It is reasonable to select the use of a 600mm (24 inch) diameter pipe for the culvert in question.

My intent is asking to have sight of the Land Drainage Consent paperwork giving permission to undertake the works is to see if the capacity of the culvert had been discussed, along with inlet/outlet arrangements and picking up any existing connections.

Now that the capacity of the culvert has been justified there is still the question of whether the land drainage from the adjacent land was reconnected to the new culverted watercourse.

I have read the correspondence submitted by Neighbour and Interested Party Representatives and note that neighbouring land is reported to be waterlogged and that the property basement has flooded since the culvert has been installed. If this is correct, particularly regarding the *internal* flooding, then the flooding needs to be reported to the Lead Local Flood Authority, who have a duty to investigate under the Flood and Water Management Act 2010. Any investigation would be separate to and independent of the grant of planning permission but should determine whether flood risk has increase because of the culvert works.

I am therefore going to withdraw my objection as planning permission does not grant a developer any permission for works affecting watercourses. This is a separate regulatory process.

INFORMATIVE

*This is appended to the conditions*

6.3 WLBC Environmental Health – no objection raised.

## **7.0 OTHER REPRESENTATIONS**

7.1 The application was advertised by neighbour notification and the erection of a site notice. As a result a number of representations have been received:

7.2 A total of 29 objections have been received which can be summarised as follows:

- Inappropriate development in the Green Belt
- Negative impact on drainage to surrounding land and highway
- Unsuitability of Carr Lane for agricultural machinery
- Impact on adjacent Public Right of Way (PRoW)
- Access has been widened
- Pedestrian/Cycle conflict

7.3 A total of 18 letters of support have been received which can be summarised as follows:

- Piping the ditch leads to a reduced chance of water run off
- Increased levels of health and safety
- Agricultural uses should be supported
- The works are required for a viable sheep operation and ensures a higher level of welfare for animals
- Hardstanding will stop run off onto the highway
- Movements of traffic are generally outside of 'rush hours'

- 7.4 A number of issues have been raised which are not considered to be material planning considerations:
- The applicant should've been aware of the need for planning before carrying out the works
  - Access rights are granted to the neighbouring properties to clear the drains which they are now not able to do
  - There should be proof that the works have been undertaken correctly
  - There is no need for the size of gates that have been installed
  - The correctness of the previous PNP decision
  - Parents used to park in this area to drop children off for school and can no longer do so.
- 7.5 There have also been queries over the qualifications of the drainage engineers who carried out the submitted report. The information has been provided by Reford Engineers who are a reputable engineering firm.

## **8.0 SUPPORTING INFORMATION**

8.1 Planning Statement

8.2 Drainage Statement

## **9.0 RELEVANT PLANNING POLICIES**

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be assessed.

9.2 The site is located within the Green Belt.

9.3 **National Planning Policy Framework**  
Protecting Green Belt land

9.4 **West Lancashire Local Plan 2012-2027**  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development

9.5 **Supplementary Planning Document (SPD)**  
Development within the Green Belt (2015)

## **10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES**

- 10.1 The main considerations for this application are:
- Principle of development – Green Belt
  - Impact on the Green Belt – openness
  - Design and Impact on Visual Amenity
  - Impact on Residential Amenity
  - Impact on Highways

- Impact on Drainage

### **Principle of Development – Green Belt**

- 10.2 The NPPF states that new buildings in the Green Belt should be generally considered inappropriate, with some exceptions (Paragraph 154).
- 10.3 The building was constructed in accordance with an approved Permitted Development application. This application pertains only to the hardstanding area to the front and side of the building, and the piping of the ditch. As the entrance gates exceed 1m in height, planning permission is required.
- 10.4 The erection of the concrete wall is permitted development and does not require planning permission. The widening of the access is not taken from a classified road and can therefore be carried out within the requirement for planning permission.

- 10.5 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:*

*b) engineering operations*

- 10.6 The stoning up of the area to the front and side of the building and the works to the ditch constitute engineering operations. The carrying out of engineering operations within the Green Belt is one of the specific exceptions to inappropriate development in the Green Belt as set out by Paragraph 155 of the NPPF. This element of the development is therefore considered to be acceptable in principle.

### **Principle of Development – Impact on Openness**

- 10.7 Substantial weight must be given to any harm to the Green Belt. However, this development is associated with an agricultural building and constitute an operation in association with the lawful use of the land falling under permitted exceptions. As such, Officers are satisfied that the proposed development would fall under paragraph 155 part b) of the NPPF. However, for completeness, consideration is given to how the works would impact on the openness of the land.
- 10.8 In terms of the impact on openness, the area is associated with a permitted agricultural building and is a typical treatment to areas around such buildings.
- 10.9 In terms of external storage which could have an impact on the openness in this location, there is no external storage requested and other than farm vehicles using the area for laydown of animals, feed etc and machinery brought in for storage in association with the permitted barn there are no features above ground level.

- 10.10 The engineering works are considered to be appropriate within the Green Belt and would not cause demonstrable harm to the openness of such. The proposed development is considered to be acceptable in principle.

### **Design and Impact on Visual Amenity**

- 10.11 Policy GN3 of the Local Plan states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. The NPPF makes clear that the creation of high quality buildings and places is fundamental to the achievement of good planning.
- 10.12 The proposed includes hardstanding, culverting and a low wall with new gates to a widened access.
- 10.13 The works have a typically agricultural appearance and are in keeping with the site's rural character.
- 10.14 The proposed development is considered to be an appropriate scale, form and design in this location. The development is considered to meet the requirements of Policy GN3 of the Local Plan and the NPPF.

### **Impact on Residential Amenity**

- 10.15 Policy GN3 of the Local Plan states that development should 'retain reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties'.
- 10.16 Comments have been received in relation to general amenity issues in relation to impacts on highways and drainage, these will be considered separately. Comments have also been received from a neighbouring property regarding the potential impacts of on street car parking where it has been used by less abled persons. Parking on a public road is not a right and the loss of informal parking would not warrant the refusal of any planning application.
- 10.17 In relation to wider impacts, the sheep handling facility is a typical agricultural undertaking in a rural environment. The hardstanding itself will not lead to any impacts on neighbouring properties which would be considered to cause demonstrable harm in this rural location.
- 10.18 It is considered that the proposal meets with the requirements of Policy GN3 of the West Lancashire Local Plan 2012-2027 in this regard.

### **Impact on Highways**

- 10.19 Paragraph 115 of the National Planning Policy Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.20 A large number of objections have been received raising concerns over the use of Carr Lane as the access for the development. In this case, the building and the

access which was in place already have consent and therefore movements of traffic associated with this building are consented and do not form part of the consideration of this application. Google imagery in 2019 confirm that larger machinery has accessed the site for at least 5 years indicating regular agricultural use. It is therefore the case that only any additional movements specifically in relation to the sheep handling as a result of the hard surfacing can be considered.

- 10.21 It is noted that during the construction of the agricultural building and the hardstanding, traffic movement to the site would be higher than usually experienced.
- 10.22 LCC Highways have been consulted and are aware of the objections which have been made in relation to the use of the road. They have also been contacted directly by objectors in relation to the traffic using the road who have provided photos of tractors, HGVs and a combine harvester using the road to demonstrate that there is a lack of width in the road and potential conflicts with parked cars and pedestrians.
- 10.23 As a result, the LCC Highways have contacted both the police and LCC Traffic (relating to road faults, traffic regulation etc) regarding any traffic incidents on Carr Lane. It is confirmed that there have been no injury collisions within the last five years over the length of Carr Lane with one damage only collision following a vehicle colliding with a parked car in June 2012.
- 10.24 In relation to speed concerns, three have been submitted to the Lancashire Road Safety Partnership, the most recent in May 2024 being to the northern end of Carr Lane.
- 10.25 Traffic associated with the building does not form part of the consideration of this application which is in relation to the provision of a sheep handling facility. The level of traffic related to this function is not considered to result in an increase in vehicular traffic in its own right. In relation to consideration of highway impacts, paragraph 115 of the NPPF is clear that there would have to be a severe impact on the road network. It is not considered that this is the case in relation to the provision of the hardstanding.
- 10.26 Concerns have also been raised in relation to pedestrian safety. It is acknowledged that the lane transitions into a PRow at this location with pedestrians sharing the lane with traffic up to this point. All available evidence in relation to accidents and any reporting to the police has been sought. There is no evidence to support the hardstanding and its use resulting from the hardstanding and associated works which are the subject of this application which would warrant its refusal. Traffic associated with the building is not part of the consideration of this application.
- 10.27 On the basis of the development applied for – that being the retention of the hardstanding and the widening of the gate, it is considered that the application is acceptable in relation to impacts on the highway. LCC Highways have found no evidence of significant safety issues on Carr Lane. Traffic relation to the



agricultural use has existed for a number of years and no severe impact is anticipated by this application.

### **Impact on Drainage**

- 10.28 The site is within Flood Zone 1 and therefore has a low probability of flooding from rivers and seas. The application is accompanied by a drainage statement by Reford Engineers. There have been a number of concerns raised by objectors in relation to impacts on adjacent land. The application has been subject to consultation with WLBC Principal Engineer.
- 10.29 The application requests retrospective permission for the culverting of a section of ditch adjacent to the track to the east of the site. This pipe is 24 inches (or 600mm) in diameter. A section of the ditch is culverted further up stream with a similarly sized pipe. If operating at full flow, the culvert would accommodate 688l/s. This is in excess of the catchment area which generates a run off of 42.1 l/s during a 1 in 100 year event. Therefore, in terms of general flood risk, the culverting of this section does not increase the flood risk and is therefore acceptable in planning terms.
- 10.30 The hardstanding complies with Environment Agency guidelines to improve water quality. The use of the culvert will prevent any sheep manure entering the water course in this location. The hardstanding allows manure management for the fertilising of fields.
- 10.31 The concerns of objectors have been noted however, there are a number of different regulatory processes which stand aside from planning and which planning should not seek to replicate. These include requirements under the Land Drainage Act 1991, Land Drainage Consent is separate to and independent of the grant of planning permission
- 10.32 The Principal Engineer (Drainage) has confirmed that the culvert is appropriately sized and is acceptable in regard to the requirements of planning permission. Works affecting watercourses are subject to a separate regulatory process executed by the Lead Local Flood Authority (LLFA) and therefore any concerns in relation to other drainage connections are investigated by the LLFA. In regard to any concerns over wider flooding, these should be reported to the LLFA who have a duty to investigate under the Flood and Water Management Act 2010 which is again separate to and independent of the grant of the planning permission and planning should not seek to replicate this system.
- 10.33 In light of the above, and the multi layered statutory processes which cover land drainage, it is considered that in relation to the planning requirements the application is considered acceptable.

### **Other Issues**

- 10.34 A number of issues have been raised which are not planning concerns. It is not illegal for works to start prior to a planning application being made and the Town and Country Planning Act 1990 specifically allows for retrospective applications to be made. Access rights to the ditch are a civil matter.

- 10.35 There is no requirement to demonstrate that there is a need for the size of the gates which have been installed which are to allow easier access to the adjacent field allowing a larger agricultural machine to draw straight out over the hardstanding and into the field.
- 10.36 It is noted that concerns have been raised over the erection of the building. However, all correct procedures were undertaken in relation to the confirmation that it was permitted development in the first instance.

## **11.0 CONCLUSION**

- 11.1 The proposed development, which relates to the retention of the hardstanding, gates (as they are over 1m and adjacent to a highway), wall and culverting of the adjacent ditch, is considered to be acceptable in terms of impacts on the highway and flooding. The proposal is considered to be appropriate development within the Green Belt and would not be harmful to the openness.
- 11.2 Given the above, the proposed development is considered to be compliant with the NPPF and Policy GN1 and GN3 of the West Lancashire Local Plan 2012-2027 and the application is recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the following informative:

### **INFORMATIVE**

1. Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, there is a legal requirement to obtain consent from the county council prior to undertaking certain works. This includes permanent or temporary works and may also include repairs to certain existing structure and maintenance works. *Even if you have planning permission or other permits you must obtain consent from Lancashire County Council for consentable work to an ordinary watercourse.*

More information can be found here: [ordinary-watercourse-regulation-policies-adopted-1-march-2024.pdf\(Lancashire.gov.uk\)](https://www.lancashire.gov.uk/media/ordinary-watercourse-regulation-policies-adopted-1-march-2024.pdf). Section 3.3 *Enforcement Policy* says that Lancashire County Council will apply the enforcement prioritisation policy to determine when powers under the Land Drainage Act 1991 (as amended) are exercised and policy *OWC6: Enforcement Prioritisation Policy* says Lancashire County Council, *upon notification of an issue in connection with an ordinary watercourse*, may use its powers under Sections 21, 24 and 25 of the Land Drainage Act 1991 (as amended) to take enforcement action on ordinary watercourses where flood risk is increased.

## **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.