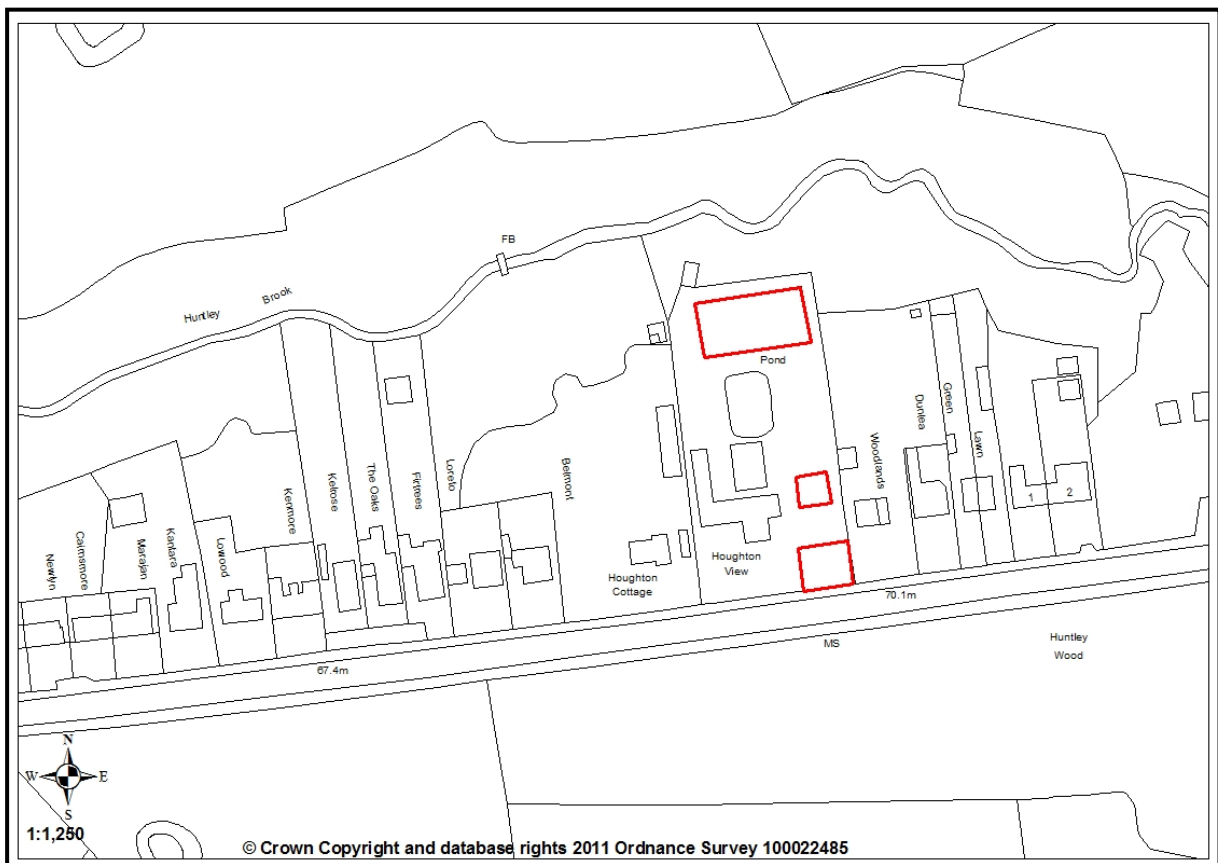


<b>Application Number</b>	07/2017/0786/FUL
<b>Address</b>	Halfway Garage Preston New Road Samlesbury Lancashire PR5 0UP
<b>Applicant</b>	Mckenna Motors
<b>Development</b>	Retrospective application to change use of site for vehicle sales and storage
<b>Officer Recommendation</b>	Refusal
<b>Officer Name</b>	Mrs Janice Crook
<b>Date application valid</b>	25.04.2017
<b>Target Determination Date</b>	20.06.2017
<b>Extension of Time</b>	N/A
<b>Location Plan</b>	



## 1. Report Summary

1.1 This application would normally be determined under delegated powers. However the local Ward Councillor has called it to Planning Committee for determination due to local residents' concerns on highway safety issues relating to the speed of traffic on the A677 and also due to car sales being carried out from this site without planning permission for over two years.

1.2 The application is retrospective for the change of use of the site for vehicle sales and storage. The application site is within the Green Belt where there is general presumption against inappropriate development.

1.3 In this case it is considered that the change of use for the storage of motor vehicles on the former tennis courts to the rear of the site would be detrimental to the openness and open character of this Green Belt location, contrary to National and local Green Belt policy.

## **2. Site and Surrounding Area**

2.1 The application relates to a large site on the northern side of Preston New Road in Samlesbury. The site consists of a residential property Hoghton View which is divided into 4 apartments; a garage; display area; tennis courts used for car storage and a number of other outbuildings including a swimming pool. Residential properties are located to the west and east along Preston New Road. To the north is Huntley Brook and to the south are farm fields. The whole area is within the Green Belt.

## **3. Planning History**

- 07/1974/0021 Temporary residential caravan. Refused 29/04/1974
- 07/1974/0509 Residential bungalow to replace existing wooden bungalow. Approved 04/09/1974
- 07/1974/0930 Bungalow with flat beneath to replace existing wooden bungalow. Refused 12/03/1975
- 07/1975/0981 Erection of bungalow. Approved 10/12/1975
- 07/1976/0785 Enclosure over swimming pool. Approved 10/11/1976
- 07/1976/0870 Car Showroom with garage at rear. Refused 23/02/1977
- 07/2004/1072 Conversion of dwelling into 4 No self-contained flats Approved 22/04/2005
- 07/2007/0765/FUL Erection of dog run and carport between garage and dwelling. Approved 13/09/2007
- An Enforcement Notice was served on 25 November 2010 with the breach of planning control being "*Without the benefit of planning permission the change of use of the land from residential use to a mixed use for residential purposes and the storage and sale of vehicles and the use of the detached garage for commercial purposes.*" This Enforcement Notice was complied with at that time.

## **4. Proposal**

4.1 The application is retrospective for the change of use of the site for vehicle sales and storage. The site consists of the residential property Hoghton View, an extended detached bungalow sub-divided into four residences with a detached garage building to the side, various extensions and outbuildings to the rear and tennis courts to the rear. The detached building to the side is known as Halfway Garage.

4.2 The application relates to three areas within the wider site, as defined on the submitted site plan. The rear tennis courts which are used as a car storage area; the detached garage building on which the submitted details are silent but presumably used as an office/sales area; a display area to the front for two vehicles. The site plan also demonstrates the site entrance and exit arrangements and a visitor parking space. The supporting statement indicates that the internet based car dealership business was formed in 2016.

## **5. Summary of Publicity**

5.1 Neighbouring properties were notified and a site notice posted with 3 letters of representation being received, one in support of the application as the author considers the

proposal would benefit the site and ensure the continued use of existing buildings and two objecting to the proposal on the following grounds:

- Preston New Road is very busy with speeding traffic all the time
- Cars displayed for sale at front of site will result in motorists not concentrating on the road ahead
- The speed limit would have to be reduced to 30mph if garage allowed permanently
- Car sales and repair garage could only go ahead if traffic calming was put in place
- Impact of additional traffic turning off and onto the A677
- Road will only get busier once the Enterprise Zone gets into full operation

## **6. Summary of Consultations**

6.1 **County Highways** comment that it would be difficult to prove that the proposed use would have a severe impact on the highway and therefore the principle of car sales/storage at this site is acceptable from the highway aspect. However, the areas for car sales and storage needs to be clearly defined together with customer parking and manoeuvring space. When the Highway Engineer visited the site, as when the case office visited, one of the access points from Preston New Road was blocked by cars for sale and County Highways consider this is not acceptable. As a result of County Highways comments, an amended plan was submitted in line with their requirements. The display area for cars for sale has been reduced to just two vehicles to allow a clear exit from the site. County Highways would require a condition be imposed, should permission be granted, to ensure the development is carried out in accordance with this amended site plan.

6.2 **Environmental Health** require a number of conditions be imposed should permission be granted in respect of the hours of operation of the premises; that no vehicle repairs or servicing of the vehicles be carried out on the site; that no mechanical car washing be carried out on the site; and that no external floodlighting or security lights be installed without the written permission of the Local Planning Authority.

## **7. Policy Background**

### **7.1 National Planning Policy Framework**

7.1.1 **Chapter 3. Supporting a prosperous rural economy** - At paragraph 28, the NPPF aims to promote a strong rural economy and therefore supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;

7.1.2 **Chapter 9. Protecting Green Belt land** - As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 88 the NPPF requires the local planning authority, when considering any planning application, to 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, is clearly outweighed by other considerations.

7.1.3 Paragraph 89 states that the construction of new buildings is inappropriate in Green Belt but lists a number of exceptions to this:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 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 replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.1.4 Paragraph 90 goes on to outline that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction.

## 7.2 **Central Lancashire Core Strategy**

7.2.1 **Policy 17: Design of New Buildings** expects new development to take account of the character and appearance of the local area and be sympathetic to surrounding land uses and occupiers, and avoid demonstrable harm to the amenities of the local area. It also required that new development ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

7.2.2 **Policy 13: Rural Economy** aims to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth or rural businesses.

## 7.3 **Supplementary Planning Documents**

7.3.1 **Rural Development** - Chapter I gives advice on the re-use, replacement or extension to buildings in the countryside.

## 7.4 **South Ribble Local Plan**

7.4.1 **Policy G1: Green Belt** has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. However, exceptions to this are buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; 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 replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.4.2 **Policy G17: Design Criteria for New Development** permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not

cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses.

## **8. Material Considerations**

### **8.1 Outline of Business**

- 8.1.1 The submitted supporting statement indicates that McKenna Motors is a car dealership based at the former Halfway Garage and was formed in 2016. The dealership offers used cars from the site which are stored on the old tennis courts to the rear of Hoghton View. The site stocks between 30 and 40 vehicles with any repairs taking place off-site at a sub-contractors. The business operates a strict appointment only basis and has an average of 6 customers per week visiting the site. The business advertises on the internet which clearly states appointment only.
- 8.1.2 Currently the business sells an average of 10 cars per month and they have no plans to increase this significantly. Many customers do not even visit the site and the business delivers the cars to these customers. The vehicles are collected from BCA auctions and driven to the site so there is no transportation necessary. As the cars are mainly sourced through BCA auctions, they arrive pre-valeted so there is no commercial valeting on the site other than a rinse off with a hosepipe to remove any dust.

### **8.2 Impact on Green Belt**

- 8.2.1 Green Belt policy, both Nationally and locally, has a general presumption against inappropriate development in the Green Belt. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application the LPA must 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, is clearly outweighed by other considerations.
- 8.2.2 There are exceptions to the general presumption against inappropriate development, one of which is the *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*
- 8.2.3 Previously Developed Land is defined in the NPPF as *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time".*

- 8.2.4 The definition of PDL in the NPPF has been the subject of a recent Court of Appeal case - Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors Dated 17 March 2017 where it was held that development in the curtilage of a residential garden that was occupied by a permanent structure and in a rural area should be classed as previously developed land. However, the decision still required the development to comply with other planning policies.
- 8.2.5 The site is considered to be a residential site, consisting of a residential dwelling, Hoghton View, which is separated into four apartments, with associate swimming pool and tennis courts together with a garage building, known as Halfway Garage. The site is considered to be one planning unit with the residential property and garage having been associated with each other as far as records show as previously planning applications have included both in the red edge location plans.
- 8.2.6 The officer's report for the refused application 07/1976/0870 for a car showroom with garage at rear indicates that the garage had been a petrol filling station which had closed down approximately two years previously. Therefore, from what is known of the site, it appears to have been a mixed use site until the mid-1970's when the commercial use ceased. There are no records until 2008 so it must be assumed that no commercial activity took place at the site during that period and therefore the site was effectively a residential site.
- 8.2.7 In 2008 Enforcement records show car sales were being undertaken to the front of Hoghton View. It was established that just one car was for sale at the Enforcement Officer's site visit. Again in 2010 complaints were received in respect of car sales, this time there were 3 cars for sale at the site visit. This led to the serving of an Enforcement Notice in November 2010 with the breach of planning control being *"Without the benefit of planning permission the change of use of the land from residential use to a mixed use for residential purposes and the storage and sale of vehicles and the use of the detached garage for commercial purposes"*. This clearly demonstrates that the Council's view was that the site was a residential site.
- 8.2.8 The Enforcement Notice was complied with at that time but a further complaint was received in 2015. This has eventually led to the submission of this planning application to regularise the situation. However, having established that the site is a residential site, it must be considered as Previously Developed Land following the recent Court of Appeal decision.
- 8.2.9 The NPPF allows for the limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Therefore an assessment of the impact on the openness of the Green Belt must be carried out.
- 8.2.10 The main impact of the proposal is considered to arise from the change of use of the tennis courts for the storage of between 30 and 40 motor vehicles. The tennis courts are located to the rear of the site in an area which is not particularly visible from Preston New Road. A wooded area lies to the north of the tennis courts. The tennis courts and land to their south are of hardstanding and therefore no additional hardstanding areas will be required for the proposed use. However, the storage of up to 40 vehicles on these tennis courts would undoubtedly have a detrimental impact on the open character of this Green Belt location. It introduces parking for up to 40 vehicles, effectively car park, into an area which is open other than the existing fencing around the courts which is itself open wire mesh fencing. The area has a linear form of residential development running along Preston New Road with no other properties having development in this area to the rear of their properties. The tennis courts are viewed in the context of adjacent residential curtilages which are laid to

grass with shrubs and trees within. It is therefore considered that the use of the tennis courts for the storage of vehicles is form of development that would have a detrimental impact on the openness of the Green Belt and also the character and appearance of the area.

- 8.2.11 In terms of the use of the garage building and with reference to another of the exceptions to the general presumption against inappropriate development in the Green Belt, the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. The proposal utilises an existing building within the site and therefore no new buildings are required and no extensions are proposed. From the submitted supporting statement it appears that the business is mainly internet based with limited visits from clients and therefore the use of the building for the internet based car sales business is considered to be appropriate development in the Green Belt which would not unduly impact on the Green Belt location in which it is set. Furthermore, the Central Lancashire Rural Development SPD gives specific advice on the re-use of buildings in the Green Belt. At paragraph 50 it states: "*Re-use for business, community or tourism purposes will usually be preferable to residential use.....*" Therefore there is local policy support for the re-use of the building for an internet based car sales business.
- 8.2.12 A small area to the front of the site is to be used for the display of two vehicles. Initially, the whole area to the front of the garage building was given over to vehicle display but County Highways required the site exit, which the parked vehicles were blocking, must be kept clear to provide separate access and egress to and from the site. In terms of this element of the proposal, consideration is given to any adverse impact on the character and appearance of the area and the impact on highway safety. With the removal of all but two vehicles for display along the frontage with Preston New Road, it is considered this element of the proposal will not have a detrimental impact on the highway safety. In terms of the character and appearance of the area, many of the residential dwellings along the road have cars parked to the front and the parking of two display vehicles will be akin to residential parking. Therefore this element of the proposal is considered acceptable.
- 8.2.13 Associated with the business, advertisement flags have also been erected to the front of the site which would require advertisement consent, not applied for. These flag advertisement are considered to have a detrimental impact on the character and appearance of the area.

### 8.3 **Suitability of Access**

- 8.3.1 Access to the site is as existing with the site plan demonstrating a separate entrance and exit. Initially these were not shown on the site plan and County Highways commented that the principle of car sales/storage at this site is acceptable from the highway aspect. However, the areas for car sales and storage need to be clearly defined together with customer parking and manoeuvring space. When conducting a site visit, the Highways Engineer noted that one of the access points from Preston New Road was blocked by cars for sale and this is not acceptable. Therefore amended plans were requested and received with defined areas for the proposed uses. This plan could be conditioned should permission be granted to ensure that the development is carried out in accordance with the plan. It is considered that the proposal is in accordance with Policy G17 and acceptable in terms of highway considerations.

### 8.4 **Other Highway Safety Matters**

- 8.4.1 A number of objections relate to the speed of traffic on the A677 and that the proposed use will result in highway safety issues. However, County Highways consider the proposal will not create highway safety issues providing the separate

access and exit are maintained. As indicated above, the proposal is considered to be in accordance with Policy G17 in terms of highway considerations

## **8.5 Relationship to Neighbours**

8.5.1 To the eastern boundary of the site is the residential property 'Woodlands', a two storey detached dwelling. A 2m high hedgerow forms the boundary between the application site and this property. The tennis courts are adjacent the rearmost part of the domestic garden to Woodlands. Although there will not be any clear view to the tennis courts from the rear garden of Woodlands, it is considered there will be impact in terms of noise and disturbance from vehicles coming and going into the area which is adjacent a residential garden. This would have a detrimental impact on the residential amenity of the occupants of Woodlands, contrary to Core Strategy Policy 17 which expects new development to be sympathetic to surrounding land uses and occupiers and avoid demonstrable harm to the amenities of the local area. It also required that new development ensures that the amenities of occupiers of adjacent development will not be adversely affected.

8.5.2 To the west is Hoghton Cottage with its domestic garden area adjacent the tennis courts of the application site. The boundary is wooden post and open wire mesh fencing giving clear views through to the tennis courts. It is considered that the proposal to park up to 40 vehicles would have a detrimental impact on the occupants of Hoghton Cottage in terms of the visual amenity by introducing what is effective a car park adjacent the domestic garden area. Policy G17 requires that the layout, design and landscaping of all elements of a development proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area. It is considered that the introduction of a car parking area in this location would not respect the character of the area as it is viewed in the context of adjacent residential gardens which are additionally within the Green Belt.

## **9. Conclusion**

9.1 The application site is within the Green Belt where the NPPF and Local Plan Policy G1 both have a general presumption against inappropriate development in the Green Belt. However, due to a recent Court of Appeal case the application site must be considered to be Previously Developed Land. There are a number of exceptions to the presumption against inappropriate development and the NPPF allows for the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt. In this case it is considered that the re-use of the existing tennis courts for the storage of up to 40 vehicle in association with the internet based car dealership would have a greater impact on the openness on the Green Belt by introducing what is effectively a car park into an open area which, although of hardstanding, is devoid of structures other than open wire mesh fencing to the boundary of the tennis courts. It is considered this element of the proposal would be detrimental to the visual amenity of this rural area and would also detrimentally impact on the neighbouring residential properties, both in terms of visual amenity and also by introducing commercial activity into an area which is adjacent to residential gardens. The proposal therefore fails on two counts and is recommended for refusal.

## **10. Recommendation**

10.1 Refusal.

## **11. Reason for Refusal**



1. The change of use of the existing tennis courts for use as storage for up to 40 vehicles in association with the internet based car dealership would have a greater impact on the openness on the Green Belt than the existing use by introducing what is effectively a car park into an open area, contrary to the NPPF and Policy G1 in the South Ribble Local Plan.
2. The proposal to introduce a commercial use, that of vehicle storage, into a residential garden area of the application site would have be detrimental to the visual amenity of the rural area in which the application site is located and would also detrimentally impact on the neighbouring residential properties, both in terms of visual amenity and noise and disturbance. The proposal is therefore contrary to Policy 17in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

12 **Relevant Policy**

**National Planning Policy Framework**

**Central Lancashire Core Strategy**

Policy 17 Design of New Buildings

**South Ribble Local Plan**

G1 Green Belt

G17 Design Criteria for New Development