

Application Number 07/2020/00220/OUT

Address Tusons Farm
Gill Lane
Longton
Preston
Lancashire
PR4 5GN

Applicant Mr V Fitzell

Agent Mrs Sophie Marshall
Hamill House
112-116 Chorley New Road
Bolton BL1 4DH

Development Outline application for 9 no. detached dwellings
and garages (access applied for only)

Officer Recommendation **Refusal**
Officer Name **Mrs Catherine Lewis**

Date application valid 09.03.2020
Target Determination Date 08.06.2020
Extension of Time 31.07.2020



1.0 Report Summary

1.1 Located in the Green Belt, Tusons Farm at Walmer Bridge consists of three existing dwellings Tusons Farmhouse, Tusons House and Tusons Barn and annex. An equestrian and livery yard were based at the Farm and following the granting of a lawful development certificate planning permission was then granted for a further four dwellings based upon the site being previously developed land within the Green Belt.

1.2 The application site is known as land adjoining Tusons Farm and extends for approximately 0.98 hectares mostly made up of agricultural land. The application seeks outline planning permission with access to be determined at this stage. Appearance, landscaping, scale and layout are reserved for future consideration. However, an indicative plan has been provided to demonstrate a potential layout for nine, large, detached dwellings, including parking and garage provision. The site is designated as Green Belt under Policy G1 of the South Ribble Local Plan.

1.3 Acknowledging that the site lies outside the settlement boundary of Walmer Bridge the applicant considers that the proposal would fill a gap between the residential properties to the west (Great Gill) and south (Rockborough Crescent) which are within the settlement boundary of Walmer Bridge and the development at Tusons Farm to the east. As such the site should be classed as infill development and constitute one of the exceptions of Green Belt policy.

1.4 Whether the site is classed as limited infilling in a village is a matter of planning judgement and it is considered that the application due to its size, scale and location is not infill development. Therefore, the proposal constitutes inappropriate development in the Green Belt contrary to policy G1 of the South Ribble Local Plan and the Framework.

1.5 The proposal would also conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and 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.

1.6 Only limited weight can be attached to the increase of 9 executive type dwellings to the housing supply, which does not outweigh the harm that the proposed development would cause. The substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations to demonstrate very special circumstances.

1.7 The site is accessed from the south by a private, single width, access lane measuring some 185 metres in length to the junction with Gill Lane. LCC Highways have requested revisions to the access lane (realignment, localised widening to provide passing spaces and a 2metre wide footpath) and to its junction with Gill Lane. Subject to conditions controlling this aspect LCC are satisfied with the proposed development from a highway safety aspect.

1.8 Concern is raised about the impact of the changes to the access lane upon the residents of Rockburgh Crescent. The single-track lane with passing places and the increase in vehicular movements down a country access track would have an undue impact upon the residential amenity of these residents and would be contrary to Policy G17 of the South Ribble Local Plan.

1.9 Although residents have raised concerns about a number of aspects as set out in the report, no objections are raised by the other statutory consultees. Conditions could be

imposed to address aspects of drainage, ecology, trees and construction work should planning permission be granted.

1.10 Therefore, the application is recommended for refusal for the following reasons:

1. The application site is allocated as Green Belt in Policy G1 of the South Ribble Local Plan. The proposed development of nine dwellings on a parcel of land approximately 0.98 hectare, outside the settlement boundary of Walmer Bridge would be contrary to the Green Belt designation and is not classed as limited infilling in villages. Therefore, the proposal would not meet the exception (e) of paragraph 145 of the NPPF or exception (e) of Policy G1 of the South Ribble Local Plan.
2. The proposal would introduce residential development into an open, green area which would be contrary to Policy 134 of the NPPF which seeks to safeguard the countryside in the Green Belt from encroachment.
3. The proposed changes to the access lane and increase in the number of vehicle movements would create an unacceptable impact upon the residential amenity of the residents of even no's 20 to 40 Rockburgh Crescent and would require the removal of trees and two areas of hedgerows. These aspects of the proposal would not respect the character of the area and proposed changes would not be of an adoptable standard. Therefore, the proposed development would be contrary to Policy G17(b) (c) and (e) of the South Ribble Local Plan.

2.0 Site and Surrounding Area

2.1 The application site approximately 0.98hectares (2.42 acres) of farm land is located on the north side of Gill Lane, Walmer Bridge and is accessed via a farm gate off a single private part stoned access lane. This lane leads to a group of buildings known as Tusons Farm and which form the eastern boundary of the application site. To the north is open countryside used for agriculture and to the south and west are the rear gardens of Rockburgh Crescent and Great Gill respectively.

2.2 Tuson's Farm previously comprised a commercial equestrian livery which has been demolished and now benefits from planning permission for four dwellings (yet to be constructed). The farm also comprised of three dwellings (Tusons Farmhouse, Tusons House and Tusons Barn and annex).

2.3 A Public Right of Way (Footpath No.26) runs along the access lane from Gill Lane in a north south direction and skirts the existing Tusons farm complex to the east.

2.4 The application site is within an area of land designated as Green Belt in the South Ribble Local Plan.

3.0 Planning History

3.1 There is no planning history associated with the application site however the following relates to recent development at Tusons Farm.

3.2 07/2016/1094/CLU Application for a lawful development certificate for a commercial equestrian livery yard. associated caravan, horsebox and horse trailer parking - Existing use
CONSENT GRANTED

07/2017/1754/FUL Residential development for the erection of three detached dwelling houses and a pair of semi-detached dwelling houses following demolition/removal of equestrian buildings/equipment and the removal of caravan/horsebox storage areas REFUSED

07/2019/0591/FUL Residential development for the erection of one detached dwelling house a pair of semi-detached dwelling houses and a linked detached dwelling house following demolition/removal of equestrian buildings/equipment and the removal of caravan/horsebox storage areas APPROVE

07/2020/00089/DIS -Submission of details of conditions 5 (Tree protection plan) 6 (Landscaping/boundary treatment) 7 (Sustainable drainage) 9 (Foul drainage) 12 (Bird/bat enhancements) 14 (Desk study) pursuant to planning permission 07/2019/0591/FUL dated 15/03/19-PART DISCHARGED

Planning permission (Ref: 07/2001/0438) was granted for a two-storey extension following demolition of a garage in August 2001. APPROVE

Planning permission was granted for the removal of condition 3 which sought to restrict the two-storey extension to Tusons Farmhouse so that it could not be used as a separate unit of accommodation (Ref 07/2018/9753/VAR) in February 2019.APPROVE

Planning permission (Ref: 07/2018//9754/FUL was granted for the conversion of existing detached dwelling Tusons Farmhouse into a pair of semi-detached dwellings in March 2019.APPROVE

4.0 Proposal

4.1 Planning permission is sought for the erection of 9 dwellings including garages with access only applied for and all other matters relating to the appearance, landscaping, layout and scale reserved. However, the application is accompanied by a Masterplan which demonstrates nine detached properties with plots 1,2,3,4 and 9 having separate garages.

4.2 The existing agricultural field gate access would be utilised to serve the proposed housing estate and a small spur would be constructed along the eastern boundary of the proposed development to serve the agricultural land to the north.

4.3 To address concerns to the access arrangements and access lane from LCC Highways a revised application site boundary, to demonstrate changes to the red and blue edges together with an amended Certificate B and Highways plan has been submitted.

4.4 As the proposal provides for 9 dwellings and the site area is below 1 hectare (being 0.98) for the purposes of the planning legislation the development is in fact a minor application.

Summary of Supporting Documents

4.5 The following documents have been submitted to support the application:

- Supporting Statement (Inc. D and A).
- Land contamination study
- Drainage Strategy and Assessment of Flood Risk Rev A dated February 2020
- Tree Protection Plan Ref: TPP.12994
- Arboriculture Impact Assessment with Tree Protection Measures
- Preliminary Ecological Appraisal 22 May 2019: Ecology Services

Summary of Publicity

4.6 The application was reclassified as a major and the following consultation was undertaken: A notice has been posted in the paper, site notices posted around the site and adjacent properties have been consulted.

4.7 Following comments from LCC Highways about the access lane, revised plans have been received and a revised Certificate B relating to ownership has been submitted. A further round of consultation was undertaken.

4.8 A total of 20 responses have been received which object to the proposal on the following summarised grounds.

Principle of the development

- The development is contrary to Green Belt Policy
- The development is not an infill as it is not within the confines of the village boundary.
- Concern is raised about the different addresses being used, Little Hoole, Walmer Bridge Longton.
- Harmful impact to the open and rural character of the land
- The proposed development would be contrary to the Walmer Bridge village plan 2010-2015 which advised that the majority of residents 96% saw the importance of maintaining the village identity and maintain the openness of the Green Belt
- As the applicant has put forward the site as part of the Call for Sites for the review of the Local Plan, the applicant should wait until the result of the consultation of the Local Plan.

NB With regard to the different addresses the Postal address does require the use of Longton within the application description.

Design

- Concerns raised about the close proximity of the proposed dwellings in relation to the existing dwellings.
- Issues of privacy to the rear gardens and loss of the Green Belt view.
- Block sunlight, reduce privacy
- Two story houses out of place with the existing properties on Rockburgh Crescent.
- The proposed estate road leads to nowhere
- Consideration should be given to reduce the number of properties, and that they are bungalows
- The separation distance as set out in the Council guidance should be adhered to.

Access and Traffic

- Access would be within 1 metre of the boundary of no 28 Rockburgh Crescent, Walmer Bridge. Noise and pollution including fumes and dust would increase by 48 movements a day. This would seriously impact upon noise and health of existing residents.
- Tusons farm lane is not acceptable for the proposed development. Pot holes and surface needs to be maintained and repaired. Access from the lane to Gill Lane is narrow and visibility is obstructed by cars.
- Concern about the increase in traffic and the impact with the blind corner at the junction of Rockburgh Crsecent/Gill Lane.
- Accidents have occurred on this stretch of road towards the A59.
- Construction traffic would be a nuisance for years.

- Consideration to a 5mph speed limit to the access lane.

Ecology

- Concern is raised about the loss of hedgerows, trees, and wild life including hedgehogs.

Flooding

- Concern about the proposed development raise in floor levels and impact upon foundation etc of existing properties.

5.0 Summary of Consultations

United Utilities Have advised that the development is acceptable subject to the imposition of conditions to ensure that the foul and surface water are drained and managed separately.

LCC LLFA- Have raised no objection subject to a number of conditions controlling the details and implementation of the drainage scheme. An information note about land drainage consent is recommended too.

LCC Highways Have raised no objection, the proposal would have a negligible effect upon highway safety and highway capacity. The proposed revised plans to the access lane (realignment, localised widening and a 2m footway) its junction with Gill Lane and the visibility splays are acceptable. A number of conditions are recommended relating to off-site highway works, implementation of the highway works, improvements to the access lane and a construction management plan.

Public Rights of Way (PROW) Awaiting a response from LCC

Ecology Services: Have advised that conditions controlling the following aspects are recommended, protection of boundary hedges trees and ditches during construction works, protection of birds during bird breeding season, protection of amphibians, enhance biodiversity through bird boxes for Kestrels and swifts, creation of an area of species -rich grassland and a landscape creation and management plan. A further update on the impact of the proposed access changes upon ecology will be given at the meeting.

Environmental Health: recommend the following conditions: Drainage conditions, no burning, hours of construction, control of piling, contaminated land, importation of materials. Electric vehicle recharge points, restriction on solid fuels appliances.

Lead Local Flood Authority (LLFA) Raise no objection subject to the inclusion of conditions controlling the submission of a Final Sustainable drainage scheme and an informative with regard to the potential need to obtain land drainage consent from LCC before works start.

Fire Service: Has responded to advise there is a need to ensure that any turning facilities meet the guidance for fire service vehicles. – this issue is controlled through the Building regulations.

The Council's Tree Officer initially advised that conditions are required to protect trees identified for protection, mitigation of planting at a rate of 2:1 as per the local plan policy. However, due to the changes to the access lane a revised Tree Report would need to be submitted.

The Councils Strategy Housing Officer- Has advised that an affordable housing contribution would be required for schemes over 10 dwellings or over 0.5 hectare.

Little Hoole Parish Council: Outline reasons to reject the proposed dwellings and make the following summarised points:

- The proposal does not conform to the NPPF, CLCS, SRBC Local Plan policies for the Green Belt.
- Land surrounding Tusons Farm is of special importance and if developed would join the villages of Walmer Bridge and Longton. A defining feature of villages such as Walmer Bridge is the open areas of Green Belt which help to protect the identity of the village.
- The adjoining fields of Tusosn Farm border the Brickcroft nature reserve and there is concerns about the impact of the development upon water vole burrows.
- The field behind Rockborough Crescent gives a break between the A59 and the Village providing an environmental acceptable entrance to the village - this has been commented upon by Planning Inspectors in the past.
- Tusons Farm does not form part of the Walmer Bridge Village curtilage and the application site is on the outskirts of the village. Given the recent consent for five dwellings a further 9 is not limited infill.

6.0 Policy Background

6.1. National Planning Policy Framework (NPPF) known as The Framework

The overarching theme of the Framework is one of presumption in favour of sustainable development and supports sustainable economic development to deliver, amongst other things, homes. Section 13: Protecting Green Belt Land sets out the Governments intentions for the Green Belt and provides policy guidance making it clear that the Government attaches great importance to Green Belts. Paragraphs 143,144 and 145 are particularly relevant.

- Chapter 2: Achieving Sustainable Development states that ‘at the heart of the framework is a presumption in favour of sustainable development’. The NPPF supports sustainable economic growth to deliver, amongst other things, homes. Paragraph 11 states “Plans and decisions should apply a presumption in favour of sustainable development”.
- Chapter 4: Decision Making states that Local Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions in the area.
- Chapter 5: Delivering a sufficient supply of homes – a sufficient amount and variety of land to come forward where it is needed. Land with permission should be developed without unnecessary delay. Where major development involving the provision of housing is proposed, decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site). Within this context, the size, type and tenure of housing needed for different community groups - including older people, must be taken into account. Chapter 5 also details its requirements for affordable housing provision.
- Chapter 8 Promoting healthy and safe communities: Planning decisions should aim to create healthy, inclusive and safe places to promote social interaction, are safe and accessible. The need to plan positively for the provision of shared spaces and community facilities to enhance residential environments is encouraged.

- Chapter 9 Promoting sustainable transport: The Planning system should actively manage patterns of growth to support the objectives of sustainable transport. Paragraph 108 sets out criteria to consider the impact of development proposals. Criterion (b) requires a safe and suitable access to the site to be achieved for all users. With Paragraph 110 requiring development to create places that are safe, secure and attractive.
- Planning decisions should ensure that new development can be integrated effectively within existing businesses and community facilities (paragraph 182).
- Chapter 11: Making effective use of land: Decisions should promote effective use of land and there is a specific section about achieving appropriate densities. Within paragraph 123 criterion (c) encourages a range of densities that reflect the accessibility and potential of different areas rather than one broad density.
- Chapter 12: Achieving well-designed places - Paragraph 124 “*Good design is a key aspect of sustainable development*”. Developments should add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site, by creating and sustaining an appropriate mix of uses, and create safe, accessible environments which are visually attractive.
- Chapter 13: Protecting the Green Belt
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change - Paragraph 148 makes clear that the transition to a low carbon future in a changing climate should be supported through the planning system. When determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- Chapter 15: Conserving and enhancing the natural environment. Planning decisions should contribute to and enhance the natural environment (Paragraph 170). There is a need to minimise impacts on and provide net gains for biodiversity. Ground conditions and contamination issues need to be fully assessed but where a site is affected by contamination or land stability issues responsibility for securing a safe development rests with the developer/ and or landowner (Para 179). New development needs to be appropriate to its location and have regard to potential pollution on health (Para 180).

6.2 Central Lancashire Core Strategy

Policy 1: Locating Growth focuses growth and investment on brownfield sites in the main urban areas, whilst protecting the character of suburban areas. Part (f) of this policy relates to smaller villages, which includes New Longton, and states “*development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes*”.

Policy 5: Housing Density seeks to secure housing densities which are in keeping with the local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area.

Policy 6: Housing Quality seeks to improve the quality of housing by facilitating the greater provision of accessible housing and neighbourhoods and use of higher standards of construction.

Policy 7 Affordable and Special Needs Housing

Policy 17: Design of New Buildings expects the design and new buildings to take account of the character and appearance of the local area and effectively mirrors Local Plan policy G17.

Policy 19: Areas of Separation and Major Open Space acknowledges the general presumption against inappropriate development in the Green Belt.

Policy 22: Biodiversity and Geodiversity relates to biodiversity and geodiversity and seeks to conserve, protect, enhance and manage the biological and geological assets of an area.

Policy 27: Sustainable Resources and New Development seeks to ensure sustainable resources are incorporated into new development.

Policy 29: Water Management Aims to improve water quality water management and reduce the risk of flooding. New development is encouraged to adopt Sustainable Drainage Systems.

Policy 31: Agricultural Land Seeks to preserve the most versatile agricultural land (Grade1, 2, and 3).

Central Lancashire Rural Development Supplementary Planning Document

6.3 South Ribble Local Plan July 2015

Policy G1 Green Belt In line with the NPPF has a presumption against inappropriate development.

Policy G8 Green Infrastructure (provision in new developments): Developments should provide appropriate Green Infrastructure and landscaping including green corridors to join up the Borough's green and built up areas.

Policy F1: Parking Standards requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.

Policy G10: Green Infrastructure states that all new residential development resulting in a net gain of 5 dwellings must provide sufficient green infrastructure to meet the recreational needs of the development, in accordance with specific but flexible standards.

Policy G13: Trees, Woodlands and Development states that development will not be permitted where it affects protected trees and woodland unless justified. Where loss of the same is unavoidable, this policy accepts suitable mitigation.

Policy G16: Biodiversity and Nature Conservation protects, conserves and enhances the natural environment at a level commensurate with the site's importance and the contribution it makes to wider ecological networks.

Policy G17: Design Criteria for New Development considers design in general terms, and impact of the development upon highway safety, the extended locale and the natural environment.

Chapter J: Tackling Climate Change looks to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources.

6.4 Both the Central Lancashire Core Strategy, which was adopted July 2012, and the South Ribble Local Plan (adopted 2015), were adopted post the National Planning Policy Framework 2012 (NPPF) being issued. Both had to demonstrate at examination compliance with the NPPF and are therefore considered to be fully NPPF compliant.

6.5 Supplementary Documents

Central Lancashire Design Guide SPD provides an overview of the design principles that are employed throughout the three Central Lancashire authorities. It draws on key policy and good-practice guidance in order to raise the level and quality of design of new buildings in the built environment.

Central Lancashire Affordable Housing SPD gives guidance on a range of approaches to deliver affordable housing which meets local needs.

Central Lancashire Open Space and Playing Pitch SPD advises on provision and retention of open space in existing and proposed developments.

Central Lancashire Employment Skills SPD – this document was adopted in September 2017 and as such carries considerable weight in planning decisions. The SPD has been driven by the Council's aspiration to see additional benefits (social value) incorporated into development opportunities; 'social value' in this case being a contribution towards employment and skills enhancement in the Borough.

Central Lancashire Biodiversity and Nature Conservation SPD provides guidance for developers in relation to improving biodiversity of the Central Lancashire area. Its main goal is to ensure that there is no net loss of nature conservation assets and where appropriate there is an improvement in them. It also explains the Council's approach towards conserving, protecting and enhancing biodiversity and ecological networks.

South Ribble Residential Design SPD discusses design in very specific terms. Whilst more attuned to residential extensions this document is also used to assist with the design of new build residential development and with regards to separation with properties beyond the site bounds.

7.0 Assessment of the Scheme

7.1 The main issues include:

- Whether the proposal constitutes inappropriate development in the Green Belt for the purposes of policy G1 of the South Ribble Local Plan 2015 and the National Planning Policy Framework (the Framework);
- The effect on the openness of the Green Belt;
- The effect on the character and appearance of the area; and
- If inappropriate development whether there are any other considerations which clearly outweigh the potential harm to the Green Belt by way of inappropriate development, and any other harm, so as to amount to the very special circumstance necessary to justify inappropriate development.

7.2 The application site located to the west of Tusons Farm is within the Green Belt as

as defined on the policies map which accompanies the South Ribble Local Plan (2015).

7.3 Policy G1 of the South Ribble Local Plan 2015 (SRLP) and the National Planning Policy Framework (the Framework) identify that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to several exceptions as set out in Policy G1 and paragraph 145 of the Framework. One of these exceptions is limited infilling.

7.4 Paragraph 143 of the Framework makes clear that inappropriate development is by definition harmful to the Green Belt and Paragraph 145 sets out the limited purposes for which the construction of buildings will not be considered inappropriate development in the Green Belt.

7.5 Paragraph 145 of the NPPF states:

A local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) provision of appropriate facilities ...for outdoor sport, outdoor recreation and for cemeteries, as long as the facilities preserve the openness of the Green Belt and does 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 sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:

-not have a greater impact on the open ness of the Green Belt than the existing development; or

- not cause substantial harm to the open ness 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. not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.6 South Ribble Local Plan Policy G1 mirrors this paragraph and for completeness is set out below.

Policy G1:

“As set out in the NPPF, there is a presumption against inappropriate development within the Green Belt. Planning permission will not be given for the construction of new buildings unless there are very special circumstances:

Exceptions to this are:

- a) *buildings for agriculture and forestry;*

- b) *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;*
- 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, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- f) *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.”*

7.7 The applicant has advised that the proposed development is classed as an exception and falls within criteria (e) of both policies -limited infilling in villages. Whilst there is no definition of ‘village’ in policy terms Walmer Bridge has a local centre as defined by Policy E5 of the South Ribble Local Plan and it is accepted that Walmer Bridge is a village.

7.8 The applicant acknowledges that the site lies outside the settlement area for Walmer Bridge as shown on the Proposals Map of the Local Plan but has provided three appeal Decision Letters which concludes that this should not be a determinative factor to refuse the site on this aspect. Paragraph 145 at criteria e of the Framework does not make specific reference to settlement boundaries and the terms ‘limited’ and ‘infilling’ are not defined in the Framework. Case law (Wood v Secretary of State for Communities and Local Government 2014 EWHC 683) advises that the physical circumstances of a site and its relationship to a settlement are more relevant than a designated village boundary in determining whether a site can be considered to be infill development (Appeal Decision Letter APP/M0655/W/18/3212405 Marsh Brook Close). In other words, the applicant argues that the boundary of the village settlement as defined in the local plan does not preclude whether sites are in a village for the purposes of Paragraph 145 of the Framework.

7.9 The applicant argues that the application site is similar to Rectory Farm (Appeal Decision Letter APP/R0660/W/17/3170279) on two accounts:

- Two site boundaries were adjacent to a larger established housing estate
- Access would be from a recent approved scheme.

7.10 The applicant argues that the application site should be considered as an infill plot as there is build development to the south, west and eastern boundaries. The Council accepts that the application site is surrounded by the rear gardens of existing suburban dwellings on the south and west boundaries which are within the existing settlement boundary. There were three existing properties associated with Tusons Farm and following the granting of a lawful development certificate for a commercial livery business- planning permission was granted for a further four dwellings based upon the site being previously developed land within the Green Belt.

7.11 The Framework (paragraph 134) states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The appeal decision at Rectory Farm refers to the appeal site being surrounded by houses that are within the village on three sides. The land to the east of the application site, Tusons Farm is not within the village. The access to the application site would not be taken from the existing housing estate but from an agricultural lane. As the access would not be physically related to the existing village it is considered that the application site cannot be considered as limited infilling. Rather, the proposed development due to its scale is akin to village expansion. It is

argued that the proposed development would therefore conflict with Paragraph 134 c of the Framework.

7.12 The application site measures approximately 0.98 of a hectare and the draft masterplan provides for nine executive type properties with large curtilages. The adjacent south and west boundaries have been constructed of bungalows and dormer bungalows with modest gardens. On that basis the proposed plot sizes would not be compatible with those on the adjacent village boundaries.

7.13 If it is accepted that the site is outside the settlement boundary of the Local Plan but is still within the village, working on an average of 30 dwellings per hectare it is clear to see that a site of this size would be expected to provide more than 9 dwellings. Central Government has advised that planning policies and decisions should support development that makes efficient use of land accounting amongst other things, for identified need for different types of housing and other forms of development (Paragraph 122) and that decisions should avoid homes being built at low densities making optimal use of the potential of each site (Paragraph 123). Therefore, it is considered that the application site due to the scale cannot be considered as limited infilling.

7.14 In consideration of rural areas, the Framework (Paragraph 78) advises that planning policies should identify opportunities for villages to grow and thrive. The South Ribble Local Plan is currently the subject of a review which will provide the opportunity to formally consider whether such sites should come forward as part of expansion of the village.

7.15 Having regard to the scale and location of the site it is considered that the proposal would not be limited infilling in the village and would be contrary to Paragraph 145 of the Framework and Policy G1 of the South Ribble Local Plan.

Openness on the Green Belt

7.16 Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their open ness and their permanence. When defining boundaries physical features that are readily recognisable and likely to be permanent are encouraged (Para 139). Originally Tusons Farm consisted of a farm house and out buildings. One of the outbuildings a barn was converted, and the Farm house has been previously extended and more recently sub divided to provide for two dwellings in line with policy. The provision for four new dwellings on previously developed land met one of the exceptions of the Green Belt policy too.

7.17 Whilst it is accepted that there has been residential development at Tusons Farm this has been within the scope of both national and local policy. The proposed development would lead to a loss of countryside which provides a significant contribution to the rural nature and openness of the area. Therefore, the presence of the proposed built development would have a significant negative effect on the openness of the Green Belt. Further, the scheme fails to check the unrestricted sprawl of large built up areas in the countryside which is one of the five purposes of the Green Belt.

Very Special Circumstances

7.18 The proposal constitutes inappropriate development in the Green Belt contrary to Policy G1 of the South Ribble Local Plan and the Framework. It would also conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and 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.

7.19 The applicant has not provided any very special circumstances and whether there a need for further housing in the area is not a determining factor . However, for completeness and given the size of the application- the council can demonstrate a 5year housing supply. In the most recent appeal decision received by this Council which considered the housing land supply (Appeal Ref: APP/F2360/W/19/3234070 - Land to the South of Chain House Lane, Whitestake), the Inspector stated at paragraph 49: "...on the basis of what I have heard I am satisfied that the Council is currently able to demonstrate a five year supply of deliverable housing land, albeit that it would not be as high as originally calculated. The tilted balance is therefore not engaged by virtue of a failure to demonstrate sufficient housing land provision."

7.20 Since this appeal decision, a Joint Memorandum of Understanding (MOU) and Statement of Co-operation (SOC) has been approved by the three Central Lancashire Councils. Resulting in the Councils' applying the standard method formula to calculate the aggregate minimum number of homes needed across the area in accordance with the NPPF and NPPG and implementing a distribution of housing based on robust evidence contained within the Central Lancashire Housing Study. This recommended the most appropriate distribution of the minimum number of homes needed in the area (subject to future review) is 40% for Preston, 32.5% for South Ribble and 27.5% for Chorley. Using this approved methodology, the minimum number of dwellings required in South Ribble in 2020/21 is 328 dwellings. At 1 April 2020, this borough had a supply of 3,903 unbuilt permissioned dwellings, equating to more than eleven years' requirement. This enables us to be confident of a five-year housing land supply. However, publication of the housing land supply statement will be delayed pending guidance from MHCLG regarding adjustments/assumptions to be made in relation to completion forecasts during 2020/21 due to COVID-19.

7.21 It is therefore considered that the proposal is inappropriate development contrary to Paragraph 143 of the Framework. The development would not be classed as limited infilling in villages and as such would be contrary to Paragraph 145 of the Framework and Policy G1 of the South Ribble Local Plan.

Character and Appearance

7.22 The site consists of a relatively flat area of open countryside with a drainage ditch to the south and western boundaries. A dilapidated caravan is located on the eastern boundary. The draft Masterplan provides for large detached executive type dwellings served from a cul de sac, which create a poor contrast to the more densely planned suburban estate to the south and west. Whilst it is acknowledged that there would be a total of seven dwellings associated with Tusons Farm the extant permission has been planned to provide a courtyard development akin to a rural setting. The proposed development therefore would have a significant adverse effect on the character and appearance of the surrounding area contrary to Policy G17 (a) of the SRLP which states that development should not have a detrimental impact on surroundings.

Housing

7.23 The Strategic Housing team has advised that evidence from the 2020 Central Lancs Housing Study suggests that need for larger 4+ bed market housing in South Ribble is relatively low (2%) in comparison to the need for 1, 2 and 3 bed properties. The Council's Policy Position has been updated in relation to affordable housing contributions within the rural areas in that they will not be sought for developments incorporating less than 10 dwellings. On that basis as the numbers would be 9 a contribution can not be requested.

Highway Matters

7.24 The application provides for access from Gill Lane and to utilise an existing single width lane that serves the Tusons Farm complex. Residents have raised concern about the access arrangements to and from Gill Lane and an increase of vehicular traffic and movements on the lane serving the development.

7.25 A number of revisions were requested by LCC Highways to the access arrangements which are set out on drawing No SCP_190280_ Rev B. These include:

- Off site highway works to improve the junction and the sight lines to Gill Lane which would be the subject of a Section 278 Agreement.
- Improvements to the access lane to provide localised widening -passing places at a safe distance and to restrict the distance that vehicles may need to reverse
- A 2-metre-wide pavement.

7.26 The alterations to the access lane to provide passing places would require two parts of the hedgerow on the eastern boundary together with trees to be removed. The applicant submitted a revised red edge, and blue edge together with an amended ownership - Certificate B to accommodate these works.

7.27 LCC Highways raise no objection to the proposal subject to conditions requiring the above works namely-off site highway works to improve the sight lines of Gill Lane, improvements to the access lane and a Construction Management Plan to be submitted and approved. They have advised that proposed changes to the lane would not bring the lane up to adoptable standards. Therefore, the lane and proposed roads within the development site would not be formally adopted by LCC Highways.

7.28 Residents have raised concerns about the impact of traffic upon the amenity of the properties that back on to the access lane especially during the construction process. The CEMP would provide the opportunity to control hours of construction and delivery to help alleviate any undue impact during the construction period.

7.29 The Framework makes clear that development should only be refused on transport grounds if the residual cumulative impacts of the proposal are severe. LCC Highways has advised that the proposed development would have a negligible impact upon highway safety and highway capacity. A review of the 5-year database for Personal Injury and Accident (PIA) has been undertaken and there has been no recorded incidents within the vicinity of the site access.

7.30 In terms of the impact of the traffic movements upon the residential amenity of existing rear properties, it is acknowledged that with the existing development at Tusons Farm together with the proposed development there would be a total of 16 residential properties served from the lane which would increase the traffic movements. Further, the previous use of the site provided for the operation of a commercial business which had the potential to generate significant levels of traffic, including horse boxes, large vehicles and trailers to the site. Further PROW Footpath No. 26 runs on the eastern side of the lane. On balance therefore, the increase in highway movements together with the passing places that would be required, loss of trees and hedgerow, it is considered the proposed changes to the access lane would have an undue impact upon the amenity of the existing residential properties and the character and appearance of the rural countryside. Therefore, the proposed development would be contrary to Policy G17 of the South Ribble Local Plan.

7.31 LCC Highways have advised that any works to the Public Footpath would require the appropriate permission. A note to this effect will be added to any planning permission.

Relationship to Neighbours

7.31 Residents have raised concerns amongst other things about the impact of the proposed dwellings in term of loss of view light and privacy. The outline application is accompanied by a draft Masterplan however all matters except for access, would be the subject of a further reserved matters application. Whilst the right to a view is not a planning consideration, any matters with respect to the impact of the dwellings upon the living conditions of neighbouring properties would be considered at the reserved matters stage.

Drainage

7.32 On a previous application concern was raised about the lack of information to assess the scheme by the Local Lead Flooding Authority (LLFA) and residents have raised concern about past issues of flooding, surface water and sewerage problems. However, further information was submitted which addressed these concerns and no objection subject to conditions controlling drainage was raised by either Untiled Utilities or the LLFA. Similar concerns have been raised by residents and both United Utilities and the LLFA have assessed the supporting documentation including a Flood Risk Assessment and have raised no objection subject to the imposition of conditions. Subject to the imposition of conditions, the development would therefore meet Policy 29 of the Central Lancashire Core Strategy.

Tree Issues

7.33 The application is supported by an Arboricultural Impact Assessment (AIA) which advised that one tree would be removed together with a small group of trees which have been identified as low quality. Initially, the Council's tree officer has advised conditions are required to protect any trees that are to be retained together including controlling access to root protection areas. Mitigation would be required on a 2 for 1 basis as per Policy G13 of the South Ribble Local Plan.

7.34 However, following the revised plans submitted to address the access to the site from Gill Lane, alterations to the lane would be required to provide passing places which would require two parts of the hedgerow and trees on the eastern boundary to be removed. The Council's tree officer has advised that the current AIA would need to be amended as a number of trees on the access road would need to be removed. A revised Tree Protection Plan to demonstrate trees to be retained/felled, specialist root protection measures and method statement are required. The loss of more trees would need to be mitigated too on a 2 for 1 basis.

Ecology

7.35 The application is accompanied by an Ecology Statement. Ecology Services has advised that the information is to an appropriate and proportionate standard and no further surveys are required. However, a number of conditions are recommended, tree hedgerow and ditch protection during the course of construction, the method statement for the protection of amphibians as set out in the report is implemented, a landscape and management creation plan should be required that provides for species rich grassland to the north of the site, nesting birds to be protected during construction and due to the decline in the swift species, measures to provide artificial nesting boxes are recommended for both kestrels and swifts.

Initially subject to a condition controlling these aspects the proposal met the aims of Policy G16 of the South Ribble Local Plan and Policy 22 of the Core Strategy. However, further to the revised arrangements for the access lane an update from Ecology Services will be provided at the meeting to this aspect.

Public Open Space

7.36 As the proposal is for less than 10 dwellings there is no requirement to provide any open space contributions.

Community Infrastructure Levy (CIL)

7.37 The application is accompanied by a CIL additional form and the development would be CIL liable. As this is an outline application CIL would be calculated upon the receipt of an application for reserved matters when the detail including floor space would be known.

8.0 CONCLUSION

8.1 The proposal constitutes inappropriate development in the Green Belt contrary to policy G1 of the South Ribble Local Plan and the Framework. It would also conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and 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 Only limited weight can be attached to the increase of 9 executive type dwellings to the housing supply, which does not outweigh the harm that the proposed development would cause. The substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations to demonstrate very special circumstances. Therefore, the application is recommended for refusal.

9.0 RECOMMENDATION:

9.9 Refusal.

REASONS FOR REFUSAL:

1. The application site is allocated as Green Belt in Policy G1 of the South Ribble Local Plan. The proposed development of nine dwellings on a parcel of land approximately 0.98 hectare, outside the settlement boundary of Walmer Bridge would be contrary to the Green Belt designation and is not classed as limited infilling in villages. Therefore, the proposal would not meet the exception (e) of paragraph 145 of the NPPF or exception (e) of Policy G1 of the South Ribble Local Plan.
2. The proposal would introduce residential development into an open, green area which would be contrary to Policy 134 of the NPPF which seeks to safeguard the countryside in the Green Belt from encroachment.
3. The proposed changes to the access lane and increase in the number of vehicle movements would create an unacceptable impact upon the residential amenity of the residents of even no's 20 to 40 Rockburgh Crescent and would require the removal of trees and two areas of hedgerows. These aspects of the proposal would not respect the character of the area and proposed changes would not be of an adoptable standard. Therefore, the proposed development would be contrary to Policy G17 (b) (c) and (e) of the South Ribble Local Plan.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 1. Locating Growth (Core Strategy Policy)**
- 4 Housing Delivery (Core Strategy Policy)**
- 5 Housing Density (Core Strategy Policy)**
- 6 Housing Quality (Core Strategy Policy)**
- 7 Affordable and Special Needs Housing (Core Strategy Policy)**

- 17 Design of New Buildings (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 29 Water Management (Core Strategy Policy)**

South Ribble Local Plan

- POLG1 Green Belt**
- POLG10 Green Infrastructure Provision in Residential Developments**
- POLG13 Trees, Woodlands and Development**
- POLG16 Biodiversity and Nature Conservation**
- POLG17 Design Criteria for New Development**

Note:
