

Application Number 07/2017/3097/FUL

Address Halfway Garage
Preston New Road
Samlesbury
Lancashire
PR5 0UP

Applicant McKenna Motors

Development Retrospective application for the change of use for the sale of vehicles and the storage of used car stock

Officer Recommendation That members be minded to refuse the application with the decision being delegated to the Planning Manager in consultation with the Chair of Planning Committee upon completion of the neighbour consultation period and providing no new issues are raised.

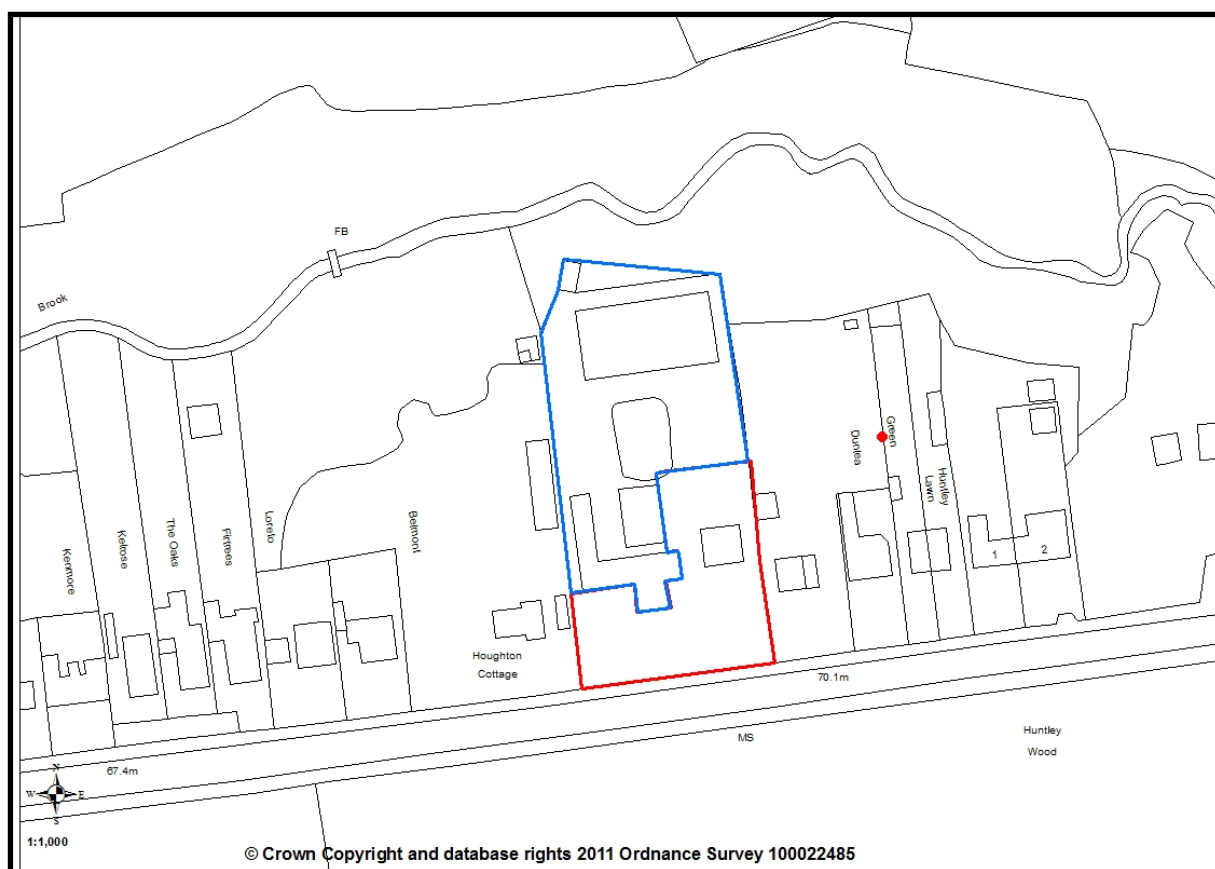
Officer Name Mrs Janice Crook

Date application valid 03.11.2017

Target Determination Date 29.12.2017

Extension of Time N/A

Location Plan



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 as the previous application for a similar scheme was determined by planning committee. Local residents along with the Samlesbury Parish Council are also concerned with the proposals as the application site is within the Green Belt. An additional concern is over the speed limit on Preston New Road in the vicinity of the site.

1.2 The application is retrospective for the change of use of the site for vehicle sales and storage. The application earlier this year for a similar scheme was refused by planning committee. This current application has reduced the extent of the car storage area which is now to the front of the site only.

1.3 The application site is within the Green Belt and also within a predominantly residential area where residential properties, mainly bungalows, are located. Green Belt policy, both nationally and locally, seeks to maintain the openness and character of Green Belt areas and restrict urban sprawl. It is considered that the proposal introduces commercial development into this Green Belt area which would amount to inappropriate development and would be better placed in an urban environment. It is further considered that the introduction of storage of vehicles for sale would have a detrimental impact on the character and appearance of this predominantly residential area. The application is therefore recommended for refusal with the decision being delegated to the Planning Manager in consultation with the Chair of Planning Committee upon completion of the neighbour consultation period and providing no new issues are raised.

2. Site and Surrounding Area

2.1 The application relates to part of a larger site on the northern side of Preston New Road in Samlesbury. The site as a whole consists of a residential property Houghton View which is divided into apartments; a swimming pool building; a garage building; front forecourt; tennis courts (previously used for car storage) and a number of other outbuildings in various uses. There are large areas of hardstanding to the rear, a large pond and a second small pond to the front. 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.

Retrospective application 07/2017/0786/FUL for the change of use for sale and storage of vehicles was refused on 26/6/2017 on two grounds:

1. The proposal to introduce a commercial use, that of vehicle storage, into a residential garden area of the application site would 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 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan
2. 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.

4. Proposal

4.1 The application is a resubmission of the previously refused scheme and seeks retrospective permission for the change of use of the site for vehicle sales and storage. The application site is part of a larger site consisting of the residential property Hoghton View, an extended detached bungalow sub-divided into four apartments with a detached garage building to the side, various extensions and outbuildings to the rear and tennis courts to the rear. The application relates to the detached building to the side of the dwelling, known as Halfway Garage, the area immediately to the rear of the garage building and the whole of the area to the front of both the dwelling and garage building, directly fronting onto Preston New Road.

4.2 The application differs from the previously refused scheme in that the tennis courts to the rear which were previously used for vehicle storage are not now part of the application submission and the vehicle storage has now been removed from the tennis courts.

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with 52 letters of representation being received, 17 objecting to the application on the following grounds:

- Enough commercial enterprise in the vicinity
- A677 is a busy dangerous stretch of road
- Garage with car sales will increase change of accidents
- Comings and goings at weekends and evenings will disturb residents
- New will be application for large showroom and forecourt
- Property is in Green Belt
- Inappropriate development in the Green Belt
- Address Hoghton View not Halfway Garage
- Site has never been a former garage
- Inappropriate for business to operate in Green belt
- Not in keeping with local community
- Local Parish Council has opposite this business for many years
- Not conducive in this residential area and should not be allowed
- Vehicles cause nuisance by parking on the pavement causing walkers to use the road to get past
- Cars on view attract people to stop and look at all hours
- Distraction to motorists
- Saga of car sales has been ongoing for many years and applicant has been operating from the site without any planning permission
- Why is Parish Council not asked for their views as a consultee?
- Would lead to garage becoming a MOT and repair centre

5.2 Additionally, 17 letters in support of the application were received together with 18 petition letters, commenting:

- The business has never impacted on the neighbouring residents
- Able to enter and exist in car without any obstruction from vehicles for sale
- No noise issues experienced from site
- Ample off road parking
- Operators have right to earn a honest living
- Has cause no problems whatsoever since living alongside this business
- Does not cause any issues
- The site is well kept and tidy
- Site was previously a garage
- Provide excellent service and always courteous
- Garage used to sell petrol in 1960's
- Vehicles never park on pavement and do not obstruct it
- Appointment system used for business
- This business will restore the original garage building back to functional use
- Other business in area, some much larger

6. Summary of Consultations

6.1 **County Highways** made comments based on all the information provided by the applicant to date and after undertaking a site visit. The submitted plans indicate that the site will use the two existing access points from Preston New Road, one as an entrance and one as an exit. It would be difficult to prove that the proposed use would have a severe impact and the principle of car sales/storage at this site is acceptable from the highway aspect. Therefore County Highways have no objections to the application

6.2 County Highways have also reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates that there has been two slight incidents within the vicinity of the site. On investigation of all the details recorded, the incidents appear to be of a nature that would not be worsened by the proposals.

6.3 County Highways would request that a condition is imposed to ensure the car parking, manoeuvring areas and access points to be utilised are implemented in accordance with the approved plan and permanently maintained thereafter.

6.4 **Environmental Health** require a number of conditions be imposed in respect of the hours of operation of the business; that no vehicle repairs or servicing is carried out on the site; that no mechanical car washing takes place on the site and that no external flood lighting or security light be installed without first obtaining permission from the Local Planning Authority.

6.5 **Samlesbury and Cuerdale Parish Council** object to the retrospective application as the development is deemed inappropriate in its position for aesthetic and safety reasons; is in the Green Belt and should not be development and an earlier application was refused on Green Belt reasons and the situation has not changed since.

7. Policy Background

7.1 **Central Lancashire Core Strategy**

- **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.

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

7.2 **Supplementary Planning Document**

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

7.3 **South Ribble Local Plan**

- **Policy G1: Green Belt**, in line with the National Planning Policy Framework, has a general presumption against inappropriate development in the Green Belt but allows for the 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.
- The main Green Belt objectives are to ensure the control of development in rural areas to protect it from development, maintain the openness and character of the area and restrict urban sprawl. Within the Green Belt planning permission will only be given for development that is compatible by maintaining its fundamental open nature. Inappropriate development is that which adversely affects the openness of the land.
- **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 **Impact on Green Belt**

8.1.1 The main Green Belt objectives are to ensure the control of development in certain areas. Green Belts are mostly designated on open land in rural areas to protect it from development, maintain the openness and character of the area and restrict urban sprawl. Green Belt policy, both National and local, 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 Local Planning Authority 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.

8.1.2 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.'*

8.1.3 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*”.

8.1.4 The application site is part of a larger site which, during consideration of the previously refused scheme, was 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 was considered to be one planning unit with the residential property and garage having been associated with each other as far as records show and previous planning applications had always included both in the red edge site location plans.

8.1.5 This current application separates the two elements of the site with the red edge application site boundary relating to the former garage building and land immediately to its rear and the full width of the land to the front of both the garage and the residential property. The remainder of the wider site does not form part of the application submission and is edged in blue on the site plan.

8.1.6 The application is a re-submission of a previously refused scheme which included the wider site and particularly the tennis courts which were used for storage of vehicles for sale. These vehicles have now been removed and the tennis courts do not form part of the application site boundary.

8.1.7 Some aspects of the planning history of the site are uncertain. In 1976 the officer's report for the refused application 07/1976/0870 for a car showroom with garage at rear indicated that the garage building had been associated with a petrol filling station which had closed down approximately two years previously. 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 appear to be no records until 2008 when complaints in respect of car sales were first received, and it must therefore be assumed that no commercial activity took place at the site during that period with just the residential use being carried on and therefore the site effectively became solely a residential site.

8.1.8 In 2008 Enforcement records show car sales were being undertaken to the front of Hoghton View. However, 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.

8.1.9 The Enforcement Notice was complied with at that time but a further complaint was received in 2015. This eventually led to the submission of the previously refused planning application to regularised the situation. That application was refused on 23 June 2017 on two grounds:

1. *The proposal to introduce a commercial use, that of vehicle storage, into a residential garden area of the application site would 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 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

2. *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*

8.1.10 Having established that the site is a residential site, it must be considered as Previously Developed Land following a Court of Appeal decision *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* (14 March 2017).

8.1.11 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 is carried out.

8.1.12 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 existing building for the internet based car sales business is considered not to be inappropriate development in the Green Belt.

8.1.13 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.....”* The Rural Development SPD recognises that it is important that employment opportunities exist in rural areas to enable local people to access employment close to where they live. However, at paragraph 18 the Rural Development SPD requires applicants to demonstrate that the proposed use would not be detrimental to local amenities and the use of neighbouring land. It also states that uses that involve outside storage or large numbers of parked vehicles are also unlikely to be acceptable as these are likely to be visually intrusive in the countryside. Therefore, although there is local policy support for the re-use of the building for an internet based car sales business, the harm that the associated storage of vehicles for sale would have on the visual amenity of the area would not be outweighed by the re-use of the building.

8.1.14 The storage of vehicles for sale is proposed immediately to the rear of the garage building and to the full width of the forecourt area fronting Preston New Road. This element of the proposal is considered amount to inappropriate in the Green Belt. The introduction of a number of vehicles fronting onto Preston New Road effectively introduces a car park at the front of the site which is considered to harm the visual amenity of the area and therefore amounts to inappropriate development. The proposal introduces a use which is better suited to an urban area and which is inappropriate in the rural and residential area. Therefore this element of the proposal is considered contrary to Policy G1 and the Rural Development SPD.

8.2 Highway Safety

8.2.1 The area to the front of the site is currently hardstanding and is used for the storage and display of vehicles for sale. In terms of this element of the proposal, consideration is

given to any adverse impact the storage of vehicles for sale would have on highway safety and therefore County Highways were consulted on the proposal.

8.2.2 County Highways have commented that the submitted plans indicate that the site will use the two existing access points from Preston New Road, one as an entrance and one as an exit. Having reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA), this indicates that there has been two slight incidents within the vicinity of the site which appear to be of a nature that would not be worsened by the proposals.

8.2.3 County Highways consider it would be difficult to prove that the proposed use would have a severe impact and the principle of car sales/storage at this site is acceptable from the highway aspect. Therefore County Highways have no objections to the application but request that a condition is imposed in respect of the car parking, manoeuvring areas and access points be implemented as per the submitted plan and permanently maintained thereafter.

8.3 Character and Appearance

8.3.1 In terms of the character and appearance of the area, the area is considered to be residential in nature with a large number of properties, mainly to the west of the application site, being bungalows. Most properties are set in substantial plots with wide site frontages.

8.3.2 There are very few commercial properties along Preston New Road in the vicinity of the application site. There is a restaurant on the opposite side of the road, slightly to the east, and one on the same side of Preston New Road, to the west, is a further restaurant.

8.3.3 Many of the residential dwellings along Preston New Road have off-road car parking fronting Preston New Road and the storage of some vehicles for sale to the front of the application site could be considered to be akin to residential parking. However, the cumulative impact of the number of vehicles, 14 shown on the submitted site layout plan, for the car sales business, together with residential parking for the four apartments, would have a detrimental impact on the character and appearance of the area which would detract from the residential street scene of this part of Preston New Road.

8.3.4 Associated with the business, two advertisement flags have also been erected to the front of the site which would require advertisement consent, not applied for. These flag advertisement are also considered to have a detrimental impact on the character and appearance of the area in that they introduce advertisements into a residential area, out of keeping with its overall character and appearance.

8.4 Relationship to Neighbours

8.4.1 Policy 17 in the Central Lancashire Core Strategy seeks to ensure that the amenities of occupiers of new development will not be adversely affected by neighbouring uses and vice versa. The proposal has the potential to impact on the residential amenity of the residents of neighbouring properties in terms of noise and disturbance and by introducing visiting clients to the car sales business into what is a residential area.

8.4.2 To the eastern boundary of the site is the residential property 'Woodlands', a two storey detached dwelling. The site layout plan show four vehicles will be stored along the common boundary to the front. Additional vehicles will be stored to the rear of the garage building with access to these vehicles being along the common boundary with Woodlands. Due to the number of vehicles for sale being stored in the vicinity of the common boundary, it is considered there proposal will impact on the residential amenity of the occupants of the neighbouring property in terms of noise and disturbance when clients are viewing the vehicles.

8.4.3 To the west is Hoghton Cottage, a vacant residential property that has been recently sold. Just three vehicles for sale are shown on the site layout plan to be stored adjacent the common boundary and therefore the proposal will have limited impact on this property.

8.4.4 It is recognised that the car sales business is internet based with clients viewing the vehicles on a strictly appointment only basis. However, the business will still attract visiting clients to view the vehicles for sale and this will in turn have an impact on the residential amenity of the occupants of adjacent properties by introducing visiting clients into what is a residential area.

8.4.5 Additionally, since 2008, a number of complaints were received from the neighbouring resident in respect of the car sales being operated from the site due to the impact on their residential amenity. This resulted in an Enforcement Notice being served as outlined in paragraphs 8.1.8 and 8.1.9 section of this report.

9. **CONCLUSION**

9.1 The application site is within the Green Belt where there is a general presumption against inappropriate development. The application site is also within a predominantly residential area where residential properties are located to each side. Green Belt policy, both nationally and locally, seeks to maintain the openness and character of Green Belt areas and restrict urban sprawl. It is considered that the proposal introduces commercial development into this Green Belt area which would amount to inappropriate development and would be better placed in an urban environment. The applicant has not provided any special circumstances which outweigh the harm caused to the Green Belt by reasons of inappropriateness and therefore the application is contrary to Policy G1.

9.2 It is further considered that the introduction of storage of vehicles for sale would have a detrimental impact on the character and appearance of this predominantly residential area in terms of visual amenity and on the residential amenity of the occupants of neighbouring properties in terms of noise and disturbance. The application is therefore recommended for refusal with the decision being delegated to the Planning Manager in consultation with the Chair of Planning Committee upon successful completion of the neighbour consultation period and providing no new issues are raised.

10. **RECOMMENDATION:**

10.1 That members be minded to refuse the application with the decision being delegated to the Planning Manager in consultation with the Chair of Planning Committee upon completion of the neighbour consultation period and providing no new issues are raised.

11. **REASONS FOR REFUSAL:**

1. The change of use of the existing garage building and front forecourt area of the residential property for use for sales and storage of vehicles in association with the Internet based car dealership would have a greater impact on the openness on the Green Belt than the existing residential use by introducing what is effectively a commercial car parking 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 sales and storage, into a predominantly residential area would be detrimental to the character and appearance of the area in terms of visual amenity 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 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

12. **RELEVANT POLICY**

Central Lancashire Core Strategy

Policy 17: Design of New Buildings

Policy 13: Rural Economy

Supplementary Planning Document

Rural Development

South Ribble Local Plan

Policy G1: Green Belt

Policy G17: Design Criteria for New Development