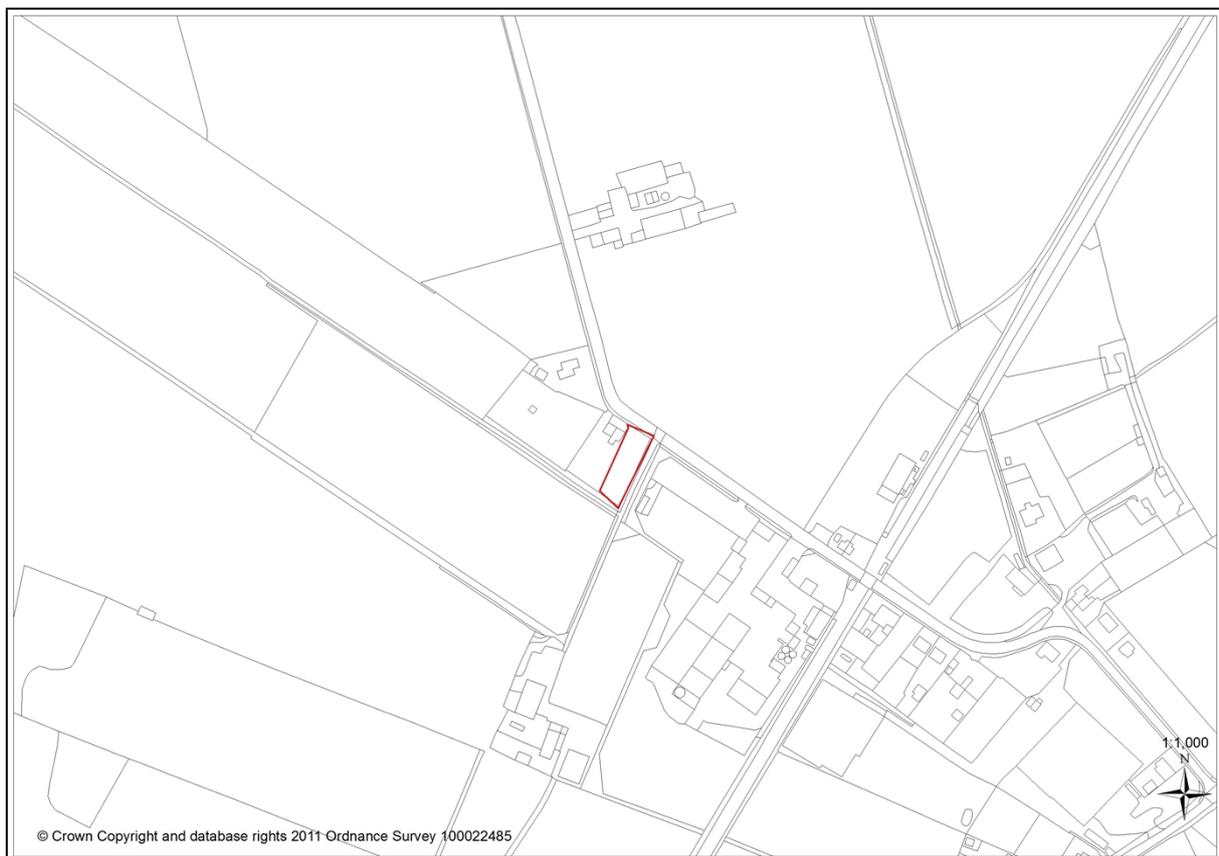


Application Number	07/2018/8493/PIP
Address	25 Midge Hall Lane Midge Hall Leyland
Applicant	Mrs Susan Snape
Agent	Mrs Louise Leyland PWA Planning
Development	Application for Permission In Principle for erection of one dwelling.
Officer Recommendation	Refusal
Date application valid	16.11.2018
Target Determination Date	21.12.2018
Extension of Time	None



1. Introduction

1.1. The application is brought before Committee as the applicant is an Elected Council Member.

2. Application Site and Surrounding Area

2.1. This application refers to no: 25 Midge Hall Lane, Leyland; a large detached dwelling with wide front elevation and detached garage to the rear. Deep rear gardens screened by mature hedgerow and trees sit to the south, whilst in the east is similarly screened, side garden space. This side garden is the subject of the application to be determined.

2.2. Immediately east of the proposal site is a track leading to Midge Hall Farm and Moss Farm paintballing facility (160m south and 700m south-west respectively), and 61m in the north-west is 'Arden House'. Station Farm lies 146m in the north, and 95m east is Bamfords Mill; properties are separated by the mills, large open car park. The small village/hamlet of Midge Hall Lane sits beyond Bamfords Mill.

2.3. Facing across Midge Hall Lane, and at the rear and west of the proposal site are deep tracts of open land. The area is open and rural in nature, and designated by Policy G1 of the South Ribble Local Plan as Green Belt.

3. Site Context / Planning History

3.1. There is one planning application on the history of this site. Permission was granted in 1998 (07/1998/0164) for alterations to dwellinghouse, and erection of double garage following demolition of existing.

3.2. This application was brought before Committee in February 2019 but deferred to allow the application to submit additional information pertaining to 'very special circumstances'

4. Proposal

4.1. *Background:* Permission in Principle (PIP) applications are a new type of application which came into force on 1st June 2018. PIP's are an alternative way of obtaining planning permission for housing led development, and separate the consideration of matters of principle for proposed development, from the technical detail. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

4.2. As set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIP (stage 1 of the process) is restricted to consideration of location, development size and land use. All other matters are 'reserved' for consideration by the stage 2 technical details application which may only be made if PIP is granted.

4.3. Granting of technical details consent has the effect of granting full planning permission for development; construction cannot proceed on the basis of consent for stage 1 alone.

4.4. Conditions can NOT be imposed on approvals for planning in principle

4.5. *Proposal:* This application seeks planning permission in principle for the erection of one dwelling which has been designed specifically to conform to, and be adaptable in line with Building Regulations Approved Document Parts M2 and 3 (Accessible & Adaptable Dwellings / Wheelchair User Dwellings). Typically identified as 'specialist housing', this type

of property assists occupant who wish to live independently for as long as possible in their own home.

4.6. Although the regulations require that only a location plan is supplied, the application includes indicative elevational and floor plans. Details of the design, layout and access into the site are however not relevant at this stage and indicative plans are subject to change at a later date.

5. Representations

5.1. Summary of Publicity

5.1.1. PIP consultation is restricted to a period of 14 days only which took place in full prior to first consideration of the proposal. Additional supporting information is of a nature which would not require a second period of consultation.

5.1.2. A site notice has been posted and two neighbouring properties have been consulted. Consultation with statutory bodies at this stage is not appropriate considering the lack of proposed detail and restricted timescales allowed.

5.2. Letters of Objection or Support

5.3. In total seven letters of support has been received which refer to the proposals design, proposed Test Track development, availability of bungalows in the area, and the applicant's health needs which had not initially been identified by the applicant. Issues of design cannot be taken into account until the Technical Details stage of the proposal, and a discussion surrounding the applicants health needs is found at Para 6.16 below.

5.4. Comments specifically referring to the principles of location, development size and land use include:

- Resident immediately adjacent in the north confirms agreement to all of the three relevant points
- There is no 'Green Belt' openness as views through the garden cannot be seen, and there would be no harm caused by developing a Green Belt site
- Respondent states that *'the Council says the house has to be the same size as the existing property'*. In line with adopted and national design policy it is good practice for proposals to take account and be reflective of their immediate surroundings, although there is no prescriptive localised requirement for properties to be of a certain size or height.
- That Green Belt openness begins after no: 27 Midge Hall (north). The Green Belt coverage 'washes over' properties up to and beyond no: 27; openness in such cases is not only limited to undeveloped, wide open areas.

6. Material Considerations

6.1. The scope of Planning in Principle is restricted to location, development size and land use.

6.2. *Location:* In terms of location, the proposal site is not especially sustainable and is not accessed by public transport, but it is within reasonable reach of community facilities in Longton and at Midge Hall; although only a very limited offer (church, pub, pet supplies store) lies within easy walking distance. In the long term, proposed development of the Test Track would include community facilities within closer proximity, although these would not be immediately available. From a locational perspective the proposal is considered adequate but not wholly sustainable.

6.3. The applicant refers in their statement to the Councils five year supply. The NPPF states that where the Council cannot demonstrate a five year supply of housing the presumption in favour of sustainable development (tilted balance) would be applied. In this case the provision of specialist housing is to be balanced against the harm caused to the Green Belt, and whilst the tilted balance effectively lowers the threshold in the planning balance, it could be argued that development of a site which is not fully sustainability does not warrant consideration against this presumption.

6.4. Having particular regard to five year housing supply, and whether the tilted balance should be applied in any case, the Councils Policy Team have the following comment:

6.5. *'We are unable to confirm any housing land supply figures until we have completed our year end housing completion surveys. In the meantime, using the recently confirmed standard methodology, we are expecting to have a supply of over 17 years (including a 10% buffer) at the end of the financial year. If we are required to use the previous methodology, we anticipate our supply will be a little over five years (including a 20% buffer). Unfortunately, based on decisions made by different Inspectors at various appeals/inquiries in the country, it is currently unclear which method we are required to use.'*

6.6. Development Size: Local Plan Policy G17 (Design for New Development) states that proposals for development should 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, or use of materials (G17a).

6.7. The proposal seeks permission to erect one dwelling following subdivision of existing curtilage of no: 25 Midge Hall Lane. The current property is a large dwelling, traditionally designed but with a very wide front elevation. Whilst the proposed site is capable of accommodating one dwelling, it is questionable as to whether one of appropriate size is possible.

6.8. Backland residential development in this linear, rural street scene is likely to be out of character with the wider area, and in such areas where 'ribbon' development is prevalent is not generally considered acceptable. That being said, there is backland development in the area although in the main this is agricultural or commercial in nature. Any proposed dwelling would need to respect, and be complementary to both the street scene and existing property. Arguably therefore to avoid any disproportion between neighbouring properties, any new dwelling which sits alongside no: 25 would need to have a similarly wide frontage, which when taking into account mature tree and hedgerows which this Council would seek to retain could not be accommodated. A dwelling of less width is likely to appear 'shoe horned' into the site with resulting detriment to the street scene

6.9. Some consideration should however be given to permitted development rights which remain at this property, and which would allow considerable outbuildings to both rear and sides of this property without planning permission. Whilst these would not in the short term be useable living accommodation, their development would be as visually impactful as a new dwelling.

6.10. Land Use: The site and extended surroundings are allocated as Green Belt by Policy G1 of the South Ribble Local Plan; 'Green Belt' being a land use designation. Para 2 of the NPPF (2019) requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

6.11. Both the NPPF and Policy G1 define inappropriate development - including construction of new buildings - as harmful to the Green Belt, which should not be approved except in very special circumstances. When considering any planning application, '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. There are however exceptions to this as detailed in the current NPPF, and these 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
- f) limited affordable housing for local community needs under policies set out in the development plan; 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 a) not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and b) not cause substantial harm to the openness 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.

6.12. The most salient of these are points (e) and (g).

6.13. South Ribble contains a whole range of villages – some with substantially built up frontages where an infill plot would seamlessly complement surrounding development patterns, and others which are more loose and organic in character. There is no question that this property is part of a small community with some community facilities which may loosely be termed a village. It is however very much on the edge of that settlement, and new development would contribute to unacceptably extending the 'village' away from its albeit limited, natural centre. As a result because of the very wide, open nature of Bamfords car park the proposal would be less likely to constitute 'infill' and more likely to add to a small grouping which is detached from the settlement itself.

6.14. Whilst acknowledged that there is no NPPF definition of infill development, the Planning Portal – a Government website established in 2002, does offer some clarity by stating that '*Infill development is the development of a relatively small gap between existing buildings*'. Development does exist on either side of the proposal site, but as this plot is neither a small gap, nor in real terms 'between' existing buildings, – the closest to the east across open car park being 95m away, and does not complete an established row of earlier development, this proposal is not considered to conform to infill development in the truest sense. For the reasons stated in Para's 6.8 and 6.9, caveat (e) is not thought to apply.

6.15. With regards to point (g), the 2017 Court of Appeal decision (Dartford v SOS EWCA Civ 141) found that private residential gardens which are not in a built-up area will constitute previously developed land (i.e. Brownfield land) within the NPPF. Thus, development of such land within the Green Belt will be excluded from general, restrictive Green Belt Policy provided such development would not have a greater impact on the openness of Green Belt than the existing development.

6.16. Officers are comfortable that in light of this decision, the proposal site does constitute previously developed land. Introduction however of a structure where none has previously been would undoubtedly, visually urbanises the site resulting in a loss of overall openness. This would be further exacerbated by domestic fencing and paraphernalia, and loss of views through the site, and as such it is considered that the proposal would not satisfy

the exemption allowed by point (g) of the NPPF (as mirrored by exception (f) of Local Plan Policy G1).

6.17. A number of uses bound the site – the car park in the east, paintballing facility in the south and agricultural lands beyond the main property in the west, south and facing, but these are relatively low key in nature, preserve openness in visual terms, and in the case of the paintballing and agricultural uses are examples of appropriate Green Belt development.

6.18. Having discounted the aforementioned exemptions, and having regard to Committee's earlier comments, the applicant seeks then to demonstrate that there are very special circumstances which outweigh any harm to the Green Belt and its openness. This justification is detailed and is summarised as follows:

6.19. *Applicants Personal Health Needs* – The applicant has supplied considerable detail with regards to a number of physical and health issues which affect her daily life and ability to function. Whilst for privacy reasons these remain confidential, your Officer is satisfied from the information supplied that the applicant will not be able to remain in the property as currently configured beyond the foreseeable future.

6.20. *Redevelopment of existing property* – A number of options to re-develop the existing property might be possible.

6.21. Assessment of the existing property has been undertaken by a qualified architect with regards to conversion to mobility use/access standards (Lindsay Oram, RIBA: LFO/03/265). Internal circulation space and doorways are not to an accessible standard, and considerable, structural and reconfiguration work to ground floor, load bearing walls would be required to allow for wholly ground floor living accommodation. The properties main bathroom is upstairs, and whilst a stair lift could be installed it is accessed via split stairway which again is not accessible. External access is ramped but is of steep gradient. In the architects opinion it is *'fair to say that the more onerous adaptation required to meet Part M(Accessibility) of the Building Regulations certainly outweighs the possible benefits'*

6.22. Notwithstanding problematic adaptation of the property, it is possible however for the applicant to extend the property or construct a 'granny annex'. This would allow for ground floor living accommodation, whilst being within close proximity of, and retaining the two storey house for members of the family and any future carer. By doing so the applicant's support system would remain intact, and development would be of lesser impact to the overall site as gardens, fencing, access and associated infrastructure would be combined rather than independent to each other. The applicant has provided no justification as to why this is not an option other than to say that it is not a policy requirement to consider alternative properties to rent or for sale, and that the personal financial statement submitted details why it is not possible to purchase a different property in the same area. The applicant has not at any time justified why the existing property cannot be extended.

6.23. *Specialist Housing Need* – In addressing specialist housing need Para's 60 & 61 of the NPPF state that strategic policies should reflect current and future demographic trends, and that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to older people and people with disabilities). Core Strategy Policy 7 (e) (Affordable and Special Needs Housing) considers the location of special needs and extra care housing whilst Policy 17 (j) (Design) (j) makes provision for the needs of special groups in the community such as the elderly and those with disabilities.

6.24. The Central Lancashire Strategic Housing Market Assessment (SHMAA: Sept 2017) also states that *'there is a clear need to increase the supply of accessible and adaptable dwellings and wheelchair user dwellings'*. In seeking compliance with the mobility standards

of Building Regulations Part M, the Council should also be '*mindful that such homes could be considered as 'homes for life' and would be suitable for any occupant, regardless of whether or not they have a disability at the time of initial occupation*'. The SHMAA identifies that South Ribble needs to supply 170 adaptable dwellings per 1000 people by 2034; this equates to 62 specialist new homes per year to be proportioned between market and affordable housing. The same document also notes that there are no private market, extra-care properties in South Ribble, and whilst permissions have been granted since 2017 (e.g. Wellington Park for 62 apartments) these will not be constructed for some time. The Council does not quantify a record of specialist houses constructed per annum.

6.25. In light of the Council's stance with regards to specialist housing provision, lack of evidence to clearly show that the annual 'quota' for development has been achieved, and the applicant's personal circumstances, a decision to approve should be considered. Any approval granted however is likely to be because of these 'very special' circumstances and their need for specialist living accommodation as documented above. As such, a condition to restrict occupancy to the applicant, their dependants and/or partners is considered necessary. Although conditions are not permitted at the PIP stage of the application, an informative note is considered appropriate to the effect that a condition would be imposed at the Technical Details stage should permission be granted.

6.26. *Duty of Care* – The applicant also quotes Section 149 of the Equality Act 2010 which states that public authorities must have due regard to the desirability of advancing equality for, and in the interest and needs of those with a protected characteristic such as age or disability. Some, but not significant weight must be given to this point

6.27. The applicant refers to a number of appeals which have been taken into account¹

7. Conclusion

7.1. Whilst the sites location is considered adequate but not wholly sustainable, development size and land use for the reasons stated above are not considered to be policy compliant. Development of an appropriate size could not be suitably accommodated within the site, and the proposal would result in unacceptable levels of harm to the Green Belt and its openness. It would also set a precedent whereby development of other, similar Green Belt sites would be difficult to refuse.

7.2. An argument has been made with regards to the evidenced need for specialist housing, and whilst the applicant can demonstrate why the existing property cannot be altered to accommodate long term health requirements, they have not provided any justification as to why the existing property could not be extended. The applicant's health issues are a material planning consideration when assessing 'very special circumstances' but the financial constraints associated with development are not. In light of uncertainty surrounding the Council's five year supply, the presumption in favour of sustainable development might be applied, but consideration should then be given to the reality of the sites location whose sustainability is at best only adequate.

7.3. Having regard to all material considerations it is considered that the very special circumstances of Green Belt development have not been demonstrated, and that the harm to the Green Belt and its openness caused by erection of a dwelling and ancillary works would clearly outweigh any benefits seen from the development. The proposal is therefore contrary to Policy G1 (Green Belt) of the South Ribble Local Plan which should be given significant weight when assessing the 'land use' element of this proposal.

¹ APP/3211000,2168348, 3164118, 3129411,3202040

7.4. For the aforementioned reasons this application should be refused for the following reasons:

- The proposal constitutes inappropriate land use in the Green Belt. The applicant has failed to demonstrate very special circumstances to justify the proposal which would harm the character and openness of the Green Belt contrary to Green Belt policy. In particular justification has not been provided as to why it is not possible to extend the existing property as an alternative to development of a new dwelling with associated infrastructure. The benefits of the scheme insufficiently outweigh the harm to that landscape. As such, the proposed development is contrary to the National Planning Policy Framework (2018) and Policy G1 of the South Ribble Local Plan 2012-2026
- The proposed development would result in an incongruous feature which if appropriately placed would result in overdevelopment of the site, and would be out of keeping with the immediate street scene to the detriment of to the character and appearance of the area. As such the proposal is considered to be contrary to Policy G17 of the South Ribble Local Plan 2012-2026 and Central Lancashire Core Strategy Policy 17

RECOMMENDATION:

Refusal.

RELEVANT POLICY

National Planning Policy Framework

South Ribble Local Plan

G1 Green Belt

G17 Design

REASONS FOR REFUSAL:

1. The proposal constitutes inappropriate land use in the Green Belt. The applicant has failed to demonstrate very special circumstances to justify the proposal which would harm the character and openness of the Green Belt contrary to Green Belt policy. The benefits of the scheme insufficiently outweigh the harm to that landscape and as such, the proposed development is contrary to the National Planning Policy Framework (2018) and Policy G1 of the South Ribble Local Plan 2012-2026
2. The proposed development would result in an incongruous feature which if appropriately placed would result in overdevelopment of the site, and would be out of keeping with the immediate street scene to the detriment of to the character and appearance of the area. As such the proposal is considered to be contrary to Policy G17 of the South Ribble Local Plan 2012-2026 and Central Lancashire Core Strategy Policy 17