

**Committee Report****Date: 06.09.2023**

<b>Item Number</b>	<b>03</b>
<b>Application Number</b>	<b>23/00485/FUL</b>
<b>Proposal</b>	<b>Change of use of agricultural livestock building to milk sales building and associated parking, use class E(b) (part retrospective)</b>
<b>Location</b>	<b>Park Farm Longmoor Lane Nateby Preston Lancashire PR3 0JB</b>
<b>Applicant</b>	<b>Mr James Hewitt</b>
<b>Correspondence Address</b>	<b>c/o Mrs Melanie Lawrenson Office A Bradley Hill Farm Claughton On Brock Preston PR3 0GA</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Philip Glennon**

Site Notice Date: 28.06.2023

**1.0 INTRODUCTION**

- 1.1 This planning application is presented before planning committee at the request of Cllr Lady Atkins due to the applications potential impact upon the countryside area. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

**2.0 SITE DESCRIPTION AND LOCATION**

- 2.1 The application site is a working farm located off Longmoor Lane in Nateby. There are a cluster of existing agricultural buildings and the farmhouse located to the south of the road, and a number of fields in the applicant's ownership on the northern side of the road. The farm has an existing dairy herd.
- 2.2 There are no footpaths on this section of road and the fields are bounded by hedgerows. To the south west of the application site is Gibsons Barn which is residential and includes a caravan site. To the east of the application site there are some residential properties, industrial units and Bridgehouse Marina and Caravan Park.

**3.0 THE PROPOSAL**

- 3.1 The application is for the change of use of an agricultural building to a milk sales building (Use Class E(b)) with associated changes including car

parking. The application is part retrospective as the milk sales have been occurring from a trailer onsite with benches and hardstanding laid out. The application form sets out that the milk sales building will have opening times of 07.00 to 20.00 every day including Sundays and bank holidays. No additional staff are required above the 4 full time and 4 part time staff who currently work at Park Farm.

- 3.2 As part of the change of use from agricultural building to milk sales building there are proposed some internal changes to provide areas for changing rooms, seating area, vending machines, associated machinery/kitchen and storage room. Further to this, there are external changes proposed including the installation of 3. no doors and 4. no windows which are brown UPVC on the south elevation and a roller shutter on the north elevation. In order to serve the proposed development there are 7.no car parking spaces provided.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 The site has the following relevant planning history:
- 4.2 94/00392 - Livestock building. Application Permitted.
- 4.3 12/00836/FUL - Erection of agricultural livestock building (part replacement) and new access to highway. Application Permitted.
- 4.4 16/00276/FUL - Replacement machinery workshop (following demolition of existing), extension to existing livestock building, and new machinery storage building. Application Permitted.
- 4.5 18/00722/FUL - Erection of roof over existing silage clamp. Application Permitted.
- 4.6 18/00723/FUL - Erection of roof over existing silage clamp (phase 2 of a two-phase plan). Application Permitted.
- 4.7 18/00724/FUL - Erection of roof over existing silage clamp (phase 1 of a two-phase plan). Application Permitted.
- 4.8 21/00980/FUL - Engineering works to form an earth banked slurry lagoon. Application Permitted.
- 4.9 22/00061/FUL- Erection of an agricultural livestock building, additional hardstanding and alteration to positioning of access gates. Application Permitted

#### **5.0 PLANNING POLICY**

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance

with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:

- SP2- Sustainable development
- SP4- Countryside Area
- CDMP2 - Flood risk and surface water management
- CDMP3 - Design
- CDMP4- Environmental assets
- CDMP6- Accessibility and transport
- EP8- Rural Economy

## 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2. Achieving sustainable development
- Section 4. Decision making
- Section 6. Building a strong, competitive economy
- Section 8. Promoting healthy and sustainable communities
- Section 9. Promoting Sustainable transport
- Section 12. Achieving well designed places.
- Section 15. Conserving and enhancing the natural environment.

## 6.0 CONSULTATION RESPONSES

### 6.1 NATEBY PARISH COUNCIL

6.1.1 No objections

### 6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections

### 6.3 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)

6.3.1 No Objections subject to conditions.

### 6.4 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.4.1 No objection in principle but details of foul water drainage to be submitted for approval.

## 6.5 CADENT GAS

6.5.1 No observations received

## 7.0 REPRESENTATIONS

7.1 One comment of support was received for the proposal which notes that speed restrictions and extra bins could be provided.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 The planning agent submitted an accompanying business plan during the course of the application. Clarification has also been provided for the proposed business hours.

## 9.0 ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of the Development
- Visual Impact and impacts upon the Countryside Area
- Impacts upon Residential Amenity
- Impacts upon Highway Safety and Parking
- Flood Risk and Drainage

### Principle of the Development

9.2 The application site is located within a defined Area of Countryside and as such Policy SP4 of the WLP31 is relevant. The overarching aim of Policy SP4 is to protect the open and rural character of the countryside which is recognised for its intrinsic character and beauty. As part of Policy SP4 there is an order of priority for the conversion of existing buildings. The policy goes on to set out that the conversion of existing buildings will be permitted where it meets the requirements of the Core Development Management Policies, and it is demonstrated that the following order of priority has been considered:

- 1) Employment (use class B1 (now part of class E(g), B2 and B8) uses appropriate to the rural area;
- 2) Tourism destination uses or other non-retail commercial use or retail to serve local needs in accordance with Policy EP7 (Local Convenience Stores);
- 3) Live/work units;
- 4) Tourism accommodation subject to Policy EP9 (Holiday Accommodation);
- 5) Residential provided the development results in an enhancement to the immediate setting.

9.3 It is considered that the proposed change of use falls into Use Class E (b) which is defined as buildings for the sale of food and drink for consumption (mostly) on the premises. It is therefore evident that the change of use to a milk sales building would not specifically relate to the above criteria, however it is considered that this would support an existing farm by allowing the farm to sell milk directly to the public and provide an employment use which is appropriate to the rural area.

- 9.4 Policy EP8 of the WLP31 furthermore supports the expansion of existing businesses in the countryside where the scale and nature of the business is not detrimental to the rural area and any new building is necessary. Further support for the change of use can be found in the NPPF Paragraph 84 which states that planning should enable the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings and well-designed new buildings. This would therefore support the change of use which helps to diversify the existing farms business by providing another form of income.
- 9.5 In this case it is considered that the proposal supports an existing farm and could create employment opportunities whilst diversifying the existing farm business. Whilst it does not strictly comply with Policy SP4 and its hierarchy set out for the conversion of buildings it is considered that there would be no policy harm arising and as such the change of use in theory can be supported by Policies SP4, EP8 and the NPPF.
- 9.6 Policy SP2of the WLP31 sets out that all development in Wyre should be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. It is acknowledged that the application site in question is located within a defined area of Countryside but in close proximity to the existing settlement of Garstang. The application site is located on a straight stretch of Longmoor Lane with no footpaths or lighting but a footpath does start approximately 400m away from the site which leads into the centre of Garstang. It is considered that whilst the site is not fully sustainable, it would be unreasonable to refuse as it is only located approximately 400 metres from the existing settlement of Garstang where footpaths and street lighting exist. As such it is considered that the proposed area is acceptable in terms of sustainability.
- 9.7 Overall, it is therefore considered that the proposal is acceptable in terms of principle subject to all other material considerations set out below.

#### Visual Impact and impacts upon the Countryside Area

- 9.8 The application involves minor changes to the existing agricultural building which include the installation of 3. No doors, 4. No windows and a roller shutter and laying of associated hardstanding in front of the building. It is considered that these changes are relatively minor to the existing building and are not detrimental to either the existing building or the wider Countryside area. As such the proposal is considered acceptable in terms of its visual amenity impacts. Any advertisement requires the submission of a separate application for advertisement consent. An informative can be attached to bring this to the attention of the applicant.

#### Impacts upon Residential Amenity

- 9.9 Within the surrounding area there are sporadically located dwellings in the vicinity as well as a caravan park. The closest property to the building would be the applicant's farmhouse. It is considered that the main impacts of the change of use would be through noise associated with any machinery involved however considering that all other sensitive properties are set far enough away it is not anticipated to cause any significant additional noise, odour or disturbance.

- 9.10 The Environmental Health Officer has raised no objections subject to conditions. It has been requested that the opening hours and delivery hours be restricted due beyond what was requested by the applicant due to the proximity of residential properties and caravan park nearby. It is considered that this condition further limiting the opening hours can be imposed to protect the amenity of the surrounding properties. Overall it is not considered that the proposal will result in any adverse impacts or harm upon residential amenity and as such complies with Polices CDMP1 and CDMP3 of the WLP31.

#### Impacts upon Highway Safety and Parking

- 9.11 As part of the application, it will use two existing site accesses and includes the provision of 7 car parking spaces. LCC Highways have been consulted as part of the application and have raised no objection. They have commented that the development will not have a significant impact on highway safety, capacity or amenity in the area but have requested that a condition be imposed that all gates which are located outside the adapted highway have restraints on them to prevent them from opening onto the highway. As no new gates are proposed it is considered unnecessary to impose this condition. It is considered that the proposal complies with Policy CDMP6.

#### Flood Risk and Drainage

- 9.12 The application site is not located within an area identified at risk of flooding therefore a flood risk assessment or flood risk sequential test is not required. As part of the application the Councils Drainage Engineer has been consulted who has raised no objections but have requested that details of foul water drainage is to be submitted for approval. A condition requiring details of foul waters can be attached accordingly.

#### Other Matters

##### Ecology and trees

- 9.13 No issues identified

##### Contamination

- 9.14 No issues identified

## **10.0 CONCLUSION**

- 10.1 The application results in a change of use of an existing farm building. It is considered that the change of use is considered acceptable in principle and the use is compatible with the surrounding area of countryside. It is considered that the design changes are not detrimental to the design of the building or surrounding area and any concerns surrounding residential amenity can be dealt with via conditions. The application therefore is considered to comply with the relevant policies of the WLP31 and the National Planning Policy Framework and is therefore recommended for approval.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

## 12.0 RECOMMENDATION

12.1 Grant Planning Permission subject to conditions

### **Recommendation: Permit**

#### **Conditions: -**

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 16.05.2023 including the following plans/documents:

- Existing and proposed plans and elevations. Drawing Number MI/jh/6214
- Site Location plan

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The development shall be carried out strictly using those materials specified on the application form unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. The premises shall be used for milk sales building (Use class E(b)) only and for no other purpose (including any other purpose in Class [E] of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written consent of the local planning authority.

Reason: The use of the premises for any other purpose would require further consideration by the Local Planning Authority in accordance with Policies SP2 and SP4 of the Wyre Local Plan (2011-31)

5. The use hereby permitted shall not operate outside the hours of 08.00 to 19.00 Monday to Saturday and 08:00 to 17:00 on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

6. There shall be no deliveries or collections of goods (including waste) to or from the use hereby permitted outside the hours of 08.00 to 18.00 Monday to Saturday and, 08.00 to 16.00 on Sundays, and Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP1 of the Wyre Local Plan (2011-31).

7. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 5 Lux before 23.00, and 1 after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

8. Prior to the commencement of development, a drainage scheme, which shall detail measures for the disposal of foul waters shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development shall be occupied or brought into first use until the drainage works have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

**Reasons: -**

**Notes: -**

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.