

Committee Report**Date: 01.11.23**

Item Number	02
Application Number	23/00598/FUL
Proposal	Proposed change of use of existing ancillary residential accommodation (storage use and a gym) to ancillary residential accommodation and commercial dog kennels to house up to 8 dogs (resubmission of application 23/00295/FUL)
Location	The Willows Highgate Lane Stalmine-with-staynall Poulton-Le-Fylde Lancashire FY6 9DS
Applicant	Mr Darren Curtis
Correspondence Address	The Willows Highgate Lane Stalmine-with-staynall Lancashire FY6 9DS
Recommendation	Refuse

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Charlotte Parkinson**

Site Notice Date: 18.09.23

1.0 INTRODUCTION

1.1 This planning application is presented before the Planning Committee at the request of Cllr Julie Robinson who is in support of the proposal citing that the rural location would be more sustainable and have less impacts upon neighbouring amenity and the proposal would have no greater impacts upon the open countryside. 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 site which forms the subject of this application comprises a detached dormer bungalow with associated land and outbuildings to the rear and is located on the east side of Highgate Lane outside of the rural settlement of Stalmine in a Countryside Area as designated in the adopted Wyre Local Plan (WLP 31).

2.2 The dwelling is finished in white render with a grey tiled hipped roof and has been extensively extended. It is set back from the road in an elevated position with a lawned front garden area enclosed by a feature red brick wall. There are two access points off Highgate Lane, the northern access serves the existing bungalow and the southern access leads to the land and buildings to

the rear. The outbuildings include the building subject of this application which is adjacent to a stable building, barn and sand paddock area.

- 2.3 The surrounding area comprises sporadic residential and agricultural development. The site is located within a SSSI Impact Zone and is within the 3.5 km buffer zone of Morecambe Bay.

3.0 THE PROPOSAL

- 3.1 The application seeks planning permission for a change of use from existing outbuilding (Building B) from ancillary residential accommodation (storage and a gym) to ancillary residential accommodation and commercial dog kennels to house up to 8 dogs. There are no changes to external elevations, all of the works would be internal and would involve half of the building being split into 8 dog kennels, 4 on each side with a central passageway. The application is a resubmission of application 23/00295/FUL.

4.0 RELEVANT PLANNING HISTORY

- 4.1 23/00295/FUL - Proposed Change of use from existing outbuilding (Building B) from ancillary residential accommodation (storage and a gym) to ancillary residential storage and commercial dog kennels to house up to 8 dogs - Application refused for the following reasons:

- 1) No marketing information has been provided to demonstrate that alternative uses have been considered for the existing building in accordance with the hierarchy set out in Policy SP4 of the WLP. Given the absence of marketing information, the application does not demonstrate that every reasonable effort has been made to secure a higher priority use. The application would therefore conflict with Policy SP4 and Policy SP6 of the Local Plan.
- 2) The application site is located within the countryside and the development would involve the creation of new commercial business which would rely wholly on trips to and from the site by car, in a poorly accessible location detached from the nearest settlement. The site would be accessed via unlit rural roads with no pedestrian footpaths. The proposed development is considered to be sited in a poorly accessible and unsustainable location which would increase the need to travel by car and fails to contribute towards creating a sustainable development. The proposal is therefore contrary to locational guidance contained within the NPPF, in particularly paragraph 105 and contrary to Policy SP2 of the Adopted Wyre Local Plan (WLP31).

- 4.2 04/01412/FUL- Two Storey side and rear extension. 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.

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

- SP2- Sustainable development
- SP4- Countryside Design
- CDMP1- Environmental protection.
- CDMP2 - Flood risk and surface water management
- CDMP3 - Design
- CDMP6- Accessibility and transport
- EP8- Rural Economy

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 5th September 2023. 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 2023 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 9. Promoting Sustainable transport.
- Section 12. Achieving well designed places.
- Section 14. Meeting the challenge of climate change, flooding and coastal change.
- Section 15. Conserving and enhancing the natural environment.

6.0 CONSULTATION RESPONSES

6.1 STALMINE WITH STAYNALL PARISH COUNCIL

6.1.1 No objections

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections. A condition is requested to provide the car parking and turning as shown on the submitted plans. A further condition is requested to restrict the proposed use to dog boarding kennels in order to prevent an increase in vehicle movements on the local highway network.

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

6.3.1 No objections

6.4 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.4.1 No objection

7.0 REPRESENTATIONS

7.1 Two letters of objection have been received at the time of compiling this report. Comments are summarised as follows:

- Concerns regarding noise
- A livery stable already operates from this site the proposal would increase traffic
- Single track lanes not suitable for additional traffic
- The proposal has been refused and there is no new evidence

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During the course of the application the applicant has contacted the Council in order to check progress of the application.

9.0 ISSUES

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

- Principle of Development
- Visual Impact / Design / Impact on the street scene
- Impact on the Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage
- Impacts upon Ecology/Trees

Principle of Development

9.2 The application site is located in a Countryside Area as designated in the Adopted Wyre Local Plan (WLP 31) as such, Policy SP4 is relevant. Policy SP4 aims to protect the countryside and manage development in a way that supports rural communities and the rural economy whilst maintaining its essential attributes. Paragraph 4 of Policy SP4 allows for the conversion of existing buildings in the countryside where it meets the Core Development Management Policies and it is demonstrated that the order of priority has been followed:

- 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 SP7 (Local Convenience Stores);
- 3) Live work units;
- 4) Tourism Accommodation subject to Policy EP9 (Holiday Accommodation)
- 5) Residential provided the development results in enhancement so the immediate setting.

9.3 The proposal seeks a change of use of the existing building to a dog boarding kennels which would fall under the use class Sui Generis which is not one of the preferred uses stated in criteria 1). The use is however considered to fall within 2) 'other non retail commercial use'. Where the proposal involves a use

other than 1) above the policy requires applicants to demonstrate that they have made every reasonable effort to secure a use higher in the order of priority including appropriate marketing in accordance with Policy SP6 (Viability). The applicant has not submitted any evidence of marketing. The submitted planning statement sets out that the list of priority uses is not relevant for this site and proposal, and suggests that the application relates to the re-use of an ancillary residential outbuilding which cannot be separated by freehold from the main dwelling given its position and relationship to the main dwelling.

- 9.4 The relevant employment uses in 1) of the policy are restricted to B1 E(g) (i) offices, (ii) research and development and (iii) any industrial process being a use which can be carried out in a residential area without detriment to the amenity of that area by noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, B2 (general industrial), and B8 storage and distribution. The purpose of this restriction is to support the rural economy whilst still maintaining the essential attributes of the countryside. Employment generating uses are given priority in order to increase the sustainability of rural areas (subject to other impacts). Notwithstanding the lack of marketing information the planning statement fails to demonstrate why a use within 1) could not be achieved. The marketing required in accordance with Policy SP6 is not restricted to freehold but also includes equivalent long leasehold therefore whilst it is accepted that the applicants may not wish to market the freehold of the property given its proximity and relationship to the existing dwelling, it has not been demonstrated why the building could not be marketed for an employment use within 1) with a long leasehold.
- 9.5 Para 4b) further requires the buildings to be of permanent and substantial construction capable of conversion without major or complete construction and c) requires the building to be large enough for the proposed use without the need for extension which would be out of scale with the host building or incompatible with the character of the area. The existing buildings are constructed from block and render and the proposed conversion would result in internal works only with no extensions, therefore the proposal would comply with this criterion.
- 9.6 The applicant makes reference to Policy EP8 in the submitted Planning Statement and states that the proposal would be compliant with this Policy as it would offer an additional service in the rural area and would diversify the rural economy. No information has been submitted regarding an existing business at the site therefore the proposal is considered to be a standalone business and Policy EP8 would not therefore apply.
- 9.7 Policy SP2 sets out that all development in Wyre should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. In this case, the application site is located approximately 1.7 miles from the rural settlement of Stalmine and 1.3 miles from Hambleton. Access to the site is via single track lanes with limited passing places which Lancashire County Council noted in the previous application mainly relate to access points to fields and not designated passing places. There are no footpaths or street lighting along Highgate Lane and Staynall Lane. The proposed use would result in an increased number of visitors to the site which given the lack of alternative forms of sustainable travel available, would be highly likely to depend on the use of private motor vehicles which would directly conflict with the aims of Policy SP2.

The applicant has failed to demonstrate that they have made every reasonable effort to convert the building to a use which is higher in the priority. The proposal is not considered to be sustainably located and would therefore fail to comply with Policies SP2 and SP4.

Visual Impact / Design / Impact on the street scene

- 9.8 The building subject of this application is located to the rear of the existing dwelling and no external alterations are proposed. The application also includes a piece of land to the rear of the stables which would be used for exercising dogs. No additional equipment is proposed or alterations to this field ie: secure fencing, therefore with regards to the conversion of the building and change of use of the land there are no concerns regarding visual impact and the proposal would therefore comply with Policy CDMP3.

Impact on the residential Amenity

- 9.9 The application site is located in an isolated location and the closest residential dwelling is over 300m to the south west on Staynall Lane. Given this distance it is unlikely that the proposal which does not involve any external alterations to the building and would therefore retain existing windows and doors would not result in an unacceptable adverse impact in terms of overlooking or loss of privacy. It is noted that objections have been received which relate to concerns regarding noise therefore the Council's Environmental Health Officer (EHO) has been consulted. The EHO has concluded that sensitive residential receptors are located sufficient distance away and the proposal would not result in significant adverse environmental impact as a result of this development. In consideration of this the proposal would comply with Policy CDMP3.

Impact on Highway / Parking

- 9.10 Lancashire County Council Highways (LCC) have been consulted and have not raised any objections in terms of highway safety. LCC note the existing 5 No car parking spaces available and have requested a condition be added to the application to require this area to be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority in order to allow for the effective use of the parking areas. This could be achieved by adding a suitably worded condition. As the proposal includes parking provision a further condition would be added to require an Electric Vehicle Charge point in line with Policy CDMP6.

Flood Risk and Drainage

- 9.11 The application site is located in Flood Zone 1 which is identified as being at low risk of flooding on the Environment Agencies Flood Maps. A Flood Risk Assessment is not therefore required and the Sequential and Exception Test are not required to be passed. The Council's Drainage Officer has been consulted and has no objections. There are no further concerns regarding flood risk and drainage therefore the proposal is considered to comply with Policy CDMP2.

Impacts upon Ecology and Trees

- 9.12 The application proposes the conversion of an existing building which is currently in use for ancillary residential purposes and no external works or alterations are proposed. Therefore, it is not considered to be of significant ecological value and as such it is unlikely that there would be any adverse impacts on protected species. Whilst the application site is located within a SSSI Impact Zone and is within 3.5 km of Morecambe Bay it would not have any adverse impacts upon European designated specially protected sites given that there are no external alterations proposed.
- 9.13 There are no trees within the site which would be impacted by the proposed development.

Other Matters

Contamination

- 9.14 No issues identified

Neighbour representations

- 9.15 It is noted that an objection has been received making an allegation that livery stables is being operated from the site. A check of the Council records fails to reveal an application for this use.

10.0 CONCLUSION

- 10.1 The applicant has failed to demonstrate that they have made every reasonable effort to secure a use higher in the order or priority including appropriate marketing in accordance with Policy SP6. The proposal would be located in an unsustainable location and would not minimise the need to travel by car. Overall, the proposal fails to comply with Local Plan Policies SP2, SP4 and SP6 and Section 2 of the NPPF. The application is not therefore not considered to be acceptable in principle and is recommended for refusal.

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 Refuse

Recommendation: Refuse

1. No marketing information has been provided to demonstrate that alternative uses have been considered for the existing building in accordance with the hierarchy set out in Policy SP4 of the Wyre Local Plan 2011 - 2031. Given the absence of marketing information, the application does not demonstrate that every reasonable effort has been made to secure a higher priority use.

The application would therefore conflict with Policy SP4 and Policy SP6 of the Wyre Local Plan Local Plan 2011-2031.

2. The application site is located within the countryside and the development would involve the creation of new commercial business in a poorly accessible location detached from the nearest settlement. The site would be accessed via unlit rural roads with no pedestrian footpaths and visitors to the site would be heavily reliant on the use of a private motor vehicle. The proposed development is considered to be sited in a poorly accessible and unsustainable location which fails to contribute towards creating a sustainable development. The proposal is therefore contrary to locational guidance contained within the NPPF, in particularly paragraph 105 and contrary to Policy SP2 of the Wyre local Plan 2011-2031.