

**Committee Report****Date: 10.01.2024****Item Number 03****Application Number 23/00941/FUL****Proposal Proposed re-siting of a shipping container to use as short stay cafe****Location Layby At Woodfold Lane Cabus Lancashire****Applicant Miss Karen Brooks****Correspondence Address c/o Mrs Sarah Pope  
Office A Bradley Hill Farm Claughton on Brock Preston PR3 0GA  
United Kingdom****Recommendation Refuse****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Hannah Hale****1.0 INTRODUCTION**

- 1.1 This application is before Members at the request of Councillor Collinson citing concerns in relation to residential amenity and anti-social behaviour. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

- 2.1 The application site is on Woodfold Lane, within a layby to the south-eastern side of the road which is accessed from the A6 in Cabus. The site is within the countryside as defined on the wyre Local plan.

**3.0 THE PROPOSAL**

- 3.1 The proposal is for the re-siting of a shipping container to use as short stay café. The container would measure 12.1m in length and 3.65m in width with a maximum height of 2.95m. It would have a door for access and three windows within the north-west (front facing) elevation and vents within the south-east (rear facing), and the south western (side) elevations. The proposal includes the siting of a portable WC which would be located to the north eastern side and refuse bins and a water butt sited to the south western side of the container. The external walls would be clad in timber style, plastic cladding in brown and timber shutters would cover the brown UPVC windows. The container would rest on six inch high concrete blocks. The container would be sited within an existing layby to the south-eastern side of Woodfold

Lane, approx. 156m from the southern access and 334m from the northern access to the road.

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

4.1 None found.

#### **5.0 PLANNING POLICY**

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)

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. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. 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:

SP1 - Development Strategy  
SP2 - Sustainable Development  
SP4 - Development in the Countryside  
EP8 - Rural Economy  
CDMP1 - Environmental Protection  
CDMP3 - Design  
CDMP6 - Accessibility & Transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK (2023)

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 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 relevant to the determination of this application:

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

## **6.0 CONSULTATION RESPONSES**

### **6.1 CABUS PARISH COUNCIL**

#### **6.1.1 Object to the application on the following grounds:**

- The proximity of the container to residential properties along Woodfold Lane.
- Highway safety would be further compromised. Woodfold Lane is a 60mph, unlit road in a dire state of disrepair with numerous potholes and no footpath. Dangerous for pedestrians and other road users.
- Residents and landowners experience problems accessing their land owing to the lorries parking on Woodfold Lane currently and the placement of this container would take up additional space, exacerbating the problem.

### **6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)**

#### **6.2.1 LCC Highways raised objections to the proposal as the siting of a shipping container along Woodfold Lane would result in customers exiting the container blindly; directly onto the carriageway. As Woodfold Lane is an unlit, 60mph road this would cause a risk to pedestrians and also to other vehicles resulting in a detrimental impact to highway safety.**

### **6.3 WYRE COUNCIL HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)**

#### **6.3.1 No response was received at the time of compiling this report**

## **7.0 REPRESENTATIONS**

### **7.1 Eleven public letters have been received with the objections summarised as follows:**

- Increased noise from doors slamming, engines running, generators music etc.
- Restricted view for residents when leaving their driveways.
- Increased levels of litter/waste resulting in vermin.
- Increased antisocial behaviour.
- Very deep potholes which fill with water and freeze leaving the road unsafe for use.

## **8.0 CONTACTS WITH APPLICANT/AGENT**

### **8.1 The agent was contacted to notify them that the application would be recommended for refusal following comments from LCC Highways.**

## **9.0 ISSUES**

### **9.1 The main planning issues are:**

- Principle of Development
- Visual Impact / Design / Impact on the street scene
- Impact on the Residential Amenity
- Impact on Highway / Parking

## Principle of development and policy compliance

- 9.2 Policy SP1 of the WLP 31 directs new development to within settlement boundaries, unless development elsewhere in designated countryside areas is specifically supported by another policy in the Local Plan. Outside settlements within defined boundaries the amount of new built development will be strictly limited. Individual opportunities which help to diversify the rural economy or support tourism will be supported where they are appropriate in scale and in accordance with other policies where relevant.
- 9.3 The site falls outside a settlement boundary and is located within a Countryside Area as identified in the Adopted Wyre Local Plan 2011 - 2031 (WLP 31) therefore Policy SP4 is relevant. Policy SP4 restricts development outside of settlements to a specific list of exceptions of which h) the expansion of businesses in rural areas in accordance with Policy EP8 (Rural Economy) is acceptable. Policy EP8 supports the expansion of an existing business within countryside areas provided it meets the requirements of the Core Development Management Policies and it is demonstrated that a) the scale and nature of the activity is not detrimental to the rural character of the area ; and b) any new building and supporting infrastructure is necessary.
- 9.4 The proposed development represents a small scale rural development and therefore its position outside of a town centre would not require consideration through the sequential test process in line with the NPPF. The site is outside of any settlement, with Cabus and Garstang located approximately 1km to the south along the A6. It is noted that whilst some passing trade may come from walkers or cyclists, the majority of custom would come from cars, lorries and vans already travelling along the A6. In these circumstances, the proposed use capitalises on existing vehicular trips rather than generating additional trips in its own right. It is noted that where large delivery vans and lorries can have a break and be catered for without having to access nearby town centres, this is likely to have some benefit to local residents by way of reducing congestion and pollution within centres and on smaller arterial routes. It is considered that this could result in some environmental benefit.
- 9.5 The agent states within the supporting Planning Statement submitted with the application that the proposal relates to an existing business, located in a nearby layby, also within the countryside. The business is looking to relocate to this alternative location owing to conflict with another mobile food operator at its existing site and therefore the proposal will continue to contribute to the rural economy and provide employment. This relocation, however, is not considered an expansion of an existing business and would result in a new permanent structure in an area of countryside where none currently exist.
- 9.6 Whilst it is noted that the proposals do not accord with the provisions of the Local Plan given its countryside location, Para. 84 of the NPPF states that decisions should, amongst other things, enable the sustainable growth and expansion of all types of rural business in rural areas, both through conversion of existing buildings and well-designed new buildings. Para. 85 of the NPPF states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. However, as detailed above, it is not

considered that the proposal results in an expansion or growth of an existing business and simply relocates an existing business from one area to another which would fail to enhance the rural economy.

- 9.7 In terms of sustainability, policy SP2 of the WLP requires all development to be sustainable in their location and accessibility and states that proposals must respond to the challenge of climate change through appropriate design and making the best use of resources. Rainwater harvesting, energy efficient lighting, high efficiency electronics and the installation of appropriate ventilation has been incorporated into the proposal and, as such, it is considered that the proposal complies with Policy SP2.
- 9.8 Overall, the proposal would be detrimental to the rural character of the area, resulting in an unnecessary building which would fail to expand an existing business within a countryside area. There would be no substantial public benefit which would outweigh this harm. The application would therefore conflict with Policies SP4 and EP8 in this regard and would not be acceptable in principle.

#### Visual impact / design / impact on the street scene

- 9.9 The shipping container would be sited in an existing layby to the south-eastern side of Woodfold Lane, a lane accessed from the A6, and would be set against an established boundary of hedgerows and trees. Given the proposed position of the container mid-way along Woodfold Lane, along with its relatively low height, it would not be overly visible from the A6. However, the container would be clearly visible from Woodfold Lane and although it would be set in the context of other commonly parked vehicles in the layby, including HGVs and set against a backdrop of landscaping, it would result in a stand-alone permanent structure, where none currently exist, resulting in an isolated feature within the street scene. The proposed development by reason of its proximity to the public highway would cause visual harm to the open and rural character and appearance of this countryside area and as a result would fail to comply with Policies CDMP3 and SP4 of the Wyre Local Plan.

#### Impacts upon Residential Amenity

- 9.10 11 letters of objection have been received. Some public concerns were raised about noise and anti-social behaviour. Although Environmental Health (amenity) have not provided comments on the application, the closest residential properties to the site are approx. 150 metres away in each direction and it is therefore not anticipated that the proposed would result in a significant impact to these properties by way of noise or odour. In terms of comments raised by the Parish Council and members of the public in respect of litter/waste, it is deemed that the provision of a permanent café with facilities including seating, toilet and bins is likely to result in an improvement in terms of reducing litter and other tipping in the area. Whilst not a planning consideration, plans submitted do show toilet and bin provision. It is stated within the Planning Statement that the external bins would be emptied each day the café has been open and waste removed from the site. Concerns were also raised in respect of the proposed resulting in reduced outlook for residents leaving their driveways. It is considered that the distance from the proposed to these properties is significant enough for this not to cause further issues in this regard than already exists with HGVs parking in the layby. Overall, the proposed is not considered to result in any adverse residential

amenity impacts and the application would accord with Policies CDMP1 and CDMP3 of the Local Plan (2011-31) in this regard.

#### Impact on highway safety / parking

- 9.11 LCC Highways recommended refusal of the application on highway safety grounds. It was confirmed that Woodfold Lane is a 60mph, unlit road and the proposed location of the shipping container would result in customers exiting the café directly onto the carriageway. This would result in an unacceptable risk to pedestrians and also to vehicles, particularly during hours of darkness owing to there being no street lighting.
- 9.12 Overall, given the objections raised by LCC Highways, it is deemed that the proposed development would have a significant detrimental impact on highways safety and contrary to Policies CDMP3 and CDMP6.

#### Other matters

- 9.13 The site is within Flood 1 and is at low risk of flooding. The proposal is not considered to result in any additional flood risk.

### **10.0 CONCLUSION**

- 10.1 The proposed development by way of its permanent siting in this countryside location would result in unacceptable visual harm to the open and rural character of the area contrary to policies SP4 and CDMP3 of the Wyre Borough Local Plan. The proposal would fail to expand an existing business within a countryside area and would therefore be contrary to Policy EP8. The proposal would also result in a significant impact to highway safety, contrary to Policy CDMP6. It is therefore recommended that the application be refused.

### **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 Planning Permission

#### **Recommendation: Refuse**

1. The application site is located in the countryside, which is protected for its open and rural character. The proposal, by way of its detached position, would lead to a detrimental impact upon the rural character of the area. The application has not demonstrated that the proposed siting of the shipping container is reasonably necessary in this location and, owing to the shipping container being relocated from a nearby layby, fails to determine that the proposal is necessary for the expansion of an existing business. The proposal would therefore represent an unjustified and unnecessary structure in this location within the countryside and is detrimental to the surrounding

area. This would be contrary to Policies CDMP3, SP4 and EP8 of the Adopted Wyre Local Plan and the overarching aims and objectives of the NPPF.

2. Woodfold Lane is an unlit rural road, subject to national speed limits with no pedestrian footpath and the proposed location of the shipping container would result in customers exiting the café directly onto the carriageway. This would result in an unacceptable risk to pedestrians and also to vehicles, particularly during hours of darkness owing to there being no street lighting. As a consequence the proposal would result in a detrimental impact to highway safety and is contrary to Policy CDMP6 of the Wyre Local Plan (2011-2031) and the provisions of the National Planning Policy Framework.