

Committee Report**Date: 01.05.24**

Item Number	06
Application Number	24/00209/PIP
Proposal	Permission in principle for the erection of one detached dwelling
Location	Land North East Of Bay Court Links Gate Thornton Clevellys Lancashire
Applicant	Mr Paul Fox
Correspondence Address	c/o Josh Hellowell 2 Lockside Office Park Lockside Road Preston PR2 2YS
Recommendation	Refuse

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Hannah Hale**

Site Notice Date: 25.03.2024

Press Notice Date: 03.04.2024

1.0 INTRODUCTION

1.1 This application is before Members at the request of Councillor Livesey to determine the suitability of the siting of the proposal and the harm it would have upon the Green Belt. 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 located between two large detached dwellings to the east of Links Gate in Thornton and has a 31m wide frontage and the maximum depth of the site is 225m. The land is characterised as open grassland but for an area of tarmaced surface nearest Links Gate and a detached garage building to the front of the site, close to the northern boundary.

2.2 The site is enclosed by established trees and shrubbery along the northern boundary with approx. 1.2m high fencing to the western (rear) boundary. This fencing continues part way along the southern (side) boundary and then increases to approx. 1.8m high to join the western (front) boundary. The frontage is enclosed by 1.8m high fencing and includes a double gate.

2.3 A public Right of Way runs north to south along Links Gate and electricity pylons and lines run to the east of the application site. The site falls within

Flood Zone 1 and the land is designated as Green Belt in the adopted Wyre Borough Local Plan.

3.0 THE PROPOSAL

- 3.1 This is an application for 'permission in principle' for the erection of a detached dwelling, and, as such, only a plan indicating the extent of the site and an application form is required. However, the submission does also include a planning statement and an indicative site layout plan. This is an alternative way of obtaining planning permission which separates the consideration of matters of principle from the technical details of the development.
- 3.2 The submitted indicative site plan demonstrates that access to the dwelling would likely be from Links Gate, a private road accessed from Tarn Road to the north. There is no indication as to whether the dwelling would be single or two storey. A garage is also shown on this plan to the front of the proposed dwelling, close to the southern boundary.

4.0 RELEVANT PLANNING HISTORY

- 4.1 23/00060/FULMAJ - Change of use of agricultural land for part residential and part equine use. Demolition of existing garage and erection of private 12 car garage with attached helicopter hanger and concrete helicopter landing pad and private 12 horse stable block with sand paddock and horse walker - Refused
- 4.2 96/00543 - Change of use from pasture to car park and formation of new access - Approved
- 4.3 11/00288/FUL - Erection of double garage - Approved

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
 - SP3 Green Belt

- CDMP3 Design
- CDMP4 Environmental Assets
- CDMP6 Accessibility and Transport

OTHER MATERIAL CONSIDERATIONS

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 19th December 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 12 - Achieving well designed and beautiful places
- Section 13 - Protecting Green Belt Land
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

5.3 Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended)

5.4 NPPG Permission in principle

A decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

5.5 The Conservation of Habitats and Species Regulations 2017 (as amended)

5.6 The Natural Environment and Rural Communities Act 2006

5.7 The Wildlife and Countryside Act 1981 (as amended)

5.8 Natural England Guidance Note: European Protected Species and the Planning Process

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL HIGHWAYS

6.1.1 No objections.

- 6.2 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)
 - 6.2.1 No response received at the time of compiling this report.
- 6.3 UNITED UTILITIES
 - 6.3.1 No objections, subject to conditions to ensure the site is drained in the most sustainable way.
- 6.4 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - CONTAMINATION)
 - 6.4.1 No objections, subject to conditions for a desk study to be submitted.
- 6.5 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - Amenity)
 - 6.5.1 No response received at the time of compiling this report.
- 6.6 GREATER MANCHESTER ECOLOGY UNIT (GMEU)
 - 6.6.1 No response received at the time of compiling this report.
- 6.7 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)
 - 6.7.1 No objections, subject to conditions. Confirmed that there was no record of any public vehicular rights along Links Gate.
- 6.8 PEAK AND NORTHERN FOOTPATH SOCIETY
 - 6.8.1 The works should not affect the use of the PROW.
- 6.9 THE RAMBLERS ASSOCIATION
 - 6.9.1 No response received at the time of compiling this report
- 6.10 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)
 - 6.10.1 Confirmed that the proposed would result in arboricultural implications and a tree survey, including an Arboricultural Impact Assessment and Tree Protection Plan would be required for consideration at the technical details stage.

7.0 REPRESENTATIONS

- 7.1 One letter of objection was received citing concerns that the area of hardstanding would be used as a helipad. Concerns were also raised that no details had been provided in respect of the proposed layout of the property, drainage details and ecology surveys.

8.0 CONTACT WITH APPLICANT/AGENT

- 8.1 An extension of time was agreed and the agent emailed during the course of the application to enquire as to what the likely recommendation would be for the proposal.

9.0 ISSUES

- 9.1 The main issues to consider in the assessment of this application are:

- Procedural Matters
- Location and Land use

Procedural Matters

- 9.2 In relation to determining a 'permission in principle' application, the Planning Practice Guidance sets out that a decision must be made in accordance with the relevant policies in the development plan, unless there are material considerations which indicate otherwise. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

Location and Land use (Compliance with Policies SP1 and SP3 of the Wyre Local Plan)

- 9.3 Policy SP1 of the Wyre Local Plan seeks to direct new development to within existing settlements in accordance with the settlement hierarchy. Policy SP1 sets out (criteria 5) that outside settlements with defined boundaries the amount of new built development will be strictly limited. In this instance the proposed development is not located within an existing settlement, it is located within an area designated as Green Belt outside of the settlement of Thornton, therefore the proposal fails to comply with the development strategy set out in Policy SP1.
- 9.4 Given the sites location within the Green Belt, Policy SP3 of the Local Plan is relevant. Policy SP3, Part 1 of the Wyre Local Plan states that planning permission will not be granted for inappropriate development as defined in national policy (National Planning Policy Framework - NPPF), except in very special circumstances. Policy SP3, Part 2 sets out that any development should meet the requirements of other Core Development Management Policies and should seek to minimise the impact on the openness of the Green Belt. Policy SP3, Part 3 states that the construction of new buildings is inappropriate development in the Green Belt, except for categories of development defined in national policy. Paragraph 154 of the NPPF lists the exceptions which are not inappropriate in the Green Belt. None of the exceptions listed in Paragraph 154 of the NPPF apply in this case. The Supporting Statement submitted with the application suggests that the proposal would fall under the exception of 'limited infilling within villages', however the proposal is not located within a village. The application site is located to the south of the village settlement of Thornton where the built up continuous frontage of properties located on Tarn Road define the urban edge. This proposal would not amount to infilling given its detachment and siting within the open countryside.

- 9.5 The determinative question is whether the proposal would fall within a village. The NPPF does not define or qualify 'village' for the purposes of applying Green Belt policy or guidance. As highlighted above the site falls outside the settlement boundary of Thornton and whilst the settlement boundary is not a significant distance away from the site it is interspersed with tangible areas and expansive open countryside to the north and west which serve to physically detach it from the village. Therefore, taking the above considerations together the proposal would not amount to 'limited infilling' within a village within the meaning of criterion e) of Paragraph 154 of the NPPF and would also conflict with Policy SP3 of the Local Plan. Consequently, the proposal would constitute inappropriate development within the Green Belt.
- 9.6 There is no substantial public benefit from the scheme for one dwelling to outweigh the harm caused by allowing this inappropriate development within the Green Belt. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. No other material considerations have been identified that would outweigh the harm caused by a new building on previously undeveloped land in the Green Belt. As such, the proposal would fail to comply with Policies SP1 and SP3 of the Wyre Local Plan, along with Section 13 of the NPPF.
- 9.7 Policy SP2 requires development to be sustainable and contribute to the continuation of sustainable communities in terms of its location and accessibility. In this instance it is acknowledged that the site is relatively close to local amenities and public transport networks. However, whilst the proposal is not considered to be in conflict with this policy, limited weight is afforded to the sites accessibility and sustainability in the overall planning balance when assessed and considered against the identified conflict with Policies SP1 and SP3 of the Local Plan.
- 9.8 Overall it is considered that, due to the location of the site, outside of a settlement and within the Green Belt, the development of a new dwelling is unacceptable in principle. It is considered that the proposed development would fail to comply with Policies SP1 and SP3 of the WLP31 along with the provisions of the NPPF and as such is not considered an acceptable location or land use for the proposal.

9.9 Other matters that are relevant to location and use are as follows:

Impacts upon residential amenity

- 9.10 The indicative site plan shows the dwelling being set back on the plot with a detached garage to the front of the property and a large rear garden area. It is not considered that there would likely be concerns with the layout proposed, following the building line of the adjacent properties and providing a significant separation distance between the properties. There are no properties to the rear or front of the site to be impacted. Any scheme would need to satisfy the Council's SPG 4: Spacing Guidance for New Housing Layouts in terms of design and layout requirements to ensure no unacceptable impact on neighbouring residential amenity.

Access and Highway

- 9.11 Access to the site could be achieved from Links Gate. Lancashire County Highways has raised no objection to the proposal and have stated the development would not have a significant impact on highway safety, capacity or amenity. They did confirm that the development would have direct access along definitive footpath FP020411 and the stopping up, closure, obstruction or diversion of this Public Right of Way would require the appropriate order to be applied for. This was mirrored in the response from the LCC Public Rights of Way Officer, who also state that they have no record of any public vehicular rights along Links Gate. In the absence of any objection from the Highways Authority, it is considered that the access is acceptable. In terms of parking, it would appear that sufficient space for the dwelling could be provided off the highway in accordance with policy CDMP6 and Appendix B of the Local Plan.

Ecology

- 9.12 Given the location, the development has potential to have effects on the Morecambe Bay and Duddon Estuary Special Protection Area, the Morecambe Bay Ramsar Site and the Wyre Estuary Site of Special Scientific Interest (SSSI). Therefore, Policy CDMP4 is relevant. There are also several ponds in close proximity to the site which could host protected species, most likely Great Crested Newts. GMEU have been consulted on the application however no observations have been received at the time of compiling this report. The NPPG states 'the granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Therefore, it is considered that this matter can be addressed at the technical details stage, with the provision of an ecological assessment to assess the potential ecological impacts.

Trees

- 9.13 It appears that the proposal would result in the loss of a large tree which is located where the new dwelling is sited. Therefore, following comments from the Councils Tree Officer, any submission of technical details must include a full tree survey, including an Arboricultural Implication Assessment and Tree Protection Plan. No further issues are raised at this stage.

Flood Risk and Drainage

- 9.14 The site is located within Flood Zone 1, the area with lowest probability of flooding on the Environment Agency Flood Maps. As such, there is no requirement for the applicant to demonstrate that they have passed the Sequential/Exceptions Test. Due to the size of the site, a Flood Risk Assessment is not required. As such, it can be concluded that the location of the dwelling is acceptable in terms of flooding. With respect to surface water and foul drainage, no specific details have been provided at this stage and no response has been received from the Councils Drainage Engineer at the time of compiling this report. However, there is likely to be a technical solution which could be considered at the second stage. The Lancashire County Council Rights of Way Team stated that any changes in ground levels and drainage should ensure that surface water is not channelled towards or onto the Public Right of Way. No issues are raised at this stage.

10.0 CONCLUSION

- 10.1 As identified in this report, the only matters that can be assessed at Permission in Principle stage are those relating to location, use and amount of development.
- 10.2 The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness, on the Green Belt purpose of safeguarding the countryside from encroachment and on the character and appearance of the area. Paragraph 153 of the NPPF indicates that substantial weight should be given to the harm to the Green Belt, and very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. This is mirrored in the context of the provisions of Policy SP3 of the WLP31.
- 10.3 In this instance and as set out within this report, the proposed development, by reason of its location outside a defined settlement boundary, would introduce residential development into a currently undeveloped area of the Green Belt which would represent an unacceptable and unnecessary encroachment, where no justification for such development exists, resulting in an important visual gap being lost. There is no substantial public benefit from the scheme to outweigh the harm caused by allowing this inappropriate development within the Green Belt.
- 10.4 As a consequence, the proposal would be contrary to Policies SP1 and SP3 of the adopted Wyre Local Plan (2011 - 2031) and to the provisions of the NPPF. As such, the location and land use would not be acceptable in principle and for this reason the application 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 Planning in Principle

Recommendation: Refuse

1. The application site is within the Green Belt where the construction of new dwellings represents an inappropriate form of development unless very special circumstances exist, or the development represents an exception allowed under Paragraph 154 of the NPPF. The development would fail to preserve the openness of the Green Belt and fails to meet any of the exceptions listed in Paragraph 154 of the NPPF. It has not been demonstrated that there are any very special circumstances to outweigh the harm to the Green Belt and the application would be contrary to Policies SP1 and SP3 of the Wyre Local Plan (2011-2031) and Paragraphs 152, 153 and 154 of the NPPF.