

Agenda Item	A5
Application Number	20/00237/OUT
Proposal	Outline application for the demolition of existing agricultural buildings, erection of 2 holiday cottages, installation of package treatment plant and associated access
Application site	Timber Yard Rabbit Lane Gressingham Lancashire
Applicant	Mr Leonard Metcalfe
Agent	David Hall
Case Officer	Ms Rebecca Halliwell
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This application has been referred to the Planning Regulatory Committee by Cllr Scothern on the grounds that the development would be a diversification as the farm was badly hit by floods during the recent storms, it would benefit the local economy and would bring back into use and improve a current derelict site. So in line with the Scheme of Delegation in the Council's Constitution, the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

- 1.1 The application site relates to a former sawmill and timber yard located on the eastern side of Rabbit Lane, circa. 400m from the edge of the village of Gressingham. The site is in the ownership of Fleets Farm. Fleets Farm main farmyard and buildings are located on Fleet Lane / Eskrigge Lane, approximately 350m south west of the village of Gressingham, circa 850m south west of the application site. The site is located on land within the defined Countryside Area.
- 1.2 The site is partially overgrown with two substantial timber and corrugated metal buildings which are in disrepair. A number of smaller structures are also present within the site. The site is accessed via an existing access off Rabbit Lane, which currently serves several existing dwellings on the periphery of the village.
- 1.3 The boundaries surrounding the application site comprise of a mix of mature trees and hedging with a traditional field head on the eastern boundary. There is a small wood immediately to the south of the site, while the remainder of the site is surrounding by open agricultural fields

2.0 Proposal

- 2.1 Outline planning permission is sought for the demolition of existing agricultural buildings, erection of 2 holiday cottages, installation of package treatment plant and associated access. This application seeks to determine whether the principle of the development is acceptable, all matters are reserved except access. Should outline planning permission be granted, a future reserved matters application will deal with the appearance of the dwellings, landscaping, the layout and the scale of the development.
- 2.2 The submitted site plan indicated that the development will comprise of a semi-detached property split into 2 holiday cottages, it will be sited on part of the existing buildings footprint. The septic tank will be sited in the south eastern corner of the application site. The access will comprise of two car park gravel areas / turning areas to the west and south of the proposed cottages. The existing access requires modest improvement to provide radius kerbs

3.0 Site History

- 3.1 There is no formal planning history for this site, however, a pre-application query was received last year:

Application Number	Proposal	Decision
19/00565/PRETWO	Redevelopment of former sawmill/wood yard to 2no. holiday lets	Advice Issued

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Highways	No objection, however for reasons of highway safety have requested the inclusion of a number of conditions relating to the creation of a pedestrian access, and the proposed works to the vehicular access.
Environmental Health – Contamination	No objection subject to the appropriate sampling and site investigations taking place and the attachment of standard contaminated land condition.
Fire Safety	No comments received during the statutory consultation period.
United Utilities	No objection subject to conditions in relation to foul and surface water drainage.
Parish Council	No objection.

- 4.2 No letters or representation have been received from the public regarding this application.

5.0 Analysis

- 5.1 The key considerations in the assessment of this application are:

Principle of the development (Development Management DPD Policies DM14 (Proposals Involving Employment Land & Premises), DM23 (Visitor Accommodation), DM47 (Economic Development in Rural Areas), DM48 (Diversification of the Rural Economy), and DM49 (The Re-Use and Conversion of Rural Buildings) and NPPF Section 2: Achieving sustainable development, Section 6: Building a strong, competitive economy and Section 11: Making effective use of land)

Design / Visual Impact (Development Management DPD Policy DM29 (Key Design Principles) and DM46 (Development and Landscape Impact) and NPPF Section 12: Achieving well-designed places)

Residential Amenity (Development Management DPD Policy DM29 (Key Design Principles) and NPPF Section 12: Achieving well-designed places)

Highways (Development Management DPD Policies DM60 (Enhancing Accessibility and Transport Linkages) and DM62 (Vehicle Parking Provision) and NPPF Section 9: Promoting Sustainable Transport)

Biodiversity (Development Management DPD Policy DM45 (Protection of Trees, Hedgerows and Woodland) and Policy DM44 (The Protection and Enhancement of Biodiversity and NPPF Section 15: Conserving and enhancing the natural environment)

Drainage Development Management DPD Policy DM34 (Surface Water Run-Off and Sustainable Drainage); and DM36 (Protecting Water Resources and Infrastructure).

5.2 Principle of the development

5.2.1 Local policies seek to direct visitor accommodation to locations which can be considered accessible. New development should be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM60 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport.

5.2.2 Policy DM47 states that development proposals for economic development within rural areas which maintain and enhance rural vitality and character will be supported where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits. This includes economic development which is an appropriate scale and nature and assists in the diversification of the rural economy, including the diversification of agricultural holdings. This is reiterated in Policy DM49 which relates to farm diversification proposal, and very much focuses on supporting the re-use of existing buildings to supplement farm income. Any proposal for farm diversification should first look at the existing buildings and brownfield sites for opportunity to create additional revenue streams.

5.2.3 The submission includes some information in relation to a justification for the proposal on the grounds of farm diversification. A planning history search of Fleets Farm identified that the farm holding has already diversified into equine related activities as part of planning application 13/00566/CU which gained consent for the change of use of the agricultural building into equine livery stables, retention of existing menage and associated floodlighting and car parking.

5.2.4 A Financial Appraisal has been submitted in support of this application which includes details of the farm and livery operating costs and profit levels for the last two financial years. It is clear from this information that the farm operations will remain the dominant business activity for Fleets Farm but the existing livery business and the proposed holiday cottages can play an essential role in ensuring the future viability of the farm. The Council believe that insufficient justification has been provided to support the need for a further farm diversification proposal. The flooding of the farm along with the current economic climate are not adequate reasoning given they are all circumstantial to the applicant.

5.2.5 Policy DM47 goes on to further state that a preference for development should be given to the re-use of Previously Developed Land (PDL) and the conversion and re-use of existing rural buildings, in accordance Policy DM49. Given the poor state of the buildings present within the site this application seeks consent for their demolition and the erection of a new building to accommodate the two holiday cottages. The submitted planning statement concludes that the land is considered as previously development land, no longer required for agricultural purposes.

5.2.6 As the structure cannot be re-used or converted, it is necessary to demonstrate no other suitable locations within the nearby settlement exist for the proposed development along with a robust demonstration that the benefits of the proposal outweigh the impacts, including the generation of significant economic benefits. Paragraph 6-3.9 of the Planning Statement states that 'Agriculture will remain the primary use of the business as the financial appraisal makes clear. The existing buildings while in poor condition have been on site for many years and are of permanent and substantial construction and no longer required for agricultural use. The proposed replacement building is of similar scale and this can be conditioned accordingly. The site is previously developed, it is within the

farm holding and the reasons for this choice of site are well documented in the report. It is a modest proposal for two holiday cottages appropriate to the site and area which will not generate significant traffic movements on what is a quiet rural lane.'

- 5.2.7 It is acknowledged that the site itself has been previously developed for the purposes of agriculture / forestry. It is not considered to be Previously Developed Land (PDL) by virtue of the NPPF definition which does not include land previously developed for agriculture or forestry purposes. It is not considered that the application demonstrates that the proposal satisfies the requirements of DM47. No evidence has been provided to demonstrate that a satisfactory robust exercise has taken place over alternative locations within the surrounding area. The planning statement confirms that this is the choice of site due to it being within the farm holding. However, this does not justify sufficient reasoning. The rural economy is a valuable asset to the district, creating jobs for local residents, encouraging visitors and generating investment in the district's economy as a whole. The creation of two holiday cottages will not create jobs for local residents, however it will attract visitors to the area. However, the economic benefit of the proposal does not outweigh the cumulative harm of the proposal in terms of visual impact and the unsustainable location.
- 5.2.8 In terms of sustainability, the site is located within a rural location, remote from attractions and settlements/local facilities. The site is located 400m from the edge of Gressingham Village. There are two bus services which run between Gressingham and Lancaster the 81A and the 582 which run every 2 hours (the nearest residential stop is circa 515m south west of the application site along a road with the national speed limit but no pavement or lighting). Whilst the proposal is small scale in scale it is not in an accessible location close to existing tourism and leisure attractions as required by local planning policy.
- 5.2.9 In relation to holiday accommodation in the form of holiday cottages Policy DM23 sets out that proposals for other visitor accommodation (not hotels), including bed & breakfast and self-catering accommodation (excluding caravan sites, camping pods, log cabins and chalets which are addressed under Policy DM52 of this DPD) will be acceptable where the proposal:
- I. Is on a site within the existing built-up area of Lancaster, Morecambe, Heysham, Carnforth or sustainable settlement that provides a sufficient level of basic service provision, preferably on previously developed land; or
 - II. Is on a site that has a specific land allocation or an identified direction of mixed growth set out elsewhere in the Local Plan; or
 - III. Provides accommodation of an appropriate nature and scale to meet the needs of an existing visitor facility or attraction and is located adjacent to the facility or attraction; or
 - IV. Involves the conversion or re-use of a suitable existing rural building(s) and the proposal complies with other relevant policies within this document, particularly the criteria set out in Policy DM49.
- 5.2.10 The proposed development would be located on land previously developed for agriculture / forestry. However, it is not considered brownfield (PDL) land in accordance with the NPPF definition which does not include developed land for agriculture or forestry. It would however, not be located within a sustainable settlement. It is however, located 400m from the village of Gressingham, whereby the occupants of the cottages could access the facilities in Gressingham by car in less than 5 minutes. In the opinion of officer's the development cannot comply with criteria i.
- 5.2.11 The application site is not on a site that has a specified land allocation or an identified direction of mixed growth. Nor would it be sited adjacent to a facility or attraction to meet the needs of the existing facility, therefore fails to comply with criteria ii and iii.
- 5.2.12 As mentioned above the existing buildings present on site are not capable of being re-used or re-developed and these will be demolished. The site is also considered to be in an unsustainable location which fails to meet the requirements of DM49 and fails to comply with criteria iv.
- 5.2.13 It is, therefore, considered that the principle of the form of development is not acceptable and fails to accord with Policies DM23, DM47, DM48 and DM49. Further consideration of other issues are noted below.

5.3 Design / Visual Impact

- 5.3.1 This outline application only seeks consent for access with the matters of appearance, layout, landscaping and scale for later consideration. However, due to the sensitive nature of the site this will be considered below.
- 5.3.2 National policy requires development to be of good design and contribute positively to making places better for people, requiring development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Planning permission should be refused for poor design that fails to take opportunities for improving the quality and character of an area. This is reiterated in Policy DM29 of the DM DPD which echoes the above whilst stating that that design should have regard to local distinctiveness, have appropriate siting, layout, materials, orientation and scale.
- 5.3.3 The proposed cottages will be sited on the footprint of the existing buildings albeit with a large floor area. The existing floor area is approximately 145 square metres, the replacement buildings 154 square metres. The proposed development would result in the introduction of a building that could appear incongruent and impact openness through design, materials and use to a greater degree than larger congruent agricultural buildings, particularly when this involves a change of use from those excluded from being brownfield land into 'developed land'.
- 5.3.4 Any development at the site would need to be able to demonstrate that it was of a scale appropriate to its location and in keeping with the existing on site and surrounding landscape character. For this particular site it is clear that there has been a form of structure in-situ for many years and that it has been well screened at certain times of the year from the surrounding farmland by substantial tree cover and shrubs. As mentioned above, the arboricultural impact assessment confirms that a number of trees and hedge will be removed from the north / eastern boundaries, this would have offered a level of screening. Therefore, to reduce the visual impact of the proposal boundary treatments and landscaping could be conditioned to ensure that the site is appropriately enclosed in order to prevent significant adverse impacts from domestic paraphernalia.
- 5.3.5 Policy DM46 sets out that development on sites outside of the protected and designated landscapes will be supported where the proposal is in-keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design and external appearance.
- 5.3.6 The application site is distinctly rural in character and appearance. The sites visual relationship with the surrounding countryside is considered to be further emphasised by the open fields to the north and east of the site. The north and eastern boundaries are enclosed by trees and hedges, this is to be removed to facilitate the erection of the holiday cottages. The site is abutted to the south by a small woodland, this creates a strong divide between the village of Gressingham and the application site.
- 5.3.7 Whilst the site is screened by existing trees and hedges, there are several large gaps which provide access and views over the open fields. Therefore, while the vegetation does provide a degree of enclosure, they do not create a strong physical or visual separation from the adjacent farmland.
- 5.3.8 Given the proposed nature of the development and its detachment from the existing built form of the village of Gressingham it is considered that the introduction of 2 holiday cottages would result in the encroachment of residential development into the open countryside. Taking into consideration, the loss of the agricultural buildings, the erection of holiday accommodation and the urbanisation of the application site it is considered the cumulative impact the development would have would be of detriment to the character and appearance of the defined open countryside by virtue of the encroachment of residential development into the countryside, including car parking, gardens and domestic paraphernalia into the open countryside which would fail to improve the character and quality of the area and would further erode the landscape character of the area.
- 5.3.9 The site does not therefore represent an appropriate location for holiday cottages having regard to the development plan and the character and appearance of the area. It would conflict with policies DM29, DM23 and DM46 of the DM DPD which, amongst other things, set out the hierarchy for development and seek to protect, conserve and enhance the landscape. Furthermore, it would conflict with paragraph 170 of the National Planning Policy Framework which requires development to contribute

to and enhance the natural environment including by recognising the intrinsic character and beauty of the countryside.

5.3.10 On this basis, not only is it considered that the proposed development would result in an unacceptable urbanising impact of the open countryside, but the principle of the holiday cottages is also inappropriate. Therefore, the harm in which this development will result into the landscape is not justified, the application cannot therefore be supported in terms of its landscape impact.

5.4 Residential Amenity

5.4.1 The nearest residential dwelling would be sited approximately 160m south west of the application site separated by a small woodland. The separation distance, orientation and surrounding landscape will ensure that no harmful impact would occur in regards to residential amenity on the occupiers of the holiday cottages and the nearby residential dwellings.

5.5 Highways

5.5.1 The site already benefits from a gated access point off Rabbit Lane currently used occasionally by agricultural vehicles. The access improvements are modest and will include the provision of radius kerbs to keep the access as informal as possible to reduce the visual impact of the development. The presence of the layby adjacent to the site entrance ensures that there is adequate visibility for vehicles exiting the site without having to undertake major engineering works to the entrance. The proposed car parking spaces have been split into two separate areas to minimise the impact on the existing trees and to overcome concerns expressed in the pre-app submission that a larger car park "urbanises" the site. However, it is considered that the splitting of the 2 car park areas does not overcome the urbanisation impact of the site as the development still appears domesticated and includes the creation of a large expanse of parking.

5.5.2 The development has been assessed by the County Highways Officer who has confirmed that the proposed development will have only a moderate impact on vehicle movement through the area. Therefore, they offer no objection to the scheme subject to the attachment of a number of planning conditions should consent be granted by councillors.

5.6 Biodiversity

5.6.1 The existing site has a mature landscape due to being vacant and left to overgrow. An independent ecological consultant has undertaken ecological surveys, site appraisals and impact assessments at the site. Bats, nesting birds, otters and brown hares are known to occur in the local area but the report concludes that there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by the site's development providing the recommended mitigation is undertaken.

5.6.2 The vegetation to be cleared has been identified of being of low ecological significance. The report goes on to further state that the protection of trees on the site boundary and additional landscaping (as proposed as part of the AIA recommendations) will promote structural diversity in both the canopy and at ground level and will encourage a wider variety of wildlife to use the site than presently occurs. The development is considered acceptable subject to the mitigation measures being required by condition to be carried out in accordance with the Arboricultural Implications Assessment.

5.6.4 The proposal also includes additional new planting. At this stage the detail of the proposed planting has not been provided other than the location, this can be dealt with at Reserved Matter stage if councillors where minded to support the application.

5.7 Drainage

5.7.1 No drainage scheme has been submitted as part of this application, but rather a utilities statement, however foul and surface water drainage are discussed below.

5.7.2 Foul Drainage

5.7.3 The foul sewage will be directed to a shared treatment plant which permission is sought for as part of this application. The treatment plant will be sited in the south eastern corner of the site, no details of the equipment has been submitted in support of this application. A detailed ground condition investigation will be undertaken as part of the reserved matters application to ensure that the proposed location is the most sustainable.

5.7.4 National Planning Policy Guidance on "*Water supply, waste water and water quality*" sets out the requirements where connection to a public sewer is not feasible in paragraph 020 (Ref ID: 34-020-20140306). This requires that a package sewage treatment plant (PSTP) is considered in the first instance and that any final discharge should meet EA standards. Septic tanks can only be considered where a PSTP is not feasible.

5.7.5 Given the proposed size of the holiday cottages and the provision of a new package treatment plant it is considered that this would be acceptable. However, there is some concern that no detailed ground investigation report has been submitted, and furthermore the location of the package treatment plant is proposed within the root protection area of a common oak tree (T7), which has at least 20 years lifespan remaining. Given this is an outline planning application these matters could be addressed via the reserved matters route.

5.7.1 Surface Water Drainage

5.7.2 In the Utilities Statement it explains that surface water drainage would be directed to a soakaway in the landscaped area to the northern end of the plot. A detailed investigation into ground conditions would be undertaken as part of the reserved matters application to ensure this is the most ideal location within the site. Whilst the applicant has stated that drainage will be handled by soakaway there is nothing before officers to suggest that this is practical, and feasible given the ground conditions may not be suitable to allow soakaways to be used. The applicants contaminated land desk study suggests that the site is located on glacial clay deposits with siltstone below this. In the absence of any ground investigation works the LPA need to be convinced that the site can drain. There is insufficient information supplied with the application to demonstrate the site can be drained of surface water and therefore fails to comply with Policy DM34 of the Development Management DPD.

6.0 Conclusion and Planning Balance

6.1 The site is located within the defined open countryside area, divorced from services resulting in reliance upon a private car and as such is not considered to be sustainable in terms of its location. Whilst policy encourages the use of previously developed land and the provision of visitor accommodation, development should ensure no adverse impacts on the character or appearance of the surrounding area. It is considered that there are no special circumstances, in this instance, to justify the erection of 2 holiday cottages in such an unsustainable location. The flooding of the main farmstead is circumstantial (and detached from this application site) and cannot be considered as a sufficient reason to justify the detachment of the application site from the main farmstead or for its impact upon the open countryside.

6.2 The development would result in an incongruous form of development which would fail to reflect the rural character or nature of the surrounding area. By reason of the site's open and distinctly rural character and appearance, which is considered to relate more in a visual sense to the surrounding countryside as opposed to the built-up area of Gressingham, the proposed development would result in the encroachment of residential development into the open countryside which would fail to improve, but rather erode the character and quality of the area and harm its intrinsic character and beauty. There has also been a lack of information supplied concerning how surface water will be managed on the site, and therefore councillors are recommended to refuse this application.

Recommendation

That Outline Planning Consent BE REFUSED for the following reasons:

1. The site is located within the open countryside, separated from key services and facilities and as such is considered to be unsustainable in terms of its location with occupants reliant on the private car. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 5, and Policies DM1 and DM60 of the Development Management Development Plan Document.
2. It has not been demonstrated that the development would enhance or maintain the vitality of the local community, or help sustain services in nearby settlements, and there has been no exceptional justification provided to support the creation of 2 holiday cottages in an unsustainable location. As a consequence, the proposal fails to accord with Development Management Development Plan Document Policies DM1, DM23, DM47, DM48, DM49 and DM60 and National Planning Policy Framework Sections 2, 5 and 9.
3. The proposal would harm the visual amenity of the area, and result in urbanisation in the landscape, through the introduction of a built form of development that would appear as an overly conspicuous and discordant feature, that would visually intrude within, and cause harm to the surrounding tranquil landscape. The proposal is therefore found to be contrary to the aims and objectives of Section 15 of the National Planning Policy Framework and Policy DM46 of the Development Management DPD.
4. Insufficient information has been provided to show how the site would manage surface water associated with the development, and therefore could lead to flooding both on, and off the site. On this basis, the proposal is considered to contradict Section 14 of the National Planning Policy Framework and Policies DM34 and DM36 of the Development Management Development Plan Document.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the notice. The applicant is encouraged to liaise with the case officer in an attempt to resolve the reasons for refusal.

Background Papers