



FYLDE BOROUGH COUNCIL

Meeting Agenda

**Development Control
Committee
Council Offices, Wesham
3 August 2005, 9.30a.m.**

Membership

Development Control Committee

CHAIRMAN - Harold Butler
VICE-CHAIRMAN - Barbara Pagett

Councillors	John Bennett	Councillors	Howard Henshaw (A.D.K MALAYSIA)
	George Caldwell		Ray Norsworthy
	Maxine Chew		Linda Nulty
	Kevin Eastham		Albert Pounder
	Dr. Trevor Fiddler		Heather Speak
	Richard Fulford-Brown		William Thompson
	Peter Hardy		Colin Walton

Contact: Lyndsey Lacey, St. Annes (01253) 658504, Email: lyndseyl@fylde.gov.uk



CORPORATE OBJECTIVES

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

CORE VALUES

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	3
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the minutes of the Development Control Committee meeting held on 13 July 2005 (previously circulated).</i>	3
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	3
4. SUMMARY OF THE RECENT APPEAL DECISION WINBOURNE SPORTING ARENA, BAMBERS LANE	5
5. 16 CARR DRIVE, WESHAM – AMENDMENT TO PLANNING PERMISSION	11
6. SUMMARY OF PERFORMANCE FOR FIRST QUARTER OF 2005/2006	14
7. DEVELOPMENT CONTROL MATTERS	AS NUMBERED

REPORT



REPORT OF	MEETING	DATE	ITEM NO
BUILT ENVIRONMENT	DEVELOPMENT CONTROL COMMITTEE	3 AUG 2005	4

SUMMARY OF THE RECENT APPEAL DECISION- WIMBOURNE SPORTING ARENA, BAMBERS LANE

Public/Exempt item

This item is for consideration in the public part of the meeting.

Summary

The appeal was dismissed due to the impact on the character of the Countryside and due to an increase in the nature and level of activity taking place at the site.

Recommendation/s

Members are requested to note the contents of the report.

Executive brief

The item falls within the following executive brief:

Cllr A Jealous - Environment

Report

Site Address: Wimbourne Sporting Arena, Bambers Lane, Marton.

Development: Change of use of land and buildings to skating arena, football pitch, touring caravan area, picnic area, holiday accommodation and BMX Track.

Appellant: Mr P Houghton

Officer Recommendation: Refuse (under delegated powers)

Continued....

Date of Decision: 20th July 2004
Summary of Decision: Appeal Dismissed
Heard By: Written Representations
Date of Appeal Decision: 4th July 2005

1. The appeal site lies between Bambers Lane and Cropper Road in open countryside on the edge of Blackpool. Whilst the site is what could be described as an “urban fringe” location, it still retains a rural feel to it. There are a number of buildings on the site used for stables, a large indoor arena now used for skateboarding and BMX use and other uses such as restaurant/café and former holiday units and a covered sand paddock.
2. The application was made as a change of use not involving building works. The inspector dealt with the different aspects of the proposal in separate paragraphs of her report and that is how this is reported to Members.
3. In regard to the proposed touring caravan site, this would have accommodated 25no caravans. However, the application contained no information as to how such a site would be managed, or about the adequacy of existing touring caravan site provision in the area catering for this type of use. The Inspector commented that in the absence of such information, it would seem that the caravan site could be in regular use throughout the year. Whilst occupying only a small area of the site as a whole, the Inspector concluded that the caravan site aspect would be a much more noticeable feature within the landscape than the current overflow car park. The touring caravans would appear as a significant visual intrusion into the open countryside. This part of the proposal would be contrary to Policy TREC 7 of the Local Plan.
4. In regard to the holiday accommodation, the Inspector commented that no information had been submitted as to the number of, or size of the units to be formed. No information had been submitted as to whether the purpose built stables are/were structurally capable of conversion or how this could be achieved without major alteration as required by policy SP 5 of the local plan. The Inspector did not agree with the appellant that it would be reasonable to deal with these issues by condition.
5. The football pitch, BMX Track and picnic area are the sort of activities that PPG 17 “Planning for Open Space, Sport and Recreation” advises should be encouraged in the countryside around towns. The Inspector also noted that the PPG suggests that details of layout, landscaping and construction could be controlled by condition. Nevertheless, the Inspector felt that the activities when considered together, amounted to a significant increase in outdoor activities on the site and without further information about the likely extent of their use, she would find it difficult to assess the impact on other environmental interests or the quiet enjoyment of other recreational users of the countryside as required by policy TREC 10 of the local plan.
6. The Inspector considered the appellants view that the proposal should be considered as a major leisure proposal and be considered against policy TREC 5 of the local plan. The Inspector noted in this regard, that this policy also seeks to protect the character and amenity of the countryside and commented that no evidence of need for the overall scheme, consideration of sequentially preferable sites or an indication of the likely benefits to the rural economy had been submitted as sought by the policy, to weigh against the possible environmental affects.

7. The Inspector noted that the development, with the exception of the caravan site, is supported in principle by the draft development brief for the appeal site prepared by the council in 2002. This is in line with advice given in PPS 7, to make the most of new leisure and recreational facilities in rural area.
8. In conclusion, the Inspector considered the proposal to have a materially detrimental affect on the quality and character of the surrounding rural area contrary to the objectives of both the development plan and national planning policy guidance. The scheme would as a whole, amount to a substantial change in the nature and level of activity taking place at the site. Given the location of the site, the Inspector also felt that users would be likely to travel there by car which is by way of an unlit road with no pavements and expressed concerns in this regard also.
9. The appeal was therefore, dismissed.

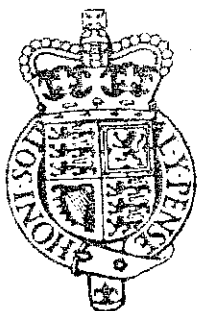
IMPLICATIONS	
Finance	None
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	None

REPORT AUTHOR	TEL	DATE	DOC ID
David Shepherd	(01253) 658453	7 July 2005	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Planning application file		St Annes Town Hall, St Annes, FY8 1LW

Attached documents

Inspectors Decision Letter



Appeal Decision

Site visit made on 9 June 2005

by **Karen McCabe** BA(Hons) MTP DMS MRTPI

an Inspector appointed by the First Secretary of State

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4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

04 JUL 2005

Appeal Ref: APP/M2325/A/04/1165337

Wimbourne Sporting Arena, Bambers Lane, Marton FY4 5LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Houghton against the decision of Fylde Borough Council.
- The application Ref 04/0368, dated 6 April 2004, was refused by notice dated 20 July 2004.
- The development proposed is change of use of land and buildings to skating arena, football pitch, touring caravan area, picnic area, holiday accommodation and BMX track.

Formal Decision

1. I dismiss the appeal.

Reasons for Decision

2. The appeal site lies between Bambers Lane and Cropper Road in open countryside on the edge of Blackpool. Although an urban fringe location where the noise of traffic and the presence of industrial development are apparent to a degree, I consider that the surrounding landscape of fields, trees and hedgerows with scattered buildings largely retains its pleasant rural character. That part of the site adjoining Bambers Lane contains a number of buildings, including stables and a large indoor arena, originally developed for equine related activities. The arena is now used for skateboarding and the Council accepts that planning permission is not required for this aspect of the development. However, the Appellant is also seeking to convert the stables to holiday accommodation and to use the open part of the site to the rear of the arena for a touring caravan area, picnic area, football field and BMX track. It seems reasonable to me to consider these various elements of the appeal scheme against the relevant policies of the statutory development plan. This includes the Fylde Borough Local Plan 1996-2006 adopted in May 2003.
3. Turning first to the proposed touring caravan area, this would accommodate around 25 units. The Appellant states that it would be ancillary to the other recreational uses on site, being used by those attending the sporting complex. However, no information has been provided as to how such use would be managed, nor has anything been put before me as to the adequacy of existing touring caravan site provision in the area in catering for this need. In the absence of such evidence it seems to me possible that the caravan area could be in regular use throughout the year.
4. Despite occupying a relatively small part of the total site, I consider that the scale and position would be such as to create a much more noticeable feature within the landscape

than the current use as an overflow car park. Given the nature of the adjoining proposed uses, viewed next to the existing prominent indoor arena building the touring caravan area would appear as a significant visual extension encroaching into an area that would otherwise seem part of the open countryside. Notwithstanding the existing trees and hedges, I believe that it would be visible from nearby roads and the public footpath through the site as an intrusive feature within an otherwise predominantly rural landscape.

5. From my observations I consider that the existing earth mounds on two sides of the proposed caravan area would provide only limited screening. I acknowledge that these could be moved or re-profiled, and additional hedges and trees provided as suggested by the Appellant. While such landscaping could be secured by condition, it seems to me that it would take time to establish, and, given the openness of the landscape, would be unlikely to fully screen the caravan area. I consider therefore that this element of the scheme would have a prejudicial effect on the visual amenity of the countryside, contrary to Local Plan policy TREC7.
6. As regards the proposed holiday accommodation, no information has been submitted as to the number or size of units to be formed, whether these purpose built stables are structurally capable of conversion or how this could be achieved without major alteration, as required by Local Plan policy SP5. These seem to me to be fundamental aspects of the development that go to the heart of whether or not this element would have a detrimental impact on the character and appearance of its surroundings. I do not therefore agree that it would be reasonable to deal with them by condition as suggested by the Appellant.
7. I accept that the football pitch, BMX track and picnic area are the sort of outdoor recreational facilities that *Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation* advises should be encouraged in the countryside around towns, and that details of layout, landscaping and construction could be controlled by condition. Nevertheless, taken together I consider that they amount to a significant increase in the outdoor activities on the appeal site. Without information about the likely extent of their use, I find it difficult to assess the impact on other environmental interests or the quiet enjoyment of other recreational users of the countryside as required by Local Plan policy TREC10.
8. The Appellant suggests that taken as a whole, the proposal could be regarded as a major leisure proposal and assessed against Local Plan policy TREC5. However, I note that this policy also seeks to protect the character and amenity of the countryside. Moreover, no evidence of the need for the overall scheme, consideration of sequentially preferable locations or an indication of the likely benefits to the rural economy has been submitted as sought by this policy to weigh against the possible environmental effects.
9. I acknowledge that, with the exception of touring caravans, the proposed mix of uses is supported in principle by the draft development brief for the appeal site prepared by the Council in 2002. This is in line with the advice in *Planning Policy Statement 7: Sustainable Development in Rural Areas* to seek to make the most of new leisure and recreational opportunities in the countryside. Nevertheless, I am required to consider the likely impact of the particular scheme submitted. On the basis of the information provided I conclude that it would be materially detrimental to the quality and character of the surrounding rural area contrary to the objectives of both the development plan and national planning policy guidance.

10. Furthermore, the scheme as a whole would amount to a substantial change in the nature and level of activity taking place at this site. Given its location, I consider that users would be likely to travel by car to access the site from Cropper Road, which I saw is a narrow, unlit road without any footway. I therefore share the concerns of the Highway Authority that insufficient information has been provided about the likely level and type of vehicular activity that would be generated to assess the adequacy of the proposed access and parking arrangements as required by the relevant Local Plan policies.
11. The Environment Agency has commented that the appeal site is within an area with 1% risk of flooding on the indicative floodplain maps. I note that *Planning Policy Guidance Note 25: Development and Flood Risk* advises that new residential and caravan uses are not generally acceptable where such areas are currently sparsely developed. In the absence of any flood risk assessment this adds to my concerns about the harm to the environment that could be caused by this proposal.

Karen McCabe

INSPECTOR

REPORT



REPORT OF	MEETING	DATE	ITEM NO
UNIT BUSINESS MANAGER - BUILT ENVIRONMENT	DEVELOPMENT CONTROL COMMITTEE	3 AUGUST 2005	5

16 CARR DRIVE, WESHAM - AMENDMENT TO PLANNING PERMISSION

Public/Exempt item

This item is for consideration in the public part of the meeting.

Summary

The officer recommends that Committee agree the proposed amendment is accepted as a working amendment to planning permission 04/0301 for two storey side extension and single storey rear extensions

Recommendation

1. As the relocation of the approved door from the side elevation of part of the approved domestic extension to the rear elevation neither harms the amenities of occupiers of adjacent dwellings nor the visual amenity of the immediate area, the amendment does not represent a significant alteration to the approved scheme and is acceptable. Therefore, Members are recommended to accept the amendment as a working amendment to planning permission 04/0301.

Executive brief

The item falls within the following executive brief[s]:

Report

1. A planning application was received in April 2004 and the case officer used the submitted location plan and the file copy Ordnance Survey extract to identify the nearby residents who should be notified of the application. Owing to an administrative error, the relevant addresses were incorrectly identified and three of the letters were addressed and sent incorrectly with the result that the three dwellings that share part of the rear boundary of 16 Carr Drive were not sent notification letters. The type of application did not warrant the display of a site notice. The three sets of neighbours at the rear first became aware of the application when building works started in June 2005.
2. A verbal complaint has been received from the occupier of the dwelling at the rear closest to the extension. The case officer revisited the impact of the development on the amenities of the neighbours at the rear and decided that the same decision would have been made if the neighbours had been aware of the application and had submitted an objection.
3. Further to an explanatory letter to the complainant from the case officer, she has indicated that she is not satisfied with that response. The Development Control Manager has therefore requested that she put her observations in relation to the approved development in writing for consideration of the Planning issues raised. To date such a letter has not been received.
4. The Unit Business Manager has briefed officers on the circumstances surrounding the error and a new procedure is being put in place that ensures a check is made by a different staff member to ensure that the correct and appropriate consultation is carried out.
5. The case officer visited the site June 2005 and saw that the approved door on the side of the approved utility room has been relocated to the rear elevation of that room and therefore the development is not being carried out in strict accordance with the planning permission as required by condition 1 of the planning permission.
6. The applicants have submitted amended plans indicating this change requesting it be treated as a working amendment to the planning permission. The amendment has an insignificant impact and is clearly acceptable as a working amendment.

Continued...

IMPLICATIONS	
Finance	NONE
Legal	NONE
Community Safety	NONE
Human Rights and Equalities	NONE
Sustainability	NONE
Health & Safety and Risk Management	NONE

REPORT AUTHOR	TEL	DATE	DOC ID
Catherine Kitching	(01253) 658429	19 July 2005	CK/16 carr drive

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Planning application file: 04/301: two storey side extension and single storey rear extensions		Town Hall – DC office

Attached documents

Proposed amendment floor plan and elevation drawings

REPORT



REPORT OF	MEETING	DATE	ITEM NO
BUILT ENVIRONMENT	DEVELOPMENT CONTROL COMMITTEE	3 AUGUST 2005	6

SUMMARY OF PERFORMANCE FOR FIRST QUARTER OF 2005/06

Public/Exempt item

This item is for consideration in the public part of the meeting.

Summary

This report summarises the performance of the development control team for the first quarter of 2005/06 when assessed against national best value performance indicators and locally set performance indicators.

Recommendation/s

1. That Members note the content of the report.

Executive brief

The item falls within the following executive briefs:

Cllr A Jelous: Environment

Cllr J Coombes: Leader and Quality Services

Report

1. Attached is a summary of performance achieved by the Development Control Team during the first quarter of 2005/06.
2. As can be seen from the summary performance for the first quarter exceeded the nationally set standards in regard to the determination of planning applications which is particularly important as these figures are used in the award of planning delivery grant.

Continued....

3. As from April 2005, a questionnaire has been sent out with each decision notice in order to gauge the quality of service offered by the section. These results are also summarised below and demonstrate that the vast majority of applicants are more than satisfied with the quality of service offered.

IMPLICATIONS	
Finance	None
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	None

REPORT AUTHOR	TEL	DATE	DOC ID
Mark Evans	(01253) 658460	July 2005	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
None		

Attached documents

Summary of performance

Summary of Performance 1st Quarter 2005/06 (April – June 2005)

National BVPI's

Indicator		Local Target (%)	National Target (%)	Performance for Quarter (%)	No of Apps In Quarter
109a	Percentage of major applications determined within 13 Weeks.	60	60	80	5
109b	Percentage of minor applications determined within 8 weeks	65	65	87.93	58
109c	Percentage of other applications determined within 8 weeks	85	80	96.5	286
204	Percentage of appeals allowed against the authority's decision to refuse.	40	None Set	93.3	8
205	Quality of service checklist	90	None Set	77.7	N/A

Local Indicators

Indicator		Local Target (%)	Performance for Quarter (%)	No of Apps In Quarter
DCI 1	Applications registered within 2 working days.	96	96.2	226
DCI 2	Initial Consultations carried out within 4 working days of receipt of application	95	91.1	175
DCI 3	Decision notices dispatched within 2 working days of decision.	95	98.2	370

Customer Satisfaction Survey Results for Quarter April – June 2005

How well informed were you kept about the progress of your application?	Satisfied or better 88.8%
--	--

Did you make any enquiries as to the progress of your application?	Yes 55.5%
---	--------------------------------

How polite would you rate the behaviour/manner of the officer you had contact with about your application?	Satisfied or better 90%
---	--

Did you engage in pre application discussion with an officer on your application?	Yes 55.5%
--	--------------------------------

If yes to the above question, do you feel this was helpful?	Yes 66.6%
--	--------------------------------

How would you rate our planning service overall?	Satisfied or better 90%
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Development Control Committee Index

03 August 2005

Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	05/0484	CHURCH VIEW FARM, MOWBRECK LANE, TREALES, NR PRESTON RE-SUBMISSION OF 04/855, PROPOSED AGRICULTURAL WORKERS DWELLING AND GARAGE	Approve Subj 106	1
2	05/0568	DALEGARTH, CHURCH ROAD, TREALES, PRESTON, PR4 3S REPLACEMENT DWELLING	Grant	24
3	05/0587	NEW HALL FARM, ROSEACRE ROAD, WHARLES, PRESTON PROPOSED EXTENSION TO AN EXISTING DOUBLE SPAN SILAGE BARN	Grant	31
4	05/0635	LAND AT JUNCTION OF A583 / FRECKLETON STREET KIRKHAM, BLACKPOOL ROAD, KIRKHAM, PRESTON RESIDENTIAL DEVELOPMENT	Grant	42

Development Control Committee Schedule

03 August 2005

Item Number: 1

Application Reference:	05/0484	Type of Application:	Full Planning Permission
Applicant:	Mr W Salisbury	Agent :	Graham Anthony Associates
Location:	CHURCH VIEW FARM, MOWBRECK LANE, TREALES, NR PRESTON		
Proposal:	RE-SUBMISSION OF 04/855, PROPOSED AGRICULTURAL WORKERS DWELLING AND GARAGE		
Parish:	Treales, Roseacre and Wharles	Area Team:	Area Team 2
Weeks on Hand:	9	Case Officer:	Mrs J Cary
Reason for Delay:	Deferral by Committee to allow further consideration of County Land Agent's comments.		

Summary of Recommended Decision: That the application be Approved Subj 106

Summary of Officer Recommendation

This application was placed before the Committee at its last meeting, but deferred at the request of the Unit Business Manager, due to the late receipt of the consultation response from the Land Agent, which had a significant bearing on the determination of the application.

There have been a number of previous applications refused on this site and one application subsequently dismissed at appeal, for the erection of a second agricultural workers dwelling. Numerous discussions have taken place between officers and the agent, since the initial appeal, with a view to securing amendments, in order to make the application acceptable, having regard to comments made in the Inspector's report. These amendments included a reduction in the size of the dwelling, a reduction in the size of the associated residential curtilage, the revised siting of the dwelling, and the revised design of the dwelling. Members may recall that this amended proposal was placed before committee with a recommendation of refusal, however, Members did not concur with Officer's views, and the application was refused. An appeal has been lodged against this decision and an earlier decision and a public inquiry is scheduled to take place in September. This application is a resubmission of one of the subject appeal applications, inviting Members to approve the application, with a view to withdrawing the current appeals, and therefore, negates the need for a further public inquiry. Given the time which has lapsed between the original outline permission for the second agricultural worker's dwelling, Officer's requested that a full assessment in relation to the justification of the said dwelling, be carried out by the Chief Land Agent of the County Council. Following the receipt of that advice, it is considered that there are now new issues to be considered with this application surrounding the functional need for a second dwelling. The Land Agent is still of the opinion that a second dwelling will be required, but he has adjusted his position from his comments on previous applications and also to his position at the last Public Inquiry. He now says that previous support was based on the appellant's expansion plans. As these plans have yet to materialise, he is now being more cautious and requiring the buildings that are needed to support the applicant's expansion to be in place prior to a new dwelling being justified.

This causes a dilemma as the reasons for refusal used previously and considered at appeal related to siting, size, design and size of the curtilage. The Inspector at the last appeal concluded that there was a functional need based on the evidence given by the appellant, the Land Agent and the Parish

Council. Members should also be aware that an extant planning permission for a second dwelling exists, a fact that is not really covered by the Land Agent in his latest letter. This is a significant material consideration that cannot be overlooked in determining this application.

Therefore, having regard to the fact that there is currently an extant outline planning permission for the erection of an agricultural worker's dwelling, Officers are of the opinion that this application should be approved, subject to the imposition of a condition requiring the commencement of operations within 2 years from the date of the expiry of the outline permission. In terms of the size, design and siting of the dwelling and associated curtilage, it is considered that previous objections, refusal and the Inspector's dismissal have been overcome and members are therefore recommended again to grant planning permission.

Reason for Reporting to Committee

This application is on the Agenda at the request of Councillor Mrs Speak, due to the visual intrusion of the proposed development, and due to the history of the site. The Land Agent's report has also raised significant issues that Members need to be aware of.

Site Description and Location

The site is the corner of an agricultural field on the opposite side of Mowbreck Lane to the farming complex of Church View Farm. The site is at the junction of Moorside and Mowbreck Lane, Treales.

Details of Proposal

This application is a resubmission of a recently refused application for the erection of an agricultural workers dwelling.

The application proposes a 2 storey agricultural dwelling of a traditional style measuring 21 x 16 x 8m high. The curtilage would measure 25 x 30m. An area of tree planting is proposed to surround the curtilage in order to screen the property and create a visual link to the farmstead on the opposite side of Mowbreck Lane. Provided that a Section 106 Agreement is submitted and duly signed, in order to rescind the earlier extant permission, this application must be considered as an application for a 2nd, not a 3rd agricultural workers dwelling for this agricultural unit.

The application also proposes a detached double garage to the rear of the dwelling. Vehicular access would be taken direct from Mowbreck Lane.

Relevant Planning History

Application No	Development	Decision	Date
01/0122	VARIOUS ALTERATIONS TO FARMHOUSE AND GARDEN INCLUDING SINGLE STOREY SIDE	Granted	23/05/2001
01/0330	AGRICULTURAL BUILDING TO HOUSE LIVESTOCK	Granted	18/07/2001
02/0007	EXTENSION TO EXISTING LIVESTOCK BUILDING	Granted	27/02/2002
02/0083	CHANGE OF USE OF AGRICULTURAL STORE TO USE AS FARM SHOP	Granted	27/03/2002
02/0303	PROPOSED TWO STOREY EXTENSION AND ALTERATIONS TO DWELLING	Refused	05/02/2003
02/0707	OUTLINE APPLICATION OF ERECTION OF AGRICULTURAL WORKERS DWELLING	Refused	27/11/2002
02/0788	PROPOSED SINGLE STOREY BUILDING TO PROVIDE WELFARE FACILITIES FOR	Refused	05/03/2003
03/0032	RESUBMISSION OF OUTLINE APPLICATION	Granted	25/02/2003

	5/02/707 FOR ERECTION OF AGRICULTURAL WORKERS DWELLING		
03/0301	RESUBMISSION OF APPLICATION 02/303 FOR TWO STOREY EXTENSION AND ALTERATIONS (RETROSPECTIVE)	Granted	28/05/2003
03/0343	RE-SUB. OF APP. 02/788 FOR SINGLE STOREY BUILDING TO PROVIDE WELFARE	Refused	23/07/2003
03/0464	PROPOSED ERECTION OF AGRICULTURAL WORKERS DWELLING	Refused	23/07/2003
03/0905	RE-SUBMISSION OF 03/464 FOR AGRICULTURAL WORKERS DWELLING	Refused	12/11/2003
04/0070	PROPOSED EXTENSIONS TO AGRICULTURAL BUILDINGS	Granted	25/06/2004
04/0402	ERECTION OF AGRICULTURAL WORKERS DWELLING		
04/0855	RESUBMISSION OF APPLICATION 04/402 FOR AGRICULTURAL WORKERS DWELLING	Refused	10/11/2004
A/97/0002	AGRICULTURAL DETERMINATION FOR ERECTION OF GRAIN DRYER BUILDING	Permission not required	27/06/1997

Parish Council Observations

Treales Roseacre and Wharles Parish Council

The Council object to the proposal and recommend refusal on the following grounds below. The Parish Council also requires further information in relation to the application; namely the copy of the Land Agent's response.

a) The Council requires further information which evidences that the current data collected, complies with all the National and Fylde's Local Planning Policies for the assessment of Agricultural Worker's dwellings. In particular this should include the assessment of the Built Environment Unit, incorporating any relevant advice of their sub-contracted agricultural consultants, which is required to independently and compliantly assess the National and Local Planning Policy tests relating to Agricultural Workers Dwellings. This will enable the Parish Council to provide applicable local knowledge on planning grounds.

b) In the absence of information that the proposal is completely and consistently compliant with applicable requirements of the United Kingdom's National and the Fylde's Local Planning Policies, Treales, Roseacre and Wharles Parish Council objects to the above proposal on the following planning grounds:

1. This proposed development would form an unnecessary visual intrusion and waste of this particularly beautiful, open aspect 'Greenfield-site' amenity for parishioners and visitors to the Parish, which would be lost to all of us, to our children, to their children and forever.

2. That this application is not 'essentially required for the purposes of agriculture', in conflict with the Fylde Borough local Plan (FBLP) policy SP2. This is because the applicant already has planning permission as a result of a previous application for a second agricultural worker's dwelling. This was approved in February 2003 by the BEU officers, without referral to the DCC. This valuable permission has now been extant for 29 months, however, the applicant has elected not to implement this means to meet the functional need perceived at that time. The Planning Inspector's report (para 20) of the February 2004 Planning Inquiry regarding application no 5/03/0464 confirmed that this permitted site has the same benefit as the greenfield site now being applied for.

3. This application is in breach of 'ODPM PPS7 objective ii), which states the Government objective of 'discouraging the development of 'greenfield land' and where such land must be used, ensuring that it is not used wastefully. The applicant already has planning permission for development on a 'brownfield' site of his choice.

4. The application is in breach of National Policy ODPM PPS7 and Local FBLP Policy SP10 as there has been no evidence presented by the Fylde Borough Built Environment Unit's officers to demonstrate that the conditions at the farming enterprise at the time of this application are compliant with all the tests required. There are no National or Fylde Borough Council planning policies that allow discretion to officers to subjectively, incompletely, or inconsistently apply these tests.

5. In particular there has been no evidence of a financial test, as mandated by ODPM PPS7, which needs 'to provide evidence of the size of the dwelling which the unit can sustain'. Neither has there been evidence presented to address Fylde Borough Local Plan para. 2.62, which states that 'it is important that the scale of the dwelling is appropriate not only to the countryside setting but that a relationship is maintained between the size of the dwelling and the ability of an agricultural worker to acquire or rent it'. The Inspector's report (para. 16), states 'I have come to the conclusion that this proposed dwelling is unusually large for the functional requirement of providing family accommodation for a stock person at this farm, and not of a size commensurate with the established functional requirement. I am also concerned that it may be unusually expensive to construct in relation to the income the farm itself can sustain in the long term'. The current application is a property which would exceed the ability of a stockperson to afford to acquire or rent and no evidence is before us to demonstrate otherwise.

1. This application proposes a property of some 145m² of living accommodation, which is breach of the County Land Agents advice of 23rd July 2003, in which had recommended a reference size for a second and subsequent agricultural workers dwelling on a site, of 100m².

2. Since the last Planning Appeal Inquiry, this proposal has been augmented by the addition of a generous, detached 33m² double garage and has thus expanded its footprint again beyond that of a functional requirement for a stockperson. This is clearly an unnecessary visual intrusion.

3. The size of the proposed curtilage is stated in the application as 0.11 hectares. Accordingly to the Borough Officers proposed Modifications to the Revised Fylde Borough Local Plan as adopted on 19th May 2003 para 3.4, such an area should accommodate over 3 affordable homes. This is therefore further evidence that the application exceeds the policy requirements for a functional requirement as well as being an unnecessary waste of greenfield land and forming an unnecessary visual intrusion.

4. The immediately adjacent barn conversions at White Hall farm have now stated to be sold and a comparable property to that being proposed is ear completion. This proposal is therefore in conflict with the tests of National Planning Policy PPS7.

5. For avoidance of doubt, this proposed development is not compliant with the requirements of National and Fylde Planning Policies and would form an unnecessary visual intrusion and a waste of this particularly beautiful open aspect 'Greenfield' site' amenity for parishioners and visitors to the Parish, which would be lost to all of us, to our children, to their children and forever.

Statutory Consultees

County Land Agent –

Concludes that: 'I consider there have not been any significant changes in the agricultural circumstances on the unit since the earlier Appeal Decision. I am of the opinion though that the existing cattle facilities at Church View Farm could not accommodate the planned expansion of the cattle enterprise, which I am aware, had been a factor, which the inspector had not understood to be the case. I consider therefore that the applicant should demonstrate the ability to sustain the planned expansion, which I expect will necessitate further buildings on site. Following this I consider an agricultural justification would exist for a further dwelling which is also consistent with the inspector's decision'.

The full report is appended to the agenda.

County Highway Authority

No objection to this proposal.

Observations of Other Interested Parties

CPRE

We wish to object to this planning application on the same grounds as with the various previous similar applications for this location and farm.

We consider:-

- This application proposes a development on agricultural land which is not designated for development in the Adopted Local Plan
- Development would be contrary to Policy SP2 in the Local Plan, which seeks to prevent development in the open countryside except where certain conditions are met. From the following we do not consider these conditions are met.
- The Local Plan Policy SP1 permits development within the limits of certain settlements, including Treales, but this site is outside the settlement.
- Policy SP10 only allows new permanent dwellings in connection with agriculture '*if there is a clearly established existing need which could not be met by any existing dwelling*'. We do not know if an existing need has been established for an agricultural worker and would suggest you need to be satisfied on this point but we are aware that new houses are currently being built in the village within easy walking distance of the farm in question.
- Policy SP10, Section 4 also require that the scale of the dwelling be '*commensurate with the established functional requirement*' and we consider that the large dwelling proposed here is neither appropriate to the needs of an agricultural worker nor could it be sustained in the long term by the enterprise.

Therefore CPRE sees no justification for this development, even to accommodate an agricultural worker.

We trust you will consider our comments and recommend refusal.

Neighbour Observations

None received at time of writing report.

Relevant Planning Policy

Adopted Joint Lancashire Structure Plan:

Policy 5 – Development in the Countryside

Fylde Borough Local Plan:

Policy SP2 - Development in the Countryside.

Policy SP10 - Agricultural workers dwelling (principle)

Policy SP12 - Agricultural workers dwelling (design)

Other Relevant Policy:

PPS1: Delivering Sustainable Development

PPS7 - Sustainable development in the Countryside.

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

Members will recall the previous application which was placed before Committee with a recommendation of approval, given that Officer's were then satisfied that the proposal had addressed the relevant issues in the Inspector's report. However, Members refused that application and an appeal was lodged (in fact 2 appeals have now been lodged, a further one in respect of an earlier application refused by Committee). Members will also recall a report being placed before them, together with Counsel's view in relation to a potential award of costs, should the appeal proceed. It was resolved, following discussion of the issues, that a further resubmission application be invited (without prejudice), where Committee would reconsider the proposal once again. Should the submitted application be subsequently approved, the applicant would then withdraw the two current appeals. This application is that invited application. However, issues have changed somewhat in the sense that Officer's requested that a full assessment be carried out by the Land Agent, given that very strong objections had been made by the Parish Council, together with concerns expressed by some Members, that they felt, no justification existed for the second dwelling. That assessment has now been carried out and is addressed below.

There remains five issues relation to this application, which were the same issues as the previous application and are reported as follows.

1. the need for a second dwelling
2. the financial appraisal for a second dwelling
3. the location and visual impact of the proposal
4. the size/design of the dwelling
5. the size of the curtilage
6. Parish Council and other interested parties

1. The Need for a Second Dwelling

When this proposal was last considered by the Committee, some Members expressed concern in regard to the level of detail contained in the County Land Agents assessment of the application. The County Land Agent was, therefore, been requested to carry out a full assessment of the application

Members will be aware that planning permission was previously granted in outline, for a second agricultural workers dwelling within the existing farming complex at Church View Farm. As such, it has previously been accepted that a second agricultural workers dwelling was justified, having regard to the previous comments made by the County Land Agent, together with the fact that the Land Agent had successfully defended his position and gave evidence at the Public Inquiry last year. Up until the recent receipt of the up to date assessment in relation to this application, your Officer's had no reason to doubt the assertions made by the Land Agent in relation to the justification for this second dwelling. Furthermore, the Inspector in the previous Public Inquiry, considered the issue of need, and concluded that he was satisfied that a functional need did exist for a second dwelling based upon *the proposed expansion of the applicant's suckler cattle enterprise*.

On carrying out the recent full assessment, the land agent paid regard to previous applications and the comments made by the Inspector and questioned the proposed expansion plans. The land agent is also concerned that there are insufficient buildings within the farming complex to accommodate the expansion plans, and therefore, advises that the herd expansion plans cannot be achieved based upon the existing facilities on site, and that he was informed (presumably by the applicant/agent), that the likely site proposed for these new buildings will be on land adjacent to the proposed site of the dwelling.

With the above in mind, the Land Agent is of the opinion that the existing cattle facilities at Church View Farm could not accommodate the planned expansion of the cattle enterprise which he is aware, had been a factor which the Inspector had not understood to be the case. He considers therefore, that **'the applicant should demonstrate the ability to sustain the planned expansion, which I expect will necessitate further buildings on site. Following this I consider an agricultural justification would exist for a further dwelling which is also consistent with the inspector's decision'**.

Having sought clarification from the land agent following the receipt of the assessment, the Land

Agent has confirmed that the past applications have been assessed and supported on the basis of *the proposed expansion plans*, and have accepted the applicant's assertion that the proposed expansion plans will take place, and on that basis, this justified a second dwelling. However, some 2 1/2 years have now lapsed since the original application and despite assertions by the applicant with regards to the proposed expansion plans, little has been carried out in terms of fulfilling these expansion plans. The land agent has to question therefore, whether these expansion plans **will** in fact take place, and has concerns that these cannot logistically take place without further buildings. As such, with no firm commitment of the expansion of the business, and no extant permissions for any subsequent farm buildings to accommodate these expansions, the land agent cannot now support the need for a second dwelling without further expansion of the business.

Having consideration of the above, Officers have discussed the issue of expansion with the applicant's agent, and have requested whether the applicant would be willing to enter into a legal undertaking, should the application be approved, to not carry out the development of the dwelling, prior to the submission, approval and erection of the aforementioned buildings, in order to fulfil the expansion plans referred to above. The applicant's agent has responded on the basis that they have instructed their agricultural economist to review the Land Agent's report and will formulate a response accordingly. However, they have intimated that the land agent is wrong in his assertions regarding the requirement for additional buildings, and state that Church View Farm as an agricultural business have management systems in place which are flexible enough to accommodate the numbers of cattle which will justify a second agricultural dwelling on site, and will produce a report to fully justify this approach. Should this information be forwarded to this Unit, the issue will be addressed through the late observations sheet.

Notwithstanding the above, the fact remains that there is an extant planning permission for a second dwelling at this site, albeit in a different location, and which has to be regarded as a significant material consideration in the determination of this application. It is your Officer's view that a second dwelling is acceptable in principle based on the previous comments of the Inspector and County Land Agent. As the applicant has not agreed to enter into a legal obligation regarding erecting additional agricultural buildings, it is your Officer's view that this permission should be given a restricted commencement condition to tie it in line with the time period left on the original outline permission, upon which a reserved matters application could be submitted. The timeframe for submitting a reserved matters application in relation to the outline permission expires in February of next year, and the development should then commence within five years from the date of the original outline permission, ie, 25/2/08. As such, it is suggested that a commencement condition should be imposed on this application, requiring the commencement of the development by no later than 25/2/08.

Whilst at the time of the previous application, no legal undertaking had been submitted in order to rescind the earlier outline planning permission, during the course of the Inquiry such an undertaking was submitted under Section 106. An up to date Section 106 Agreement would still need to be submitted in association with this application, should Members be minded to approve the application.

2. Financial Appraisal for a Second Dwelling

In considering the previous applications and appeal, the land agent and the inspector were both satisfied that, having regard to Annexe I of PPG7 and its replacement Annexe ... of PPS7, that the financial test had been satisfied in relation to the second agricultural worker's dwelling. In the recent appeal, the Inspector did consider that the financial test was rather marginal, but he was satisfied that the income from the farm was sufficient to sustain the enterprise.

In carrying out this current assessment, the land agent had sight of and regard to the farm business's audited accounts in respect of the years ending September 2003 and December 2004. The land agent is of the opinion that the information provided in these accounts do not reflect a typical farm budget appraisal for the scale and nature of farm enterprise as undertaken by the applicant, and was advised by the applicant that the accounts for the business do not reflect that of a comparable agricultural unit operating the same type of enterprise. One reason being put forward is that the applicant has undertaken significant 'purchases' over the last few years through building works and tractors and

equipment. The effect of this has placed untypical high financial burden on the farm's accounts. A further reason being that whilst the farm enterprise is operated as a family partnership, the farm assets are controlled by more than one of the applicant's companies. This in turn, would distort the financial performance of the business, if one were to view the accounts in isolation. As such, the land agent's view is that the net farm income of the enterprise as shown by the trading accounts are well below that for a farm enterprise of the same nature and scale as the applicant's existing farm operation. In view of this, the land agent feels ***'that it would be naïve of me to rely upon the information provided by the accounts I was shown. I am of the opinion that if the enterprise were run at the intended scale of production ie 200 suckler cows with young stock kept through to approximately 18-24 months of age that the income from the enterprise could meet the costs of a second dwelling as well as sustain a livelihood for the two key workers of the business'***.

On the basis of the above, the land agent is of the opinion, again, that should the expansion plans increase to around 200 suckler cows, this would normally be sufficient to sustain a livelihood for the two key workers of the business, and therefore, ultimately meet the financial test as laid down in PPS7.

3. Location and Visual Impact

In considering the location and visual impact of the proposal, your Officers contended at the recent Inquiry, that the location of the proposed dwelling failed to comply with Policy SP12 of the Fylde Borough Local Plan which requires new agricultural dwellings to be sited within or close to the existing farmstead. Given that the proposed dwelling was (and still is) proposed to be on a separate parcel of land, outside of the existing farmstead, the Council contended that this fell outside Policy SP12. However, the Inspector took a contrary view and stated this is not an isolated location away from the farmstead and, other than actually being within the farmstead, is as close as it could be barring the width of Mowbreck Lane. Nevertheless, the Inspector felt that a key consideration remained the impact of a dwelling in this location on the rural character of the area.

Given that there are clear views towards the site across unspoiled open countryside, the siting of a dwelling in this location should be treated with great care. The Inspector's view was that this relates to both the **size of the dwelling** proposed and the **size of its curtilage**. In conclusion, the Inspector stated that ***'overall I consider that both the scale of the building and the size of the curtilage proposed would result in unacceptable visual intrusion in this particular location'***.

In the light of this revised proposal, your Officers have carefully considered the content of the Inspector's report in coming to the recommendation of the proposal, and consider that the siting of the dwelling is acceptable. The issues regarding the size of the dwelling and residential curtilage are considered below.

4. The Size/Design of the Dwelling

In considering the size of the previous dwelling, both your Officer's and the Inspector took the view that the dwelling was excessive and unusually large for the functional requirement of providing family accommodation for a stockperson at this farm, and was not of a size commensurate with the established functional requirement as reflected in PPG7 (now PPS7). Furthermore, due to its excessive size and estimated cost, it was considered that the dwelling may well be unusually expensive to construct in relation to the income the farm itself can sustain in the long term. As a result, the applicant has taken on board the comments in the Inspector's report, and following negotiations with Officers and the County Land Agent, the dwelling has now been reduced in terms of its overall size, to a size which is felt to be commensurate with the needs of the enterprise (approximately 150m²). This element of the proposal is now considered acceptable. However, notwithstanding the above, your Officer's always considered that the design of the dwelling, by virtue of its siting on a separate parcel of land, would appear as an isolated dwelling in the countryside, unconnected with agriculture. This was brought about by the design of the dwelling, being that of a

dormer bungalow. Your Officers are of the opinion, that the dwelling should take on the form of a traditional farm workers cottage. In addition, it was felt that the dwelling should be sited closer to the frontage with Moorside, and to the side boundary with Mowbreck Lane, again, in order to introduce a form of dwelling which is characteristic of both Treales and the wider vernacular of the Fylde area i.e. by having built development close to the road frontages. In addition, there is a wide belt of landscaping already in place on the main farming complex, which, if extended to 'wrap around the proposed new dwelling, would provide a visual linkage to the main farmhouse, thereby having an affinity with the farmstead, rather than appearing as a stand alone dwelling in the countryside. Following negotiations with the applicant and their agent, an appropriate design has now been agreed upon, which your officer's are of the opinion, is of a much more appropriate design for this rural location than the originally proposed dormer-bungalow type dwelling.

5. The Size of the Curtilage

In considering the size of the residential curtilage in relation to the previous appeal, again, both your Officer's and the Inspector took the view that the associated residential curtilage was excessive in relation to the dwelling and the enterprise, and given that there are clear views towards the site across unspoiled open countryside, the proposal would result in unacceptable visual intrusion in this particular location.

On a previous application (now the subject of an appeal against non-determination), the residential curtilage was reduced slightly from the recently dismissed proposal. It was your officer's view (and reported to Committee), that this marginal decrease was not sufficient to overcome the Inspectors views and concern over the visual impact. The curtilage indicated in the current application, is now significantly smaller than that originally proposed and is now considered acceptable i.e. 25m x 30m as opposed to 44 x 40m. Furthermore, given that the footprint of the dwelling has been reduced somewhat, the proportion of garden area remaining, will appear much smaller, thereby reducing its visual impact on the wider countryside area.

6. Parish Council comments

- The Parish Council contends that this proposed development would form an unnecessary visual intrusion. Whilst the Local Planning Authority sought to defend this argument through the appeal process and the recent Public Inquiry, the Inspector considered that the original dwelling (which was significantly larger than the one now proposed), would result in a visual intrusion, but gave some weight in the fact that a smaller dwelling and associated dwelling would be less intrusive. Officers are of the opinion that this revised proposal does not result in such a visual intrusion so as to warrant a refusal of the application.
- The Parish Council refer to the extant planning permission for a second agricultural worker's dwelling and the applicant's elective choice not to implement this permission. The Local Planning Authority cannot require the applicant to carry out this development, and can only determine each and every application on its own merits.
- The Parish Council refer to PPS7 objective ii) which states the Government objective of 'discouraging the development of greenfield land.....'. The Parish Council is of the opinion that planning permission for development on a 'brownfield' site already exists. These specific comments are incorrect in that agricultural land, whether it is a 'virgin' site or within a farming complex, falls within the definition of 'greenfield' land and not 'brownfield' land. As such, the extant planning permission for the second agricultural workers dwelling exists on 'greenfield' land.
- The Parish Council refer to a breach of PPS7 and FBLP Policy SP10 in that there has been no evidence presented by the Built Environment Unit to demonstrate that the proposal meets all the tests required. The Built Environment Unit relies upon the professional advice obtained from the Land Agent and this is presented to the Development Control committee on applications relating to agricultural development.
- The Parish Council refer to the fact that there has been no evidence of a financial test, as required by PPS7. This is incorrect, in that the Land Agent has carried out the financial test in relation to

this application, and has had sight of audited accounts in relation to the operation of this farming enterprise.

- The Parish Council is concerned that the dwelling may be unusually expensive to construct in relation to the income the farm itself can sustain in the long term and that the property would exceed the ability of a stockperson to afford to acquire or rent and no evidence is before us to demonstrate otherwise. Officers are of the opinion, having taken advice from the Land Agent and from evidence presented at the Public Inquiry, that the dwelling in its reduced and more simpler form, would not be unusually expensive to construct in relation to the income of the farm. Despite the comments made by the Parish Council, no evidence has been placed before Officers by the Parish Council, in order to substantiate their claims that the property would 'exceed the ability of a stockperson to afford to acquire or rent'.
- The Parish Council refer to the size of the dwelling being excessive. The land agent does previously state that a dwelling of around 100m² could accommodate the needs of a second farm worker, but also refers Officers to other similar applications which have been permitted in excess of 100m². In addition, the Council has no specific policy in relation to the size of agricultural workers dwellings.
- The Parish Council refer to the fact that since the last Planning Appeal Inquiry detached double garage has expanded its footprint, beyond that of a functional requirement for a stockperson. In relation to such a garage, officers are of the opinion that a mere addition of a double garage, does **not** take the footprint of the dwelling beyond that of a functional requirement for a stockperson.
- The Parish Council refer to the modifications to the Revised Fylde Borough Local Plan para 3.4 and state that 'such an area should accommodate over 3 affordable homes'. It is assumed that this refers to making best of land and developing at not less than 30 dwellings per hectare. Given that this application is for a single agricultural dwelling, this is not relevant.
- The Parish Council refer to the adjacent barn conversions at White Hall Farm and presumably refer to the point that one of these dwellings could accommodate the needs of the farming enterprise in relation to the second dwelling. However, the adjacent dwellings would be even more expensive to purchase, than merely to construct the property under consideration now, due to the fact that there is no land purchase involved in the construction of this dwelling.

Conclusions

Having considered all of the relevant factors, your Officers are of the opinion, that both the size of the dwelling and its associated curtilage are acceptable, as is the design and the dwelling, and that all the matters which were the subject of debate at the previous application/appeal stage have been overcome in relation to the previously dismissed appeal. However, it is now the principle of the second dwelling, which is under consideration. Despite the comments raised at the previous applications/appeal, the land agent is now of the opinion that despite assurances from the applicant that the expansion plans would be implemented and that this in turn, justified the need for a second dwelling, there appears to be little commitment on behalf of the applicant in terms of implementing the planned expansions. Whilst it had been accepted in good faith that these expansion plans would be implemented, a significant amount of time has now lapsed to the extent that the land agent cannot now support the need for the second dwelling within definite commitment to expand the business in the form of the development of additional buildings to accommodate this expansion. Without these subsequent buildings, the business cannot expand to a point that justifies the second dwelling.

However, notwithstanding the above, the Council has to be mindful of the extant planning permission which exists on this farmstead for the erection of a second agricultural workers dwelling, and that this is the most significant of the material considerations in the determination of this application.

It is therefore, recommended that members approve the application, having regard to the issues contained within this report, subject to the imposition of a condition requiring the commencement of operations by no later than 25/2/08 to tie it into the time scale of the original outline permission.

Recommendation

That, subject to the completion of a Section 106 to rescind the extant outline planning permission, planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the 25/2/08, and where applicable should be undertaken in strict accordance with the plans comprising all aspects of the approved development accompanying the decision notice.

There are special circumstances pertinent to this application which require this time limit, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Notwithstanding any denotation on the approved plans Samples of facing brickwork [including details of mortar colour], and roof treatment, including colour, shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In the interest of securing a satisfactory overall standard of development.

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry [as defined in Section 336 [1] of the Town and Country Planning Act 1990] including any dependants of such a person residing with him / her, or a widow or widower of such a person.

The Local Planning Authority would not be prepared to permit the erection of a dwelling on the site unconnected with the use of the adjoining land for agriculture purposes and the condition is imposed in order to preserve the character and nature of this rural area.

4. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

5. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion

of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

6. Samples of materials proposed for all hard surfaced areas of the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.

In the interests of visual amenity and to contribute to the overall quality of the development.

7. Prior to the commencement of development full details of the means of foul sewerage and surface water treatment and disposal shall be submitted to and approved by the Local Planning Authority; the facilities shall be fully installed on site to satisfactory working order prior to the occupation of the first dwelling on the development.

To ensure satisfactory sewage treatment and surface water disposal on the development site.

8. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B, C, E, F, G of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling or curtilage relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- | | |
|-----|-----------------------------|
| A | House Extensions. |
| B&C | Roof Extensions/alterations |
| D | Porches |
| E | Curtilage buildings |
| F | Hardstanding |
| G | Fuel containers |
| H | Satellite antenna] |

To ensure that the Local Planning Authority has control over any future development of the dwelling which may adversely affect the character and appearance of the dwelling and the surrounding area.

9. Notwithstanding the provision of Classes A, B, C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling or curtilage relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES]

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwelling which may adversely affect the character and appearance of the dwelling and the surrounding area.

10. This consent relates to the revised plan received by the Local Planning Authority on the 19/5/05.

For the avoidance of doubt and as agreed with the applicant / agent.

11. The garage shall be used as a private garage only and no trade or business shall be carried on, in or from the building.

To safeguard the amenities of the neighbourhood.

12. The drive and accompanying turning area shall be laid out in accordance with the approved plans prior to the dwelling first being brought into use.

To ensure that vehicles enter and leave the site in forward gear.

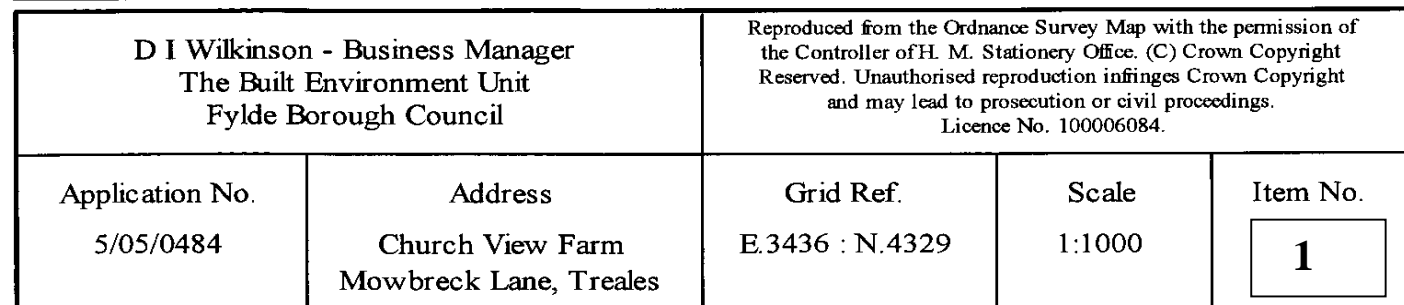
REASON FOR APPROVAL

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

SUMMARY OF RELEVANT POLICIES

This decision has been made having regard to:
the policies contained within the adopted Development Plan which comprises of the:
The Fylde Borough Local Plan.
The Joint Lancashire Structure Plan.
and all other relevant planning guidance
and in particular Policies:

Fylde Borough Local Plan: SP2, SP10, SP12
Joint Lancashire Structure Plan: Policy 5
PPG's/PPS's: PPS1, PPS7



Appendix I - Supporting Statement on behalf of applicant

Mrs J Carey
Principal Planning Officer
Planning Department
Fylde Borough Council
Town Hall
Lytham St Annes
FY8 1LW

Our Ref: MW/sg/3396
Your Ref: 5/05/0484

21 July 2005

**Re: Application 5/05/484 – Church View Farm, Treales
Post**

By Fax and First Class

Dear Mrs Carey,

This letter is in response to the letter of 19 July to you from Nick Bower of Lancashire County Council Property Department. The purpose of the letter is to review his comment that the second agricultural dwelling can only be justified if there are additional farm buildings on the site to accommodate 200 suckler cows with young stock. That conclusion is not accepted, for the reasons set out below. Similarly, the suggestion that the agricultural dwelling application can only be granted subject to a formal legal agreement that it cannot be constructed till new farm buildings to accommodate 200 suckler cows with young stock has been erected is not an appropriate response to the problem, and we recommend that this idea is not taken any further, for the reasons set out below.

The crux of the letter from Nick Bower is:-

- Can Mr Salisbury's agricultural enterprise handle 200 suckler cows with young stock. We agree with Mr M Bowers conclusion at the bottom of page 6 where he says:-
"I am of the opinion that if the enterprise were run at the intended scale of production – i.e., 200 suckler cows with young stock kept through to approximately 18-24 months of age, that the income from enterprise could meet the costs of the second dwelling as well as sustain a livelihood of the two key workers of the business".
- We will show that the business and the space available can comfortably accommodate 200 suckler cows with young stock, therefore proving that the proposal passes the PPS7 financial tests.

There seems to be no dispute that the PPS7 functional test is already satisfied, and we do not feel the need to comment any further on that issue.

The key point which we are addressing in this letter is the question does Church View Farm need more farm buildings to accommodate the 200 suckler cows with young stock throughput. In that, we have gone through an agricultural appraisal with Mr C Harvey of ABD Consulting, and the space requirements are based on the attached copy of the Agricultural Budgeting and Costing Book, May 2005.

This shows that for 200 suckler cows with young the building space requirement is 3,419sq.m.

This is made up of:-

200 suckler cows @ 8sqm per cow = 1,600sq.m
200 suckled calves @ 2sq.m per calf = 400sq.m
166 male and female animals – 12-24 months @ 4.8sq.m per animal = 7.968sq.m
33 replacement suckler cows, 12-24 months @ 4.8sq.m = 158.4sq.m
33 in calf replacement cattle @ 8sq.m per animal = 264sq.m

In order to provide for isolation pens, calving pens and a general tolerance for any non-active space, we have added a further 200sq.m to the above total to give a grand total of **3,419sq.m**. This covers all normal requirements for feeding areas, bedding areas, passages, access routes and so on within the building.

The diagram of space capacity at Church View Farm was attached to the information provided to you in previous correspondence on the planning application for the new agricultural buildings. The correspondence was dated 1 June 2004. Those agricultural buildings have, as you know, already been erected. We have done a revised calculation of the space actually available for use at Church View Farm, and this comprises **3,827sq.m**. This includes all buildings (with the exception of a stables area adjoining the yard). The total floor space available is in excess of the space requirement for 200 cattle plus young stock at 3,419sq.m derived from our

calculation above. There is a 408sq.m surplus of available space compared with the “demand” required to meet the space requirements for 200 cattle. This gives an 11.9% surplus comparing the space required and the space available.

There is therefore no need for additional buildings to be constructed at the holding in order to meet the space requirements for 200 cattle and young stock. That then deals with the query raised in Mr Bower’s letter, and in the discussions between yourself and myself in respect of the proposed Agreement which would ostensibly require new agricultural buildings before construction could start on the second agricultural workers dwelling house.

Irrespective of the surplus 408sq.m (comparing the 3,287sq.m of buildings on the farm and the 3,419 space requirement for 200 cattle), there is nothing to prevent WE Salisbury and Son utilising their space more effectively by relocating equipment elsewhere within the holding, or arranging for grain and feed to be stored externally in bins. That would free up space within the main building for cattle handling. This is an issue which Nick Bowers did not consider in his appraisal, and therefore is not mentioned in his letter to you.

Page 4 (c) of Mr Bower’s letter concludes there is 3,486sq.m of space at the farm, excluding reference to other smaller buildings. If you compare that figure with the 3,419sq.m of space required to handle 200 cattle plus young stock, you can see that by that calculation on the basis of Mr Bower’s figures, there is sufficient space to handle 200 cattle within the existing buildings. On this basis, there should be no dispute as to there being inadequate building space within the farm to accommodate 200 cattle and young stock, so we are somewhat puzzled how Mr Bowers came to a conclusion that there was not enough space at the farm to accommodate 200 cattle. Clearly there *is* sufficient space, and that can be made more effective by some simple re-arrangement of operations and functions.

To conclude, we have demonstrated that there is sufficient space at the farm to accommodate the 200 sucklers and young stock which is the recognised target of the business growth operation that will generate sufficient income to sustain the two key agricultural workers and to meet the costs of a second dwelling. This is the test applied by Mr Bowers at the end of page 6 of his letter of 19 July, and we would not disagree with his conclusion. In that regard, the PPS7 financial test is clearly past, and there should therefore be absolutely no impediment in your Council accepting that planning permission should be granted.

Yours sincerely,

Mark Wolstenholme

MA Dip TP MRTPI

DIRECTOR

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Appendix II – County Land Agent's Response

Lancashire
County Council

Resources Directorate
www.lancashire.gov.uk

tel (01772) 533895
fax (01772) 533165
e-mail nick.bower@property.lancscc.gov.uk

Mrs J Cary
Principal Planning Officer
Fylde Borough Council
Town Hall
Lytham St Annes
FY8 1LW

Your ref 6/05/0484
Our ref PG/LA/INB/PA/5/13/6353/EJ
Date 12 July 2005

9476
14 JUL 2005

Dear Mrs Cary

APPLICATION NUMBER 5/05/484
CHURCH VIEW FARM, MOWBRECK LANE, TREALES
GRID REFERENCE 436 228

I refer to your consultation letter concerning the above planning application and have the following observations to make:-

Introduction

A planning application has been submitted by Mr W Salisbury for the erection of an agricultural worker's dwelling. I note the application represents a re-submission of an earlier application 04/855. An inspection of the application site was undertaken on 6 July whilst Mr Salisbury was also present. The information provided forms the basis of this appraisal.

Background Information

I am aware of the planning history surrounding the provision of a second permanent dwelling at Church View Farm. Outline planning permission exists (application number 03/032) for the erection of a second dwelling on the unit the approved siting of which is close to the existing dwelling. There have been several applications made by Mr Salisbury since planning permission was granted for a second dwelling which have been concerned with the size as well as a revised location of the dwelling, all of which have been refused planning permission.

Mr Salisbury has appealed against the refusal of planning permissions one of which, in respect of 03/464 has been heard through a Planning Inquiry and the inspector has published his Decision dated 16 March 2004. I am aware there are two current appeals in respect of application numbers 04/042 and 04/855 both for the erection of an agricultural worker's dwelling which are due to be heard at an Inquiry dated September 2005.

Nick Bower, Land Agent
Property Group • PO Box 26
County Hall • Preston • PR1 8RE

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Property Group

Beacon Council
2003-2004
Supporting the Rural Economy
2004-2006
Transforming the School Workforce

The main issues concerned with the Inquiry in respect of application number 03/464 was the size and siting of the proposed dwelling. I note the Inspector's view was that the size was excessive and felt in principle the siting was appropriate but was concerned that the proposed size of the dwelling and curtilage had adverse implications at this location. The Inspector was also not entirely satisfied that the site approved permission could not still be utilised. During the course of the hearing he also gave consideration to the functional and financial tests of Mr Salisbury's enterprise. He was satisfied that a functional need did exist for a second dwelling based upon the proposed expansion of the applicant's suckler cattle enterprise. With reference to the financial test he was concerned whether the enterprise could sustain the cost of constructing the size of dwelling proposed, nor did he feel that the size of the dwelling was necessary for the farm enterprise.

Since the submission of the Inspector's decision Mr Salisbury has submitted two further applications for agricultural workers' dwellings as referred to above and an application for a new agricultural building and an extension to an existing agricultural building application number 04/070. I note planning permission for the building was approved and I noted when I recently inspected the farm that these buildings have been erected.

I understand from my discussion with Mrs Cary that despite Mr Salisbury's two current planning appeals, he has submitted the current planning application in order that his agricultural circumstances may be re-assessed and if the Council is satisfied that an agricultural justification does exist for the provision of a second dwelling of the size and in the location proposed, then this would avoid the matter being determined by an Inspector.

The Current Agricultural Situation at Church View Farm

(a) Agricultural Land

Mr Salisbury's agricultural unit comprises of both owned and tenanted agricultural land. I was provided with the following information in this regard:

- (i) 85 hectares (210 acres) of owned land at Treales. The area of owned land has increased over the years whilst the applicant has owned the farm.
- (ii) 30 hectares (75 acres) at Weeton. This land is occupied on an annual renewable letting agreement and has been farmed by him for the last four years.
- (iii) 30 hectares (75 acres) at Wrea Green taken on a 10 year term Farm Business Tenancy which has been in place for 2½ years.
- (iv) 33 hectares (80 acres) at Catforth taken on a three years Farm Business Tenancy which is due to expire in September 2005 although a new agreement is due to be entered into.

- (v) 47 hectares (116 acres) at Staining taken on a four year term Farm Business Tenancy which has approximately two years unexpired term.
- (vi) 20 hectares (50 acres) at Mains Hall, Singleton held on a five year Farm Business Tenancy entered into in May 2004.

Based upon the above information Mr Salisbury farms 245 hectares (605 acres) of land which is divided into approximately one third, two thirds cereals (wheat, barley, beans and oats) and grass respectively.

(b) Farm Enterprise

Mr Salisbury operates a pedigree and commercial beef breeding and rearing enterprise. The pedigree and commercial cattle are run together in terms of housing, but the management technique is different.

The farming system is centred around the suckler herd of which there are 90 suckler cows consisting of 30 pedigree Limousin cattle and 10 in-calf heifers due to enter the herd late July/August 2005 after they have calved. I was informed all the suckler cows have calves at foot of varying ages as the cattle's calving pattern is not kept rigid. There are currently four stock bulls although I was informed that this number does fluctuate. I was informed that there are currently 307 head of cattle on the unit although I recognise this number varies according to sales and purchases of cattle as well as calvings.

It is generally the applicant's policy to retain all calves after they have been weaned and these are taken through to finish weight with regard to the commercial kept beef which tends to be 18-20 months of age for the bullocks and 12 to 16 months for the bulls and approximately 16 months for the heifers. The pedigree bulls are sold between 18 and 24 months of age and are usually sold at pedigree sales in the spring and autumn.

The above may be regarded as the general farm policy associated with the breeding herd and their progeny although variations do occur which can be influenced by market prices. He also undertakes embryo transplants on a small number of his suckler cattle to improve the cattle breeding. In addition Mr Salisbury also trades in store cattle again generally he will purchase good quality store weight cattle and take these through to finish weight. All finished weight cattle are sold through local livestock markets to which he regularly takes small numbers throughout the year.

The scale of the cattle enterprise is determined by the amount of winter housing available as well as the farm policy he adopts. For instance I was informed that based upon the existing farming system ie keeping a range of ages of cattle from adult sucklers through to suckling calves the housing facilities can accommodate in the region of 400 cattle. I was informed over last years winter housing period there had been 400 cattle housed.

The applicant however, is intending to increase the number of suckler cattle to 200 head. In order to achieve this based upon his current system will mean either selling calves from the suckler cows at store weight as well as other cattle which are bought and sold or erecting further buildings to accommodate more cattle. I am aware that other than the building proposed under application 02/788 and 03/343 which was to provide a staff welfare facility there has not been other planning applications made for agricultural buildings which have not been implemented. I enquired where further cattle house agricultural buildings would be erected and there seemed to be just one site where significant expansion of facilities could take place.

The cereal and protein cropped land produces grain/seed to be milled in to cattle feed.

(c) Agricultural Buildings

It is apparent that this is a relatively new farmstead creation circa 1990 when the applicant purchased it formerly part of White Hall Farm (at the time with the benefit of planning permission to erect a house and farm buildings). Over the years Mr Salisbury has erected additional farm buildings. The farm buildings on the unit at present briefly consist of the following:-

1. Two adjoining steel portal frame buildings each measuring 36m x 18m. One of the buildings provides storage of straw/hay harvested cereals in 6 x grain bins and milling area. The other building provides straw bedded housing for cattle divided into small groups.
2. A multi span (x 5) steel portal frame building complex, each span measuring in the region of 32m x 13.7m x 4.5m eaves height. These buildings provide straw bedded housing facilities for cattle.

There is a two bay extension built to the most southerly span which was built as a machinery store, although this has since been adopted to provided crop storage.

3. There are a small number of ancillary used buildings one of which is a free standing building and the others provide lean-to's to the building referred to in 1 above.

(d) Labour

The farm enterprise is operated as a family partnership between Mr W Salisbury and his son William who was also present on the day of my inspection. I was informed that there are two full time paid employees, a part time farm secretary and part time workers as required.

Existing Accommodation

There have not been any changes to both the applicants and his son's domestic arrangements from that reported at the time of earlier applications made at this site, ie Mr W Salisbury and his wife occupy the existing dwelling and his son, wife and family live in Kirkham approximately one mile from the farm.

Proposed Accommodation

It is proposed to erect a two storey dwelling with an internal floor area of approximately 150m² together with a detached garage. The site for the dwelling is the same as that proposed by 04/042 and also that proposed by 03/464 which was subject to the earlier appeal decision. I noticed the site is used for agricultural storage purposes including farm equipment and big bale wrapped silage.

Assessment

Since application 04/402 which was the last planning application I commented upon in respect of an agricultural worker's dwelling there has been a replacement to Annex I of PPG7 (revised) which provide national planning guidance for the provision of agricultural worker's dwelling. The current national planning policy for the provision of agricultural workers' dwellings is contained in Annex A of PPS7 – Sustainable Development in Rural Areas. The content of the annex follows very closely the guidance formerly referred to in Annex I of PPG7. Paragraph 3 of annex sets out five criteria which should be satisfied when assessing applications for permanent agricultural dwellings and I refer to these below:-

New permanent dwellings should only be allowed to support existing agricultural activities on well established agricultural units, providing:

- (i) there is a clearly established *existing* functional need.
- (ii) The need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, eg in relation to access, or impact on the countryside, are satisfied.

With reference to the above I have the following comments to make:-

I feel an assessment of the functional need of the enterprise and the financial performance of the business are the two most important of the above criteria to be satisfied. I am aware from the earlier appeal decision that these were given close consideration by the inspector when determining his appeal. It is evident though that in his consideration of the functional test that he took into consideration the expansion proposals of the applicant's enterprise. Reference is made to the appeal decision to the planned expansion being 200 suckler cows with potentially 600 head of livestock. Based upon these numbers the inspector understood that there was sufficient land and buildings in place to run the operation. I feel following my discussions with the applicant that whilst there will be sufficient land to run this scale of operation there is not adequate buildings to house these numbers of cattle. At the present I feel there are sufficient housing facilities in place to accommodate a suckler herd system based upon up to approximately 130 suckler cows assuming the applicant continues with the existing farming system. With the inspector's comments in mind I would advise that the herd expansion plans cannot be achieved based upon the existing facilities on site.

As far as the financial test is concerned I am aware that you have requested that I have regard to the farm business's audited accounts. In view of this I was shown copies of the farm accounts in respect of the years ending 31 September 2003 and 31 December 2004. However, Mr Salisbury requested that I did not make reference to figures contained in these accounts as part of my appraisal. Consequently I did not record any of the information contained in these accounts but I did discuss the contents of these with the applicant.

I feel that the information provided in these accounts do not reflect a typical farm budget appraisal for the scale and nature of farm enterprise as undertaken by the applicant. I was informed why the accounts for the business do not reflect that of a comparable agricultural unit operating the same type of enterprise. One reason being put forward is that the applicant has undertaken significant 'purchases' over the last few years through building works and tractors and equipment. The effect of this has placed untypical high financial burden on the farm's accounts. A further reason being that whilst the farm enterprise is operated as a family partnership the farm assets are controlled by more than one of the applicant's companies. As a result I understand if the accounts were viewed in isolation it could distort the financial performance of the business. I feel the net farm income of the enterprise as shown by the trading accounts are well below that for a farm enterprise of the same nature and scale as the applicant's existing farm operation. In view of this I feel that it would be naïve of me to rely upon the information provided by the accounts I was shown. I am of the opinion though that if the enterprise were run at the intended scale of production ie 200 suckler cows with young stock kept through to approximately 18-24 months of age that the income from the enterprise could meet the costs of a second dwelling as well as sustain a livelihood for the two key workers of the business.

Mrs J Cary

12 July 2005

With reference to siting of the proposed dwelling I am of the opinion that the proposed site as well as the site where outline permission already exists are both reasonably well related to the existing farmstead. I am informed also that when further buildings are erected the likely site proposed for these will be on land adjacent to the proposed site of the dwelling.

Conclusion

I consider there have not been any significant changes in the agricultural circumstances on the unit since the earlier Appeal Decision. I am of the opinion though that the existing cattle facilities at Church View Farm could not accommodate the planned expansion of the cattle enterprise which I am aware had been a factor which the inspector had not understood to be the case. I consider therefore that the applicant should demonstrate the ability to sustain the planned expansion which I expect will necessitate further buildings on site. Following this I consider an agricultural justification would exist for a further dwelling which is also consistent with the inspector's decision.

I would be obliged to receive a copy of your Decision Notice in due course.

Yours sincerely



 Land Agency Manager
on behalf of the Director of Property

Item Number: 2

Application Reference: 05/0568		Type of Application: Full Planning Permission	
Applicant:	Mr & Mrs Winstanley	Agent :	Mr R V Hopper
Location:	DALEGARTH, CHURCH ROAD, TREALES, PRESTON, PR4 3S		
Proposal:	REPLACEMENT DWELLING		
Parish:	Treales, Roseacre and Wharles	Area Team:	Area Team 2
Weeks on Hand:	6	Case Officer:	Mrs J Cary
Reason for Delay:	N/A		

Summary of Recommended Decision: That the application be Granted

Summary of Officer Recommendation

The main issues in relation to this proposal are whether the replacement dwelling complies with Policy HL6 of the Fylde Borough Local Plan in relation to replacement dwellings. It is considered that the proposed dwelling is not out of scale or character with the surrounding dwellings in the locality. It is recommended that the application be approved, subject to the imposition of appropriate conditions.

Reason for Reporting to Committee

The application is placed on the agenda, as the recommendation is contrary to that of the Parish Council who recommend refusal of the application.

Site Description and Location

The property is a detached dwelling located in the countryside area, but opposite the collection of buildings consisting of the school, the old school house, the Church and other associated buildings and a dwelling. There are a number of dwellings within the vicinity of relatively large scale.

Details of Proposal

This application is for the erection of a 2 storey, dwelling, to replace the existing single storey former shippon building, previously converted to a dwelling in 1976.

The dwelling will be wholly 2 storey, and will be of a traditional design. The footprint will be in keeping with the adjacent dwelling, but set slightly back from this adjacent dwelling. The dwelling has been amended from its original design, which proposed a much more dominant and suburban styled dwelling.

Relevant Planning History

Application No	Development	Decision	Date
05/0007	SINGLE STOREY SIDE EXTENSION AND TWO STOREY REAR EXTENSION	Granted	07/03/2005

Parish Council Observations

The following comments are in relation to the original plans, which have subsequently been revised. The Parish Council has been reconsulted and any revised comments will be reported.

Treales, Roseacre and Wharles Parish Council

– object to the proposal and recommend refusal on the following grounds:

The Parish Council strongly objects to this proposal as it conflicts with: SP2 development in the countryside. It fails to reuse a permanent sound building. SP6 it was previously a one-storey shippon that was converted to a dwelling house – this will be completely demolished and replaced with a building not in keeping with its surroundings. HL5 by virtue of its scale the proposed development is out of keeping with the rural character of the other buildings, ie, Treales and in particular it breaches the absolute limit of 33% by a substantial amount.

A harmful effect on the character of the existing building and the setting and surrounding countryside also a detrimental and overbearing effect on Treales CE School which is a listed Grade 2 building.

Statutory Consultees

United Utilities

No objection to the proposal

Observations of Other Interested Parties

None received.

Neighbour Observations

None received.

Relevant Planning Policy

Joint Lancashire Structure Plan:

Policy 5: Development in Countryside

Fylde Borough Local Plan:

SP2: Development in Countryside

HL6: Replacement dwellings in rural areas

Other Relevant Policy:

PPS1: Delivering Sustainable Development

PPS7: Creating a Sustainable Rural Environment

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The main issue is whether the proposal complies with Policy HL6 of the Fylde Borough Local Plan in relation to replacement dwellings.

Members may recall a recent application to extend the dwelling in March of this year, which consisted of various single storey and two storey extensions. Members may recall that a certain amount of

justification for the proposal laid in the fact that whilst the dwelling had formerly been a single storey shippon building, it had previously undergone an unsympathetic conversion and actually looked more like a modern bungalow than that of a traditional rural building. In addition, the extensions and alterations proposed, actually resulted in a visual improvement to the dwelling, and a building which was much more rural in its design and appearance.

Whilst planning permission was granted for those extensions, the applicant now wishes to replace the whole of the building with a traditional two storey dwelling.

In normal circumstances, Officers would not normally look favourably upon demolishing a traditional rural farm building with that of a new dwelling, however, for the reasons set out above, the dwelling appears more like a white, rendered bungalow than a traditional rural conversion scheme. As such, it would be preferable to see a traditionally designed dwelling than something which in your officer's opinion, is out of keeping with the rural area in its present form.

The application was originally submitted for a fairly large dwelling, which had a suburban appearance to it, and did not really reflect the vernacular of the area. The application has therefore been amended and now proposes a dwelling, which is much more rural in its design and appearance in keeping with the traditional dwellings in the vicinity.

In terms of the size of the proposal, the replacement dwelling is approximately 66 % larger than the existing dwelling. For information, the previous extensions equated to around an 43% increase over the original dwelling. This proposal therefore is approximately 16% larger than the previously approved extension recently granted permission. Whilst the size is not necessarily the only determining factor, one has to consider whether the resultant dwelling is in keeping with the surrounding properties in the locality. This is endorsed in Policy HL6 of the Fylde Borough Local Plan. As stated above, the dwelling at present is considered to be out of character with the style and appearance of the dwellings/buildings within the vicinity, which is characterised by fairly large, rural farmhouse type dwellings or large rural cottages. The dwelling as proposed, reflects this style and design and character, and proposes a dwelling with a main projecting gable (as can be seen on other dwellings in the immediate locality), and a secondary more minor element to the side of the dwelling. Again, the dwelling would have a rear projecting gable as is the norm for this type of rural dwelling. The dwelling is therefore, typical of the simple brick nature of many of the buildings on the former Lord Derby's estate. Your officers are of the opinion that the dwelling is in keeping with the surrounding properties in the locality, both in terms of its size and design.

In terms of the Parish Council comments, the Parish Council contend that the proposal is contrary to Policy SP2 and SP6, 'the conversion of existing buildings outside settlements'. Policy SP2 is the relevant policy in relation to development in the countryside, but with Policy HL6 being the subordinate policy. Policy SP6 in relation to the conversion of buildings is not relevant as it relates to the conversion of buildings to residential use, and clearly this application is for a replacement dwelling.

The Parish Council also contend that Policy HL5 is relevant. This is presumably an error on behalf of the Parish Council, as Policy HL5 is in relation to the development of appartments and maisonettes. Policy HL6 is the correct relevant policy, and officers contend that this propsoal meets the requirements of that policy.

The Parish Council also contends that there would be a detrimental and overbearing effect on Treales CE School which is a listed Grade 2 building. Treales School is opposite the application site, however, given the distance away, and the highway between the two sites, it is not considered that the proposal would be overbearing or harmful on the character of the listed building.

Conclusions

Having regard to the precise wording of Policy HL6, Officers are of the opinion that the dwelling would not result in a dwelling which is out of keeping or character with the surrounding dwellings in the locality, which is characterised by fairly larger, rural dwellings. The application is therefore

recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of five years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Notwithstanding any denotation on the approved plans Samples of facing brickwork [including details of mortar colour], roof treatment, including colour, and the materials to be used in the headers and cills shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In the interest of securing a satisfactory overall standard of development.

3. All window frames on the proposed dwellings shall be set in 10cm reveal and thereafter maintained as such to the satisfaction of the Local Planning Authority.

To ensure a satisfactory standard of development in the interests of the overall quality of the built development.

4. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

5. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole

of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

6. Prior to the commencement of the development full details of the means of foul sewerage and surface water treatment and disposal shall be submitted to and approved by the Local Planning Authority [The Council's Technical Officer]; the facilities shall be fully installed on site to satisfactory working order prior to the occupation of the first dwelling on the development.

To ensure satisfactory sewage treatment and surface water disposal on the development site.

7. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes a, b, e, f of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A House Extensions.
- B&C Roof Extensions/alterations
- D Porches
- E Curtilage buildings
- F Hardstanding
- G Fuel containers
- H Satellite antenna]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

8. Notwithstanding the provision of Classes a, b, c of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

9. This consent relates to the revised plans received by the Local Planning Authority on the 20/7/05.

For the avoidance of doubt and as agreed with the applicant / agent.

10. The proposed windows shown coloured green on the approved plan shall be glazed with obscure glass of a type to be agreed with the Local Planning Authority and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

To safeguard the amenities of the occupants of adjoining residential premises.

REASON FOR APPROVAL

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

SUMMARY OF RELEVANT POLICIES

This decision has been made having regard to:
the policies contained within the adopted Development Plan which
comprises of the:

The Fylde Borough Local Plan.

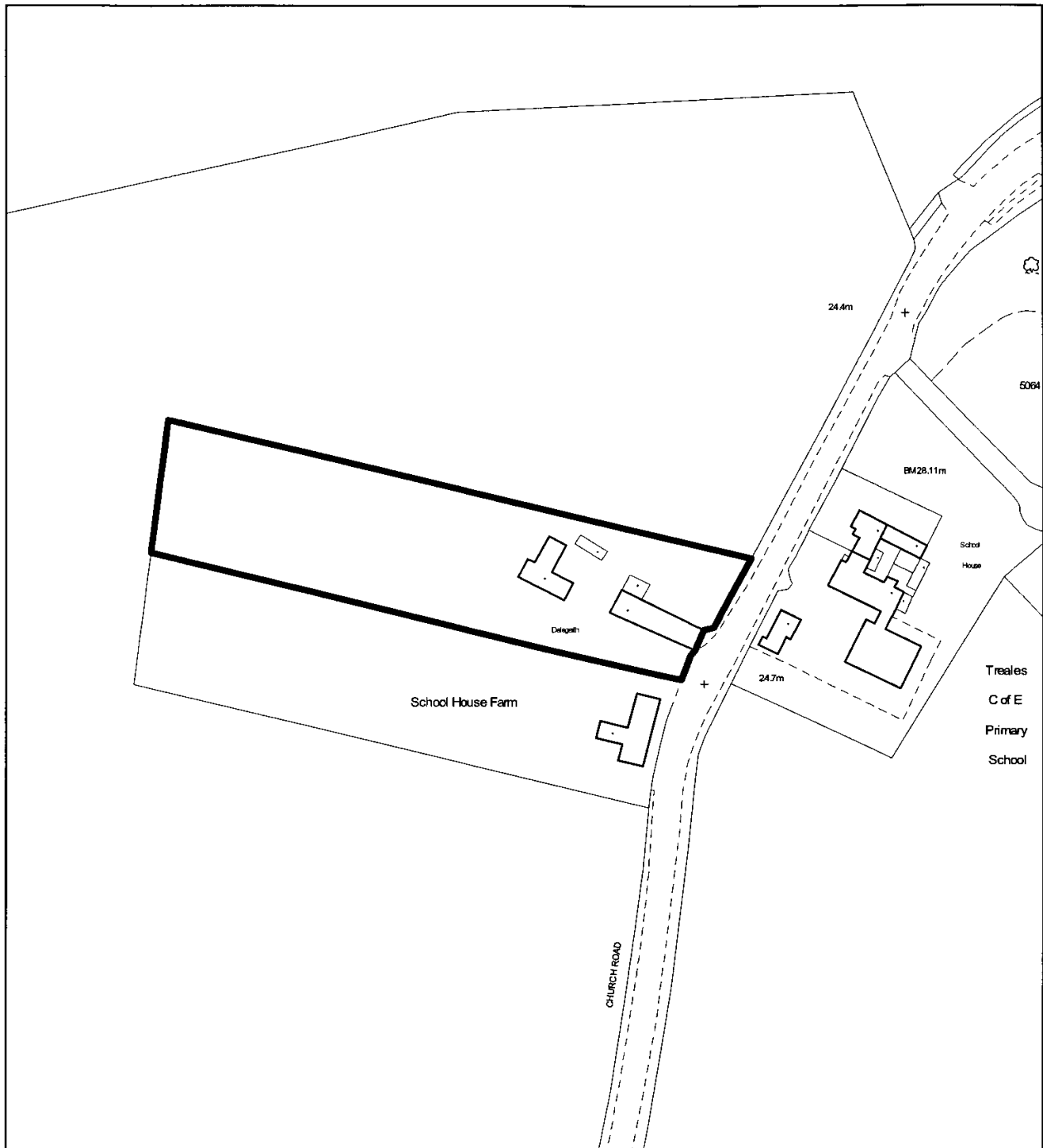
The Joint Lancashire Structure Plan.

and all other relevant planning guidance
and in particular Policies:

Fylde Borough Local Plan: SP2, HL6

Joint Lancashire Structure Plan: Policy 5

PPG's/PPS's: PPS1, PPS7



D I Wilkinson - Business Manager The Built Environment Unit Fylde Borough Council		Reproduced from the Ordnance Survey Map with the permission of the Controller of H. M. Stationery Office. (C) Crown Copyright Reserved. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100006084.		
Application No. 5/05/0568	Address Dalegarth Church Road, Treales	Grid Ref. E.3443 : N.4345	Scale 1:1250	Item No. <div>2</div>

Item Number: 3

Application Reference:	05/0587	Type of Application:	Full Planning Permission
Applicant:	Mr S Wilson	Agent :	J Wareing and Son
Location:	NEW HALL FARM, ROSEACRE ROAD, WHARLES, PRESTON		
Proposal:	PROPOSED EXTENSION TO AN EXISTING DOUBLE SPAN SILAGE BARN		
Parish:	Treales, Roseacre and Wharles	Area Team:	Area Team 2
Weeks on Hand:	5	Case Officer:	Mrs J Cary
Reason for Delay:	N/A		

Summary of Recommended Decision: That the application be Granted

Summary of Officer Recommendation

The main issues in relation to the proposal are whether there is agricultural justification for the proposed extension, and whether its siting and design are appropriate in line with Policy SP2 of the local plan. It is recommended that planning permission be granted subject to the imposition of appropriate conditions.

Reason for Reporting to Committee

The Officer's recommendation is contrary to the Parish Council's recommendation.

Site Description and Location

The site is New Hall Farm, Roseacre Road, Wharles, a current farming enterprise. There are numerous buildings within the farmstead. This particular proposal is located to the rear of the properties known as Harvester's Fold.

Details of Proposal

This application was granted planning permission (along with a further building), for the erection of the agricultural building. However, the applicant did not construct the building in accordance with the approved plans, nor did he comply with the relevant conditions which are required to be complied with 'prior to commencement'. As such, technically, the whole of the building does not have the benefit of planning permission. As a result therefore, this resubmission application now proposes the erection of a double span silage storage building, measuring 32m by 28m with an eaves height of 6.7m. The building would be enclosed on 3 sides leaving the west elevation open for access.

Relevant Planning History

Numerous application relating to the site over the years. The most recent and relevant applications are as follows:

Application No	Development	Decision	Date
02/1026	GENERAL PURPOSE AGRICULTURAL BUILDING.	Granted	22/01/2003
03/0391	GENERAL PURPOSE AGRICULTURAL BUILDING FOR GRAIN STORAGE	Granted	25/06/2003
04/0280	PROPOSED SHEEP BUILDING EXTENSION AND COVERED AREA	Granted	25/06/2004
04/0281	PROPOSED DOUBLE SPAN SILAGE STORAGE BUILDING	Granted	25/06/2004
90/0120	1 NUMBERED AGRICULTURAL WORKERS/MANAGERS	Refused	23/05/1990
92/0055	OUTLINE APPLICATION TO ERECT TWO DWELLINGS	Refused	20/05/1992

Parish Council Observations

Treales, Roseacre & Wharles Parish Council - object to the proposal and recommend refusal. Also requested that an agricultural assessment demonstrating that the proposal is essential rather than preferentially required for the purpose of agricultural as demanded by SP2. In the meantime OBJECT on the basis that such evidence is not available from the information presented to the Parish Council.

Statutory Consultees

N/A

Observations of Other Interested Parties

N/A

Neighbour Observations

None received.

Relevant Planning Policy

Fylde Borough Local Plan:
SP2: Development in the Countryside

Adopted Joint Lancashire Structure Plan:
Policy 5: Development in Rural Areas

Other Relevant Policy:
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The main issues in relation to this application are whether there is justification for the building, together with any impact on the character of the countryside area or on the nearby neighbouring properties.

On consideration of the previous application (as explained above), the land agent was consulted, and concluded that there was justification for the erection of the agricultural building. However, the

building is now 7m longer than previous, which results in a full additional bay at the end of the building, as opposed to half a bay as previously proposed. Given this small increase in size, and the fact that there was justification previously for the building, it was not considered necessary to reconsult the land agent, as requested by the Parish Council. A 7m extension on a building 32m agricultural building, is not considered so significant so as to seek further professional advice on the application. In fact, the proposed increase equates to an approximate 13% increase over the original approved building. In terms of its need therefore, there is justification for the additional increase, and that this marginal increase makes no difference in the operational requirements of the enterprise. For information, the Land Agent's assessment on the original application has been appended to this report.

The application as originally approved, sought to position the building to the rear of the existing timber poultry cabin and did not extend beyond the outer parts of the existing buildings. On erection it extends 2.2m beyond the east elevation and between 4.3 and 4.5m beyond the west elevation. In terms of any impact on the neighbouring properties, it is not considered this marginal extension beyond the existing buildings on site, gives rise to a significant detriment to their amenities, so as to warrant a refusal of the application. Had the building been erected wholly in accordance with the original approved plans, the residents of Hamlet Grove would still have had sight of the building, due to its overall size and height. This additional small increase does not therefore, worsen their aspect or amenities. In fact, no objections have been received in connection with this application.

Again, in terms of its visual impact on the character of the area, this small increase is marginal in terms of its impact, and would be negligible in the overall scheme of works.

Conclusions

There is justification for the building, having regard to the land agent's previous assessment in relation to the previous application. There would be no further harm caused to the neighbouring properties as a result of this extension, nor to the wider countryside area. As such, the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The building hereby approved shall be used for the purposes of agriculture and for no other purpose within the Use Class Order 1987.

To safeguard the amenities of neighbouring residential properties and that there is special justification for the erection of an agricultural building which overrides normal countryside restraint.

2. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority with 2 months of the date of this decision. Specific details shall include finished levels, soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the

amenities of the locality.

3. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

4. This consent relates to the revised plan[s] received by the Local Planning Authority on the 1/7/05.

For the avoidance of doubt and as agreed with the applicant / agent.

REASON FOR APPROVAL

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

SUMMARY OF RELEVANT POLICIES

This decision has been made having regard to:
the policies contained within the adopted Development Plan which comprises of the:

The Fylde Borough Local Plan.

The Joint Lancashire Structure Plan.

and all other relevant planning guidance

and in particular Policies:

Fylde Borough Local Plan: SP2

Joint Lancashire Structure Plan: Policy 5

PPG's/PPS's: PPS, PPS7



Page No.



D I Wilkinson - Business Manager
The Built Environment Unit
Fylde Borough Council

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Application No.

5/05/0587

Address

New Hall Farm
Roseacre Road, Wharles

Grid Ref.

E.3445 : N.4359

Scale

1:1250

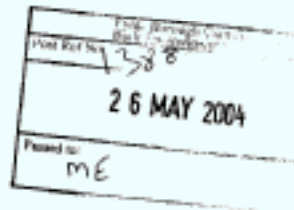
Item No.

3

tel (01772) 533895
 fax (01772) 533165
 e-mail nick.bower@property.lancacc.gov.uk

The Built Environment Manager
 The Built Environment Unit
 Council Offices
 Derby Road
 Wesham
 Preston
 PR4 3AJ
 (FAO Mrs J Cary)

Your ref 5/04/0280/0281
 Our ref PG/LA/INB/PA/5/13/5978/EJ
 Date 25 May 2004



Dear Madam

APPLICATION NUMBER 5/04/280
NEW HALL FARM, ROSEACRE ROAD, WHARLES
GRID REFERENCE 445 360

I refer to your consultation letter concerning the above planning applications and have the following observations to make:-

Introduction:

Two planning applications have been submitted by Mr Wilson in respect of the erection of further buildings at this address. An inspection of the application site was undertaken on 13 May whilst Mr Wilson was also present. The information provided forms the basis of this appraisal.

Background information

In addition to the existing agricultural operations undertaken at New Hall Farm Mr Wilson is in the process of building up a commercial suckler herd and requires housing facilities to accommodate the numbers of cattle he intends to keep and feed storage facilities to ensile grass and arable crops.

Whilst there are existing cattle housing facilities at New Hall Farm which Mr Wilson has either adapted to his own requirements or decided not to continue to utilise because of their poor design, it is the applicant's intention that these facilities are not large enough to hold the headage of cattle Mr Wilson plans to keep.

Nick Bower, Land Agent
 Property Group • PO Box 26
 County Hall • Preston • PR1 8RE



2003-2004
 Supporting the Rural Economy

Agricultural Land

New Hall Farm extends to 111.6 hectares (276 acres) of land which is all owned. Included with this area of land are 46 hectares (40 acres) of pasture land. Although Mr Wilson has expansion plans in mind he is still farming the same area of land he acquired when he purchased the farm in 2001/2002.

Agricultural Enterprise

Mr Wilson operates a mixed livestock and arable cropping system of farming which comprises as follows:-

1. Livestock

- (a) 54 head of mixed Belgian Blue and Limousin breed heifer cattle aged approximately 18 months of age. These will be culled this summer with a view to calving next spring. In addition he has 3 heifer cattle which have recently calved. I am aware that the cattle numbers have built up over the last 12 months. It is Mr Wilson's aim to keep a herd of 60 suckler cattle operating a spring calving system ie from March onwards. When the calves are weaned in the autumn he intends to rear all the heifer calves to provide his own herd replacements as well as sell surplus ones and keep the bull calves through to 12 to 15 months of age, ie to sell in springtime of the year when the trade is strongest.
- (b) A commercial flock of 100 breeding ewes which lamb inside during March onwards.

2. Arable Cropping

This part of the enterprises' utilises in the region of 95.5 hectares (236 acres) and this year the land is utilised for growing wheat and oilseed rape. It is Mr Wilson's intention next year to grow winter wheat, maize and beans. The production of maize and some of the wheat crop is intended as whole crop silage to be fed to the cattle.

Mr Wilson recognises the fact that his farm operation is restricted by the size of the unit and it is for this reason he intends to produce a large quantity of silage crop which will include both grass as well as arable crops. With the production of silage crops he envisages keeping his rearing cattle housed for a significant part of the year as opposed to letting them out to grass.

Proposed Development

This constitutes an extension to an existing building to provide cattle housing using a straw bedded system as well as roofing over an existing open yard area between two buildings. The other aspect of the development is the construction of an undercover silo building to provide feed storage for the housed cattle. The details of the proposed development briefly consist as follows:-

1. Proposed Building Extension

This constitutes the erection of a steel portal frame building measuring 32.8m x 15.2m x 4.5 eaves height. The building will be enclosed on 3 sides ie the north, east and west elevation the south elevation will be open except for the installation of feed barriers. The enclosed sides will consist of 1.8m high concrete panelling with close boarded timber above to roof height on the north facing elevation (to match the existing building it will adjoin). On the west elevation box profile sheets will be fixed above the concrete panelling. The roof of the building will be clad using fibre/cement corrugated sheets with provision for natural roof lights. Internally the building will be sub divided into pen areas. Under the same application it is proposed to roof over the open yard area between the existing building and the proposed extension to the existing double span Dutch barn building. If permission is granted the applicant then intends to take down the Dutch barn owing to its aged and poor structural state and replace this with a single span building utilising the roof section proposed.

The site of the proposed extension is currently utilised as a big bale silo store which will become obsolete if permission is granted for the undercover clamp store.

2. The erection of a double span steel portal frame building measuring 32m x 28m x 6.7m eaves height to provide an undercover silo store. The building will be enclosed on 3 sides leaving the west elevation open for access. The enclosed sides will consist of concrete panels to 3.0m high and box profile steel sheets above to roof height. The roof will consist of corrugated fibre/cement sheets. The capacity of the silo building will be in the region of 1,500 tonnes. The design of the building will provide two silo stores each approximately 14m wide.

The site of this building is proposed to utilise the basis of two former cabins. These basis provide manure storage and the effluent from the stored manure is collected into a reception tank and pumped via an irrigator onto the pasture land. Given the close proximity of the reception tank and pump facility to the application building the applicant does intend making use of this to collect silage effluent.

Existing Buildings

I note other than the erection of the building approved under application 5/03/391 ie grain store and general store building there has not been any further buildings erected on the unit. The existing buildings on site comprises as follows:-

1. A concrete portal frame building with concrete sides and corrugated asbestos/cement cladding. This building had been erected as a dairy building providing cow cubicles, collecting yard and milking parlour. Mr Wilson has removed the original internal fixtures to form a straw bedded series of pens for group housing cattle. It is Mr Wilson's intention to utilise this building for housing cattle due to calve and calved cows with calves at foot. The reason being that this building is close to the dwelling.
2. A timber framed cubicle building (aged) with outdoor feed area. This building has been used by Mr Wilson this year but says that he does not intend using the building again for this purpose due to the inefficient workability.
3. A double span multi bay Dutch barn building used for straw storage as well as machinery store. I understood historically the building has provided a number of uses when the farm was not owned by Mr Wilson. These uses included cattle housing and clamp silage store. It was apparent that the building is near to the end of its design life and recognise the applicant's desire to replace this. The applicant's intended use of the building if re-erected will be storage and cattle housing.
4. A general purpose building of steel portal frame construction erected following granting of planning permission to application number 5/02/1026.

Assessment

Annex E of PPG7 revised provides guidance in respect of proposed agricultural development within the provision of agricultural permitted development rights. I feel the guidance contained therein also provides a useful basis for assessing planning applications. Contained in annex E are a number of conditions of development to be assessed when considering applications for proposed development and I feel the following are most relevant to this application.

1. The development must be reasonably necessary for the purposes of agriculture within the unit

There are two existing designated cattle housing facilities on the unit of which I recognise that the timber cubicle building no longer provides a suitable facility thereby leaving the concrete frame building to provide the cattle housing area which I do not feel is adequate. I feel the capacity of proposed building together with the existing concrete framed building is not excessive for the number of cattle being kept on the unit.

I am aware Mr Wilson has plans to utilise part of the Dutch barn area when he subsequently applies to replace this building for also housing cattle. I feel that additional cattle housing could also be justified depending upon the number of cattle being kept at the time.

I am conscious of the three existing buildings already approved planning permission on this unit and that these are of significant size. However, the reasons for erecting those were not for cattle housing and I feel that these are being put to their respective agricultural uses. I am aware Mr Wilson is in a fortunate financial position to be able to provide separate facilities for each of his separate aspects of his farm enterprise ie cattle, sheep and arable together with associated storage and it is evident that each of these has been erected with the ability to expand each enterprise as well as each building providing versatility except for say the grain store which is generally a purpose built building. In the past I have commented that the proposed developments have been justified and I consider that the current proposal is also necessary for the purposes of agriculture within the unit.

2. The design of the proposed development should be in accordance with the intended agricultural use.

I consider the design of the buildings and choice of materials are suitable for the proposed uses. I expect you will have your own view as to the appropriate colour of the cladding and expect this will need to be consistent with the materials of the recent buildings approved planning permission on the unit.

3. Siting

Paragraphs 27 to 29 of the annex provides guidance on siting. It is evident that the two proposed sites are utilising ground where either buildings or structures existed. I recognise the advantage of this from the applicant's point of view is the ability to utilise existing concreted areas. In addition I feel the siting of the two buildings will mean that both types of livestock are housed next to each other and the site of the silage clamp provides an open yard area for easy access for unloading and also will utilise existing drainage to the farm's dirty water/effluent irrigation system.

Conclusion

Whilst I recognise the scale of the proposed development is significant and there has not been any overall increase in the area of land farmed I consider the applicant's system of farming is feasible. In order to keep the number of cattle proposed I feel the proposed development is necessary for the purposes of agriculture within the unit.

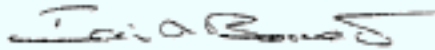



The Built Environment Manager

25 May 2004

I would be obliged to receive a copy of your Decision Notice in due course.

Yours faithfully



 Land Agency Manager
on behalf of the Head of Property

Item Number: 4

Application Reference: 05/0635		Type of Application:	Outline Planning Permission
Applicant:	First London Investment Group Ltd	Agent :	LOC Associates Ltd
Location:	LAND AT JUNCTION OF A583 / FRECKLETON STREET KIRKHAM, BLACKPOOL ROAD, KIRKHAM, PRESTON		
Proposal:	RESIDENTIAL DEVELOPMENT		
Parish:	Kirkham	Area Team:	Area Team 1
Weeks on Hand:	2	Case Officer:	Mr D Shepherd
Reason for Delay:	N/A		

Summary of Recommended Decision: That the application be Granted

Summary of Officer Recommendation

The application is made in outline with siting and access applied for. The application suggests that there would be 4no town houses and 21no flats. The design would be the same as the recent approval on the adjacent land where 12no flats have been approved. Indicative streetscape elevations are shown on the plans to illustrate how the development could look as a whole. The application would provide for the majority of the development to be for affordable housing.

Reason for Reporting to Committee

The application contains affordable housing.

Site Description and Location

The application site is the vacant petrol station on Blackpool Road near the junction with Freckleton Street. There is a recent approval on the adjacent site (04/0711 refers) for 12no flats. There are residential dwellings to the north and Carr Hill School fields are to the east. The site is opposite allocated Green Belt.

Details of Proposal

As stated earlier, the application is made in outline with access and siting applied for. The design would be the same as the approved development on the adjacent site and indicative streetscape elevations are shown on the plans for illustrative purposes. The plans suggest 4no town houses and 21no flats. A total of 36no car park spaces are shown on the plans.

Relevant Planning History

Application No	Development	Decision	Date
01/0221	OUTLINE APP. FOR 12 NO. 2 BED FLAT DEVELOPMENT	Granted	18/07/2001
04/0260	RENEWAL OF OUTLINE APP 01/221 FOR 12	Refused	04/05/2004

04/0711	NO. 2 BED FLAT DEVELOPMENT RESERVED MATTERS ON APPLICATION 01/221 FOR ERECTION OF 12 NO. 2 BED APARTMENTS.	Granted	07/03/2005
96/0215	Refuse Permission or Consent - 06/11/1996	Refused	06/11/1996
96/0693	ADVERTISEMENT CONSENT FOR INTERNALLY ILLUMINATED	Refused	04/12/1996

Parish Council Observations

Kirkham Town Council:

Views awaited, consulted on 5th July

Statutory Consultees

County Highway Authority

Views awaited, consulted on 5th July

United Utilities

Views awaited.

Environment Agency,

Views awaited.

Observations of Other Interested Parties

FBC Housing Manager

I have been involved in detailed discussions and negotiations with the applicants and our Housing Association partners for some months now. I believe that the site is entirely suitable for the provision of on site affordable accommodation with a mix of flats and houses being considered. Our housing association partners are also keen to see the application proceed and are encouraged by the negotiations to date. I would support the application subject to a S 106 agreement to secure the appropriate provision of affordable accommodation on site.

OFFICER NOTE, Affordable housing can be secured through the imposition of a suitable planning condition. The precise nature of the housing can be secured through a Sn 106 Agreement that would be submitted at reserved matters stage.

Design Panel

The application has been designed to complement the approved scheme on the adjacent site. Whilst this is an outline application, there are indicative elevations submitted which are the same style as the adjacent site.

Neighbour Observations

One letter from Carr Hill High School, on the grounds that they thought there was a ransom strip to provide access from Freckleton Street direct to the school.

Relevant Planning Policy

Lancashire Structure Plan:

Policy 2: Main Development Locations

Policy 12: Housing Provision

Fylde Borough Local Plan:

HL 2: Housing development on previously developed sites

HL 3: Affordable Housing

Other Relevant Policy:

PPS1: Delivering Sustainable Development

PPG 3: Housing

RPG 13: Regional Planning Guidance for North West England

SPG "New Residential Development in Fylde Borough"

Environmental Impact Assessment

This development does not fall within Schedule I or II of the Town and Country Planning (Control of Environmental impact) (England and Wales) Regulations 1999.

Comment and Analysis

The main issues here are clearly the "moratorium" type issues of adding to the oversupply of residential development in the borough.

The councils adopted SPG allows such development where that development would provide the majority of the development for affordable dwellings. This application would do just that. The applicants have been in discussion with all three of our partner RSL's and have held meetings with the councils Housing Manager. The type of development proposed is of a type and form that our RSL partners wish to be involved in and it is likely that all of the houses within the scheme would be passed on to the final housing association along with some flats to make up the majority of the affordable units.

Design wise, the proposal would be the same as the existing approval on the adjacent site, although design is not being applied for in this application.

The site access would be via the approved access for the adjacent site off Freckleton Street and the two current access points to Blackpool Road that previously serviced the petrol station would be closed off. The closure of the accesses onto Blackpool Road is clearly a highway benefit.

The relevant criteria in policy HL 2 are met and in terms of HL 3 and the SPG, the application clearly provides that the majority of the development would be for affordable dwellings on site.

The application is acceptable subject to conditions. The applicant would enter into a S 106 agreement to secure the majority of the units for the provision of affordable housing through one of our partner RSL's on any reserved matters application. At this outline stage suitable conditions can be imposed to ensure that affordable housing matters are dealt with correctly.

In regard to the Carr Hill High School comment, there is no such ransom strip within or adjacent to the site, that would allow the school a direct access to Freckleton Street.

Conclusions

The proposal represents an acceptable form of development.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

[a] The expiration of five years from the date of this permission;

or

[b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any development is commenced (a) reserved matters application(s) must be submitted to and approved by the Local Planning Authority in respect of the following reserved matters:

Nos. 2, 3 and 5.

(Reserved matters are:-

1. Siting of Development.
2. Design of Built Development
3. External Appearance of Built Development.
4. Means of Access to the Development Site.
5. Landscaping to the Development Site.

This permission is an outline planning permission and details of these matters still remain to be submitted.

3. Prior to the occupation of the first unit of accommodation hereby approved, the existing vehicular access points to Blackpool Road shall be physically and permanently closed and the existing footway shall be extended across the former crossing points, in accordance with details which shall first have received prior written approval from the Local Planning Authority.

Reason; To limit the number of vehicular access points to, and maintain the proper construction of the highway.

4. Notwithstanding the provisions of Article 3, Schedule 2, Part 17, Classes E, F and G of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking or re enacting that order) no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.

Reason; To ensure that the local planning Authority have control over any future development of the site which may adversely affect the character and appearance of the development and the surrounding area.

5. The development hereby approved shall be drained on separate foul and surface water systems. All foul drainage must be connected to the foul sewer and only clean, uncontaminated surface water should be connected to the surface water system.

Reason; In order to prevent the overloading of the local foul drainage system and the contamination of the local ground or surface water.

6. Prior to being discharged into any water course, surface water sewer or soakaway system, all surface water from parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason; In order to prevent contamination of the local surface water drainage system.

7. The car parking [and unloading and loading] area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the

remainder of the development and shall be made available for use prior to the first occupation of the premises, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for residents on the site, their visitors or delivery / collection vehicles.

To provide satisfactory off-street parking in accordance with Council's adopted standards.

8. The development hereby approved shall provide for the majority of the dwellings to be for affordable housing in line with the Councils adopted Supplementary Planning Guidance, "New Residential Development in Fylde Borough", adopted on 16th September 2004.

Reason; To comply with that Supplementary Planning Guidance, Lancashire County Council Structure Plan policies and Regional Planning Guidance in respect of new residential development.

9. As part of any reserved matters application submitted following of the grant of outline planning permission, such application shall be accompanied by full details of the type, tenure, delivery mechanism and retention of such affordable housing provision and shall be accompanied by a legal agreement made under S 106 of The Town and Country Planning Act 1990 to ensure this.

Reason; To ensure that the benefits of affordable housing are clearly defined both for current and future occupants of such dwellings.

10. The reserved matters application shall make provision for public open space in line with policy TREC 17 of the Fylde Borough Local Plan.

Reason; To provide for appropriate public open space for the development and to comply with policy TREC 17 of the Fylde Borough Local Plan.

REASON FOR APPROVAL

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

SUMMARY OF RELEVANT POLICIES

This decision has been made having regard to:
the policies contained within the adopted Development Plan which comprises of the:

The Fylde Borough Local Plan.

The Joint Lancashire Structure Plan.

and all other relevant planning guidance

and in particular Policies:

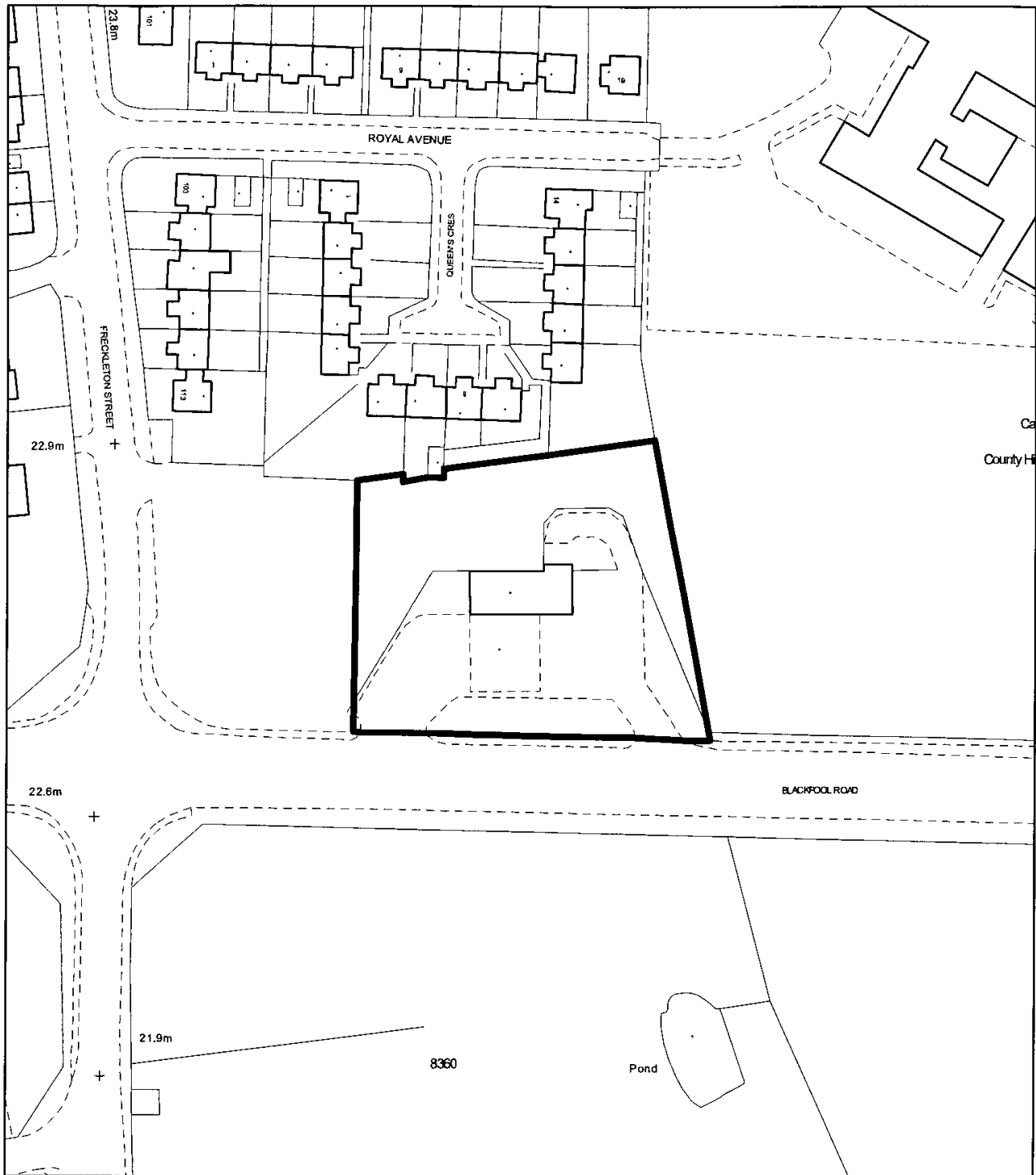
Fylde Borough Local Plan:SP1,HL2, HL3,HL 5

Joint Lancashire Structure Plan:Policies 2 and 12

PPG's/PPS's: PPS1,PPG 3



Page No.



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Application No. 5/05/0635	Address Land at junction A583/ Freckleton St, Kirkham	Grid Ref. E.3428 : N.4317	Scale 1:1000	Item No. 4