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# **Top O'th Hill Farm, Rivington Lane, Rivington, Bolton**

Supporting Planning Statement

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October 2023



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### Appendices

Appendix I – Planning Appeal Reference APP/D2320/W/17/3182734 (71 Town Lane, Chorley)

# 1. Introduction

- 1.1. This Supporting Planning Statement ('SPS') has been prepared by Knightsbridge Planning Ltd on behalf of the applicant ("The Applicant") in support of a planning application at Top O'th Hill Farm, Rivington Lane, Rivington, Bolton ("the site"). The site is within the jurisdiction of Chorley Council ("CC") and the title of the proposed development is as follows:

*"Demolition of existing dwelling and domestic outbuildings and erection of replacement dwelling with associated landscaping and access."*

## Supporting documents

- 1.2. The application is accompanied by a comprehensive suite of supporting documentation, including technical reports and illustrative material. The following documents are submitted in support of this planning application:
- Application form, relevant land ownership certificate (duly signed) and relevant application planning fee;
  - Site Location Plan, prepared by Studio SDA Architecture;
  - Full set of existing and proposed drawings, prepared by Studio SDA Architecture;
  - Computer Generated Artistic Impressions by Vortex CGI;
  - Proposed landscaping layout, prepared by Barnes Walker;
  - Supporting Planning Statement, prepared by Knightsbridge Planning Ltd;
  - Heritage Statement, prepared by Minerva Heritage Ltd;
  - Historic Building Survey, prepared by Matrix Archeology;
  - Trail Trenching Evaluation Report, prepared by Matrix Archeology;
  - Landscape and Visual Appraisal (LVA), prepared by Barnes Walker;
  - Ecological Survey prepared by ERAP Consultant Ecologists Ltd

## Structure of the SPS

- 1.3. This SPS provides details of the proposed development and considers the proposal against the relevant planning policy frameworks at both national and local levels.

1.4. The remainder of the SPS is structured as follows:

- **Section 2, Site Context** – explains the site composition and its context.
- **Section 3, Planning History** – provides an overview of the planning history for the site
- **Section 4, Planning Policy Framework** – provides the planning policy context for the proposals, including statutory and non-statutory policies at a national and local level.
- **Section 5, Planning Assessment** – provides an assessment of the proposals and the compliance with policy through consideration of the key issues and other material considerations.
- **Section 6, Technical considerations** – provides a summary of the relevant technical reports undertaken at the site
- **Section 7, Summary and Conclusions** – summarises the content of this SPS and confirms the acceptability and merits of the proposal.

## 2. Site context

### The Site

- 2.1. The site is roughly in an 'arrowhead' type shape and is approximately 0.41ha in size. The site is near the eastern edges of Lower Rivington Reservoir, which is to the east of Rivington Lane. Access to the site is taken from Rivington Lane via a single lane track that passes through a woodland block.
  
- 2.2. The existing built form on the site includes a two-storey residential property constructed in stone, with a pitched slate roof, that will be referred to as the 'farmhouse' in this SPS. In addition, there are two barn buildings on the site, the first is constructed from stone, with a slate roof, which will be referred to as Barn A, which looks to have been constructed at the same time as the farmhouse, and, there is also a metal clad barn building, which has no real aesthetic appeal and is clearly a later addition to the site, which will be referred to as Barn B.
  
- 2.3. Below is image of the site and its immediate surroundings:



## Surrounding area

- 2.4. In terms of surroundings, the site lies adjacent to Lever Park, which is a Registered Park and Garden. There is a Public Right of Way (Bridleway 9-20-BW & BW17), which tracks along the eastern boundary of the site and follows the route of the access driveway from Rivington Lane. In terms of neighbouring properties, there are some residential properties in the locality, but these are well dispersed.
  
- 2.5. An assessment of the surrounding area and its landscape value has been provided in the Landscape and Visual Assessment document prepared by Barnes Walker and submitted with this application.

### 3. Planning History

3.1. This section of the SPS provides an overview of the planning history associated with the site.

The planning history is set out below:

Application no	Description of Development	Decision
80/00499/FUL	Dining/Living room extension	Approved 21.04.1980
81/00534/FUL	Extensions and alterations	Approved 19.05.1981
95/00126/COU	Conversion of redundant barn to living accommodation	Approved 26.04.1995
00/00705/COU	Conversion of barn to dwelling (Barn A)	Approved 26.10.2000
15/01155/DIS	Application to discharge boundary and landscaping details under application 00/00705/COU	Approved 15.01.2016
16/00173/FUL	Demolition of existing barn and erection of garage and stable (Barn B)	Approved 05.07.2016
19/00216/FUL	Demolition of existing barn and erection of garage and stable (Barn B)	Approved 08.05.2018
21/01208/PDE	Notification of proposed single storey rear extension	Approved 17.11.2021
21/01199/CLPUD	Application for a certificate of lawfulness for proposed single storey side extension.	Approved 01.12.2021
21/01201/CLPUD	Application for a certificate of lawfulness for proposed roof extension	Approved 02.12.2021
22/00610/FULHH	Erection of detached garage	Application Withdrawn
22/00611/FULHH	Erection of detached outbuilding/summerhouse	Application Withdrawn



22/0082/CPLUD	Application for a certificate of lawfulness for a proposed detached outbuilding to accommodate a summerhouse	Approved 21.10.2022
22/00883/CLPUD	Application for a certificate of lawfulness for a proposed detached garage/workshop	Approved 21.10.2022

## 4. Planning policy framework

- 4.1. This section will set out which policies are relevant to the application at both a national and local level and section 5 of the SPS will state what part of the policies are relevant and where the development complies.

### Statutory Development Plan

- 4.2. The Planning and Compulsory Purchase Act 2004 ("The Act") establishes the legislative framework for town planning in England and Wales. Section 38 (6) of the Act requires that proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 4.3. The statutory development plan for CC comprises the following adopted documents:

- The Central Lancashire Core Strategy ("CLCS") (adopted 2012); and
- The Chorley Local Plan ("CLP") (adopted 2015)

- 4.4. Development Plan policies of specific relevance to the determination of the planning application are set out below:

#### *CLCS 2012*

- Policy 16 – Heritage Assets
- Policy 17 – Design of New Buildings

#### *CLP 2015*

- Policy BNE1 – Design Criteria for New Development
- Policy BNE5: Redevelopment of Previously Developed Sites in the Green Belt
- Policy BNE8 – Protection and Enhancement of Heritage Assets
- Policy BNE9 – Biodiversity and Nature Conservation
- Policy BNE10 – Trees
- Policy HS6 – Replacement Dwellings

## Material considerations

4.5. In addition to the statutory development plan set out above, the following documents are material considerations that should be taken into consideration by the Council in determining the planning application:

### *Supplementary Planning Guidance*

4.6. The following documents are Supplementary Planning Documents relevant to the scheme and will be considered in this SPS in Section 5:

- Central Lancashire Rural Development Supplementary Planning Document (“Rural Development SPD”)
- Central Lancashire Design Guide Supplementary Planning Document (October 2012) (“Design SPD”)

### *National Planning Policy Framework 2023*

4.7. A revised version of the National Planning Policy Framework 2023 (“NPPF”) was published in September 2023. The document sets out the Government’s planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions. The following sections are relevant to the determination of this application:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision Making
- Section 12 – Achieving Well Designed Places
- Section 13 – Protecting Green Belt Land
- Section 15 – Conserving and Enhancing the Natural Environment
- Section 16 - Conserving and Enhancing the Historic Environment

## 5. Planning assessment

- 5.1. In this section of the SPS, the merits of the proposed development will be assessed against the adopted development plan and any other material considerations relevant to the assessment of the scheme.

### Principle of development

- 5.2. In considering the proposed development, Section 38 (6) of the Act requires that proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise.

### *Green Belt*

- 5.3. CLP Policy HS6 states that permission will be granted for the replacement of dwellings provided that the following criteria are satisfied: a) The proposed replacement dwelling respects the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled; b) There is no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight; c) Safe and suitable access to the site can be achieved; And in the Case of the Green Belt, Safeguarded Land or Area of Other Open Countryside: d) The proposed replacement dwelling would not detract from the openness to a greater extent than the original dwelling; and e) The proposed replacement dwelling would not be materially larger than the dwelling it replaces nor involves enlarging the residential curtilage. Increases of up to 30% (volume) are not considered to be materially larger.
- 5.4. CLP Policy BNE5 states that the reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met: In the case of re-use: a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it; b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.

- 5.5. Prior to proposals set out in this current scheme, when the client purchased the site, they looked at the option of redeveloping the site using the existing buildings, the extant planning permissions, and the certificate of lawfulness approvals, which will be discussed further below. However, as set out in the Design and Access Statement, the client was unable to deliver a scheme that would cater for their needs as a family, and this is how the current scheme proposed in this application has evolved.
- 5.6. As set out above, the site is designated as being within the Green Belt, and with that considered parts d and e of CLP Policy HS6 will be considered in this section of the SPS, along with the requirements of CLP Policy BNE5. Planning Practice Guidance for Green Belt 2019 states that openness has both a spatial and visual aspect, and both aspects will be considered.
- 5.7. The spatial aspect concerns the volume of the existing structures on the site and the proposed development. Prior to formal submission of the planning application, discussions were undertaken with Principal Planning Officer: Iain Crossland at the Local Planning Authority ("LPA"). This was to discuss the planning strategy for the redevelopment and reuse of the site for a new dwelling. Discussions were undertaken to agree what the starting position should be in terms of volume for the existing site, as this was critical to understanding the parameters for designing a new scheme.
- 5.8. The site has a substantial planning history and benefits from several extant planning permissions, and approved certificate of lawfulness applications. The relevant approvals (set out below) are fully capable of being implemented, are not mutually exclusive and are not just theoretical fallback positions. Therefore, the current permissions provide a significant fallback position, that should be given significant weight in the planning balance when agreeing what the development parameters are for the volume.
- 5.9. During the pre-application discussions with the Local Planning Authority, it was agreed that the volume of the extant planning permissions and approved certificate of lawfulness applications should be included in the existing volume calculations. As a result, the following was agreed with the LPA prior to formal submission in relation to what should be considered as 'existing volume':

Existing Farmhouse - (Part A)

- Existing original dwelling = 633.26m<sup>3</sup>
- Extant permission planning ref: 81/00534/FUL Built (99.74m<sup>3</sup>) and unbuilt (218.79m<sup>3</sup>) = 318.53m<sup>3</sup>
- Extant Roof Extension planning ref: 21/01201/CLPUD = 33.21m<sup>3</sup>
- Extant Side Extension planning ref: 21/01199/CLPUD = 128.87m<sup>3</sup>
- Extant Rear Extension planning ref: 21/01208/PDE = 218.50m<sup>3</sup>
- Extant Garage planning ref: 22/00883/CLPUD = 170.00m<sup>3</sup>
- Extant Summer House planning ref: 22/00882/CLPUD = 221.96m<sup>3</sup>
- Total for existing house = **1,724.33m<sup>3</sup>**

Barn A - (Part B)

- Volume of 1 x domestic outbuilding with extant consent for conversion planning ref: 00/00705/COU + 30% = **863.20m<sup>3</sup>** (existing of 664.00m<sup>3</sup> + 30% as allowed under Local Plan Policy HS6)

Barn B (Part C)

- Volume of 1 x barn ancillary to conversion scheme in part b above (existing of 864.00m<sup>3</sup> + 30% as allowed under Local Plan Policy HS6 = **1,123.20m<sup>3</sup>**)

Total Existing Volume = A + B + C = **3,710.73m<sup>3</sup>**

- 5.10. As set out above, the extant planning permissions and certificate of lawfulness approvals provide a significant fallback position that is beyond theoretical and should be given significant weight. In planning appeal reference APP/D2320/W/17/3182734 (71 Town Lane, Chorley) (see Appendix I) the Inspector assessed a proposal for a replacement dwelling in the Green Belt and in the decision, they consider what weight should be given to an extant planning permission and certificate of lawfulness, and the volumes agreed in those applications. At paragraph 6 of the decision, the Inspector concludes:

*“The approved schemes remain extant, and I have no evidence to suggest that they may be incapable of implementation. Consequently, I consider that these approved schemes represent a realistic fallback position against which to assess the proposed development and to which I attach significant weight.”*

- 5.11. The following is a table that provides a clear comparison between the existing volume agreed and the proposed development:

Volume of existing property (m3)	Total volume of replacement dwelling (m3)	% difference between the existing building and proposed dwelling (volume)
Existing Property = 3,710.73m3 (as set out above)	Proposed Building = 3,706.84m3	Total cumulative volume increase = -0.1%

- 5.12. Given the extant planning permissions and approved certificate of lawfulness applications, and the real-world fallback position of these applications, it is not considered that the development will have a greater impact on Green Belt openness from a spatial perspective than if these approved schemes were to be implemented.
- 5.13. In terms of the visual aspects of the Green Belt, a Landscape and Visual Appraisal (LVA) has been undertaken by Barnes Walker, which is discussed in detail below. Barnes Walker have considered what the potential visual impacts of the development would be in terms of harm to Green Belt openness. The LVA concludes that whilst some closer range views would be affected by the redistribution of the built form on the site, the redevelopment is highly unlikely to cause significant harm to the openness of the Green Belt in visual terms. Barnes Walker consider that the proposals would consolidate the built form on site into one larger building, whilst concurrently reducing the area over which the built form is spread across the site. As a result, the visual aspect of the openness of the wider Green Belt is not expected to be affected to any particular degree.
- 5.14. An additional factor which should be considered as beneficial is that the proposal will reduce

the level of hard standing on the site by 22.9%, from 544.7m<sup>2</sup> to 420m<sup>2</sup>. Therefore increasing the green space and appearance of green land within the site.

5.15. When considering the criteria set out in parts d & e of CLP Policy HS6, and CLP Policy BNE5 for the reasons set out above, it is not considered that the replacement dwelling will detract from the openness of the Green Belt from a spatial or visual aspect. The building would not be materially larger than the buildings it will replace for the reasons set out above, and on that basis, it is considered that the development complies with CLP Policies HS6 parts d & e and BNE5.

5.16. In terms of national planning policy, the NPPF at paragraph 149 sets out a list of development types that are not considered to be inappropriate in the Green Belt provided they preserve the openness and do not conflict with the purposes of including land within it, and the exception relevant to this application is as follows:

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*

5.17. As set out above, the proposed development is for a new dwelling, which will replace the current buildings. The current buildings on site include a farmhouse, which is in a residential use, a domestic outbuilding (Barn A), which is formally a barn (with an extant planning permission for its conversion), and a barn (Barn B), which is currently in a domestic use and has consent to become an ancillary domestic outbuilding as part of the extant conversion scheme. The proposed development will not be materially larger than the development proposed as set out above, and on that basis, it is considered that the scheme complies with NPPF paragraph 149 exception d.

5.18. NPPF paragraph 138 sets out the five purposes of the Green Belt. Assessing the development against the purposes, it is considered that the proposal does not result in unrestricted sprawl of large built-up areas, it does not result in neighbouring towns merging into one another, the proposal does not result in further encroachment into the countryside and does not have any impact on the setting and special character of historic towns. Therefore, it is concluded that the development will have no adverse impacts of the key purposes of the Green Belt.



- 5.19. Overall, the development meets the requirements of CLP Policies HS6 and BNE5, and the NPPF 2023 at Section 13 as set out above. The replacement dwelling is not considered to be materially larger than what could be achieved if the extant permissions were implemented. Therefore, based on the above, the development should be considered as acceptable in principle.

## Design and Landscape

### *Design*

- 5.20. CLP Policy HS6 (part a) states in summary that the proposed replacement dwelling should respect the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.
- 5.21. CLP Policy BNE1 states that planning permission will be granted for new development, including extensions, conversions, and free-standing structures, provided that, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation, and use of materials. In addition, CLCS Policy 17 states that the design of new buildings will be expected to take account of the character and appearance of the local area.
- 5.22. NPPF Section 12 paragraph 130 states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 5.23. The application submission includes a very detailed Design and Access Statement undertaken by Studio SDA Architecture, which not only sets out the final design approach but also documents each stage of the design process as it evolved. The final design not only considers the client's needs but also the planning constraints of the site.
- 5.24. The design of the new property is in the form of a 'H shape farmstead'. This comprises of two asymmetric wings, with a central courtyard feature to the rear of the property and a water feature and entrance area in a central position to the front. There are two car ports which project beyond this which increases the width of each wing. The property is two storey in height with some vaulted ceiling spaces at first floor level, with the highest part of the property sitting approximately 9.75m above the ground level.
- 5.25. The scheme has been designed to maximise views across the open countryside towards Rivington Reservoir, and the principal rooms within the property contain a generous amount of glazing to allow natural light to flow through the property. There are new terraces proposed above the car ports at first floor level, which are linked to the bedrooms, and this will allow the client to enjoy the views beyond the site.
- 5.26. Internally, the development has multiple living areas with a centrally located kitchen/dining area facing out towards the Courtyard patio area. The northern wing comprises of two separate living areas which are rear facing towards the amenity space to the rear of the property. The rest of the northern wing comprises of a kitchen, pantry, laundry room, administration office, cloak room and toilets. The Southern wing boasts a summer glass house at the rear with another living area next to it. This side of the property also comprises of a small library area and adjoining study. The first-floor comprises of four large double bedrooms, all of which have their own associated dressing room and ensuite bathroom(s). Each bedroom has its own balcony/terrace directly accessed from the bedroom as discussed above.
- 5.27. In terms of proposed materiality, Rivington is a small rural village where the main material appears to be locally sourced stone, slate roofing, with traditional stone detailing around the fenestration. With that considered, the materials proposed for this development will reflect and respect the existing surroundings. Light natural stone will be the primary material for the main facades of the new property, which will be high quality and locally sourced. The roof will be primarily natural / Welsh slate with matching ridges, copper down pipes and rainwater guttering

all of which will help maintain the rustic feel. The client intends to recycle / reuse all the existing sandstone & quoins from the demolished buildings, to help integrate elements of the local character within the new property. In terms of the windows, these will generally be black aluminum framed double glazed units, and solid oak doors are proposed. Overall, it is considered that the proposed design offers a traditional architectural form with some contemporary detailing.

5.28. As part of the scheme, it is the full intention of the client to construct the home with high quality materials and increased insulation that will exceed the standards set out in the approved document L1A. As described in the Design and Access statement in detail on page 30, some of the technologies that will be explored for the scheme include the following:

- Solar Thermal
- Hybrid Solar Panels
- MVHR / Air Purification
- Ground Source Heat Pumps
- Earth Energy Banks
- Low E Glazing
- Electric Vehicle Charging

5.29. In relation to the installation of the final designs and locations of the above technologies within the scheme, it will be for a specialist consultant to advise on the most suitable options. There are significant benefits to offering an eco-friendly scheme, which include:

5.30. Environmental Benefits of Sustainable Architecture: -

- Conservation and restoration of natural resources;
- Reduction in energy consumption and waste;
- Protection of ecosystems and environmental biodiversity; and
- Improvement of air and water quality.

5.31. Economic Benefits of Sustainable Architecture:

- Reduction in long-term costs and dependence on traditional energy sources;

- Improvement in productivity of inhabitants; and
- Upgrade asset & property values.

5.32. Social Benefits of Sustainable Architecture:

- Improve the living conditions, health and comfort of inhabitants;
- Improve air and water quality; and
- Minimise demand on local utility infrastructure.

5.33. The development will provide a benchmark on how to deliver a high-quality design that incorporates strong eco and sustainability credentials.

5.34. Overall, the scale, design and materials proposed have been considered carefully as part of this development, and this complies with CLP Policy HS6 (part a). The development respects the character of the area, and would not be dominant or overbearing, and this complies with CLP Policy BNE1, CLCS Policy 17, and the requirements of the Design SPD. The development will bring cohesion to the massing on the site compared to the existing dispersed configuration.

*Landscape*

5.35. CLP Policy BNE1 states that the layout, design, and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths, and open spaces, should be of a high quality and respect the character of the site and local area. CLCS Policy 17 states that landscaping should be provided as an integral part of the development.

5.36. As set out above, to consider the existing landscape value that surrounds the site, and any potential visual impacts from the development, Barnes Walker have undertaken an LVA. In terms of views into the site, the LVA identified several key visual receptors (viewpoints) that needed to be considered, and these are as follows:

- RG1 - People using PRoW 9-20-BW17
- RG2 - People using PRoW 9-20-FP20
- RG3 - People using PRoW 9-20- BW19
- RG4 - People using PRoW 9-20-FP74
- RG5 - People using PRoW 9-2-BW108/visitors at Rivington Pike

- RG6 - People using Rivington Lane
- RG7 - People using Roynton Road
- RG8- Residents of Tan Pits Farm
- RG9 - Visitors and workers at the Anderton Centre

- 5.37. The LVA concludes that the magnitude of the visual effect from the development would be negligible from viewpoints RG4, RG5, RG7, RG8 and RG9. In relation to viewpoints RG1, RG2, RG3, and RG6, the LVA concludes that the impacts would be low and adverse. It is considered that any low adverse impacts will reduce to negligible upon maturity of the proposed landscaping scheme after year 1, which will be discussed below.
- 5.38. The site itself lies within the Lancashire Landscape Character Area LCA 9a (Rivington). The existing built form is visible in this area, and the proposed scheme would be similarly visible, although in a larger format, but in a more consolidated way. The LVA concludes that the materiality of the proposed scheme is wholly appropriate to the location and landscape context, and as a result the scheme is consistent with other dispersed residential properties in LCA 9a. The impact on LCA 9a is negligible from year 1 onwards after the implementation of the proposed landscaping scheme, and as landscaping matures, it is considered that the impact will be Minor Beneficial on LCA 9a.
- 5.39. A landscaping scheme has been prepared, to not only mitigate for any minor visual effects, but also to enhance the site itself. The land surrounding the existing buildings is primarily grass and there is a small woodland area to the south side of the site. The site as it exists has limited landscape features with an area of open lawn on sloping land to the north-east of the site and a lawned area to the south-west forming the rear garden curtilage. With the existing landscape characteristics considered, the proposed landscape scheme has focused on the re-introduction of native plants and species into the existing green spaces that will look natural and will encourage wildlife into the site.
- 5.40. The landscaping proposals include areas of new native woodland to bolster the existing woodland to the south of the site (the rear). The landscaping proposals also include the planting of new native trees, scrubs, and wildflower meadows. The species have been selected carefully to ensure they blend well with the sites surrounding context.

- 5.41. To the north of the property (front), the application proposes a small informal orchard which would compromise of some traditional native species such as Apple trees, Crab apple, wild cherry, and bird cherry trees. This will visually improve the appearance of the site from Rivington Lane and the adjacent Bridleway as well as enhancing biodiversity at the site. The proposed planting would be native, which is a characteristic of the locality and would increase the quantum and quality of the landscape features of the site whilst also softening the appearance of the development over a short space of time.
- 5.42. Overall, the landscaping scheme will not only provide effective mitigation against any minor visual effects, but it will also visually improve the appearance of the site. The proposal therefore complies with CLP Policy BNE1 and CLCS Policy 17.

### Heritage

- 5.43. CLP Policy BNE8 states that applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment. In addition, CLP Policy BNE1 states that a proposal should not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas. CLCS Policy 16 states that development should protect and seek opportunities to enhance the historic environment, heritage assets and their settings by safeguarding heritage assets from inappropriate development that would cause harm to their significances.
- 5.44. The NPPF at section 16 paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.45. The site itself is not protected, and is not in a Conservation Area, however there are three designated heritage assets near to the site, including two Listed Buildings (Great Farmhouse and Cottage and Great House Barn), which are both situated on Rivington Lane. The site is also adjacent to Lever Park, which is a Registered Park and Garden. A Heritage Impact Assessment ("HIA") has been submitted as part of the application to understand if there are any heritage impacts that would result from the development.

- 5.46. The HIA concludes that the existing farmhouse and Barn A are both of low significance in terms of their heritage value, and Barn B has no significant heritage value. The demolition of the existing buildings on site will not have any physical impact to any heritage assets outside the footprint of the site and the effects of this on the settings of the Listed Buildings and Lever Park are 'negligible'. Even though the farmhouse and Barn A are of low significance, the HIA does conclude that the development would generate a 'slight' negative outcome, and as a result, it is concluded overall that the development would demonstrate 'less than substantial harm.' The HIA states that the harm in this case can be effectively mitigated through preservation 'by record' and the standard publication of that record through the Lancashire Historic Environment Record.
- 5.47. In planning policy terms, as 'less than substantial harm' will result from the development, in accordance with NPPF paragraph 202, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits are identified as follows:
1. The redevelopment of the site will secure its long-term future for a new, well designed, and ecofriendly residential property, that will raise the design standards for the surrounding area, which is a public benefit. In addition, full occupancy of the site will prevent the existing buildings from falling into a poor state of disrepair over a long period time.
- 5.48. Based on the above, it is considered that the public benefits outweigh the very low level of harm identified. Therefore, it is considered that the development complies with CLP Policy BNE1, BNE8 and section 16 of the NPPF.

### Archaeology

- 5.49. CLP Policy BNE8 states that historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
- 5.50. To consider archaeology Matrix Archaeology were instructed to carry out a Trial Trenching Evaluation Report. The report states that there was evidence to support that the site was occupied from the late 17th century, and possibly earlier. Three trial trenches were excavated during the works. One of the trenches uncovered the basal remains of a flag floored half-cellar,

which Matrix conclude is likely to date back to the 18<sup>th</sup> century date. This indicated that the earlier house (constructed prior to the farmhouse) had been thoroughly demolished and most of the footings and floors “rubbed out”.

- 5.51. Matix concludes that all the recovered finds from the trial trenches were of late post-medieval date, and the only recommendation in the report is that a watching brief should be conducted during any proposed groundworks at the site.
- 5.52. Matrix also undertook an Historic Building Survey on the farmhouse and Barn A. The report concludes that the current farmhouse on site was probably constructed in 1897 to replace the earlier demolished farmhouse. Barn A was also rebuilt at the same time, probably reflecting demand for dairy products from the nearby rapidly growing urban centres of Horwich and Chorley. The only recommendation the reports make is that an archaeological watching brief should be undertaken.

### **Residential Amenity**

- 5.53. When considering residential amenity, CLP Policy HS6 (part b) is relevant and states that there should be no unacceptable adverse effect on the amenity of neighboring properties through overlooking, loss of privacy or reduction of daylight. CLP Policy BNE1 also states that development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing impacts. NPPF paragraph 130 states that planning decisions should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.54. The site is isolated in terms of its location, and existing properties that surround the site are well dispersed. As such no neighboring properties would be affected through overlooking, loss of privacy or the reduction of daylight. The site demonstrates more than the required separation distances from any neighboring properties, and as a result there will be no adverse impacts in terms of residential amenity. Therefore, it is considered that the development complies with CLP Policies HS6 and BNE1, and NPPF Section 12 paragraph 130.

### **Conclusion**

- 5.55. In conclusion, this section demonstrates that the development is acceptable in terms of the



principal of development, design, landscape, heritage, and residential amenity. In Green Belt terms, the existing volume calculations for the site were successfully negotiated with the LPA prior to formal submission, and we are thankful for the assistance of the LPA in this matter. In spatial terms, for the reasons set out above, the extant permissions for the site do allow for a larger existing volume calculation as agreed, but this is on the basis that these extant permissions can be fully implemented, which should be given significant weight in the planning balance. The LVA submitted with the application also concludes that the visual impact of the development would not cause significant harm to the openness of the Green Belt.

- 5.56. In terms of potential landscape and visual impacts, these are 'low adverse' in some areas (in the worst case), but these impacts at certain viewpoints would reduce to being negligible and, in some cases, a beneficial effect will emerge following the introduction of the proposed landscaping scheme after year 1. At most of the viewpoints assessed, the development was considered to have a negligible impact.
- 5.57. The development will not have an unacceptable impact on the surrounding area in terms of its design and would be complementary to the existing built form in the locality. The low level of harm identified in heritage terms is outweighed by the public benefits of the scheme for the reasons set out above. Therefore, it is considered that the development complies with CLP Policies HS6, BNE5, BNE1, and BNE8, along with CLCS Policy 17, the Rural Development SPD and the NPPF section 12.

## 6. Technical considerations

- 6.1. This section of the SPS will consider and summarise the outcome of the technical reports undertaken and submitted as part of this planning application.

### Highways

- 6.2. Appendix A of the CLP sets out the expected parking standards for each use class. For a dwelling with 4+ bedrooms, 3 parking spaces should be provided. The property has the benefit of a considerable amount of space within the curtilage, which can easily accommodate the off-street parking requirements set out in Appendix A of the CLP. The development can comfortably accommodate more than 4 off-street car parking spaces within the car ports that have been integrated within the design of the property. This accords with Policy BNE1, the parking standards set out in Appendix A of the CLP.
- 6.3. CLP Policy HS6 (part c) states that when assessing a development for a replacement dwelling it should be demonstrated that a safe and suitable access to the site can be achieved.
- 6.4. The proposed development can be effectively serviced via the existing access to the southeast corner of the site from Rivington Lane. The application proposes to re-route the existing access road within the site to create a more appealing curved road design, which will lead up to the frontage of the property. As set out above, the alterations to the access road and external area will reduce the hard standing on the site by approximately 22.9%, which will result in a visual improvement.
- 6.5. Therefore, it is concluded that the site has a safe and suitable access arrangement to service the development, and this accords with CLP Policy HS6.

### Ecology

- 6.6. CLP Policy BNE9 states that In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored, and enhanced, and priority will be given to protecting, safeguarding, and enhancing habitats for European, nationally, and locally important species.

The ecology of the site and the surrounding area will also be given priority (safeguarding existing habitats / features such as but not exclusive to trees, hedgerows, ponds, and streams), unless justified otherwise.

- 6.7. As part of Ecological Survey undertaken by ERAP, the report observed two types of bats, which were found within the existing farmhouse, including a pipistrelle and brown long eared bat. ERAP set out mitigation measures that should be incorporated within the scheme. The mitigation includes a requirement for two recessed external bat boxes, and these will be situated below the eaves to both sides of the proposed building, this is due to the pipistrelle being more of a crevice dweller. In addition, the proposed development will also include a bat loft, which will be a large space (24m<sup>2</sup>) above the first floor, which can be accessed via a bat slate on the south elevation. The height from the top of the rafter to the underside of the apex will be 3.4m. This is a very large space that is more than what has been recommended by ERAP.
- 6.8. Based on the above and subject to mitigation, the development will comply with the requirements of CLP Policy BNE9.

## 7. Summary and conclusions

- 7.1. This SPS has been prepared by Knightsbridge Planning Ltd, on behalf of the applicant in support of an application for planning permission at Top O'th Hill Farm for the "Demolition of an existing dwelling and domestic outbuildings and erection of a replacement dwelling with associated landscaping and access".
- 7.2. In Green Belt spatial terms, the extant permissions for the site do allow for a larger existing volume calculation, this is on the basis that these extant permissions can be fully implemented, and as a result this means that the proposed development is not considered to be materially larger than the existing development on site which is in accordance with the requirement of CLP Policy HS6. In terms of any visual effects on the Green Belt, the LVA submitted with the application concludes that the visual impact would not cause significant harm to the openness of the Green Belt. On that basis, it is considered that the development complies with CLP Policies HS6 and BNE5. In addition, it is also considered that the proposal meets the criteria in NPPF paragraph 149(d).
- 7.3. In terms of potential landscape and visual impacts, these are negligible for the most, however, in areas where a very low level of harm is identified, this can be effectively mitigated through a comprehensive landscaping scheme, which will eradicate any potential harm after year 1 of implementation.
- 7.4. In design terms, the development respects the character of the existing site and wider locality. The low level of harm identified in heritage terms through the loss of the farmhouse and Barn A is 'less than substantial' and this is outweighed by the public benefits of the scheme as set out above.
- 7.5. The development will not have an unacceptable impact on the surrounding area in terms of its design and would be complementary to the existing built form in the locality. Therefore, it is considered that the development complies with CLP Policies HS6, BNE5, BNE1, and BNE8, along with CLCS Policy 17, the Rural Development SPD and the NPPF at section 12.
- 7.6. Finally, there are no technical issues that would constitute a reason for refusing planning

permission and the proposal is entirely acceptable in terms of Landscape and Visual, Heritage, Residential Amenity; Design; Ecology; and Highways.

- 7.7. In summary, the scheme is a high-quality development, that meets the national and local planning policy tests, and we therefore respectfully request that planning permission is granted.

**Appendix I – Planning Appeal Reference  
APP/D2320/W/17/3182734**



## Appeal Decision

Site visit made on 21 November 2017

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14<sup>th</sup> December 2017**

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**Appeal Ref: APP/D2320/W/17/3182734**

**71 Town Lane, Charnock Richard, Chorley PR7 5HP**

- 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 Dean Wild against the decision of Chorley Borough Council.
  - The application Ref 17/00488/FUL, dated 5 May 2017, was refused by notice dated 28 July 2017.
  - The development proposed is a replacement dwelling and detached garage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of a replacement dwelling and detached garage at 71 Town Lane, Charnock Richard, Chorley PR7 5HP in accordance with the terms of application Ref 17/00488/FUL, dated 5 May 2017, subject to the attached schedule of conditions.

### Procedural Matter

2. The Council changed the description of the proposed development from that contained on the application form to 'demolition of existing dwelling and erection of a replacement dwelling and detached garage'. This is an accurate description of the development proposed which I have used in the determination of this appeal.

### Main Issues

3. The main issues in the appeal are:
  - Whether the proposal is inappropriate development in the Green Belt.
  - The effect on the openness of the Green Belt.
  - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Background*

4. The appeal property comprises a detached bungalow set on a large plot and located within a ribbon development of two storey dwellings and bungalows with open countryside to the west and east. It is located within the Green Belt. The appellant indicates that the existing bungalow has a volume of approximately 290 cu.m.
5. The Council has recently granted planning permission for extensions to the existing property including raising the ridge height of the roof, new rear extension and front gable incorporating rooms in the roof space, new pitched roof, front and rear dormers and detached double garage (Ref 15/00878/FUL). In addition, a certificate of lawfulness for a proposed single storey side extension has also been granted (Ref 15/01174/CLPUD). The appellant indicates that the combined volume of these recently granted extensions would be approximately 699 cu.m. Planning permission was also recently granted for a proposed replacement dwelling with detached garage which the appellant indicates is 30% larger in volume than the existing dwelling (Ref 16/00903/FUL). I have no evidence to suggest that the calculations of volume provided by the appellant may be incorrect.
6. The approved schemes remain extant and I have no evidence to suggest that they may be incapable of implementation. Consequently, I consider that these approved schemes represent a realistic fallback position against which to assess the proposed development and to which I attach significant weight.

### *Whether inappropriate development*

7. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. The proposed development would involve the construction of two storey dwelling with the first floor accommodation being incorporated within the roof space. The appellant indicates that this would have a volume of approximately 552 cu.m and suggests that this is 21% less than the approved volume of 699 cu m that would result from the implementation of the permissions to extend the existing bungalow.
9. Policy HS6 of the Chorley Local Plan 2012 – 2026 (2015) (Local Plan) identifies that a replacement dwelling within the Green Belt should not be materially larger than the dwelling it replaces nor should involve the enlargement of the residential curtilage. The policy states that increases of up to 30% (volume) are not considered to be materially larger. In addition, the proposed replacement dwelling should not detract from the openness of the Green Belt to a greater extent than the original dwelling.
10. The proposed development would more than double the size of the existing building and significantly alter its style and appearance. In being materially larger than the one it replaces, the proposed dwelling would amount to inappropriate development within the Green Belt which would be contrary to



paragraph 89 of the Framework and Policy HS6 of the Local Plan. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

#### *Openness of the Green Belt*

11. A fundamental characteristic of Green Belts, as set out in paragraph 79 of the Framework, is their openness and their permanence. The submitted plans indicate that the footprint of the dwelling would be broadly similar to that occupied by the existing bungalow and the attached greenhouse. The proposed detached garage would be located towards the rear of the site and in the position of a former shed that had a much larger footprint.
12. Given that the development would not involve any extension of the existing residential curtilage and the similarity of the proposed footprint to the existing bungalow, the proposal would not lead to the encroachment of development into the countryside.
13. Notwithstanding the fact that the footprint would be broadly similar, the introduction of a dwelling with a significantly larger volume and increased height from that of the existing building would reduce the openness of the Green Belt. As such, the consequential loss of openness would conflict with paragraph 79 of the Framework.

#### *Other considerations*

14. The proposal would result in a larger property with habitable accommodation across two floors, which would be available to the appellants and their family. In that way, the proposal would enhance the living conditions of its occupiers, to which I attach modest weight. The fact that the proposal would result in a building that would be more energy efficient than extending the existing bungalow, attracts only limited weight because this benefit could also be achieved in ways other than the appeal scheme.
15. The overall design and appearance of the new dwelling would be broadly in keeping with the mixed style of properties along Town Lane. In views from the road, the proposed dwelling would be largely seen in context of the row of properties that vary in their scale and appearance and would not look out of place. I attach a moderate amount of weight to this consideration.
16. Minimising the disruption to neighbours due to the incremental construction of the extensions, as oppose to a shorter construction time period for the proposed new build dwelling, would to some extent minimise the disturbance associated with building works and as such carries modest weight.
17. It is also necessary to take into account the fallback position available to the appellant. In this case the appellant could either extend the existing building or implement the permission recently granted for a replacement dwelling which could thereafter be further extended through permitted development. The extension of the existing building would result in it having a considerably larger volume than the appeal scheme. Overall, in both fallback schemes the effects on the Green Belt would be similar to the proposed replacement dwelling.

### *Green Belt balance*

18. I have concluded that the proposal would cause harm to the Green Belt by reason of inappropriateness. It would also have a harmful effect on the openness of the Green Belt. However, a realistic fallback option to construct extensions which have been granted is also available to the appellant which would result, if constructed, in the extended building having a considerably larger volume than the appeal proposal.
19. The proposed replacement dwelling would have no greater effect on openness than the approved extensions. Given that the proposed volume would be less than the fallback extensions there would be no demonstrable impact on the purposes of including land in the Green Belt between the proposed scheme and the permitted extensions.
20. Against this background, I consider that it would be unreasonable to refuse permission for the proposed development because its effect on the Green Belt would be similar to that in the fallback extensions. By adding the other considerations into the planning balance also, which although of limited weight contribute to the appellant's case, I consider that these amount to very special circumstances that clearly outweigh any harm that would result from allowing the development to proceed.
21. On a collective basis therefore, I find that these considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the appellant has demonstrated that the very special circumstances necessary to justify the development exist. These considerations therefore also outweigh the conflicts with paragraphs 87 to 89 of the Framework and Policy HS6 of the Local Plan.

### **Conditions**

22. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. As a result, I have amalgamated two and amended some of them for clarity and to minimise the use of pre-commencement conditions.
23. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area conditions are necessary relating to the external finishes of the development.
24. In order to prevent surface water discharging from the proposed car parking and hardstanding areas and in the interests of highway safety, a condition is necessary to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property.
25. In order to ensure energy efficiency in the construction of the new dwelling and to comply with the requirements of Policy 27 of the Adopted Central Lancashire Core Strategy, I agree that a condition is necessary requiring details that the dwelling will meet the required Dwelling Emission Rate and subsequent certification that the target Dwelling Emission Rate of 19% above 2013 Building Regulations has been met. However, I have amalgamated the Council's

suggested conditions Nos 4 and 5 into one condition in the interests of clarity and expediency.

26. I have taken into account the appellant's suggestion of a unilateral undertaking to restrict further extensions to the dwelling. However, as no unilateral undertaking has been submitted and is not before me in the determination of this appeal I cannot take this as a matter into account. However, I am mindful of the impact on the openness of the Green Belt that could result from future extensions to the proposed dwelling. I am also mindful of the advice provided in the Framework which suggests that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. In this case I consider it necessary to restrict any future extensions to the proposed dwelling, which appears to me could otherwise be enlarged excessively in relation to the plot size and adversely affect the openness of the Green Belt.

### **Conclusion**

27. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

*Stephen Normington*

INSPECTOR

### **CONDITIONS SCHEDULE**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 15/053/L05; Existing plans and elevations 15/053/E02; Proposed garage 15/053/P09; Proposed site plan, floor plans and elevations 15/053/P10.
- 3) No development above foundation level shall take place until samples of all external facing materials and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway).
- 5) Construction of the dwelling shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Prior to the commencement of the development, other than demolition and enabling works, details shall be submitted to and approved in writing by the local planning authority demonstrating that the dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.
- 6) The dwelling hereby approved shall not be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the local planning authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the local planning authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be enlarged or extended under the provisions of Schedule 2, Part 1, Class A or B of that Order.

