

# **WIGNALLS**

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Chartered Surveyors, Planning  
Consultants & Land Agents

## **APPLICATION FOR FULL PLANNING PERMISSION FOR A REPLACEMENT DWELLING HOUSE**

at

69 Gaw Hill Lane, Aughton

(Planning Statement including 'Green Belt Statement')

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## **1.0 INTRODUCTION**

- 1.1 This planning statement has been prepared by Wignalls Chartered Surveyors in support of a full planning application for a replacement dwelling house, following the demolition of no.69 Gaw Hill Lane, Aughton (The Site). The application is submitted on behalf of Mr I. Mercer (The Applicant).
- 1.2 The application site relates to a two storey, detached property with rear outbuildings located to the south of Gaw Hill Lane, Aughton. The property sits within a substantial plot and is flanked by agricultural land to the north, east and west and large residential properties to the rear south. The site is located in land designated as Green Belt as per the West Lancashire Local Plan (WLLP).

## **2.0 THE DEVELOPMENT PROPOSAL**

- 2.1 This planning application seeks planning permission for a replacement dwelling house following the demolition of the existing dwelling house at no. 69 Gaw Hill Lane, Aughton.

## **3.0 PLANNING HISTORY OF THE SITE**

Previous planning applications that are relevant to this site are:

- 3.1 2023/0582/LDP - Certificate of Lawfulness for proposed rear outbuilding to be used for purposes incidental to the enjoyment of the dwellinghouse. Pending decision
- 3.2 2023/0213/LDP - Certificate of Lawfulness Proposed rear outbuilding to be used for purposes incidental to the enjoyment of the dwellinghouse. Not Permitted Development
- 3.3 1999/0220 - Single storey extension to front / side. Pitched roof to existing single storey extension at side and rear. Approved.
- 3.4 1985/465 - Installation of incinerator. Refused.

- 3.5 1985/367 – Extension to existing sun lounge at side / rear. Approved.
- 3.6 1984/474 – Single storey sun lounge / utility room at side. Approved
- 3.7 1982/853 – Dormer extensions to front and rear. Approved.

## **5.0 PLANNING POLICY**

- 5.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (WLLP) provide the policy framework against which the development proposals will be assessed.
- 5.2 The site is located within West Lancashire and is designated under the following policies under the current adopted West Lancashire Borough Council Local Plan 2012-2027:
  - SP1 – A Sustainable Development framework for West Lancashire
  - GN1 – Settlement Boundaries
  - GN3 - Criteria for Sustainable Development
  - IF2 – Enhancing Sustainable Transport Choice
  - EN2- Preserving and Enhancing West Lancashire's Natural Environment
- 5.3 Supplementary Planning Guidance is also relevant:
  - Supplementary Planning Document – Development in the Green Belt (October 2015)
  - Supplementary Planning Document – Design Guide (Jan 2008)
- 5.4 In addition to the above, the following policies have been considered:
  - National Planning Policy Framework

- o Green Belt
- o Achieving well designed places

## **6.0 PRINCIPLE OF DEVELOPMENT - GREEN BELT ASSESSMENT AND EMPLOYMENT USES**

- 6.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 6.2 Paragraph 149 of the NPPF states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. There are 7 exceptions to this rule including ' the replacement of a building, provided the building is in the same use and is not materially larger than the one it replaces' (criteria d).
- 6.3 In considering whether (as a result of the proposed development) the replacement building is within the same use and is not materially larger than the one it replaces, Policy GB1 of the Councils SPD 'Development in the Green Belt' is relevant to replacement dwelling and states that proposals should satisfy the following criteria:
- a) The existing dwelling is lawful and permanent in nature;
  - b) The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces;
  - c) The replacement dwelling should not materially harm the openness of the Green Belt through excessive scale or bulk. It should also be in keeping with the character of the area and appropriate in terms of design and materials;
  - d) The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces
  - e) The replacement dwelling should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness or achieve significant environmental improvements or road safety benefits.
- 6.4 In terms of criteria (a) the existing building is lawful and permanent in nature - the property is brick built and was just until recently, when it was sold to the Applicant, occupied as a family home.

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- 6.5 The total volume of the replacement dwelling is 20% greater than the dwelling that it replaces. Please see plan reference 1884 / 06 for volume calculations. The development proposal therefore complies with criteria (b).
- 6.6 With regard to the impact of the proposal upon the openness of the green belt, the proposed replacement dwelling has been designed in a manner which pays due regard to the scale and massing of the property which is to be replaced. The height of the proposed dwelling has been carefully considered with the overall difference in height to ridge level between the existing and proposed being only 1m to minimise any impact. The replacement dwelling provides a more simplistic design to that of the existing dwelling which has been extended over the year in piecemeal. The development would also remove outbuildings to the rear of the property therefore reducing the spread of the development across the site. The development would also be seen against the backdrop of a new residential development at Gaw Hill Lane, which the property to immediate rear of the site, is some 8.9m in height (planning permission reference 2020/1118/FUL). For these reasons, it is considered the development is not excessive in scale or bulk and it is keeping with the character of the local area.
- 6.7 The curtilage of the replacement dwelling is no larger than that established for the dwelling it replaces and is sited on/close to the footprint of the dwelling it replaces - therefore satisfying criteria d and e.
- 6.8 Therefore it is considered, that on taking the above into consideration that the development proposed would not result in disproportionate additions over and above the size of the original building and would comply with NPPF paragraph 149.
- 6.9 Two of the outbuildings to the rear of the property until it was sold to the Applicant were used by the former owner to breed boxer dogs. The former owners were the only people who ran this small enterprise and have now moved onto a different premises to continue to run their small business. Therefore for the avoidance of doubt, the development for a replacement dwelling at the site would not result to any loss of employment, as the former owners have moved their small business to other property. The dog breeding business was ran as a small enterprise, on a low key basis, like many businesses that run from home - without the need for planning permission.

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## **7.0 SITING AND APPEARANCE**

- 7.1 Policy GN3 of the West Lancashire Local Plan provides criteria relating to design and layout of the development, and states that development should relate well to the adjacent buildings, the area generally and natural features of the site in terms of siting, scale, orientation, design, detailing and material.
- 7.2 The siting of the dwelling would not disturb the grain of development in the locality. The proposed dwelling reflects the design and character of existing dwellings in the area, being of a modern design, materials and detailing. The replacement dwelling is sited in the positioning of the existing dwelling and as it will be sited within a cluster of other residential housing to the rear - it is considered the development would not appear out of keeping within the local street scene.
- 7.3 Therefore it is considered that the development would comply with the requirements of Policy GN3 of the West Lancashire Local Plan and Councils Supplementary Planning Document - Design Guide in terms of its design and external appearance.

## **8.0 IMPACT UPON RESIDENTIAL AMENITY**

- 8.1 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows for development provided it retains or creates reasonable levels of amenity to occupiers of the neighbouring and proposed properties.
- 8.2 Given the semi-rural location of the site the nearest neighbouring properties to the development are to the rear of the site where there are a cluster of other residential properties. It is considered that given the design, siting and scale of the development proposals together with the distance between properties - the development would not result to any loss of amenity to the occupants of the neighbouring properties.
- 8.3 It is considered that the development therefore would comply with Policy GN3 of the West Lancashire Local Plan in relation to any impacts upon neighbouring properties/ uses.

## **9.0 HIGHWAY CONSIDERATIONS**

- 9.1 The proposed development does not include any highway works. The dwelling will remain to be accessed as present. Satisfactory parking provision is available within the approved boundaries of the site. There are no additional access requirements.

## **10.0 ECOLOGICAL CONSIDERATIONS**

- 10.0 Policy EN2, part 2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.1 The application has been supported by the relevant ecological survey reports in line with Local Plan Policy EN2.

## **11.0 PLANNING CONDITIONS**

- 11.0 It is noted that on *some* occasions, on approving planning permission for a replacement dwelling in the Green Belt, that the LPA remove, by planning condition, the properties permitted development rights thus restricting any further development on such sites. This is based on guidance contained within the Councils Green Belt SPD which states that the Council reserves the right to remove permitted development rights for development which may have an adverse impact upon the openness of the Green Belt.
- 11.2 However, paragraph 54 of the NPPF states planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Planning Practice Guidance (PPG) also advises conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity.
- 11.3 Whilst it is understood that the Government attaches great importance to Green Belts, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as per NPPF paragraph 137. However, what should also be considered



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is that the GPDO does not withdraw permitted development rights from buildings within the Green Belt on this basis alone and there is nothing in the NPPF which indicates that such rights should be restricted in the Green Belt.

- 11.4 Whilst it may be the LPAs concern that future additions to the dwelling or within its curtilage could impact the openness of the Green Belt, it is our view that any future works that would be considered to fall under permitted development rights would still be subject to control under the relevant restrictions and conditions specified in the relevant sections of the GPDO
- 11.5 Green Belt policy in the Framework does not require permitted development to be assessed against whether it is inappropriate or not, nor is it necessary to assess any impact on openness.
- 11.6 As such, it is our view that any potential impact on the Green Belt would not amount to a clear justification to warrant withholding permitted development rights.
- 11.7 Appeal cases that have removed the permitted development restriction on Green Belt properties within West Lancashire can be provided if required.

## **12.0 CONCLUSION**

- 12.1 Planning permission is sought for the erection of a replacement dwellinghouse following the demolition of the existing dwelling at no. 69 Gaw Hill Lane, Aughton. It is our view that based on above assessment, that the development would comply with National Planning Policy Guidance together with Local Planning Policies and Supplementary Planning Documents and we would ask respectively that this application is approved.