

Outline planning application to redevelop the haulage yard and workshop and erect four bungalows with access from Preston Road and all other matters reserved

Whalley's Farm, Preston Road, Charnock Richard, Chorley

Planning Statement

Barton Holdings Limited

November 2023

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1 Introduction

- 1.1 This Planning Statement has been prepared by Smith & Love Planning Consultants Ltd on behalf of Barton Holdings Limited in support of its outline planning application for redevelopment of the haulage yard and repair workshop at Whalley's Farm, Preston Road, Charnock Richard and the erection of four detached bungalows (Class C3) with access from Preston Road and all other matters reserved.
- 1.2 The Statement sets out the background and context to the application; provides a description of the site and surroundings; explains the proposed development; and, summarises the relevant policies of the statutory development plan and other policy documents. It then assesses the merit of the planning application against the identified policies, national policy in the National Planning Policy Framework (NPPF 2023) and all other material considerations.
- 1.3 It demonstrates that the proposed redevelopment of the haulage yard is in accordance with the relevant Green Belt, spatial development, housing, employment and general technical and development management policies of the adopted Central Lancashire Core Strategy and Chorley Local Plan, and Government policy applying to development in a Green Belt, recycling previously developed land and boosting the supply and delivery of new housing.
- 1.4 Consequently, having regard to the development plan and all relevant material considerations, there is a clear and compelling case for outline planning permission to be granted in accordance with the presumption in favour of sustainable development applied under the 'flat' balance at Paragraph 11c of the NPPF 2023 and/or the 'tilted' balance at Paragraph 11d.

Supporting information

- 1.5 This Statement should be read in conjunction with the following drawings and supporting documents submitted with the application:
- Location plan 23 1248 L01
 - Haulage yard layout plan 23 1248 IL01
 - Haulage yard visualisations 23 1248 IL02
 - Illustrative housing layout plan 23 1248 P01
 - Illustrative housing visualisations 23 1248 P02
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- Application form
 - Design and access statement
 - Tree survey and arboricultural impact assessment
 - Ecology appraisal
 - Preliminary assessment of biodiversity net gain
 - Preliminary risk assessment (phase 1)
 - Drainage report
 - Transport statement

2 Site and surroundings

- 2.1 Whalley's Farm is an irregular shaped site of 0.48 ha located on the south side of Preston Road (A49) immediately north of Coppull and within the unnamed housing area along Preston Road clustered around the junctions with Town Lane and Chorley Lane.
- 2.2 The site comprises a bungalow and haulage yard with a single access from Preston Road. The bungalow and its garden area occupies the northwest part of the site and the remainder forms the haulage yard. This consists of a large hardstanding on which heavy goods vehicles, HGV trailers (flat, curtain-sided and rigid body), containers, plant and machinery, and commercial and personal vehicles can be stored and parked, together with a vehicle repair workshop which is an over-sized height building with a pitched roof and roller shutter doors. There is also a garage and store buildings/containers around the workshop.



Figure 1: Location plan

- 2.3 The haulage yard is enclosed by fencing with mature trees and hedges, and especially along the eastern edge and frontage, and adjoins housing and gardens to the north and west.

Relevant planning history

- 2.4 There are several previous applications of which 9/90/385 and 22/00720/CLEUD are the most relevant:

Application	Proposal	Decision
76/00126/OUT	Outline application for erection of one bungalow	Refused 25 th May 1976

78/00354/FUL	Proposed taxi business (repair and parking of vehicles)	Refused 2 nd January 1979
88/00041/OUT	Outline application for erection of a garage (for storage of private taxi hire vehicles)	Granted 8 th November 1988
9/90/385	Erection of a workshop and use of land in connection with a haulage business	Granted 10 th March 1992
93/00604/OUT	Outline application for erection of one detached dwelling	Refused 9 th November 1993
22/00720/CLEUD	Certificate of lawfulness for existing use as a haulage yard and ancillary workshop	Granted 22 nd August 2022

2.5 Planning permission 9/90/385 was granted on 10th March 1992 by Chorley Borough Council for 'the erection of a workshop and use of land in connection with a haulage business'. This permission confirms that the haulage yard business use was in operation in 1990 when the application was made, and had been since 1985¹, and it evidently corresponds with the layout and appearance of the haulage site and workshop building which exists today.

2.6 Application 22/00720/CLEUD was made in June 2022 to verify the lawful use of the site (excluding the bungalow and garden area) and included a range of evidence and a statutory declaration which confirms its uninterrupted continuous use as a haulage yard and ancillary workshop for a period well in excess of ten years. The application explains that the types of vehicles which can operate from the site, be parked and stored there when not in use, and be repaired there, include:

- HGV cabin/tractor units
- HGV trailers (all types)
- Shipping containers
- Plant and oversized vehicles (cranes, bulldozers, generators, etc)
- Other commercial vehicles (vans)
- Staff vehicles (cars)

2.7 It also explains that the haulage yard can operate on an unrestricted basis (i.e. for 24 hours a day and 7 days a week) in terms of the movement and parking of vehicles and equipment, and use of the workshop for vehicle maintenance and repair.

¹ This is confirmed in the statutory declaration of Mr D Partington which was submitted with application 22/00720/CLEUD for the certificate of lawfulness for existing use of the majority of the site as a haulage yard and ancillary repair workshop, and which explains that it was operated as such between 1985 and 2020 by W Partington & Son Ltd and other hauliers, and notwithstanding the grant of outline planning permission 88/00041/OUT for the erection of a garage for storage of private taxi hire vehicles for which reserved matters were never approved and it was not implemented

- 2.8 The certificate granted on 27th June 2022 for lawful use of the site as an existing haulage yard and ancillary workshop confirms:

Chorley Borough Council (the Local Planning Authority) hereby certifies that on 27th June 2022, the proposed use / operations described above [existing use of the site as a haulage yard and ancillary workshop] in respect of the land specified and edged in red on the plan attached to this Certificate, was lawful for the following reason(s) -

- 1. It is considered that on the balance of probabilities, and in the absence of any conclusive evidence to the contrary, the land and building shown on the location plan (within the red edge) received on the 12th August 2022, has a lawful use as a haulage yard and ancillary workshop.*
- 2.9 The ability for the majority of the site (excluding the bungalow and garden area) to be fully occupied and used as a haulage yard and ancillary workshop which can operate on an unrestricted basis for 24 hours a day and seven days a week, is therefore a significant material consideration in the planning balance to determine the outline planning application as an implementable fall-back position, and must be given substantial weight.
- 2.10 The location plan referred to in the certificate of lawfulness is reproduced at Figure 2 below and shows the extent of the site which benefits from the fall-back position of existing lawful use as a haulage yard and ancillary workshop.



Figure 2: Certificate of lawfulness location plan showing the extent of specified land with existing lawful use as a haulage yard and ancillary workshop

2.11 The three previous planning applications which were refused are historic and/or not relevant to the proposed outline planning application for the following reasons:

76/00126/OUT Outline application for erection of one bungalow:

This was refused on four grounds of: i) not being in accordance with the development plan of the time by reason of the site location in an area (pre-dating designation of the Lancashire Green Belt) where existing uses shall remain for the most part undisturbed; ii) undesirable extension of ribbon development on Preston Road and setting a precedent; iii) increasing the use of an unsatisfactory access with badly restricted visibility in both directions; and iv) undesirable means of sewage disposal in the absence of a public foul sewer.

78/00354/FUL Proposed taxi business (repair and parking of vehicles):

This was refused for a single reason of increasing vehicular movements at the site entrance which would interfere with the free flow of traffic on Preston Road and pose a source of danger and hazard to road users.

93/00604/OUT Outline application for erection of one detached dwelling:

This was refused on four grounds of: i) and ii) being inappropriate development with Green Belt and not justified by the existence of very special circumstances; iii) not constituting infilling of a single plot within a substantial group of houses within a continuous road frontage in the Green Belt or the confines of an existing rural settlement, and not meeting a low-cost local rural housing need; and iv) being detrimental to the character and appearance of the Green Belt and prejudicial to its purposes.

2.12 It is demonstrated in this Planning Statement that the above reasons for refusal are not relevant to the determination of the proposed outline application, and which must be determined on its individual merit, due to i) the changed physical and technical circumstances of the site over time; ii) the alteration and improvement of the site access over time such that it meets up-to-date local highway authority safety standards and visibility requirements; and iii) the change in relevant development plan policies and national planning policy and guidance, including Green Belt, and including their interpretation and application as informed by relevant appeal decisions and legal authorities.

3 Proposed development

- 3.1 The application is made in outline and seeks planning permission for residential redevelopment of the part of the site containing the haulage yard and repair workshop, with access from Preston Road for approval and all other matters reserved. The proposed residential development is shown illustratively as the erection of four bungalows to the southeast of the existing bungalow and garden which is to be retained. The proposal is described in more detail in the Design and Access Statement and summarised below.
- 3.2 The application drawing submitted for approval is the Location Plan (23-1248-L01). An access layout plan is not submitted as the site entrance from Preston Road is to be reused without alteration and is suitable to serve the proposed residential redevelopment in terms of its width and having adequate visibility splays in both directions. This is confirmed in the Transport Statement submitted with the application.
- 3.3 Whilst approval is not sought for the detailed design of development at this stage, in terms of the layout, scale, appearance and landscaping of a housing scheme, the application is supported by, and submitted with the benefit of, an illustrative housing layout plan (drwg. no. 23-1248-P01) and visualisations (drwg. no. 23-1248-P02) to show how a residential scheme will most likely be accommodated on the site. This broadly 'fixes' the developable area however in terms of locating the proposed four residential plots alongside the retained bungalow and relative to the site entrance.
- 3.4 The illustrative housing layout plan and visualisations show a scheme of four single storey bungalows arranged in a row parallel with the southern boundary, with private gardens to the rear and open frontage accesses via a shared private driveway, and with on-site amenity space, and new and retained landscaping and boundary planting.

4 Planning policy

- 4.1 Relevant policy is provided in the statutory development plan for Chorley and in the National Planning Policy Framework (NPPF 2023) and the planning practice guidance which are important material considerations.

Development Plan

- 4.2 For the purposes of this outline application, this comprises the Central Lancashire Core Strategy DPD covering the period 2010 to 2026 which was adopted in July 2012, and the Chorley Local Plan Site Allocation and Development Management Policies DPD covering the period 2012 to 2026 which was adopted in July 2015.
- 4.3 The Policies Map confirms that the application site is located in the Green Belt and the most important policies for determining the application in this context are:
- CLCS Policy 1 Locating Growth: this sets out the spatial development strategy where growth and investment will be concentrated. It confirms that growth and investment will be focussed on well-located brownfield sites and in 'Tier (f)' locations, consisting of smaller villages, substantially built up frontages and Major Developed Sites, new development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
 - CLCS Policy 4 Housing Delivery: this provides for and manages the delivery of new housing by a) setting the housing requirement for Chorley for the plan period and c) ensuring there is enough deliverable land available to provide a continuous forward looking 5 year supply from the start of each annual monitoring period and in locations that are in line with the Policy 1, the brownfield target (of 70% of all new housing) and suitable for developments that will provide the range and mix of house types necessary to meet requirements.
 - CLCS Policy 10 Employment Premises and Sites: This confirms that redevelopment proposals for housing use should assess a) employment land supply; b) the provision and need for housing; c) relative suitability of the site for employment use and housing; d) the site location and its relationship to other uses; e) if any scope to accommodate smaller scale requirements is compromised; f) the net improvement in amenity; g) marketing evidence of a lack of demand for employment reuse and employment redevelopment; and h) the viability of employment reuse and redevelopment.

- CLP Policy BNE5 **Redevelopment of Previously Developed Sites in the Green Belt:**
The permits the redevelopment of previously developed sites in the Green Belt providing that criteria d) is met: The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

4.4 Other relevant policies from both parts of the Development Plan are:

- CLSC Policy 17 Design
- CLSC Policy 21 Landscape character
- CLCS Policy 22 Biodiversity and geodiversity
- CLCS Policy 27 Sustainable resources and new developments
- CLP Policy HS4A Open space requirements in new housing developments
- CLP Policy HS4B Playing pitch requirements in new housing developments
- CLP Policy ST4 Parking standards
- CLP Policy BNE1 Design criteria for new development
- CLP Policy BNE9 Biodiversity and nature conservation
- CLP Policy BNE10 Trees
- CLP Policy BNE11 Species protection

Other material policy considerations

Supplementary Planning Documents

4.5 The following SPDs are relevant, to varying degrees, to the planning application;

- Controlling Re-Use of Employment Premises (Central Lancashire)
- Design Guide (Central Lancashire)
- Open Space and Play Pitches (Central Lancashire)
- Biodiversity and Nature Conservation (Central Lancashire)
- Employment Skills (Central Lancashire)
- Design Guidance SPG Appendix 2 (Chorley Borough Council)

Five Year Housing Land Supply Position

4.6 The current and up-to-date housing land supply position is set out in the Five Year Housing Supply Statement for Chorley which was published in June 2023. This confirms, that as calculated at the 1st April 2023 base date, there is a net total of 1,717 deliverable dwellings² which equates to a 3.2 year deliverable housing supply over the period 2023 to 2028 based on an annual housing requirement of 530 dwellings which includes a 5% buffer. This shows a decline in the deliverable housing supply from the previous figure of 3.3 years for 2022 to 2027 published in June 2022.

² Which includes a windfall allowance of 173 no. dwellings without planning permission in the five-year period

- 4.7 The lack of a five year housing supply, and the substantial scale of the shortfall of 954 no. dwellings, is a significant material consideration in the determination of the outline planning application which must be given substantial weight. In this circumstance, the NPPF³ confirms that development plan policies which are 'most important for determining an application' are out-of-date and the determination must be carried out in accordance with the 'tilted balance' part of the presumption in favour of sustainable development set out in paragraph 11d.⁴
- 4.8 The tilted balance sets a clear requirement for planning permission to be granted unless either policies in the NPPF 2023 which protect areas or assets of particular importance provide a clear reason for refusing development - which they do not in this case - or any adverse impacts resulting from the grant of planning permission would significantly and demonstrably outweigh the benefits. Consequently, there is a clear expectation that unless material considerations indicate otherwise, a proposed development site which offers the opportunity for additional housing delivery, and no matter what scale, should be considered favourably.

National Planning Policy Framework 2023

- 4.9 This sets out the Government's planning policies for England and how they should be applied. Relevant sections of the NPPF 2023 include;

Paragraph 7 The purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 11 The presumption in favour of sustainable development is the heart of the NPPF. It means c) approving development proposals that accord with an up-to-date development plan; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁵, granting permission unless: i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

³ NPPF 2023 Footnote 8

⁴ This is because it is considered that the proposed housing redevelopment is appropriate development in the Green Belt (or alternatively that very special circumstances exist which justify inappropriate development in the Green Belt), and therefore Footnote 7 of the NPPF 2023 does not disengage the tilted balance.

⁵ Policies relating to: habitats sites (and those listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and referred to in footnote 68); and areas at risk of flooding or coastal change

⁶ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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- Paragraph 60 A key objective of the NPPF is to significantly boost the supply of homes by ensuring a sufficient amount and variety of land can come forward where it is needed.
- Paragraph 69 This emphasises that small sites can make an important contribution to meeting the housing requirement of an area and local planning authorities should: c) support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for new homes
- Paragraph 74 To maintain the supply and delivery of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
- Paragraph 111 Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 119 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, and which makes as much use as possible of previously-developed or brownfield land, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Paragraph 120 Planning decisions should; c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- Paragraph 123 Local planning authorities should take a positive approach to applications for alternative use of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, authorities should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in the NPPF.
- Paragraph 124 Development should make efficient use of land taking into account the need for different types of housing and other development and the availability of suitable land; market conditions and viability; availability and capacity of infrastructure; the scope to promote sustainable travel; the desirability to maintain the character and setting of an area or promote regeneration; and the importance of creating well-designed, attractive, healthy and safe places

- Paragraph 126 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 130 Planning decisions should ensure that developments: a) function well and add to the quality of areas; b) are visually attractive with good architecture, layout and effective landscaping; c) are sympathetic to local character and history, while not preventing innovation or change; d) establish a strong sense of place, using streets, spaces and building types to create attractive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and f) create safe, inclusive and accessible places and which promote health and well-being.
- Paragraph 137 This confirms that great importance is attached to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- Paragraph 138 This confirms that the Green Belt serves five purposes to:
- a) check the unrestricted sprawl of large built-up areas
 - b) prevent neighbouring towns merging into one another
 - c) assist in safeguarding the countryside from encroachment
 - d) preserve the setting and special character of historic towns
 - e) assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- Paragraph 148 Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- Paragraph 149 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development

- Paragraph 159 Development should avoid areas at highest risk of flooding and should be safe for its lifetime without increasing flood risk elsewhere;
- Paragraph 180 When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Paragraph 183 Development sites should be suitable for proposed use/s taking account of ground conditions and any risks arising from instability and contamination.

4.10 In determining planning applications, the NPPF 2023 expects local planning authorities to;

- Paragraph 38 Approach decisions in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible;
- Paragraph 55 Consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition;

Planning Practice Guidance

4.11 Launched in March 2014, the Planning Practice Guidance is a live web-based resource which supplements application of the NPPF 2023 and its policies. Paragraph 64-001-20190722 provides guidance on the factors which can be taken into account when considering the potential impact of proposed development on the openness of the Green Belt. It explains that:

- Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
 - openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation.

5 Planning assessment

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to the provisions of the development plan, so far as it is material to a planning application, and to any other material considerations.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole, and states that 'if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'. Section 39 of this Act also requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements are embodied in the NPPF 2023 which is a principal material consideration and should be given substantial weight.
- 5.3 On this basis, the main issues to be considered in determining the outline planning application with access to be considered and all other matters reserved, are;
- Whether the proposal is inappropriate development in a Green Belt and if it will have a greater effect on the openness of the Green Belt
 - Whether the site is a suitable location for housing
 - The effect of the development on local employment provision in Chorley
 - The effect of the development on landscape and visual amenity
 - The effect of the development on residential amenity
 - Environmental and technical considerations:
 - a) Accessibility and transport
 - b) Trees and hedgerows
 - c) Ecology and biodiversity net gain
 - d) Drainage and flood risk
 - e) Ground conditions
- 5.4 These matters are considered below and, after which, the overall planning balance is drawn and including, if it is considered that the proposed redevelopment is inappropriate within a Green Belt, the assessment of whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so that very special circumstances exist to justify the development.

Whether the proposal is inappropriate development in a Green Belt and if it will have a greater effect on the openness of the Green Belt

- 5.5 The application site comprises two areas; the bungalow and garden occupying the northeast part, and the haulage yard and repair workshop occupying the remainder. The bungalow and garden area is largely unaltered by the proposed development and will only require a revised access to be formed and replacement domestic garage to be built, and both of which are acceptable. This will not have an adverse effect on Green Belt openness and visual amenity.

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- 5.6 The haulage yard and repair workshop is, unquestionably, previously developed land and Policy BNE5(d) of the Chorley Local Plan permits partial redevelopment (of a wider site as in this case) providing that the appearance of the site as a whole is maintained or enhanced, and redevelopment is put forward in the context of a comprehensive site-wide plan.
- 5.7 The Local Plan policy confirms to, and is qualified by, Paragraph 149(g) of the NPPF 2023 which permits the partial or complete redevelopment of previously developed land within the Green Belt, whether redundant or in continuing use, providing that a redevelopment scheme does not have a greater impact on the openness of the Green Belt than the existing development.
- 5.8 In this case, the assessment to be made to determine whether the proposed redevelopment of the haulage yard and repair workshop building and their replacement with four single storey bungalows will have a greater impact on the openness of the Green Belt, can be carried out by comparing the two sets of plans and visualisations submitted with the outline planning application:
- 1) Firstly, the 'Haulage yard layout plan' (drwg. no. 23-1248-IL01) and 'Haulage yard visualisations' (drwg. no. 23-1248-IL02) show the site fully-utilised as a haulage yard and laid out to accommodate a likely fall-back position within the scope of the Certificate of Lawfulness 22/00720/CLEUD for the site which authorises its existing use as a haulage yard and ancillary workshop. In accordance with the Certificate terms and plan, which is unrestricted, and taking reference from site operating licences for 10 no. HGV vehicles (tractor units) and 8 no. HGV trailers, the haulage yard and workshop layout plan shows a combination of HGV tractor units and trailers (articulated lorries) in use; parked HGV tractor units; parked flat-bed trailers carrying plant equipment; stored containers; parked commercial vehicles and a portacabin, and there will also be staff parking.
 - 2) Secondly, the 'Illustrative housing layout plan' (drwg. no. 23-1248-P01) and 'Housing visualisations' (drwg. no. 23-1248-P02) show the proposed housing redevelopment scheme consisting of four single storey bungalows laid out in a row set towards the rear boundary of the site.
- 5.9 Assessing the comparative effect on Green Belt openness between the lawful use of the site as a fully-occupied haulage yard and repair workshop operating on an unrestricted 24 hour / seven days per week basis, and the proposed redevelopment scheme of four single storey bungalows, it is considered that:
- a) the westernmost bungalow is sufficiently equivalent to the workshop building (in location, volume and massing) such that it will not have a greater (net) impact on openness.
 - b) the remaining three bungalows will not have a greater (net) impact on openness than the harm that is caused by the distribution of HGV tractor units and HGV trailers (flat-bed carrying plant and machinery, curtain-sided trailers and solid containers) and other vehicles, equipment and structures across the site, and which will be removed.

- 5.10 Although the comparison between the proposed bungalows and HGVs and operations in connection with a haulage yard is not a conventional calculation whereby one set of buildings to be demolished is compared to a proposed replacement set or single building, the PPG (64-001-20190722) and legal authority⁷ is clear that the comparison is not a solely mathematical / volumetric (and overly-legalistic) exercise and proper consideration requires judgement of a range of factors on a site-by-site basis and the circumstances of a particular proposal. The factors in the PPG are also expressly given as examples and it is not a closed list.
- 5.11 In spatial terms, the replacement of the haulage yard, and the HGV vehicles, trailers, equipment and structures it accommodates, with three bungalows will take place within the confines of the part of the site (the specified land) to which the certificate of lawfulness 22/00720/CLEUD for lawful use as an existing haulage yard relates. This is a small area and the proposed rationalisation and consolidation of the 'haulage yard activity footprint' onto the built footprint of the three bungalows set in broadly the same area and towards the rear of the site, cannot result in a greater impact on the openness of the Green Belt in a spatial sense.
- 5.12 In visual perception terms, a sense of reduced harm to openness will be achieved by removing the effect of a fully-occupied and fully-operating haulage yard from the site and replacing it with three less-conspicuous bungalows. Whereas parked HGV vehicles, HGV trailers / containers and plant positioned at the front of the site are highly visible in views from Preston Road, due to its elevation at that point, three low-rise single storey bungalows set back towards the rear boundary of the site, will not be as evident and can be accommodated without having a greater impact on openness. There is also a significant reduction in the area of the site which is hard-surfaced between the haulage yard and the bungalows which will be much greener, soft landscaped, and enhanced and planted with new trees, shrubs and vegetation. The overall visual comparison of the amount (volume and visual impression) and spread of activity (HGVs, equipment and structures) and development is best achieved by assessing the 3D aerial views of the site, before and after the proposed redevelopment, on drawings 23-1248-IL02 and 23-1248-P02.
- 5.13 Another aspect of Green Belt openness, and a contributing attribute for its assessment which is highly relevant in this case, is the comparative degree of activity likely to be generated on the site before and after the proposed redevelopment. The certificate of lawfulness 22/00720/CLEUD for lawful use of the majority of the site as an existing haulage yard and repair workshop, is unrestricted which means in terms of a lawful, implementable fall-back position, the haulage yard could operate for 24 hours per day on every day of the week. This type and high-level of activity in terms of the visual disturbance and noise nuisance caused by frequent, large HGV traffic movements to, from and within the site, clearly has a detrimental impact on the Green Belt attribute of openness - in terms of harmful activity otherwise being absent and conveying an expected quality of peacefulness and low level of intrusion.

⁷ *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 - the judgment concerns the correct approach for a decision-maker considering 'openness' in the NPPF in the context of mineral extraction development. In particular, it resolves some uncertainty about the relationship between 'openness' and 'visual impact'.

- 5.14 The fall-back position level of harmful commercial activity in connection with the lawful use of the site as an existing HGV haulage yard and vehicle repair workshop, which is detrimental to the Green Belt and incompatible with the sense of openness (operationally and physically/visually), will be entirely removed following the proposed redevelopment of the site. In comparison, the levels of activity generated by the proposed bungalows which can impact openness, will be very substantially less in terms of the number, frequency and size of vehicle movements, and will not be experienced on a 24 hours per day and seven days per week basis. The net reduction in traffic movements is shown in the submitted Transport Statement.
- 5.15 As a final 'test' of any greater impact on openness, it is also relevant that the proposed redevelopment of the haulage yard and repair workshop does not conflict with any purposes of the Green Belt. The position is:
- i) To check the unrestricted sprawl of large built-up areas:
The site is not part of, or adjacent to, a large built-up area and cannot therefore contribute to the unrestricted sprawl of such
 - ii) To prevent neighbouring towns merging into one another:
The site is previously developed land in Green Belt and pre-dates the Green Belt designation such that its redevelopment will not change its status. It is also very small and its position is such that it cannot result in a coalescence of any neighbouring towns
 - iii) To assist in safeguarding the countryside from encroachment:
The site is previously developed land so the proposed redevelopment cannot result in any encroachment of countryside
 - iv) To preserve the setting and special character of historic towns:
This purpose is not relevant in this case
 - v) To assist in urban regeneration by encouraging recycling of derelict and other urban land:
The proposed redevelopment will not prejudice urban regeneration in Chorley
- 5.16 In conclusion, on the basis of the above assessment it is considered that the proposed replacement of the haulage yard and repair workshop with four single-storey bungalows is 'not inappropriate' development in the Green Belt because it preserves the openness of the Green Belt (i.e. does not have a greater impact on the openness of the Green Belt than the existing development) and does not conflict with the purposes of including land in the Green Belt. The proposed development therefore complies with Policy BNE5(d) of the Chorley Local Plan and paragraph 149(g) of the NPPF 2023.

Whether the site is a suitable location for housing

- 5.17 The application site is part of the built-up frontage/developed area of the unnamed hamlet and cluster of housing on Preston Road, consolidated around the junctions with Town Lane and Chorley Lane, just outside Coppull to the south. This location is categorised as an 'other place' in Tier (f) of Policy 1 of the Central Lancashire Core Strategy.

- 5.18 The proposed development of four bungalows on the site comprising previously developed land, is in accordance with the spatial strategy set out Policy 1 in terms of the type and small scale of development permitted in Category (f) locations. In spatial terms, the application site is therefore an appropriate location for the proposed housing development.
- 5.19 In terms of the sustainability and accessibility of the application site, it adjoins housing development to the northeast and northwest and new housing will not appear isolated and/or out of keeping with the residential character of the immediate surrounding area. The area also contains a mix of bungalows and houses, with a bungalow/s within the site (to be retained), opposite the site and further along Preston Road and Town Lane. The site is also accessible to a range of local services and facilities in Coppull by walking, cycling and public transport including shops, food and drink outlets, community facilities, schools, healthcare, leisure, recreation and employment. 1 km and 2 km walking catchment and 5 km cycling catchment plans are included in the Transport Statement supporting the application and bus stops are located on Chorley Lane to the north of the site within 400 metres. These stops are served by routes 337 and 347 which, between them, provide an hourly service to Chorley town centre and a number of local secondary school buses. On this basis, occupiers of the proposed development will not have to rely solely on the private car to meet their day-to-day needs.
- 5.20 The application site is therefore a suitable location for housing development in terms of both spatial compliance and being sustainable development by reason of its accessibility to local services and facilities by walking, cycling and public transport. The proposed development therefore accords with Policies 1, 4, 10 and 17 of the Central Lancashire Core Strategy and Policy BNE1 of the Chorley Local Plan, and the relevant policies of the NPPF 2023.

The effect of the development on the supply of employment land in Chorley

- 5.21 The first consideration is whether the part of the site with existing lawful use as a haulage yard and ancillary workshop qualifies as employment land and/or premises so that Policy 10 of the Central Lancashire Core Strategy is engaged and the associated SPD 'Controlling Re-Use of Employment Premises'.
- 5.22 There is no consensus that a haulage yard (also called a haulage depot by some LPAs) qualifies as a 'Class B' use (either B2 general industrial or B8 storage and distribution) and research shows that many planning permissions and appeal decisions classify the use as Sui Generis. The Local Planning Authority also did not describe, or define by condition, the use as Class B when granting planning permission 9/90/385 for the haulage yard and the certificate of lawful existing use 22/00720/CLEUD.
- 5.23 On this basis, Policy 10 of the Central Lancashire Core Strategy would not be engaged due to its qualification by both:
- 1) Paragraph 6.19 of the Chorley Local Plan which confirms that only existing employment premises and sites last used for employment ranging from "offices to industrial premises" will be retained, in keeping with the Core Strategy Policy 10 - Employment Premises and Sites.

- 2) Appendix 4 of the Controlling Re-Use of Employment Premises (Central Lancashire SPD) which defines the Class B employment uses intended to be subject to Policy 10 of the Central Lancashire Core Strategy (at the time of adoption and including the now defunct Class B1 which has been replaced by Class E). This defines Class B1 (Class E), Class B2 and Class B8 uses and confirms that:
- Consideration will be given to enterprises which provide jobs, particularly local jobs
 - Sui generis uses are not covered by the definition
 - In assessing applications for reuse of employment premises, consideration will be given to the types of employment that the economic indicators show the area most needs, for example, provision of higher value jobs or provision of higher volumes of jobs close to areas of higher unemployment.

5.24 Therefore, it is considered that Policy 10 of the Central Lancashire Core Strategy is not engaged on the basis that the lawful existing haulage yard use is Sui Generis and not within Class B. For completeness however, a brief assessment against the criteria of Policy 10 is carried out as follows:

- a) There would not be an unacceptable reduction in the type, quality or quantity of employment land supply:

The loss of the 0.48 ha site will not have a detrimental effect on the current availability of employment land in Chorley (approximately 16 years' supply), whereby available land is of a better type and quality, and in better-suited locations outside the Green Belt and relative to economic drivers and main centres of employment need/s.

- b) The provision and need for the proposed use:

There is an irrefutable need for additional housing supply derived from windfall sites in Chorley due to the current lack of a five year housing land supply and the shortfall of 1.8 years. The NPPF 2023 makes clear that, unless material considerations indicate otherwise, it is expected that a proposed development site which offers the opportunity for additional housing delivery, and no matter what scale, will be considered favourably.

- c) The relative suitability of the site for employment and for the alternative use:

It is explained above that the application site is a suitable location for the proposed housing development in terms of the 'fit' with the spatial development strategy for Chorley; the unconstrained technical and environmental merits of the site in terms of construction and its deliverability; the attractive location of the site to the housing market; and the accessibility and sustainability of the site relative to local services, facilities and public transport. Conversely, the site is not as well-suited to employment use and will only attract a very limited range of employers seeking uses which a small yard with a single building can accommodate, and with any demand only likely to arise from the local area, and not providing potential for large scale employment and/or a wide range of job types.

- d) The location of the site and its relationship to other uses:

The certificate of lawfulness 22/00720/CLEUD enables the site to be used as an existing haulage yard and repair workshop accommodating HGVs, various trailers, containers, plant and oversized vehicles (cranes, bulldozers, generators) and other commercial vehicles together with staff vehicles (cars), and to operate on an unrestricted basis for 24 hours a day and 7 days a week. The site is immediately adjacent to housing development to the northeast and northwest and this type, frequency and intensity of lawful commercial use is a 'bad neighbour' and source of disturbance and nuisance (noise, traffic, lighting etc). Residential redevelopment with four bungalows provides an obvious benefit compared to on-going (fall-back position) use as a haulage yard and repair workshop.

- e) Whether the ability to accommodate smaller scale requirements would be compromised:

The site does not lend itself to sub-division to meet smaller scale employment requirements because it is already very small, relative to identified employment needs in Chorley, and it cannot cater for a wide range of needs given that it is a yard and does not contain any buildings other than the repair workshop. Any use/s which it can accommodate will also be similar in character to the haulage yard, and potentially worse, in terms of noise generation, nuisance and disturbance - e.g. car sales, car repair / MOT garage, car breaker/scrap yard, builders merchant, contractor/civil engineering depot, etc.

- f) There would be a net improvement in amenity:

The replacement of the lawful existing (fall-back) haulage yard and repair workshop with proposed small-scale residential use of four bungalows, will result in an undisputed net improvement in amenity for the local area and local residents, in terms of noise, nuisance, disturbance, and the appearance and local views of the site

- g) Convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment reuse and employment redevelopment:

The application is made without marketing having been carried out for two reasons. Firstly, because it is considered that Policy 10 of the Central Lancashire Core Strategy is not engaged on the basis that the lawful existing haulage use and repair workshop is Sui Generis and not a Class B use, and secondly, and alternatively in the event that Policy 10 is engaged, because as one of the most important policies for determining the application, Policy 10 is out of date in the absence of a five year housing land supply.

This finding is confirmed in the Chorley appeal decision APP/D2320/W/22/3309262 of 31st March 2023 by Inspector Partington at the Former DXC Technology Site in Euxton at paragraphs 45 and 46 of the Decision Letter. The Inspector also concludes, at paragraph 17, that only minimal weight can be given to the conflict with Policy 10(g) because it is more restrictive and onerous than paragraph 123(a) of the NPPF 2023 which requires a positive approach to be taken to applications for alternative use of employment land which is currently developed but not allocated for a specific purpose in plans, where it will help to meet needs in areas of high housing demand such as Chorley.

- h) An assessment of the viability of employment development including employment reuse and employment redevelopment:

It is not the applicant's case that the site is not, theoretically, viable for on-going commercial and/or employment-generating use. Its point is that any such use will be for continued use as a haulage yard and repair workshop or uses which require a yard and building (such as car sales, car repair / MOT garage, car breakers / scrap yard, builders merchant, contractor / civil engineering depot, etc) but which are no less harmful to the local area (and Green Belt openness) and potentially worse, in terms of noise generation, lighting, nuisance, disturbance, pollution and visual impact etc.

- 5.25 Overall, the above assessment demonstrates that the proposed redevelopment of the haulage yard with four bungalows will not have a detrimental impact on the supply of employment land in Chorley and will not harm any key economic sectors or investment objectives / priorities and, in the event that Policy 10 of the Central Lancashire Core Strategy is engaged, the very minor conflict with this element of the development plan must be given only limited weight due to it being out of date by reason on the five year housing supply shortfall and its inconsistency with paragraph 123(a) of the NPPF 2023.

The effect of the development on landscape and visual amenity

- 5.26 From the countryside to the south, the application site is viewed in the context of being part of the unnamed cluster of housing and development consolidated around the junctions of Preston Road with Town Lane and Chorley Lane.
- 5.27 Photograph 1 below shows the context of the application site against, and at the eastern end of, the horizon of housing along Town Lane which is clearly visible and conveys the location of the site as part of the housing area, notwithstanding that the whole is washed over by Green Belt. It also shows that the workshop and part of the haulage yard is quite visible such that its replacement with low-rise single storey bungalows and new tree planting along the rear boundary will improve the view and visual impression of the site within Green Belt.



Photograph 1: View of the site from Preston Road to the south

- 5.28 Photograph 2 is a close-up view of the site in Photograph 1 and shows that the southern part is well screened with retained trees in leaf. The visible plant machinery (yellow excavator) shows that HGVs, HGV trailers, containers and plant will be visible due to their size, form and colour however, whereas the replacement of the haulage yard with low-rise single storey bungalows and new tree planting along the rear boundary will create a form of development that is much more in keeping with the character of the landscape and view, and will improve the view and visual impression of the site in the Green Belt.



Photograph 2: Close-up view of the site from Preston Road to the south

- 5.29 It is demonstrated that the proposed development therefore accords with Policies 17 and 21 of the Central Lancashire Core Strategy and Policy BNE1 of the Chorley Local Plan, and paragraphs 126 and 130 of the NPPF 2023.

The effect of the development on residential amenity

- 5.30 Whilst only submitted in outline at this stage, the proposed bungalows are shown illustratively so that they do not impact the residential amenities of the occupier/s of the existing bungalow with the site which is to be retained, and because of the site location, the development will not have a detrimental effect on the amenities of any other nearby houses.
- 5.31 Instead, the redevelopment of the site from the existing (and fall-back position) haulage yard and repair workshop, to a residential use consisting of four bungalows, will result in a significant net benefit and improvement to the residential amenities of the neighbouring properties and local area by the removal of all sources of noise, nuisance and disturbances associated with the unrestricted (24 hour / seven days per week) operation of the haulage yard and repair workshop.
- 5.32 The proposed redevelopment accords with Policy 17 of the Central Lancashire Core Strategy and Policy BNE1 of the Chorley Local Plan, and the relevant policies of the NPPF 2023, on this basis.

Environmental and technical considerations

5.33 In considering the suitability and sustainability of the application site for the proposed housing development, the following environmental and technical matters have been assessed:

- a) Accessibility and transport
- b) Trees and hedgerows
- c) Ecology and biodiversity net gain
- d) Drainage and flood risk
- e) Ground conditions

5.34 Surveys and impact assessments have been commissioned in connection with these matters and are submitted with the outline planning application. A summary of the conclusions and recommendations of the reports is set out below.

a) Accessibility and transport

5.35 The application is accompanied by a Transport Statement which confirms that;

- the application site is a sustainable location for the proposed development of four bungalows and is accessible, on foot and by cycle and public transport, to a range of local amenities and facilities within Coppull and Chorley town centre.
- the site is provided with safe and suitable vehicular entrance arrangements from Preston Road and the access can be reused to serve the proposed development of four bungalows without alteration and any need for off-site improvement/s.
- although an outline application, the proposed development will provide sufficient resident and visitor off-street car parking in accordance with adopted standards, and adequate access, turning areas and manoeuvring space for servicing (refuse collection and deliveries) and emergency vehicles; and,
- the development of four bungalows will generate between 20 and 28 no. vehicle movements per day. This will have a negligible impact on the operation of Preston Road and local junctions, and more significantly, it will be a considerable reduction in the level and type of traffic (HGV and commercial vehicles) which the existing haulage yard (fall-back position) generates. Although the certificate of lawfulness 22/00720/CLEUD enables the haulage yard and repair workshop to operate on an unrestricted basis for 24 hours a day and 7 days a week, a level of operation based on the previous operators' licences for 10 no. HGVs and 8 no. trailers, means that the haulage yard will generate at least 20 HGV movements per day and many more if more than single (out and return) trips are made. HGV drivers will also arrive and leave the yard each day which adds a further 20 daily car movements, plus staff based at the yard during the day. As a minimum therefore, there will be a reduction from 40 vehicle movements per day to between 20 and 28 which is at least 30%.

5.36 It is demonstrated that the proposed development is therefore acceptable in terms of accessibility and transportation, and highway operation and safety, and will result in significant reduced traffic betterment. There is no conflict with Policy 3 of the Central Lancashire Core Strategy and Policies ST1 and BNE1 of the Chorley Local Plan, and paragraph 111 of the NPPF 2023.

b) Trees and hedgerows

5.37 The outline planning application is supported by a Tree Survey and Arboricultural Constraints Report and Tree Protection Plan. The survey identifies a number of trees around the perimeter of the site and none within the interior. There are 10 no. individual trees, 4 no. groups and 1 no. hedgerow in total with 6 no. assessed as Category B and the remainder as Category C. There are no Category A trees or hedgerows.

5.38 None of the trees pose a constraint to development and, although this is an outline application with layout reserved for future approval, the illustrative layout of the four bungalows shows that all of the trees can be retained.

5.39 On this basis, the proposed development is in accordance with Policy 18 of the Central Lancashire Core Strategy and Policies BNE1 and BNE10 of the Chorley Local Plan and the relevant policies of the NPPF 2023.

c) Ecology and biodiversity net gain

5.40 An extended Phase 1 habitat survey and daylight licensed bat survey were carried out in September 2023 to identify any potential ecological constraints in connection with the proposed redevelopment.

5.41 The results are presented in the Ecological Assessment submitted with the application and confirm that the site has limited ecological value and redevelopment will not have an adverse effect on any statutory and non-statutory designated nature conservation sites. The haulage yard contains only common, widespread plant species, and semi-natural habitats of 'site-only' value which are not classed as irreplaceable. The short length of frontage hedgerow along Preston Road qualifies as Priority Habitat but is unaffected by the proposed redevelopment, and no other Priority Habitats are present.

5.42 No roosting bats and birds (Barn Owl) were detected in the buildings, structures and trees on site, and they are assessed as being of 'negligible' suitability at all times of the year such that no further surveys are required to determine the outline planning application. None of the buildings and structures are suitable for nesting birds however the boundary trees, which will be retained and are unaffected by the proposed redevelopment, provide suitable habitats for nesting birds and foraging bats. No other notable or protected species were recorded at the site and/or are likely to rely on the site for habitat and/or feeding.

- 5.43 Compensatory planting and habitat enhancement and connectivity is recommended, including the retention of all suitable trees and hedgerows and their protection during construction, and the use of native and 'wildlife-friendly' new tree, shrub, hedgerow and plant species in the landscape planting proposals at reserved matters stage including planting along the southern boundary. Bird nesting boxes (i.e. 2 no. house sparrow terraces) and 2 no. bat roosting boxes (access panels) should also be incorporated into the redevelopment, and suggested plot locations are shown on the illustrative site layout plan. Wildlife access gaps (for hedgehog and small mammals) should also be provided in all boundary / plot fencing, and any external lighting should be mitigated to avoid disturbance to foraging bats.
- 5.44 From this baseline assessment, and based on the illustrative layout plan and landscaping strategy, together with the recommendations set out in the ecological assessment, it is calculated that the proposed redevelopment can deliver a considerable biodiversity net gain of 49.32% in habitat units and 30.99% in hedgerow units. This is set out in the submitted Preliminary Assessment of Biodiversity Net Gain and Metric 4.0 Calculation Spreadsheet.
- 5.45 Overall, it is demonstrated that the proposed redevelopment is feasible and acceptable in ecological terms and can deliver a biodiversity net gain in accordance with Policy 22 of the Central Lancashire Core Strategy and Policies BNE9 and BNE11 of the Chorley Local Plan and paragraph 180 of the NPPF 2023.

d) Drainage and flood risk

- 5.46 A Surface Water and Foul Water Drainage Strategy is submitted with the planning application. This assesses the existing site conditions and potential impact of the proposed development on local foul and surface water drainage infrastructure, and recommends how it should be most suitably and sustainably drained in accordance with the SuDS hierarchy.
- 5.47 Whilst a flood risk assessment is not required, the site lies in Flood Zone 1 (low risk) and does not experience any adverse conditions which could impair drainage or increase the risk of off-site flooding by surface water drainage from the proposed development.
- 5.48 The geology and ground conditions on the site are not conducive to infiltration so it is proposed to discharge surface water from the development to the Whittle Brook watercourse which flows 90 metres to the south. A connection will be made to the surface water drain in Preston Road which discharges to the brook. An attenuated piped system will connect the bungalows and discharge from the site will be controlled to the pre-development runoff rate of 4.7 l/s allowing for surface water runoff generated by all rainfall events up to the 100 year critical rain storm plus 45% on stored volumes.
- 5.49 Foul water from the development will be collected by a piped system and treated by a sewage treatment plant to be located within the frontage of the site at a minimum of 7 metres from habitable areas. The treated effluent will discharge into the surface water drain in Preston Road which discharges into Whittle Brook in accordance with an environmental permit.

5.50 The development is therefore acceptable in terms of drainage and flood risk and is in accordance with Policies 27 and 29 of the Central Lancashire Core Strategy and Policy BNE1 of the Chorley Local Plan, and paragraph 159 of the NPPF 2023.

e) Ground conditions

5.51 The application is accompanied by a Phase I Contaminated Land desktop study to determine the likelihood of any contamination and adverse ground conditions which could constrain the proposed development of four bungalows and require prior mitigation and/or remediation.

5.52 The assessment shows that, based on historic mapping and review of published land use and environmental data, that there is a risk of ground contamination being present in connection with the use of the site as a haulage yard, and preceding historical uses, and within the made ground on the site such that a Phase 2 Site Investigation and Remediation Strategy will be required, and which can be secured by pre-commencement condition. Contaminants could potentially include heavy metals and petroleum hydrocarbons from fuel and oils from vehicles and machinery used at the site, and their maintenance, or polyaromatic hydrocarbons within the made ground.

5.53 The ground within the site is stable and suitable for development subject to foundation design based on the results of the Phase 2 investigation. Mining has taken place in the wider area, with historical pits located between 256 metres and 418 metres north of the site, and the site is within an affected area identified by the Coal Authority, but there is no evidence to suggest that any mining has taken place on the site.

5.54 On this basis, the proposed development can be made safe and acceptable in terms of ground contamination and geotechnical conditions, and is therefore in accordance with the relevant policies of the development plan and paragraph 183 of the NPPF 2023.

6 The planning balance

- 6.1 This Planning Statement demonstrates that the proposed redevelopment of the site, as previously developed land containing a haulage yard and repair workshop which can lawfully operate on an existing unrestricted basis, is not inappropriate development within a Green Belt and fully accords with the relevant policies of the Central Lancashire Core Strategy and Chorley Local Plan such that planning permission should be granted without delay.
- 6.2 This is the case applying the 'flat' planning balance, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, in accordance with the presumption in favour of sustainable development at Paragraph 11c of the NPPF 2023. It is thereby reached without reference to the five year housing land supply position in Chorley as a decisive factor, albeit the substantial shortfall of 954 no. dwellings is a very significant material consideration in support of granting planning permission.
- 6.3 It is also the case, applying the 'flat' planning balance and presumption in favour of sustainable development at Paragraph 11c of the NPPF 2023, that if the Local Planning Authority disagrees the proposed redevelopment is appropriate within a Green Belt and is 'inappropriate development', then 'very special circumstances' exist to justify development whereby any harm to the openness of the Green Belt, and which must be very limited in this case, is clearly outweighed by other considerations. In this scenario, where very special circumstances exist, the proposed redevelopment, still, fully accords with the relevant policies of the Central Lancashire Core Strategy and Chorley Local Plan and, therefore, planning permission should be granted without delay.
- 6.4 Additionally, or alternatively if the Local Planning Authority considers that there is conflict with development plan policies which are most important for determining the application, the 'tilted' planning balance is engaged by virtue of the five year housing land supply deficit in Chorley. In this scenario, planning permission must be granted in accordance with the presumption in favour of sustainable development at Paragraph 11d of the NPPF 2023 on the basis that:
- i) no policies in the NPPF⁸ that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; and
 - ii) any adverse impacts of granting planning permission do not significantly and demonstrably outweigh the significant benefits of the development proposed.
- 6.5 On this basis, both planning balances are carried out as follows and including consideration of 'very special circumstances' if the Local Planning Authority considers this to be necessary.

⁸ Whereby the proposed redevelopment is 'not inappropriate' within the Green Belt or, alternatively, is 'inappropriate' within the Green Belt and very special circumstances exist to justify it, such that the first criterion (per Footnote 7) of paragraph 11d does not disengage the tilted balance and cannot justify withholding planning permission.

a) Determination under Paragraph 11c of the NPPF 2023 - the 'flat' balance

- 6.6 This outline planning application for redevelopment of the haulage yard and repair workshop at Whalley's Farm, Preston Road, Charnock Richard and the erection of four detached bungalows (Class C3) with access from Preston Road and all other matters reserved, is demonstrated to be in accordance with the relevant Green Belt, spatial development, housing, employment and general technical and development management policies of the adopted Central Lancashire Core Strategy and Chorley Local Plan.
- 6.7 Important material considerations fully support this assessment and do not point to a contrary view, whereby;
- 1) the proposed redevelopment is in full accordance with the relevant policies and objectives of the NPPF 2023 aimed at boosting the supply and delivery of new housing; making effective and efficient reuse of unallocated previously developed land; supporting small sites and windfall housing development; and, achieving sustainable development.
 - 2) environmental and technical matters including the effect of development on Green Belt openness; local landscape and visual amenity; neighbours' amenity; non-car accessibility; highway network operation and safety; tree and hedgerow protection; biodiversity protection and net gain; flood risk; drainage and ground conditions have been thoroughly investigated, and the accompanying surveys and reports demonstrate that there are no valid technical reasons to preclude redevelopment of the site; and,
 - 3) the proposed redevelopment will deliver a range of social, economic and environmental benefits for existing and future local residents and Chorley Borough Council, and all of which carry significant weight. In summary, the redevelopment will;
 - boost housing supply and contribute, notwithstanding the modest scale of development, to help Chorley Borough Council achieve a five year housing land supply position given the current supply of just 3.2 years and substantial deficit;
 - diversify and widen housing choice in Chorley, notwithstanding the modest scale of development, by providing bungalows which are a very popular type of housing for which demand greatly outstrips supply and is under-provided by the market;
 - enhance the local nature conservation value of the site and provide expected biodiversity net gains of 49.32% in habitat units and 30.99% in hedgerow units;
 - recycle and make efficient and effective reuse of unallocated previously developed land;
 - remove the existing haulage yard as a 'bad neighbour' use, which can lawfully operate on a 24 hours per day and 7 days a week unrestricted basis, from the Green Belt to the benefit of the local landscape and the Green Belt visual amenity, and the residential amenities and quality of life of neighbours and local residents; and,

- provide economic benefits including CIL, council tax and increased household spending and support for the local economy, and construction-phase spending and employment opportunities.

Conclusion on the 'flat' balance

- 6.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the planning application to be determined in accordance with the adopted development plan unless material considerations indicate otherwise, which they do not in this case.
- 6.9 On that basis, and in accordance with the presumption in favour of sustainable development at paragraph 11c of the NPPF 2023, it is clear that planning permission should therefore be granted without delay.

Very special circumstances

- 6.10 Without prejudice to the applicant's case and analysis set out in paragraphs 5.5 to 5.16 of this Planning Statement, that the proposed redevelopment is not inappropriate development in the Green Belt, in the event that the Local Planning Authority disagrees and considers instead that paragraph 148 of the NPPF 2023 is engaged, it is demonstrated as follows that 'very special circumstances' exist in this case.
- 6.11 The following assessment shows that any potential harm to the openness of the Green Belt by reason of inappropriateness and any harm to purposes, plus any other harm resulting from the proposed redevelopment of the haulage yard and repair workshop, is clearly outweighed by other considerations.

a) Green belt harm

Openness (spatial and visual)

- 6.12 Aside from definitional harm by reason of inappropriateness, any actual ('on the ground') and/or perceptible physical harm to the openness of the Green Belt is very limited.
- 6.13 The comparison sets of existing and proposed illustrative material submitted with the outline planning application, which show a fully operational haulage yard and repair workshop which can lawfully operate on an unrestricted basis and the redeveloped site containing four low-rise single storey bungalows, demonstrates that there is no harmful net difference between
- a) the effectively-permanent presence, spatial perception and visual effects of HGVs, trailers, containers, plant and machinery, and commercial vehicles operated, parked and stored at the site, plus the permanent workshop building,
- and,
- b) the presence, spatial perception and visual effects of the proposed four bungalows.

Purposes

6.14 It is explained earlier, at paragraph 5.15 of this Statement, that as previously developed land in the Green Belt, the haulage yard application site does not currently contribute to any of the five purposes of the Green Belt and consequently, the proposed redevelopment cannot harm any of the five purposes.

b) Other harm

6.15 The non-Green Belt effects of the proposed development are explained and assessed in paragraphs 5.17 to 5.54 of this Planning Statement, together with the mitigation measures which are proposed to neutralise impacts and can, if necessary, be controlled by condition/s. The assessment shows that there is no residual 'other harm' caused by the development and therefore none to be weighed together with (any) very limited Green Belt harm.

c) Other considerations

6.16 It is well-established that there is no set definition of the matters and factors which, individually or in combination, can constitute or contribute to the existence of very special circumstances when considering inappropriate development in a Green Belt. The Courts have held however that the rarity or uniqueness of a factor may make it very special, and also that aggregation of several factors, ordinary in themselves, can combine to amount to something very special. As such, the weight to be given to any particular factor is a matter of planning judgement for the decision-maker and is to be approached on an individual case-by-case basis.

6.17 The material considerations which are capable of contributing / amounting to very special circumstances in the case of this outline planning application, are summarised as follows:

1) Helping to remedy housing land supply shortfall in Chorley

6.18 Chorley Borough Council has an acknowledged, and worsening, five year housing land supply deficit. The situation as at 1st April 2023 is just 3.2 years and this represents a very significant shortfall below a five year supply which the Government expects to be maintained as a minimum. Consequently, there is a clear expectation that unless material considerations imply otherwise, proposed development sites which offer the opportunity for new windfall housing delivery should be considered favourably and no matter of what scale is proposed.

6.19 In this context, the proposed development of four bungalows, whilst modest, will make a helpful contribution to new housing provision in Chorley and will assist in addressing the acute and sustained shortfall in terms of five year housing land supply. The fact that the scheme will deliver housing in the context of the shortfall outlined above, is a very material benefit and a consideration to which very significant weight must be attached in the context of determining whether very special circumstances exist. A further positive consideration of significant weight is the availability of the site and its attractiveness to the SME housing developer market and the high degree of certainty that a grant of planning permission will result in new housing being delivered on the site in the short term.

2) Other positive attributes and benefits of the proposed redevelopment

6.20 Redevelopment of the haulage yard also delivers wider benefits that contribute to establishing very special circumstances. These are summarised below whereby the proposal will:

- boost housing supply and contribute, notwithstanding the modest scale of development, to help Chorley Borough Council achieve a five year housing land supply position given the current supply of just 3.2 years and substantial deficit;
- diversify and widen housing choice in Chorley, notwithstanding the modest scale of development, by providing bungalows which are a very popular type of housing for which demand greatly outstrips supply and is under-provided by the market;
- enhance the local nature conservation value of the site and provide expected biodiversity net gains of 49.32% in habitat units and 30.99% in hedgerow units;
- recycle and make efficient and effective reuse of unallocated previously developed land;
- remove the existing haulage yard as a 'bad neighbour' use, which can lawfully operate on a 24 hours per day and 7 days a week unrestricted basis, from the Green Belt to the benefit of the local landscape and the Green Belt visual amenity, and the residential amenities and quality of life of neighbours and local residents; and,
- provide economic benefits including CIL, council tax and increased household spending and support for the local economy, and construction-phase spending and employment opportunities.

6.21 These further benefits each constitute a consideration to which weight can be attached in the context of determining whether very special circumstances exist.

Conclusion on very special circumstances

6.22 In the event that the Local Planning Authority considers the proposed redevelopment is inappropriate development, there will be no realistic harm to openness as the only Green Belt harm which could occur is that which is definitional. This negligible level of harm nevertheless attracts substantial weight in the decision-taking process when considering the matters which are capable of clearly outweighing it. There is no other harm (non-Green Belt) resulting from the proposed redevelopment.

6.23 To be measured against the very-low Green Belt harm, the relevant matters put forward for consideration in the context of very special circumstances are compelling. That is both individually and/or in combination, and they are worthy of being afforded sufficient positive weight in favour of the proposed development, such that they very clearly outweigh the definitional harm caused to the Green Belt, and notwithstanding that the harm to Green Belt attracts substantial weight. Accordingly, for the purposes of paragraph 148 of the NPPF 2023, it is concluded that very special circumstances exist.

b) Determination under Paragraph 11d of the NPPF 2023 - the 'tilted' balance

- 6.24 Due to the fact that Chorley Borough Council cannot demonstrate a minimum 5 year housing land supply, the NPPF 2023 confirms that Paragraph 11d of the presumption in favour of sustainable development is engaged for the purposes of determining the application. This is notwithstanding that the proposed redevelopment fully accords with the relevant policies of the Central Lancashire Core Strategy and Chorley Local Plan, such that the 'flat' planning balance also applies, and indicates that planning permission should be granted without delay.
- 6.25 The application of the 'tilted' balance is a material consideration of great weight when determining planning applications and means that there is a clear expectation that, unless material considerations indicate otherwise, sites which offer the opportunity for new housing delivery should be considered favourably.
- 6.26 Therefore, considering firstly the application of policies in the NPPF 2023 which might provide a clear reason for refusing planning permission for the proposed redevelopment, the only one referred to in Footnote 7 which is relevant in this case, it that applying to Green Belt land. Paragraphs 5.5 to 5.16 of this Planning Statement demonstrate that the proposed redevelopment is not inappropriate development in the Green Belt and, in the event that the Local Planning Authority disagrees, paragraphs 6.10 to 6.23 above demonstrate that 'very special circumstances' otherwise exist.
- 6.27 Therefore, the application of policies in the NPPF which protect areas or assets of particular importance does not provide a clear reason for refusing the proposed redevelopment. The first criterion of paragraph 11d does not disengage the tilted balance and cannot justify withholding planning permission in this case.
- 6.28 Applying the second criterion of paragraph 11d of the presumption is a two stage process. Firstly, any adverse impact (harm) which will be caused by the proposed redevelopment must be identified, measured and ascribed weight and, the same exercise carried out for the benefits the redevelopment will provide. Secondly, an objective balancing exercise must be carried out to determine if the collective weight of any harm will significantly and demonstrably outweigh the collective weight of benefit when assessed against the policy contents and objectives of the NPPF 2023 as a whole.
- 6.29 The assessment of the harm and benefits associated with the proposed redevelopment is as follows. In ascribing weight to the harms and benefits, the scale of 'limited', 'moderate', 'significant' and 'substantial' is used.

Development harm

- 6.30 On the basis that the proposed redevelopment fully accords with the relevant policies of the Central Lancashire Core Strategy and Chorley Local Plan, as demonstrated in this Planning Statement, there is **no residual harm** to be weighed in the 'tilted' planning balance.

6.31 Notwithstanding this position, if the Local Planning Authority disagrees with the applicant and considers that there is conflict with development plan policies which are most important for determining the application then a, potential, degree of 'policy based harm' will be caused. The only area where the Local Planning Authority may consider that this is the case, is in connection with Policy 10 of the Central Lancashire Core Strategy and depends on the Local Planning Authority being able to demonstrate that the part of the application site with existing lawful use as a haulage yard and repair workshop, is qualifying employment land and/or premises falling within the remit of Policy 10.

6.32 In the event that there is conflict with Policy 10, paragraph 5.24 a) to h) of this Planning Statement demonstrates that it is very narrow and confined to a breach of criterion (g) whereby a 12 month marketing period for employment reuse and employment redevelopment has not been carried out. A conflict with this single element of the development plan must be given only **limited weight** however due to Policy 10 being out of date by reason of the five year housing supply shortfall and its inconsistency with paragraph 123(a) of the NPPF 2023. This is consistent with Inspector Partington's reasoning in the Former DXC Technology Site, Euxton appeal decision (APP/D2320/W/22/3309262) of 31st March 2023.⁹

6.33 Beyond any limited conflict with Core Strategy Policy 10(g) of the development plan, there are no other adverse effects arising from the proposed redevelopment which cannot be mitigated by condition/s, in respect of:

- Landscape and visual amenity
- Highways (all aspects including safety, traffic generation and public transport)
- Accessibility to local services and community facilities by sustainable transport modes
- Drainage (surface water and foul water)
- Flood risk and flood prevention
- Utilities and infrastructure capacity (water, electricity, gas, telecoms / broadband)
- Trees and hedgerows
- Ecology and biodiversity
- Ground conditions and contamination
- Residential amenity

6.34 These matters must therefore be given **neutral weight** in the planning balance.

Development benefits

a) Social benefits

6.35 Having regard to the Government's objective of significantly boosting the supply of homes, the proposed redevelopment will contribute to increasing the supply of housing in Chorley district.

⁹ Paragraphs 16, 17, 45 and 46 of the decision letter explain that the appeal was made in breach of criterion (g) of Policy 10 because a 12 month marketing exercise was not carried out, but the conflict is given only minimal weight because Policy 10 is one of the most important for determining the appeal and is out of date by reason of the lack of a five year housing land supply, and it is inconsistent with paragraph 123(a) of the NPPF 2023.

6.36 Whilst being a modest addition, the homes can be built and delivered quickly and in less than five years. The market homes will be bungalows which also widen the choice of housing in Chorley and provide a popular type of home which the market does not deliver in volume.

6.37 These benefits attract **significant weight** in the planning balance, and in the context of the absence of a 5 year housing land supply and a considerable shortfall, that is increased to **substantial weight**.

b) Economic benefits

6.38 There will be employment benefits resulting from the proposed development in terms of direct and indirect job creation and supply chain spending during the construction phase. Imposing a condition requiring approval and implementation of an Employment and Skills Plan, in accordance with the Central Lancashire Employment Skills SPD, would also create skills and training opportunities. And, in the long term over the lifetime of the development, there will be increased spending and patronage by future households within the local economy and support to sustain local services, businesses and community facilities. The proposed development will also generate additional Council tax revenue and a CIL payment. Whilst not large, these benefits are still positive aspects of development and should be given **moderate weight** in the planning balance.

c) Environmental benefits

Recycling and reusing previously developed land

6.39 The proposed development will recycle and make efficient and effective reuse of unallocated previously developed land. Whilst the site is not large, reusing brownfield land reduces the need to use greenfield land to meet housing needs and is a positive aspect of the development. This should be given **moderate weight** in the planning balance.

Removal of a 'bad neighbour' use

6.40 The existing haulage yard is a 'bad neighbour' use which under Certificate of Lawfulness 22/00720/CLEUD can operate on an unrestricted 24 hours per day and 7 days a week basis. This is fall-back position is an important material consideration and its removal is a major benefit to the residential amenities and quality of life of neighbours and local residents in the vicinity of the application site. This benefit is should be given **significant weight** in the planning balance.

Visual improvement to of the local area and landscape and visual amenity of the Green Belt

6.41 On the basis that the existing haulage yard can operate on an unrestricted 24 hours per day and 7 days a week basis under Certificate of Lawfulness 22/00720/CLEUD, the removal of its visual impact is a major benefit to the visual amenity of the local area and landscape and the Green Belt. This benefit should be given **moderate weight** in the planning balance.

Biodiversity net gain

6.42 The proposed redevelopment provides an opportunity to achieve meaningful biodiversity net gain at a previously developed site which has little existing ecological value. The biodiversity net gain assessment shows that expected net gains of 49.32% in habitat units and 30.99% in hedgerow units can be achieved. This is an important benefit which can be secured by condition at reserved matters stage and should be given **moderate weight** in the planning balance.

Conclusion on the 'tilted' balance

6.43 It is clear, drawing the above weighting of harms and benefits together and looking at the position in the round, that the adverse impacts arising from the proposed redevelopment of the haulage yard and repair workshop and its replacement with four single-storey bungalows¹⁰, will not significantly and demonstrably outweigh its benefits when assessed against the relevant policies of the NPPF 2023 as a whole.

6.44 It follows that there are material considerations arising from the benefits identified in this case which indicate that the application should therefore be determined otherwise than in accordance with the development plan.

¹⁰ On the basis that the proposal is 'not inappropriate' development in a Green Belt or is 'inappropriate' development in a Green Belt and is justified by the existence of very special circumstances.

7 Summary and conclusion

- 7.1 This Planning Statement has been prepared on behalf of Barton Holdings Limited to support its outline planning application for redevelopment of the haulage yard and repair workshop at Whalley's Farm, Preston Road, Charnock Richard and the erection of four bungalows with access from Preston Road and all other matters reserved.
- 7.2 It assesses the merits of the application against the relevant policies of the development plan, the NPPF 2023 and all other relevant material considerations, and it demonstrates that the proposed redevelopment will boost housing supply in Chorley and help to remedy the five year housing supply shortfall, as well as replacing a 'bad neighbour' use to the benefit of the residential and visual amenity of the local area, local landscape and Green Belt.
- 7.3 The Statement concludes that the proposed development is in accordance with relevant policies of the adopted Central Lancashire Core Strategy and Chorley Local Plan, and Government policy applying to development in a Green Belt, recycling previously developed land and boosting the supply and delivery of new housing.
- 7.4 Consequently, and having regard to the development plan and all relevant material considerations, there is a clear and compelling case for outline planning permission to be granted in accordance with the 'flat' planning balance per Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development at paragraph 11c of the National Planning Policy Framework.
- 7.5 Additionally, or alternatively if the Local Planning Authority considers that a) there is conflict with Policy 10(g) of the development plan and b) that it is one of most important for determining the application, the 'tilted' planning balance is engaged by virtue of the five year housing land supply deficit in Chorley. It is also not prevented from being engaged by the location of the application site in a Green Belt and notwithstanding whether the proposed redevelopment is 'not inappropriate' development or is 'inappropriate' development which is justified by the very special circumstances which exist in this case.
- 7.6 In this scenario, the adverse impacts arising from the proposed redevelopment of the haulage yard and repair workshop and its replacement with four single-storey bungalows, will not significantly and demonstrably outweigh its benefits when assessed against the relevant policies of the NPPF 2023 as a whole. Planning permission must therefore be granted otherwise than in accordance with the development plan and, instead, in accordance with the 'tilted' balance presumption in favour of sustainable development at Paragraph 11d of the NPPF 2023.

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