

PLANNING STATEMENT

APPLICATION FOR PLANNING PERMISSION

Change of use and extension of former Dutch hay barn to 1 no. dwelling, conversion of former piggery to ancillary home office, means of access and external landscaping works.

Former Coach House Farm, Cut Lane, Kirkby, Knowsley, Lancashire, L33 3AQ

(Alternative to 23/01833/FUL)



Applicant:

Mr. Mark Groves
Unit 9. Abbey Lane
Burscough
Ormskirk
Lancashire
L41 0SR

CONTENTS

1.0 Introduction

- 1.1 Amendments following refusal of 23/01833/FUL
- 1.2 Common ground in relation to material considerations

2.0 Relevant Planning Policies and Material Considerations

- 2.1 Policy Framework
- 2.2 Green Belt
- 2.3 Design quality, sustainability and accessibility
- 2.4 Trees
- 2.5 Flood risk, surface water and drainage
- 2.6 Wildlife & biodiversity
- 2.7 Ground contamination

3.0 Benefits of the proposed development

1.0 Introduction

1.1 Amendments following refusal of 23/01833/FUL

1.1.1 This Statement supports an alternative planning application for the change of use and conversion of an existing Dutch hay barn into a new dwelling at the former Coach Road Farm, Cut Lane, near Kirkby, L33 3AQ. The proposal has been amended and includes additional supporting information in order to respond to the Council's four previous reasons for refusal of 23/01833/FUL.

1.1.2 This resubmission is made under Regulation 8 (free second go). The Regulation 8 rules in England have recently changed and there is no longer a free go, except for applications submitted on or before 5th December 2023. Previous application 23/01833/FUL was validated on 19th July 2023 and refused on 12th March 2024. As this new application relates to the same site and is of the same character or description as the earlier application, the 12-month period for a free go still exists.

1.1.3 The following amendments have been made:

- Completion of a more intensive and intrusive Structural Engineering Survey and Report to demonstrate that the barn is of permanent and substantial construction as per NPPF paragraph 155.
- Retention of the barn's existing roof ridge height. The previous proposal included an uplift of 200mm to allow for roof insulation, but this can be provided internally with no external uplift necessary.
- Reduction in external hardstanding.
- Revised external elevations in response to the planning officer's previous observation that the design of the development is unattractive, lacks harmony, symmetry and consistency and is incongruous to the surrounding built development.

- Completion of two dusk emergence bat surveys together with a Habitats Regulations Assessment scoping report.
- Amendments to the window configuration and clarifications in relation to obscured glazing to ensure the privacy of neighbouring occupiers.

1.2 Common ground in relation to material considerations

1.2.1 There is agreement in relation to the following aspects of the previous application that are referenced in the Decision Report:

- There would be no harm in relation to trees. This is supported by the views of the Council's arboricultural officer who has no objection to the development.
- The Authority's Environmental Health Officer has raised no objections, subject to conditions in relation to contamination, a construction / demolition management plan and construction demolition hours.
- The Council's Highways Officer raises no objections and the development is not considered to have any significant detrimental impact upon highway safety.
- Natural England raised no objections.
- The decision report made no reference to any impact on heritage assets.

2.0 Relevant Planning Policies

2.1 Policy Framework

- 2.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Knowsley Local Plan Core Strategy, adopted in January 2016, together with saved policies of the Knowsley Replacement Unitary Development Plan, adopted in June 2006.
- 2.1.2 Material considerations also exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) 2023 and the suite of documents comprising National Planning Practice Guidance (NPPG).
- 2.1.3 In applying the planning balance to determine whether or not the proposal is fully compliant with the overarching requirement for all development to be sustainable, the greatest weight should be given to maintaining the openness of the Green Belt. Significant equal weight should then be given to ensuring the amenity of neighbouring occupiers, design & heritage considerations, managing flood risk, highway safety and the natural environment including contamination risk.

2.2 Green Belt

- 2.2.1 The site forms part of the Green Belt under Knowsley Council's Core Strategy Policy CS5. The main purpose of this policy is to provide a barrier to prevent coalescence of neighbouring settlements and to retain the open landscape character of the area.
- 2.2.2 The Council's planning policy and the National Planning Policy Framework (NPPF) state that to maintain openness, development within the Green Belt must be strictly controlled and that when considering applications for planning permission in this location, a presumption against inappropriate development will apply.

2.2.3 However, planning policy allows for the change of use, adaptation and the construction of new buildings within the Green Belt in certain circumstances. NPPF Paragraph 154(c), which states that “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building” is one exception. Paragraphs 154 & 155 of the NPPF set out the forms of development that are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. The re-use of buildings provided that the buildings are of permanent and substantial construction is considered to be not inappropriate development in the Green Belt.

2.2.4 The key issues therefore are:

- Is the building of permanent and substantial construction?
- Does the proposal preserve the openness of the Green Belt?

2.2.5 There are no local development plan policies that specifically address conversion of rural buildings to dwellings, but saved Policy G6 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, relates to the conversion or change of use of existing buildings in the Green Belt. Policy G6 states that proposals for the conversion or change of use of existing buildings in the Green Belt will be permitted provided they meet all the following criteria:

- a) The proposals would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- b) The building is of permanent and substantial construction and major reconstruction would not be necessary to accommodate the proposed development;
- c) Any intrinsic architectural qualities of the building itself would be preserved or enhanced;

d) All building work involved would be in keeping with its surroundings, respecting local building styles and materials;

e) Any associated vehicular access routes, boundary treatments, utility services, gardens, storage or vehicle parking areas would be provided without harming the appearance of the surrounding area;

f) In the case of buildings which may be used by bats, barn owls or other protected species, the possible presence of such species must be investigated and where appropriate, measures must be implemented to ensure that any damage to habitats is minimised;

g) Where the change of use is associated with farm diversification the proposal would not lead to the subsequent fragmentation of the agricultural unit by separate sale of the building;

h) There would not be an unacceptable impact on the amenity of existing neighbouring occupiers;

i) The traffic generated would not be detrimental to either highway safety or environmental quality;

2.2.6 The application site is a Dutch barn and is classed as a 'building' under s336(1) of the Planning Act 1990, and as such fits within the definition of a building that can physically be converted. There are numerous examples regionally and nationally of similar Dutch barns in Green Belt locations having been successfully converted to residential use. Section 336(1) of the Act includes in the definition of the word 'building' *any structure or erection, and any part of a building, as so defined*. This description has been interpreted by the Courts to include structures which would not ordinarily be described as buildings. In *Cardiff Rating Authority*¹, which was endorsed by the Court of

¹ Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd [1949] 1QB 385.

Appeal in *Skerritts*², three primary factors were identified as decisive of what defined a 'building' and these are as follows:

- (a) that it was of a size to be constructed on site, as opposed to being brought on to the site,
- (b) permanence,
- (c) physical attachment.

No one factor is decisive, but given that the barn has been constructed on site, has existed for at least 50 years, and has considerable concrete foundations (see 2.2.7 below), it can reasonably be described as a structure that falls within the definition of the word 'building' in s336(1) and is therefore capable of being converted.

2.2.7 This new application is accompanied by a more detailed structural engineer's report which confirms the barn is of 'permanent and substantial construction' and conversion to a dwelling is not considered to be contrary to NPPF 155 (d). Substantial construction is not defined in the Framework and is inevitably a matter of planning judgement and the engineer's report provides objective evidence. This report confirmed the structure was substantially intact and sufficiently substantial to support a two-storey dwelling. Whilst the structural steelwork required repainting and rust treatment, it is capable of retention and the structural timber elements showed no signs of decay or woodworm attack. Also, whilst the cladding would to be removed, it is of no structural significance and did not affect the building's capability of conversion. The report concluded that the barn is considered to be structurally stable and capable of being converted. The steel trusses and posts of the building frame are considered to be permanent and sufficiently substantial for conversion. The extent of works will clearly comprise retention of the main building elements including the steel frame, blockwork walls, and roof structure, with replacement of roof sheeting. This would not amount to a re-build.

2.2.8 In their determination of 23/01833/FUL, the LPA offered no evidence to substantiate their assertion that the barn is not a building of permanent and

² *Skerritts of Nottingham Ltd v SSETR* [2000] JPL 1025.

substantial construction. There was no site visit to inspect the barn and we are not aware if the LPA carried out any structural assessment of their own. There was no dialogue with the applicant's own engineer whose report confirms the structure is permanent and substantial and capable of conversion.

2.2.9 The barn is a simple but substantial structure comprising a steel frame, clad with timber boards and supported on concrete blocks and a dwarf wall. All this is substantially intact. The barn has existed for at least 50 years – a sufficient length of time to be of 'permanence' in the planning context.

2.2.10 Local Policy G6 states that proposals for the conversion or change of use of existing buildings in the Green Belt will be permitted provided the proposals would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. It is not correct to describe the barn as 'open with only a frame covering the top half of the building'. 77% of the external elevations are enclosed (except for missing and broken cladding panels that can be replaced) and it has a solid appearance and contrasts strongly with the landscape. The solid roof is particularly visible and the barn when viewed in this context is certainly not open or indeed transparent.

The 'solid to void' ratio			
Elevation	Overall (sqm)	Solid (sqm)	Void (sqm)
North	62.5	58.5	4
South	62	51.5	10.5
East	122.5	98.5	24
West	122.5	49	73.5
Roof	126	126	0
Total	495.5	383.5 (77%)	112 (23%)

2.2.11 The Design, Access & Heritage Statement included in the bundle of planning application documents includes extensive consideration as to whether the proposal would affect the openness of the Green Belt. Relevant planning case law³ has held that the openness of the Green Belt has a spatial aspect

³ Turner v SSCLG [2015] EWHC 2278

as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. It does not therefore follow that openness of the Green Belt has no visual dimension. The two aspects to 'openness' – a spatial aspect and a visual aspect are defined as follows:

- **Spatial aspect:** scale, bulk, massing;
- **Visual aspect:** appearance, absence of visual intrusion; relief from unrelenting urban sprawl; openness of aspect is characteristic of countryside.

2.2.12 Other relevant planning case law⁴ has held that matters relevant to 'openness' are a matter of planning judgement and that protecting 'openness' does not imply freedom from all forms of development. In the Samuel Smith Case, it was stated *"the first part of the question posed... whether the development would "preserve" the openness of the Green Belt – cannot mean that a proposal can only be regarded as "not inappropriate in Green Belt" if the openness of the Green Belt would be left entirely unchanged. It can only sensibly mean that the effects on openness must not be harmful"*.

2.2.13 How is this relevant to this proposal? The visual appraisal in the Design Statement has demonstrated that the Dutch barn has a solid aesthetic, it is not transparent, it forms part of a tight cluster of buildings in close proximity to one another which form an 'island' within the spacious Green Belt. The Dutch barn can never be viewed in isolation as it is an integral part of this group.

2.2.14 The re-cladding of the elevations would change the appearance of the building. It would not, however, amount to a re-building of the existing structure and therefore constitute a new building. It would transform the current unsightly spectacle of broken and missing panels whilst retaining its distinctive roof profile and so preserving its original 'barn form'. The new

⁴ R (Samuel Smith Old Brewery) v North Yorkshire CC [2020] UKSC 3

appearance would be different but not 'harmful'. This would not urbanise the Green Belt and so would not undermine the purpose of including land within it.

2.2.15 The applicant would like to draw the LPA's attention to an Appeal Decision⁵ which considered whether works such as external cladding systems and new elevations indicated that the agricultural buildings in that particular case were not capable of conversion without substantial rebuilding to facilitate the proposed use and go beyond 're-use' of the buildings. The Inspector held "*I find nothing unusual with such measures as part of a scheme of conversion of former agricultural buildings. It has not been demonstrated that the buildings are not of permanent or substantial construction, and the recladding of existing elevations does not, go beyond the 're-use' of the buildings*". The Inspector added "*in the same respect, nor would the insertion of door and window openings in the manner proposed for the application proposal. These interventions would be inserted within the structural steel framework in the case of both buildings, and neither this nor the removal of non-structural subdivisions from the buildings' interiors would prejudice the appellant's ability to re-use*".

2.2.16 The scheme includes extensions to the existing building. The proposed extensions would be within the range that can be considered proportionate to the size of the existing building, as required by both the NPPF and Local Plan policy. These additions represent an increase in volume of 76 cubic metres or 5.5% over the original volume of 1,380 sqm. These are not considered to be disproportionate additions over and above the size of the original building in terms of NPPF 154 (c). The guidance notes to Local Plan Policy G6 states that as a guideline, increases of less than 10% in the volume of the building will not normally be considered to have a materially greater impact on the openness of an area.

2.2.17 The proposal represents an opportunity to put a redundant building to beneficial use. The scheme would also deliver high quality sustainable design

⁵ Appeal Ref: APP/P2365/W/19/3226493 Tanpit Farm, Broad Lane, Downholland, Ormskirk, Lancashire, L39 7HS

that respects the agricultural / rural aesthetic would turn the disused barn into an extremely high-quality energy efficient and sustainable home, without having any adverse impact on the Green Belt.

2.3 Design Quality, Sustainability and Accessibility

- 2.3.1 The conversion of the redundant barn will ensure a high level of amenity to neighbouring properties. As previously stated, consent has recently been granted for the conversion of the adjacent stone barn to a new dwelling. This, together with the farmhouse, has changed the character and use of the former farm to residential. The current lawful use of the Dutch barn is agricultural and this could continue unhindered. This would have an adverse effect on the amenity of the two dwellings, far more so than this conversion that would result in a third dwelling.
- 2.3.2 The architectural language takes reference from surrounding agricultural buildings, using the proportions and details evident in buildings of this nature. The Design, Access & Heritage Statement includes a full review of the chosen design approach.
- 2.3.3 The proposal has been revised to fully comply with minimum distances between windows to avoid mutual overlooking. Given the separation distance and position of the proposed dwelling in relation to neighbouring properties, the new dwelling would have no detrimental impact at all on the amenity of occupiers of any nearby residential properties.
- 2.3.4 Notwithstanding the need to comply with Green Belt policy, the main emphasis of current national planning policy is to ensure proposals are compliant with the definition of sustainable development set out within the NPPF. Sustainability is multi-faceted. The Government's view of what sustainable development means in practice is to be found throughout the Framework, taken as a whole. To achieve sustainable development, the Framework states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The proposal

would be wholly sustainable using the definition set out in the NPPF for the following reasons:

- Social: The proposed development would result in the creation of a high-quality dwelling in a sustainable residential location, close to the main built-up area of Knowsley. The proposal would not result in any adverse social impacts.
- Economic: The proposal would make much more efficient use of the existing site and would provide growth and investment in the locality. Additional economic activity would be created during the construction phase. The new dwelling would be likely to provide additional custom at existing local services in the locality.
- Environmental: The proposal would enhance the character and appearance of the site. The proposal represents a high-quality development which would enhance the housing stock in the locality. The site is in a sustainable location with an excellent range of local services in the borough. The proposal would have no adverse ecological impacts.

2.3.5 The new dwelling would utilise the existing access from Cut Lane. This has good visibility and is suitable to accommodate traffic movements. Please refer to Section 6 of the Design, Access & Heritage Statement for a full review. The proposed development would not give rise to any highways safety concerns and accords with national and local policy in this regard.

2.3.6 The assessment in the Design, Access & Heritage Statement has identified no harm to the setting of nearby heritage assets or archaeology.

2.4 Trees

2.4.1 There are no statutorily protected trees on site and all the existing perimeter landscaping including hedges and trees will be retained.

2.5 Flood risk, surface water and drainage

- 2.5.1 The site is located within Flood Zone 1; therefore, flooding is not considered to be a risk and consequently a flood consequences assessment is not required. All surface water arising from the development will be discharged using SUDS in line with current legislation. Foul and grey water will be disposed of via new septic tanks due to the lack of mains drainage. This will be subject to a separate drainage application.

2.6 Wildlife and biodiversity

- 2.6.1 The planning application is accompanied by a preliminary roost assessment. This identified the piggery had moderate bat roost potential and recommended two dusk emergence surveys. These were completed and did not identify bat roosts within the building. None of the site falls within a statutory protected category, but Habitats Regulations Assessment scoping exercise was undertaken to assess the likely effects on nearby coastal and inland protected sites. The principal features of biodiversity interest on the wider site are the boundary trees and hedges which surround the site. There will be no clearance of any boundary hedges or trees as part of this proposal.
- 2.6.2 This application is exempt from the new biodiversity net gain requirements as the applicant intends to live in the property as his main dwelling.

2.7 Ground contamination

- 2.7.1 In the determination of both 22/00299/FUL and 23/01833/FUL, the potential risk of ground contamination arising from the site's former use as a working farm was identified. That application was approved subject to a Planning Condition which required a Ground Contamination Survey. This survey was undertaken of the whole site and therefore included the boundary for this proposal. The Survey is included as a supporting document and concluded there was no contamination risk.

3.0 Conclusion and Benefits of the Proposed Development

3.1 The proposed development represents a sustainable form of development that would not have any unacceptable impact for the reasons set out in this supporting Statement. The proposal does not constitute an inappropriate form of development within the Green Belt and the need to demonstrate “very special circumstances” does not therefore apply. The proposal would sufficiently accord with adopted planning policy and guidance and the LPA are respectfully urged to grant permission for the scheme. The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

3.2 The following are tangible benefits which demonstrate the proposal is highly sustainable and would accord with adopted planning policy and the LPA are respectfully requested to grant permission for the development.

- The proposal would sustainably re-purpose a currently under-used site to provide much needed new housing;
- There would be no significant new building volume introduced into the Green Belt, therefore the development would not have a greater impact on the openness of the Green Belt than the existing buildings;
- The proposal would result in a negligible increase in traffic which will not result in any detriment to highway capacity or safety to the existing highway network;
- The proposal would have no detrimental impact on the Green Belt and would maintain its spacious open character. Indeed, the removal of the later silos would have a positive effect;
- The proposal would not result in an unacceptable impact on ecological assets and biodiversity;

- Amenity for neighbouring properties would be safeguarded;
- The proposal will not result in any detrimental visual impact on the wider surrounding landscape or harm long, medium and short range views towards the site from the surrounding landscape when viewed from up to 1km away.

3.3 The overarching message of the National Planning Guidance is that planning authorities should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this, which convert redundant buildings to new dwellings in a highly sustainable manner.

- END OF DOCUMENT -