

APPLICATION NO: 15/00344/NMA **CASE OFFICER:** Lee Osborne

WARD: Northwood **PARISH:**

LOCATION: Hill View Farm, Cut Lane, Kirkby

PROPOSAL: APPLICATION FOR A NON MATERIAL AMENDMENT FOLLOWING A GRANT OF PLANNING PERMISSION 15/00344/FUL FOR CONSTRUCTION OF A FISHING LAKE FOR RECREATIONAL USE TOGETHER WITH ASSOCIATED WORKS: ADDITIONAL TWO CONDITIONS SOUGHT TO BE ADDED TO THE PLANNING PERMISSION WITH 1 CONDITION BEING TO REQUIRE ALL EARTHWORKS REQUIRED FOR THE COMPLETION OF THE FISHING LAKE AND REINSTATEMENT OF LAND LEVELS WHERE REQUIRED TO BE COMPLETED BY END OF 2025 AND 1 CONDITION RESTRICTING HGV MOVEMENTS RELATED TO THE DEVELOPMENT TO CEASE BY 4 APRIL 2025 EXCEPT WHERE REQUIRED TO COMPLETE EARTHWORKS AND REQUIRED LANDSCAPING/ECOLOGY WORKS.

Site Description

The application relates to a site approximately 3.5ha in area off Cut Lane in the Green Belt. The overall site comprises a fishing lake and associated earthworks and landscaping currently being developed, an indoor riding centre, grazing, pasture areas, access track and parking. The site widens from Cut Lane and the fishing lake being developed is at the rear and near the south-east boundary of the site. Between this part of the site and Cut Lane is a field which is not owned or controlled by the applicant. Three residential properties are in the vicinity of the site on Cut Lane including two properties within a complex of agricultural buildings and Hawthorne Cottage, the closest property to Hill View Farm access.

Proposal

The application is for a non-material amendment following the grant of planning permission 15/00344/FUL for the construction of a fishing lake for recreational use together with associated works. The application seeks a non-material amendment to the planning permission with the addition of two additional conditions to the planning application. One condition sought is a completion date for the construction of the fishing lake, including reinstatement of land levels where appropriate by the end of 2025, with all landscaping works completed by end of July 2026. The other condition applied for to be imposed is that no HGV movements from now on (the application actually states from end of January which has passed) except for the movement of plant and equipment to complete earthworks through 2025 and vehicle movements related to the implementation of the landscaping and ecology scheme.

The application has been submitted subsequent to a meeting with Council officers in January during which it was discussed bringing the development to completion. The conditions are requested to focus development within a reasonable timeframe as there would be an option to pursue breach of condition if the works are not

completed.

Consultations

NA

Representations

NA

Planning History

10/00172/FUL - PROVISION OF FISHING FACILITIES & ASSOCIATED WARDENS OFFICE TOGETHER WITH CONSTRUCTION OF CAR PARKING SPACES AND ASSOCIATED LANDSCAPING. Not determined. Appeal dismissed: 07.02.2011.

15/00344/FUL - CONSTRUCTION OF A FISHING LAKE FOR RECREATIONAL USE TOGETHER WITH ASSOCIATED WORKS. Granted: 03.08.2025.

15/00414/FUL - CONVERSION OF EXISTING AGRICULTURAL BARN FOR USE AS AN INDOOR RIDING FACILITY INCLUDING INSTALLATION OF EXTERNAL CLADDING, TOGETHER WITH ERECTION OF SINGLE STOREY EXTENSION TO PROVIDE 7NO STABLES, OFFICE AND WC. Granted: 04.09.2015.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS5 - Green Belt

CS8 – Green Infrastructure

Assessment

The Local Planning Authority must have regards to whether the proposal would present a material change from the previously approved permission and what material effects it would have. The principal consideration for this application relates to the effect of the development on the visual amenity of the area and the openness of the Green Belt. The proposed conditions would not have an impact on the Green Belt or its openness or on the visual amenity of the area. It could be argued that the proposal would improve visual amenity as there would be an end date by which the development and earthworks together with the landscaping and ecology would be complete, as currently the development has been ongoing for nearly a decade. The proposal would also bring to an end the HGV movements which have been associated with the ongoing development and been the source of ongoing enforcement complaints. As such the proposal would improve residential amenities of local residents as HGV movements down a narrow lane would cease after the allotted date which would be beneficial to highway safety along Cut Lane.

The application complies with the above noted planning policies and is therefore recommended for approval.

Recommendation

That Planning Permission be granted.

- 1) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 2) All earthworks required for the completion of the construction of the approved fishing lake shall be completed by 31 December 2025. For the avoidance of doubt completion shall mean the construction of the fishing lake and the putting back of the surrounding site levels to the levels prior to the construction of the fishing lake; all landscaping works (approved as part of original condition number 4) shall be completed by 31 July 2026.

Reason: For the avoidance of doubt, to give a baseline for completion of the approved development in the interests of visual amenity and biodiversity and to comply with Policies CS2, CS5 and CS8 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 3) Any HGV or dumper truck movements related to the development shall cease after 4 April 2025 except for the movement of plant and equipment to complete the earthworks and vehicle movements related to the approved landscaping and ecology scheme, all pursuant to condition 2 of this non-material amendment planning permission.

Reason: For the avoidance of doubt, in the interests of residential amenity, to allow completion of the approved development pursuant to condition 2 of this planning permission and to comply with Policies CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
06.02.2025	1		LOCATION PLAN
06.02.2025	FE264/LET-001/NF		LETTER FROM NICK FELLOWS OF FELLOWS ENVIRONMENTAL WITH APPLICATION CLARIFICATION DETAILS DATED 06.02.2025.

Signed Case Officer¹: Lee Osborne

Signed Authorising Officer²: Jo Sheridan

Date: 01/04/2025

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

