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## **PLANNING STATEMENT**

**IN RESPECT OF A RETROSPECTIVE PLANNING  
APPLICATION FOR THE RETENTION OF AN  
EXISTING PORTABLE OFFICE BUILDING AN  
EXISTING CEMENT HOPPER AND EXISTING  
SECURITY GATE AND FENCING**

**AT**

**BAILEY CONTRACTS LTD.  
BELLMAN FARM  
CLITHEROE ROAD  
CHATBURN BB7 4JX**

**Prepared by: Colin Sharpe Dip TP MRTPI  
Our Client: Mr J Bailey  
Our Ref: Bai/827/2560  
Date: December 2018**



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents  
Valuers ■■■ Property Agency ■■■ Property Management



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## **1. INTRODUCTION AND BACKGROUND INFORMATION**

- 1.1 Gary Hoerty Associates has been instructed by Mr J Bailey to submit a retrospective planning application relating to the premises of Bailey Contracts Ltd. at Bellman Farm, Clitheroe Road, Chatburn, BB7 4JX.
- 1.2 The application seeks retrospective planning permission for the retention of an existing portable office building, an existing cement hopper and an existing security gate and fencing.
- 1.3 In this Planning Statement we will describe the application site and surroundings; we will refer to the relevant planning history of the site; we will describe in more detail the building and hopper to which the application relates and will explain the applicants' reasons for seeking to retain the building and structure; and we will review the relevant policies and guidance and set out why we believe that the application complies with national planning guidance and local planning policies such that, in our opinion, the application should be looked upon favourably by the Local Planning Authority.

## **2. THE APPLICATION SITE AND SURROUNDINGS**

- 2.1 Although still known as Bellman Farm, the application site is currently used as the base of the applicant's construction business. It is located on the north side of Clitheroe Road between Clitheroe and Chatburn and to the south west of the Pendle Trading Estate. The site access is directly from Clitheroe Road.
- 2.2 The site comprises an existing former barn (which is a Listed Building) which is presently used for storage purposes with a yard at the rear and to the west side of that building. Attached to the east side of the barn (but outside the application site and in different ownership) there are three terraced houses. On the opposite side of the road, some 20m closer to Chatburn, there is another terrace of residential properties known as Rydal Place. Other than these residential properties and the commercial premises at the Pendle Trading Estate, the locality is generally agricultural.
- 2.3 In the Council's former Districtwide Local Plan, the site is within the Open Countryside.

## **3. PLANNING HISTORY**

- 3.1 In this particular case, we consider that the recent history of the site provides the context for the consideration of this application. That history is as follows:

- 3/1999/0072/P – Change of use of building and yard area for use as a base for an agricultural contracting business. Approved with conditions.
- 3/2004/0302/P – Erection of three jack leg cabins, two shipping containers, open racking system, closed boarded fencing and security fencing. Approved with conditions.
- 3/2005/0195/P – Continuation of temporary permission until 31 December 2007 for the erection of three jack leg cabins, two shipping containers, open racking system, closed boarded fencing and security fencing. Approved with conditions.
- 3/2008/0141/P – Continuation of temporary permission until 31 October 2010 for the erection of three jack leg cabins, two shipping containers, open racking system, closed boarded fencing and security fencing. Approved with conditions.
- 3/2013/0429/P – Retrospective application for a temporary consent for a 3 year period for the siting of a jack leg cabin and security fencing. Approved with conditions, including a condition (No.2) that “The building hereby permitted, and any ancillary works and structures, shall be removed on or before 31 July 2016 and the site restored to its former condition to the full satisfaction of the Local Planning Authority unless a renewal of this planning permission has been granted by the Authority”.
- 3.2 By way of further explanation, the first four of the applications referred to above were submitted by a company that went into administration and vacated the site sometime around 2012/2013. The tenancy of the site was then taken over Bailey Construction (NW) Ltd. as a base for their building company. They immediately spent a considerable amount of time and effort tidying up the yard and removing the dilapidated temporary structures that previously existed and sought permission through application 3/2013/0429/P to replace these with a more appropriate and modern portable building to serve as office space.
- 3.3 Application 3/2013/0429/P therefore sought permission for the retention of the modern portable office building that had already been positioned on the site. In the Delegated Item File Report (DIFR) for that application, the Council’s planning officer commented that the new portable building had less of an impact upon the setting of the listed building and the general visual amenities of the locality than the three portable buildings and racking etc. for which permission had previously been granted and renewed on a number of occasions. The officer further commented that the security fencing across the frontage of the site, for which the application again sought permission on a temporary basis, was the same fencing that had been previously approved and renewed.
- 3.4 The planning officer next commented in the DIFR that the applicants were therefore using a site in a rural location that had previously been used for a similar business for a number of years. He considered that this was to the benefit of the

rural economy and that the nature of the applicants' business was such that the effects upon the appearance of the locality represented an improvement on the situation that had existed under the previous occupiers of the site. The planning officer therefore concluded that the proposal complied with the requirements of the National Planning Policy Framework (NPPF 2012) and the Council's planning policies which, at that time, comprised the relevant saved policies of the Districtwide Local Plan and the policies of the emerging Core Strategy.

- 3.5 In respect of application 3/2013/0429/P the planning officer therefore considered the proposal to be acceptable with regards to all relevant considerations. As the building was of a temporary design/construction, however, he considered it appropriate that the permission should be granted for a temporary period of 3 years in accordance with what had been requested in the application. The application was approved in accordance with the officer's recommendation and, as stated above, the temporary period of the permission expired on 31 July 2016.
- 3.6 The applicants have continued to operate from the site but, due to an oversight, the temporary permission for the portable office building and security fencing has not been renewed. This current application therefore seeks to correct that oversight and to also seek permission for the retention of a cement hopper that has also been on the site since August 2015.

#### **4. THE PROPOSED DEVELOPMENT**

- 4.1 As stated above, the application seeks retrospective planning permission for the retention of a portable office building, cement hopper and a security gate and fencing in association with the applicant's continued operation of his construction business at this site. As the application is retrospective, we consider that the best way to illustrate the structures for which permission is sought is by way of photographs. We have therefore submitted drawing number Bai/827/2560/01 that includes a plan showing the location of the portable office building, the cement hopper and the security gate and fencing, and photographs of the structures. In the event that the Council is minded to approve the application, a condition could be imposed to make it clear that the retrospective permission relates to the structures as shown on the plans and in the photographs comprised within that drawing number.
- 4.2 By way of further explanation, however, the portable office building has dimensions of 14.4m by 3.8m and is 3.2m high. It has a light grey coloured external finish and is sited behind the frontage security fence to the west of the storage building (former barn) and west of the vehicular access into the site from Clitheroe Road. The cement hopper is located immediately to the rear of the storage building at its western end. The security gate immediately adjoins the western side elevation of the storage building but is set-back from the front elevation of that building. The security fencing is between the western end of the

security gate and the western boundary of the site. The gate and fencing are both approximately 2m. high and both comprise green coloured wire mesh.

## 5. PLANNING POLICY CONSIDERATIONS

- 5.1 The portable building and security gate/fencing have been the subject of previous planning permissions. As stated previously, these developments were considered by one of the Council's planning officers in 2013 to be in accordance with NPPF 2012 and the Council's relevant saved and emerging policies at that time. Since then, of course, the Council's Core Strategy has been adopted in December 2014 and the amended NPPF was adopted in July 2018. However, the relevant emerging policies in 2013 were carried forward without alteration into the adopted Core Strategy and the amended NPPF does not really have any implications for the consideration of this relatively minor application relating to an existing commercial development site.
- 5.2 Therefore, as the Council has an adopted Core Strategy which, by definition, must be compliant with the requirements of NPPF, we do not consider it necessary or beneficial to examine the proposed development in relation to all the guidance and advice contained in the amended NPPF. We would, however, state that, in our opinion, the proposal represents sustainable development as defined by NPPF 2018. In particular, the proposal will support the intentions of Paragraph 83 to support a prosperous rural economy.
- 5.3 We will, therefore, consider the proposed development against what we consider to be the most relevant Key Statements and Policies of the adopted Core Strategy.
- 5.4 **Key Statement DS2** states that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework; and will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible. It also states that applications that accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise. We consider that, for reasons that will be explained in this Statement, the proposal represents sustainable development as defined by NPPF, and fully accords with the relevant policies of the adopted Core Strategy such that permission should be granted.
- 5.5 **Policy DMG2** defines the Council's overall development strategy and, amongst other things, identifies certain forms of development that are acceptable outside of the defined settlement areas, two of which are as follows:
- Development that is essential to the local economy or social well being of the area.

- Development for small scale uses appropriate to a rural area where a local need or benefit can be demonstrated.

Neither of the above really relate specifically to the circumstances of this proposal which seeks to ensure the continued and efficient operation of an existing business that is located outside of any settlement. We would, however, say that, in this location, the development to which the application relates is of an appropriate scale and will support the continued and improved operation of an existing business to the benefit of the local rural economy.

- 5.6 **Policy DMB1**, which seeks to support business growth and the local economy, is perhaps of more specific relevance to this proposal. Amongst other things the Policy states that *“The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape. There may be occasions where, due to the scale of the proposal, relocation to an alternative site is preferable.”*
- 5.7 The developments for which retrospective permission is sought are essential to the continued operation of this business, thereby helping to maintain the existing source of employment, and do not have any detrimental effects upon the appearance and character of the locality.
- 5.8 We further consider that, with regards to developments on land outside settlements, the main intention of Policy DMB1 is perhaps to control the scale and appearance of existing businesses that are in more isolated rural locations. This application relates to a site that is outside any settlement but is located within close proximity to a built-up more urban environment. As the application seeks retrospective permission for a number of relatively minor developments, the built form at the site will be unchanged and will remain at the scale and appearance that has existed for a number of years and which we consider to be entirely compatible with the immediate locality. Therefore, we consider that the proposal fully complies with the requirements of Policy DMB1.
- 5.9 **Policy DMG1** defines the general criteria that proposals must satisfy in order for planning permission to be granted. Whilst to some extent the criteria repeat the requirements of Policy DMB1, as discussed above, we will comment below using the “headings” within the Policy.
- 5.10 **Design.** The portable building has been on the site since 2013 (up until July 2016 with the benefit of planning permission). The Council has therefore accepted that this building is appropriate for the site, albeit subject to temporary planning permissions due to the nature of its construction. We would also point out that this application to retain this portable building at the site is submitted by the applicant of his own volition and not as a result of any contact from the Council. It therefore appears that the Council has no objections to the design of this building

and its continued presence on this site. We can therefore see no reasons why permission should not again be granted for the retention of the building.

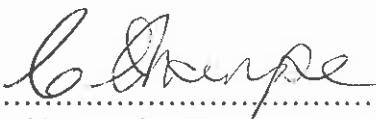
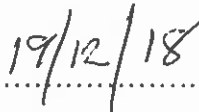
- 5.11 It would appear from the planning history of the site that the security fencing/gate at the site frontage was erected sometime around 2004 and had the benefit of planning permission until July 2016. It therefore appears evident that the Council has never had any objections to the design or appearance of this fencing/gate. We can therefore see no reasons why planning permission should not again be granted for this fencing/gate.
- 5.12 The cement hopper is essential to the continued operation of the applicant's business. Its 'design' is defined by its purpose. We contend that, within the context of the site and the nearby Pendle Trading Estate, this hopper does not appear as an incongruous or inappropriate feature. Its impact is also lessened by its location at the rear of the main building on the site. We also consider it important to comment that the hopper has been on the site since August 2015, and we repeat that the request in this application for retrospective permission for the hopper is made of the applicant's own volition and not as a result of any contact by the Council. It therefore appears evident that the Council has no objections to the presence of the cement hopper at this site. We can therefore see no reasons why permission should not be granted for the retention of the hopper.
- 5.13 **Access.** The existing access into the site from Clitheroe Road will continue to be used without alteration. This application has no implications in respect of access or highway safety considerations.
- 5.14 **Amenity.** As described above in Section 2 of this Statement there is a small number of residential properties in the vicinity of the site. As the Council has not had cause to contact the applicants, it would appear that local residents have not had cause to complain to the Council about any of the structures covered by this application all of which have been present at the site for time periods ranging between 3 years 4 months (cement hopper) and approximately 18 years (fencing/gate). It therefore appears evident that the operation of the applicant's business, including the matters to which this application relates, has not caused any harm to the amenities of nearby residents.
- 5.15 **Environment.** The location of the site is not subject to any special environmental protection and the matters to which this application relates will have no detrimental effects upon the natural environment.

## 6. SUMMARY AND CONCLUSIONS

- 6.1 We consider that we have demonstrated above that the structures for which retrospective permission is sought do not have any adverse effects upon any of the relevant "planning" considerations and do not contravene any of the relevant planning policies and guidance.



- 6.2 We can therefore see no reasons why retrospective permission should not be granted for the retention of the portable office building, the cement hopper and the security fencing/gate. We consider all three of these structures to be appropriate for the applicant's business and without detriment to the locality. We therefore ask if permission can be granted on a permanent basis for all three elements of the application. However, if the Council considers it appropriate to impose a temporary condition in respect of some or all of the elements, it is unlikely that we would object to such condition(s) and would be pleased to discuss this matter with the Council's officers prior to the final decision being made on the application.
- 6.3 Additionally, whilst it might be unlikely in view of the retrospective nature of the application, if the Council requires any amendments to the application, and/or the submission of any additional information in order for permission to be granted, we would ask that you give us the opportunity to address the same (in accordance with NPPF paragraph 38) prior to the determination of the application.

Signed..........Date..........  
Colin Sharpe Dip. TP MRTPI  
For and on behalf of Gary Hoerty Associates