

**TITLE:** 2004/822 : CONVERSION OF VEHICLE REPAIR BUILDING TO DWELLING AND HOLIDAY LET COTTAGE, HIGHER BOARSGREAVE FARM, BOARSGREAVE LANE, COWPE.

**TO/ON:** DEVELOPMENT CONTROL COMMITTEE 17 MARCH 2005

**BY:** TEAM MANAGER DEVELOPMENT CONTROL

**APPLICANT: MR. S. THORPE**

**DETERMINATION EXPIRY DATE: 11 JANUARY 2005**

#### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

#### **Article 8**

The right to respect for private and family life, home and correspondence.

#### **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

#### **Site and Proposal**

The building, which is the subject of this application, is a stone structure located at the end of Boarsgreave Lane in an area of open countryside. The building is currently used for commercial vehicle repair. Planning permission is sought to convert the building into a single dwelling and a holiday let cottage.

This application is being reported to Committee because a Council Member (Councillor Hancock) has requested that it be dealt with in this way.

#### **Relevant Planning History**

None

#### **Notification Responses**

The application has been advertised by site notice. No representations have been received to date as a result.

The applicant's agent has submitted a letter in support of their proposal in which they state the following:-

- a) it would have significant environmental benefits. It would lead to the cessation of the existing commercial repair use, the removal of associated stored vehicles and parts from the site, the decontamination of the land and tree planting. The applicant is prepared to accept a condition, on any approval, requiring that all vehicles, vehicle bodies and vehicle parts associated with the repair business be removed from the site in advance of any conversion works commencing.
- b) it would benefit highway and pedestrian safety by reducing the number of vehicular movements, and in particular heavy vehicle movements, to and from the site
- c) it is in line with current planning policies and Government guidance.
- d) it would aid in the long term regeneration of the settlements of both Higher Boarsgreave and Cowpe, within which the building is located, by finding a suitable alternative use for the building
- e) that a precedent has been set for this proposal through the recent granting of planning approval for the conversion of Whitegates Farm to one, and Kearns Mill to three, dwelling/s.

### **Consultation Responses**

#### **R.B.C.Engineers**

No objections subject to the provision of a suitable service/emergency vehicle turning facility within the site, to the parking layout being slightly altered, to the suitable surfacing and drainage of the access road, and to the provision of a suitable retaining wall within the site.

#### **Environmental Health**

No objections subject to conditions.

#### **Environment Agency**

No objections subject to conditions.

#### **Building Control Services**

No objections. The building is structurally capable of conversion.

### **Development Plan Policies**

#### **Rossendale District Local Plan**

Policy DS.1 (Urban Boundary) states that “*the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map*”

Policy DC.1 (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy DS.5 (Development outside the Urban Boundary and the Green Belts) states that “*outside the urban boundary and the green belts, shown on the proposals map, development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings provided that they comply with policies DC.1 and C.6*”

Policy C.1 (Countryside Areas) states that “*to enhance rural landscapes, known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes. Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area*”

Policy C.6 (Re-use and Adaptation of Rural Buildings) of the Rossendale District Local Plan. The policy states that “*proposals for re-use and adaptation of rural buildings will normally be permitted and will be considered on the basis of the criteria set out in Policy DC1 particular attention will be paid to the following:-*

- a) *That the building form, bulk and general design are in keeping with their surroundings*
- b) *In the Green Belt the building must be genuinely surplus to the present and foreseeable needs of agriculture*
- c) *The building is structurally sound and capable of conversion without the need for major alterations which would adversely affect its character and appearance.*
- d) *The proposed development is carefully detailed and designed to ensure that the essential character of the building is retained, preserved and enhanced.*
- e) *The affects of the creation of a garden area together with any garaging or car parking facilities does not harm the appearance or function of the area.*
- f) *The access to the site is to a safe standard or is capable being improved to a safe standard without harming the appearance of the locality.*
- g) *The impact of the proposal does not harm the appearance or function of the area.*
- h) *Extensions to such buildings will normally only be permitted where:*
- i) *They are in size, mass and scale ancillary to the existing building, and otherwise necessary to provide a reasonable standard of modern habitable accommodation.*
- j) *They are so designed and located, and are of matching materials of construction such that they reflect and enhance the character of the existing building.”*

Policy J.5 (Tourism) states that “*the Council will encourage the improvement of existing tourist facilities and the development of new accommodation and attractions in appropriate locations*”.

Policy HP.4 (New uses for Old Buildings) states that “*the Council will actively encourage new uses of old buildings or groups of old buildings which are of architectural or historic interest and also encourage private sector conservation initiatives provided that the change of use and alterations would be sympathetic to the character of the buildings and the proposed use does not detract significantly from the quality of the surrounding area*”

Policy T.4 (Car Parking) states that “*Development proposals will be required to provide, normally within the cartilage of the development, sufficient space to meet both operational and non operational parking requirements*”

#### Lancashire Structure Plan 1991-2006:

Policy 1 (Development in Rural Areas) states, in part, that within the open countryside outside of the green belt, proposals to rehabilitate and re-use buildings will normally be considered acceptable provided that they meet certain specified criteria.

Policy 43 (General Housing Provision) sets out the number of new residential units needed between mid 1991 and mid 2006 to adequately house the County's population. The number stipulated for Rossendale is 2,500 dwellings.

Policy 48 (Tourism development) states, in part, that tourism development of an appropriate scale will be permitted in the open countryside outside of the green belt provided that it helps to diversify the rural economy and is in keeping with the rural environment.

#### Joint Lancashire Structure Plan 2001-2016 Proposed Changes to Deposit Edition

Policy 1 states that development should be located primarily within the principal urban areas, main towns, market towns and strategic locations for development. Development outside of these areas will be deemed acceptable in principle if it meets an identified local need or supports rural regeneration.

Policy 5 states, in part, that outside of Market Towns most rural development will take place in villages and other settlements. Such development should support rural regeneration by either providing for farm diversification or by meeting an identified local need for employment, community services or housing. Outside of villages other settlements and the green belt, conversion, re-development and limited ‘new build’ development to meet identified local employment needs will be viewed as acceptable in principle.

Policy 12 stipulates the annual average rates for future housing provision. For Rossendale 220 houses per year are required between 2001 and 2006 and then 80 house per year between 2006 and 2016.

The parking standards require a maximum of one car parking space to be provided in conjunction with dwellings with only one bedroom, and two spaces to be provided in conjunction with dwellings with 2 or 3 bedrooms. There are no standards that relate directly to unserviced holiday let accommodation. However, it is considered reasonable to adopt the residential standards referred to above as it has previously been held that there is essentially no material difference in planning terms between the two uses.

## Other Material Planning Considerations

### PPG3 (Housing)

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

Paragraph 22 states that “*The Government is committed to maximizing the re-use of previously-developed land....in order both to promote regeneration and minimize the amount of greenfield land being taken for development*”.

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

### PPS7 (Sustainable development in rural areas)

This PPS, which superseded PPG7 in August of this year, provides guidance on land use planning in rural areas of England.

Paragraph 17 states that “*the Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning Authorities should therefore set out in LDD's their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses. These criteria should take account of:*

- a) *the potential impact on the countryside and landscapes and wildlife;*
- b) *specific local economic and social needs and opportunities;*
- c) *settlement patterns and accessibility to service centres, markets and housing;*
- d) *the suitability of different types of buildings, and of different scales, for re-use;*
- e) *the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character”*

Paragraph 40 states that “*Local Planning Authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits e.g. as a farm diversification scheme”*

### PPG13 (Transport)

Government guidance in the form of PPG13 states in paragraph 19 that “*A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.”*

## PPG21 (Tourism)

This PPG outlines the economic significance of tourism, its environmental impact, and its overall importance in land-use planning terms. It explains how the needs of tourism should be dealt with both within development plans and in development control terms.

### **Planning Issues**

#### **Housing Supply**

Policy 43 of the adopted Structure Plan states that 2500 dwellings are required to be built within the Borough between mid 1991 and mid 2006 in order to adequately house the Borough's population. 1,983 had been constructed by September 2003. Policy 12 of the Draft Deposit Structure Plan states that, for the same reason, 1920 dwellings need to be constructed between the period 2001 and 2016 at the rate of 200 properties per year until 2006 and 80 per year thereafter. 431 were constructed between 2001 and September 2003. On the basis of these figures alone it would seem reasonable to assume that there is currently a shortfall of dwellings in the Borough, 517 based on the adopted Structure Plan figures and 669 based on those contained within the Draft Deposit Structure Plan (assuming a construction rate of 1100 properties by 2006). However, at 1 April 2003 there were 1606 planning permissions that were, and still are, capable of implementation. In view of this it is contended that the Council's current housing targets for 2006 can reasonably be met. With this in mind, and since this proposal involves the creation of one additional dwelling, it is considered that, despite the views of the applicant, the development is not currently required to meet the housing land provision of the Borough.

#### **Special Circumstances**

Where it is possible to satisfactorily demonstrate that very special circumstances exist for a particular development it is possible to legitimately override normal planning policy and grant approval for the scheme. In this instance the 'special circumstances' being put forward by the applicant are essentially that the proposal will improve the local environment (through the cessation of the existing commercial vehicle repair use and the clearance of the site); will benefit highway safety (by reducing vehicular movements to and from the site) and will aid in the regeneration of the locality.

It is accepted that this proposal would have some environmental benefits as the cessation of the existing use, the clearance of the land of associated vehicles and paraphernalia, and the planting of trees would clearly improve the appearance of the site. However, whilst accepting that this building is visible from outside of the site it is contended that it is not especially prominent in the surrounding landscape. Consequently, it is considered that the environmental improvements proposed by this scheme would have only a limited impact upon the surrounding locality.

It is also accepted that the proposal would have some highway safety benefits in that it would likely lead to a reduction in vehicular movements to and from the site and a reduction in the number of commercial vehicles visiting the premises. Nevertheless,

it is felt that it would not afford sufficient benefit to justify overriding normal planning policy.

The regeneration arguments, put forward by the applicant's agent, have also been considered. However, in pure regenerative terms it is contended that the continued use of the building for vehicle repair purposes would have greater benefits to the locality than would a dwelling and holiday let cottage. This is because the former use would likely provide a greater level of employment.

The applicant's agent argues that a precedent has been set for this development because similar housing conversion schemes have recently been approved nearby at Whitegates Farm and Kearns Mill. However, this argument is not accepted.

Putting aside any other similarities that there may or may not exist between the various proposals, in both of the cases specifically referred to the schemes were approved at a time when there was still deemed to be capacity within the Borough for additional housing.

In view of the above it is considered, on balance, that the 'special circumstances' put forward in this instance do not carry sufficient weight to outweigh the policy concern outlined above.

### Other Issues

The proposal is considered to be acceptable in all other respects in that:-

- a) the conversion of the building to a 'holiday let' cottage would be appropriate development being in line with current planning policy and Government guidance,
- b) the building is deemed to be capable of conversion and as such, apart from the issue of housing supply, the principle of converting it to a dwelling would be considered acceptable being in line with current planning policy and Government Guidance;
- c) the conversion works would retain the character of the building, and the building so converted would not unacceptably overlook neighbouring properties or adversely affect the level of sunlight and daylight that those properties currently receive,
- d) whilst some amendments would be required in order to render the proposal acceptable from a highway point of view, it is considered that in the event of this application being approved those amendments could reasonably be required by way of conditions.

Despite this it is considered that the housing supply concern outlined above outweighs all other considerations in this instance. In view of this, and as the proposal for a dwelling forms a significant part of the submitted scheme, refusal of this application is recommended.

## **Recommendation**

That planning permission be refused for the following reason:

## **Reason for Refusal**

- 1) It is considered that the proposed additional dwelling is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of policy 43 of the Lancashire Structure Plan 1991 -2006 and policy 12 of the Proposed Changes (Deposit Edition) Joint Lancashire Structure Plan 2001 – 2016.

## **Local Plan Policies**

DC.1

DS.1

DS.5

HP.4

C.1

C.6

J.5

T.4

## **Adopted and Draft Structure Plan Policies**

Policy 1, 43 and 48 (Adopted)

Policies 1, 5 and 12 (Draft)