

Application Number:	2025/0199	Application Type:	Permission in Principle
Proposal:	Permission in Principle: Use of land for between 1 and 2 no. houses	Location:	Land At Meadow Way, Bacup.
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	15/07/2025
Applicant:	Mr. A White	Determination Expiry Date:	24/06/2025 E.o.T until 18/07/2025
Agent:	Mr Steven Hartley		

Contact Officer:	Ian Lunn
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	Yes
Other (please state):	No

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.

1. RECOMMENDATION

Grant permission in principle.

2. **SITE**

The application site is a roughly oblong shaped plot of largely open land of approximately 0.1 hectares in area. It is located approximately 125 metres south east of the junction of Meadow Way and Maden Road adjoining residential development. The site is currently occupied by shipping containers, a horse box and a caravan and forms part of a significantly larger area of enclosed grassed open space. It adjoins the Urban Boundary but is identified as forming part of an area of Countryside in the Council's adopted Development Plan.

3. **RELEVANT PLANNING HISTORY**

None

4. **PROPOSAL**

This application seeks to establish whether it would be acceptable in principle to erect between one and two houses on this site.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 5 Delivering a Sufficient Supply of Homes
Section 8 Promoting Healthy and Safe Communities
Section 9 Promoting Sustainable Transport
Section 11 Making Effective Use of Land
Section 12 Achieving Well Designed Places
Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Local Plan 2019 to 2036

Policy SD1 Presumption in Favour of Sustainable Development
Policy SD2 Urban Boundary and Green Belt
Policy HS1 Meeting Rossendale's Housing Requirement
Policy HS8 Private Outdoor Amenity Space
Policy ENV1 High Quality Development in the Borough
Policy ENV3 Landscape Character and Quality
Policy ENV4 Biodiversity, Geodiversity and Ecological Networks
Policy ENV6 Environmental Protection
Policy ENV9 Surface Water Run-off, Flood Risk, Sustainable Drainage and Water Quality
Policy ENV10 Trees and Hedgerows
Policy TR4 Parking

Other Material Planning Considerations

National Design Guide

National Planning Practice Guidance

RBC Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
LCC Highways	No objections in principle
Greater Manchester Ecology Unit	No objections in principle but consider that a Preliminary Ecological Appraisal should be submitted at the Technical Details Consent stage to appraise the site for bats, nesting birds and badgers. Also consider that the development may be liable for 10% Biodiversity Net Gain.
Ecus Ltd (Tree Officer)	No observations received
Land Contamination Officer	No observations received
United Utilities	Require the site to be drained by way of a sustainable drainage system designed having regard to the drainage hierarchy set out in the NPPF and NPPG. Do not wish to see any building work undertaken over public sewers or any other infrastructure in their ownership.
Environment Agency	No observations received

7. REPRESENTATIONS

The application was advertised in this instance by sending individual letters to the surrounding properties. These were sent on 13th June 2025 giving 14 days to comment. The publicity period has now expired and eleven letters of objection have since been received. The objections are:

- a) that the development would lead to the loss of a valuable area of open greenspace and/or designated agricultural land, and would harm the appearance of the area.
- b) that the development would not be sustainable as the site is not within walking distance of Bacup Town Centre and is not served by public transport.
- c) that the new dwellings would unacceptably overlook neighbouring properties.
- d) that Meadow Way and Maden Road are not capable of satisfactorily catering either for pedestrians or for the additional vehicular use that a development of two additional dwellings is likely to generate especially in bad weather. They are also not capable of satisfactorily accommodating construction traffic. Proposals for similar development in the area have previously been refused at least in part for this reason (see planning refusal numbers 2017/0629 and 2020/0108).

- e) that the development would exacerbate existing problems of 'on-street' parking in the area.
- f) that a development of two dwellings would create excessive noise. Excessive noise, dust, vibration and general disruption would also be caused during the construction phase.
- g) that the development would adversely impact on local wildlife.
- h) that developing this land would exacerbate existing drainage issues in the area and would increase the risk of flooding to adjoining properties.
- i) that an approval of this proposal would set an unwelcome precedent which could subsequently lead to the development of the remaining land. This would lead to the overdevelopment of the area and would have a negative effect upon local infrastructure.
- j) that there is no need for further housing in this area,
- k) that the surrounding properties would be devalued if this development was permitted, and
- l) that the development would exacerbate existing problems of anti-social behaviour in the area.

In support of their proposal the agent has submitted a Planning Statement; a document entitled 'Housing Delivery Test Action Plan'; a document entitled 'Housing Delivery Test and Five-Year Land Supply Note'; a Government Statement dated 30th July 2024 entitled 'Building the Homes We Need'; and a copy of Rossendale Borough Council's latest Housing Land Supply Report. These collectively state:-

- a) that the development of this site for residential purposes is appropriate. It is sustainably located adjacent to the Urban Boundary, within 500 metres of Bacup Town Centre and adjoining a primarily residential area. A development of up to two dwellings would be appropriate as existing development in the area is of a similar density.
- b) that the Council is currently unable to demonstrate that it is meeting its house completion targets. It is therefore required to apply NPPF Para 11d to the decision making process when determining applications for residential development. In support of this the agent has referred to a 2016 appeal decision at Gibb Hill Stables, Goodshaw where an equivalent paragraph was applied. This concerned the conversion of part of a stable block to a dwelling, and the creation of associated curtilage and parking, in an open countryside location. The appeal was allowed.
- c) that the application site is not located within a High Risk Coal Mining Area nor is it at significant risk of flooding being located within Flood Zone One.

8. **ASSESSMENT**

Principle

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within sub-section (d) of the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are 'out-of-date', the default position is that planning permission should be granted unless:

- a) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The NPPF identifies what it considers to be 'areas or assets of particular importance' as habitat sites (and those sites listed in paragraph 189) and/or designated Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, National Landscapes, National Parks (or sites within the Broads Authority) Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75) and areas at risk of flooding or coastal change.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority either cannot demonstrate a five-year supply of deliverable housing sites or cannot demonstrate that the delivery of housing in the area has met, or has come close to meeting, 75% of its housing requirement over the previous three years. The Council cannot demonstrate the former (see below) and as such its current housing policies must be considered as 'out-of-date'.

The last published Housing Land Supply document (January 2025) recorded that Rossendale had a supply of 5.2 years of housing (including a 20% buffer, as introduced through the December 2024 update of the National Planning Policy Framework (NPPF).

Since then, the Council has been unable to defend this position at a recent Planning Appeal Hearing, arguing a 4.5 - 4.9 year supply, depending on the criteria used. The outcome of this appeal is still awaited. The Council is updating the 5-year land supply, which will be published later this summer. The latest Housing Delivery Test results (published December 2024) show that the Council delivered 82% of its housing requirement for the 3-year period 2020/21 to 2022/23. As a result of not demonstrating a 5-year housing land supply position the Council must apply the tilted balance when determining planning applications for new housing. This application is being assessed in the light of the above.

The application site is identified as forming part of an area of 'Countryside' in the adopted Development Plan. The proposal therefore needs to be initially assessed against the requirements of Policy SD2 of the Local Plan which requires in part:

- a) that a need should initially be demonstrated for developing such land, and
- b) that where this has been established the development should be designed and positioned so as to minimise its impact on its surroundings.

A specific need has not been established in this case. However, it is considered that subject to suitable siting and design a development of two dwellings could reasonably be achieved on this site without significantly harming the character or appearance of the surrounding area. In coming to this view consideration has been given to the following:

- i) the site is currently enclosed by trees and hedges which would provide some screening of the development and reduce its impact on its surroundings. These could reasonably be retained,
- ii) the land also directly adjoins the Urban Boundary and existing residential development. The new dwellings would be positioned near to both thus further reducing their impact on their surroundings.
- iii) the site is located at the end of a residential cul-de-sac. The development could therefore also reasonably be viewed as 'rounding off'.
- iv) 'Countryside' sites such as this are not identified as 'areas or assets of particular importance' by paragraph 11(d) of the NPPF. Opposing the application on these grounds would not therefore represent a 'strong' reason for refusing the scheme.

In addition to the above:

- i) this site is just over 500 metres from Bacup Town Centre,
- ii) it is not known to be the habitat of any protected flora or fauna,
- iii) an approval of this proposal would assist the Council in meeting its housing targets albeit in a very small way.

In coming to the view on sustainability as outlined above, consideration has been given to a previous appeal decision relating to the refusal of outline planning permission for a development on land adjoining 24 Maden Road nearby (2020/0108). However, whilst that application was refused in part on sustainability grounds, and the Inspector supported the Council's sustainability reason for refusal, that scheme differed from the current proposal in that:

- i) it proposed four dwellings rather than two,
- ii) the site was located slightly further away from the Town Centre than this one,
- iii) the development proposed by that scheme was more linear in form whereas the current scheme could more readily be viewed as 'rounding off'.

It is considered that these differences, coupled with the current need to provide more housing, are significant and sufficient to justify recommending approval of the current proposal despite the refusal of 2020/0108. Any identified harm (small number of car journeys, slight countryside encroachment, etc.) would not significantly and demonstrably outweigh the benefits.

In view of the above, despite the 'Countryside' location of the site and the lack of demonstrable need for the proposed development, it is considered that the proposal would be acceptable in planning policy terms in this instance reasonably meeting the requirements of Policies SD1, SD2 and HS1 of the adopted Local Plan and Sections 2, 5 and 9 of the NPPF in this regard.

Visual Amenity

No details of the proposed design, scale or position of the proposed dwellings are required to be submitted in connection with an application of this nature. These are matters for consideration at the Technical Details Consent stage. This aside it is considered that it would be possible to design and position two properties on this site that, in pure design, scale and positional terms, would be satisfactory. In view of this it is contended that there would be no reasonable grounds for opposing this development on visual amenity grounds despite concerns to the contrary. In coming to this view consideration has been given to the fact that this is quite a secluded site and the new dwellings are therefore unlikely to appear unduly prominently in the surrounding street scene/landscape.

With the above in mind it is considered that the proposal could reasonably be viewed as satisfying the requirements of Policies ENV1 and ENV3 of the adopted Local Plan and Sections 12 and 15 of the NPPF in visual amenity terms.

Neighbour Amenity

a) Light/Overlooking

No details of the proposed positions of the dwellings are required to be submitted in connection with an application of this nature. This is a matter for consideration at the Technical Details Consent stage. This aside it is considered that it would be possible to position two properties on this site whilst reasonably safeguarding the level of light and privacy currently enjoyed by the occupiers of the adjoining housing. In view of this it is contended that there would be no reasonable reasons for opposing this development on 'neighbour amenity' grounds either despite concerns to the contrary.

b) Overdevelopment

It is considered that, despite concerns to the contrary, two dwellings could also reasonably be accommodated on this site without leading to it becoming overdeveloped.

In view of the above it is considered that, subject to the new dwellings being suitably sited and the new window openings being suitably orientated, the proposal would reasonably safeguard both the amenities currently enjoyed by surrounding properties and the general amenity of the area. On this basis it is considered that in pure 'neighbour amenity' terms it would reasonably satisfy the requirements of Policy ENV1 of the adopted Local Plan.

Highway Safety

No details of the associated parking, turning and access arrangements have been submitted with this application as they are also not required at this stage. However it is considered:-

- i) that it would be possible to satisfactorily accommodate two properties, with suitable associated parking and turning facilities, on the land. This should ensure that the concerns about additional 'on-street' parking along Meadow Way do not materialise.
- ii) that a satisfactory means of accessing the development would be available via Maden Road and Meadow Way, and
- iii) that it would be possible to design a suitable scheme whilst retaining vehicular access from Meadow Way through to the larger open land area to the south thus ensuring that the potential future development of the latter is not prejudiced.

In coming to the above view consideration has been given to the previous planning refusals referred to by people objecting to the scheme (planning reference nos. 2017/0629 and 2020/0108 – both relating to land adjoining 24 Maden Road). However, whilst accepting that both of these were refused in part because of highway safety concerns they differed from the current proposal in that:-

- i) they each proposed four dwellings rather than two,
- ii) they both sought to gain vehicular access to that site wholly using Maden Road whereas the current proposal seeks to use the first 170 metres of that highway (including the generally wider stretches) and thereafter the wider Meadow Way.

It is considered that these differences are significant and sufficient to justify recommending approval of the current proposal despite the refusal of 2017/0629 and 2020/0108. It should also be noted that in dismissing the subsequent appeal against the latter refusal the Inspector did not support the Council's concerns about highway safety.

In view of the above, despite the concerns to the contrary, it is contended that there would be no reasonable grounds for opposing this development on highway safety grounds, a view supported by County Highways. On this basis the proposal is considered to

reasonably satisfy the requirements of Policy TR4 and Appendix 1 of the Local Plan in highway safety terms.

Tree/hedgerow Issues

There are hedgerows and quite mature trees on the perimeter of both this, and the larger, site but there are none within the main body of the application site itself. With this in mind it is considered that this site could reasonably be developed for two dwellings without significantly impacting upon any of these. Accordingly, the scheme is at this stage considered to be acceptable in terms of its likely impact upon trees and hedgerows reasonably satisfying the requirements of Policy ENV10 of the Local Plan in this regard.

Ecology

The site is not known to be the habitat of any protected flora and fauna but the Greater Manchester Ecology Unit consider that it may potentially support bats, nesting birds and/or badgers. They do not consider this to be a barrier to the development in itself, despite concerns to the contrary, and raise no objections in principle to the scheme. However, they consider that a Preliminary Ecological Appraisal should be submitted at the Technical Details Consent stage to ascertain whether any of these are present, followed by further protected species surveys and mitigation strategies if these are subsequently considered necessary. They also consider that the development may be subject to the requirement to provide 10% Biodiversity Net Gain.

In pure ecological terms therefore the proposal is considered to be acceptable at this stage reasonably satisfying the requirements of Policy ENV4 of the Local Plan and Section 15 of the National Planning Policy Framework in this regard.

Drainage

At this stage it is not necessary to identify how foul and surface water are to be discharged from the developed site. It is only necessary to establish that the development can reasonably be drained in some way. Given the proximity of the site to existing housing it is considered that this can reasonably be achieved, despite concerns to the contrary.

With this in mind it is considered that there are currently no substantive drainage reasons for opposing the development of this site. The proposal is therefore considered to be acceptable in this regard reasonably satisfying the requirements of Policies ENV1 and ENV9 of the Local Plan and Section 14 of the National Planning Policy Framework.

Flood Risk

The site lies within Flood Zone One. Future occupiers of the dwellings would not therefore be at significant risk of flooding and the development should not significantly exacerbate problems of flooding elsewhere. With this in mind, it is considered that there are no reasonable flood risk grounds for opposing this development, despite concerns to the contrary, and as such it is contended that it will satisfy the requirements of Section 14 of the

NPPF in this regard.

Land Contamination

Given the way the site is currently being, and is understood to have previously been, used it seems unlikely that it will be significantly contaminated. However, in order to properly establish this, it is recommended that a Preliminary Risk Assessment is submitted at the Technical Details Consent stage, followed by a Phase 2 Site Investigation Report and a Remediation Strategy if the former demonstrates that the site is contaminated and in need of remediation. Subject to the requirement to submit these it is considered that there are currently no reasonable land contamination grounds for opposing this development at this stage and that as such the proposal reasonably meet the requirements of Policy ENV6 of the Local Plan and Section 15 of the National Planning Policy Framework in this regard.

Other Issues

The concerns raised by the objectors to the application, as set out in the 'Representations' section above, have been assessed. Those identified as (a) (b) (c) (d) (e) (g) and (h) have already been addressed earlier in the report. The remainder are also not considered to represent justifiable reasons for refusing the scheme in this instance for reasons given below:

- i) the site is not identified as open greenspace or as designated agricultural land in the Development Plan,
- ii) it is possible that a degree of disruption will be caused during the construction works if the site is subsequently developed. However, it would not be reasonable to seek to refuse a planning application purely on these grounds.
- iii) on the balance of probability a development of two dwellings is unlikely to generate a significant level of noise once completed and occupied.
- iv) it is not envisaged that the creation of two further dwellings in this location is, in itself, likely to significantly impact upon local infrastructure.
- v) it is not known how the creation of two dwellings would exacerbate any issues of anti-social behaviour that may be occurring in the area. This aside this would not represent a justifiable reason for refusing a planning application. Issues of anti-social behaviour, should they subsequently occur, could reasonably be addressed by other agencies.
- vi) a planning application cannot reasonably be refused because of concerns that an approval would set an unwelcome precedent for other similar forms of development in the future. All proposals are considered on their own merits having regard to the planning policies and material considerations that are relevant to the scheme in question.
- vii) concerns about the likely effect that a development may have upon property values cannot be taken into consideration when assessing a planning application.

Conclusion

The development is considered to be acceptable in principle. Whilst it will

lead to the loss of identified 'Countryside' it will not harm the character, appearance and/or openness of the surrounding area due to the position and enclosed nature of the site. The development will be on the edge of the built-up area of Bacup and within 500 metres of the Town Centre. It will also contribute, albeit in a very small way, towards housing supply.

The site is considered to be large enough to accommodate two new dwellings whilst still reasonably safeguarding the character of the surrounding area and the amenities enjoyed by neighbouring properties, and whilst ensuring that no significant highway safety, drainage or ecological concerns arise. Future occupiers of the development will not be at significant risk from flooding or land contamination either.

The proposal is therefore considered to be in accordance with the requirements of Policies SD1, SD2, HS1, HS8, ENV1, ENV3, ENV4, ENV6, ENV9, ENV10, TR4 and Appendix 1 of the Council's adopted Rossendale Local Plan, Sections 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and the provisions of the Council's Alterations & Extensions to Residential Properties SPD.

9. RECOMMENDATION

Grant permission in principle

10. INFORMATIVES

Please note that the Local Planning Authority considers that the following information should be submitted with any subsequently submitted application for Technical Details Consent:-

- a) a site layout plan, at a scale of 1:200, showing the proposed positions of the new houses and their associated gardens, the proposed positions of any boundary treatment (which shall show existing trees and hedgerows retained) the layout of the associated highway works (which shall show the position and layout of all parking spaces, access roads, turning facilities and an accessway retained through to the land to the rear) and details of the finished floor levels of the new dwellings related to the site levels. Please note that any connection to the adopted highway will need to be the subject of a Section 278 agreement with Lancashire County Council as the Highway Authority.
- b) Floor Plans and Elevations of the proposed dwellings, at a scale of either 1:50 or 1:100, including full details of the proposed materials of construction of the new properties.
- c) Elevational details, at a scale of either 1:50 or 1:100, of any walls or fences to be erected as part of the development.
- d) a landscaping scheme showing the positions of existing trees and hedgerows to be retained and of any trees, hedges or other vegetation to be planted.

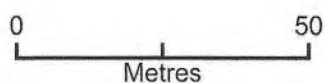
- e) A Preliminary Ecological Appraisal to ascertain whether bats, nesting birds, badgers or any other protected species are present on the site. Please note that this may generate a further requirement to supply protected species surveys and mitigation strategies.
- f) Details of the proposals for providing 10% Biodiversity Net Gain as part of the development unless it can be satisfactorily demonstrated that it is exempt from this requirement.
- g) Details of the proposed measures for draining foul and surface water from the developed site. These will need to be designed having regard to United Utilities requirements as set out in their consultation response dated 30th June 2025.
- h) A Preliminary Risk Assessment Report (Phase 1) to identify whether there are potential risks to future occupiers of the dwellings from land contamination/radon gas. This may generate a further requirement to submit a Phase 2 Site Investigation Report and a Remediation Strategy if the Phase One Report identifies contaminants and radon gas on the site.

Land at Meadow Way



LOCATION PLAN

REF: AW. 290425. B. 1



Plan Produced for: Land at Meadow Way

Date Produced: 29 Apr 2025

Plan Reference Number: TQRQM25119200352926

Scale: 1:1250 @ A4









