

Application Number:	2025/0408	Application Type:	Full
Proposal:	Resubmission of previously refused application reference 2024/0013 for change of use of existing detached garage to 3-bedroom dwelling	Location:	Sheephouse Fold Greens Lane Stacksteads Bacup Lancashire OL13 0JS
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	01.09.2026
Applicant:	Andrew Lyth	Determination Expiry Date:	08.12.2025 (Ext. of time agreed until 04.09.2026)
Agent:	Macmarshalls Ltd		

Contact Officer:	Claire Bradley
Email:	clairebradley@rossendalebc.gov.uk

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

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**

Planning permission is refused for the reasons included in Section 10.

2. **SITE**

Sheep House Fold was previously a stable block associated with Sheep House Farm. Planning permission was granted in 2019 (2019/0038) to convert the stable building into a 3 bedroom dwelling. Planning permission was granted in 2021 (2021/0243) for the erection of a detached garage to serve the property.

The site is accessed from either Greens Lane to the north west or Pleasant View to the north east, by means of unadopted roads / lanes. A number of public footpaths run near the application site, with public footpath No. 544 to the east, public footpath No. 543 running horizontal to the north and public footpath No. 540 running to the west.

The site is located within the countryside.

3. **RELEVANT PLANNING HISTORY**

2019/0038 - Change of use of existing stable block to 3 bedroom dwelling and associated landscaping – approved with conditions.

2021/0243 – Erection of detached garage – approved with conditions.

2024/0013 - Change of Use of existing detached garage to 3 Bedroom Dwelling – Refused for the following reason:

The proposal would result in the creation of an additional dwelling in an isolated and unsustainable location in open countryside and would be contrary to the NPPF and Policies SD1, SD2, HS12 and HS13 of the Rossendale Local Plan 2019-2036. The proposed dwelling would not meet any of the exceptions for allowing an additional dwelling in the countryside.

4. **PROPOSAL**

This application is to convert the garage into a 3 bedroom dwelling with one bedroom at ground floor and two in the roof space. A front extension is proposed on the north, front elevation projecting 3m in depth and 4.573m in width. Two parking spaces are proposed on the west side of the proposed dwelling.

This application is exactly the same as the previous refusal (2024/0013).

5. **POLICY CONTEXT**

National Planning Policy Framework (2026)

Section 4: Achieving sustainable development

Section 5: Meeting the challenge of climate change, etc.
 Section 6: Delivering a sufficient supply of homes
 Section 7: Building a strong, effective economy
 Section 12: Making effective use of land
 Section 14: Achieving well-designed places
 Section 15: Promoting sustainable transport
 Section 16: Promoting healthy communities
 Section 19: Conserving and enhancing the natural environment

Development Plan Policies

Rossendale Local Plan 2019-2036

Strategic Policy SS: Spatial Strategy
 Strategic Policy SD1: Presumption in Favour of Sustainable Development
 Strategic Policy SD2: Urban Boundary and Green Belt
 Strategic Policy HS1: Meeting Rossendale's Housing Requirement
 Policy HS8 Private Amenity Space
 Policy HS12: Conversion and Re-Use of Rural Buildings in the Countryside
 Policy HS13 : Rural Workers Dwellings
 Policy ENV1: High Quality Development in the Borough
 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

RBC Alterations & Extensions to Residential Properties SPD (2026)

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
LCC Highways	No objections.
Environmental Protection	No objection subject to conditions and informatives
LCC RoW	Object to the development as the existing building obstructs a Public Right of Way and no application to divert has been submitted.

7. REPRESENTATIONS

In order to publicise the application a site notice was posted on 28.11.2025 and neighbour letters were sent out on 11.11.2025. The application was also available for viewing on the Council's website.

2 representations have been received supporting the application.

8. **ASSESSMENT**

The main considerations of this application are:

1. Principle
2. Visual Amenity
3. Residential Amenity
4. Access/ Parking

Principle

The application site is located within land designated as countryside.

The revised NPPF (2026) states as follows:

Policy S3: Presumption in favour of sustainable development

1. *Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*
 - a. *Policy S4 in this Framework should be applied when considering development proposals within settlements;*
 - b. *Outside settlements, policy S5 should be applied; and*
 - c. *In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*

The Council cannot currently demonstrate a five-year supply of deliverable housing land within the Borough.

Policy S5: Principle of development outside settlements [inter alia]

1. *Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*

- j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test²⁷), and where the development would:*
 - i. Be physically well-related to an existing settlement²⁸ (unless the nature of the development would make this inappropriate) and be of a scale which can be*

*accommodated taking into account the existing or proposed availability of infrastructure;
or
ii. Comprise major development for freight and logistics purposes which accords with
policy E3.*

In respect of this Policy, the proposed development whilst meeting an unmet need is not physically well-related to an existing settlement. Therefore this section would not apply.

3. Development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with policy HO11.

It is considered that the development represents an isolated dwelling in the countryside.

Policy HO11 of the NPPF states as follows:

- 1. Development proposals for isolated homes in the countryside should only be supported where one or more of the following circumstances apply:*
 - a. There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b. The development would be appropriate enabling development to secure the future of heritage assets in accordance with policy HE4;*
 - c. The development would reuse a redundant or disused building and enhance its immediate setting, including proposals which would secure the long-term reuse of a vacant or underused listed building (subject to taking into account any harm to its significance, as set out in policy HE6);*
 - d. The development would involve the subdivision of an existing residential building; or*
 - e. The design is of exceptional quality, in that it:*
 - i. Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - ii. Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

Policy HO11 (c) permits the development of isolated dwellings if the development would re-use a redundant or disused building. The applicant has stated in the submitted documentation as follows:

The applicant agrees that the proposed dwelling would result in the creation of an isolated dwelling within the countryside, however the proposal would re-use a redundant building. The building is surplus to requirements as the occupier of the stable conversion did not require the garage. Furthermore, the length of redundancy is not specified as an issue in the Planning Framework and although the building was only granted permission four years ago, it has become redundant and has been since it was erected.

Whilst the building could potentially be defined as redundant, the addition of an extension to the building and the urbanising effect the creation of new dwelling would have by the way of

additional parking spaces, residential garden etc. would also fail to evidence that the immediate setting would be enhanced by the proposed scheme. Overall, it is not therefore considered Policy HO11(c) would permit the development in this instance.

In the Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 case, in relation to isolated dwellings, it was expressed as follows:

Lord Justice Lindblom said: “Planning policies, whether in the development plan or in the NPPF, ought never to be over-interpreted. As this case shows, over-interpretation of a policy can distort its true meaning – which is misinterpretation.”

He said paragraph 55 was “expressed in general and un-prescriptive terms”, did not dictate a particular outcome for an application, contained no presumption and simply advised local authorities on how to promote sustainable development in rural areas.

The paragraph’s advice was to avoid “new isolated homes in the countryside”, which Lindblom J said: “Simply differentiates between the development of housing within a settlement - or village - and new dwellings that would be ‘isolated’ in the sense of being separate or remote from a settlement”.

“Whether, in a particular case, a group of dwellings constitutes a settlement, or a ‘village’, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker”

He explained: “Whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.

“In my opinion the language of paragraph 55 is entirely unambiguous, and there is therefore no need to resort to other statements of policy, either in the NPPF itself or elsewhere, that might shed light on its meaning.”

Within the immediate vicinity of the application building, there are 3 dwellings – Sheephouse Farm, Sheephouse Barn and Sheephouse Fold. It is not considered that this represents a settlement in planning terms.

The site is located 1 km from the main A681 (Newchurch Road) in Stacksteads and further from shops, schools and other facilities.

Footways are discontinuous leading down from the site towards Newchurch Road, where the only public transport links (bus stops) are located. Access to the site from Cutler Lane via Greens Lane, for the whole length of Greens Lane to the site is partially unlit farm tracks with a steep gradient and there are no footways, with the lane at some points being single track.

Having regard to the above, there are significant concerns over the lack of connectivity of footways leading to public transport links, which, along with the inclination of the route and its

frequent use by heavy vehicular traffic, are likely to be a serious disincentive to residents of the development to travel by sustainable modes (particularly in times of inclement weather or darkness).

The development is considered to result in the creation of an isolated dwelling within the countryside in an unsustainable location which is contrary to Policy HO11 of the NPPF and Policy SD2 of the Rossendale Local Plan.

Policy HS12 of the Local Plan allows for the conversion and re-use of rural buildings in the countryside. However, whilst there is no definition of “rural buildings” in the Local Plan, it can be assumed that a rural building is a structure located in the countryside and typically associated with agriculture, forestry, or rural living, for example barns, agricultural sheds, stables, livestock buildings, rural workshops or traditional farmhouses. As a garage constructed in 2021 for use by a nearby dwelling it is not considered it is a ‘rural building’. The proposal would not therefore meet the criteria of Policy HS12.

It is therefore considered that the proposal results in the formation of an additional residential unit in the countryside which would be contrary to policy SD2 of the Local Plan and would not be in a sustainable location. The proposed dwelling would not meet any of the exceptions for allowing an additional dwelling in the countryside and would not represent a conversion of an existing agricultural building or provide for a worker in agriculture or forestry or the reuse of a rural building contrary to HS12 of the Rossendale Local Plan.

The development is not considered acceptable in terms of principle.

Visual Amenity/Landscape character

Policy ENV1 of the Local Plan seeks to promote high quality design in the Borough, and includes a varied set of criteria with which development proposals need to comply.

Policy ENV3 states “*Development proposals which are in scale and keeping with the landscape character, and which are appropriate to its surroundings in terms of siting, design, density, materials, and external appearance and landscaping will be supported.*”

The revised NPPF (2026) in Policy DP3 includes a list of key principles for well-designed places and states

BP3: 1 Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

The proposed scheme would not involve significant rebuilding or extensive alteration and the garage building is structurally sound and in good condition.

There is no curtilage associated with the existing building as a garage.

The proposed extension projecting from the principal elevation is subsidiary to the original building and the openings in the front elevation largely reflect the position of the existing garage doors. The proposal is considered acceptable in respect of visual amenity.

For this reason the proposed development is considered to be in accordance with Policy ENV1 and ENV3 of the Rossendale Local Plan and the NPPF.

Neighbour Amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings.

Policy ENV1 (c) requires development to be *sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area*; and (d) states that the *scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;-nor should it be adversely affected by neighbouring uses and vice versa*;

The property is located in a remote location with few neighbouring properties in the vicinity. It would however be in relatively close proximity to the existing dwelling of Sheephouse Fold for which it currently serves as a garage. The main gable elevation of the existing garage is 14 metres from the habitable room windows in Sheephouse Fold which is in accordance with the separation distances set out in the Alterations and Extensions SPD.

Based on the current policies in place, the development is acceptable in terms of the impact upon the amenity of existing occupants and of the proposed occupiers of the new dwelling and is in accordance with Policy ENV1 of the Rossendale Local Plan.

Parking, Access and Highway Safety

LCC Highways have commented as follows:

The Highway Development Control Section of Lancashire County Council has no objections to the planning application. The National Planning Policy Framework (NPPF) states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios." (Paragraph 116).

My detailed examination of this application concludes there are no highway grounds to support an objection, as set out by the NPPF.

The submitted documents have been reviewed, there is adequate off street parking provision for the size and nature of the development, not including the garage parking provision, in line with the Rossendale Local Plan Appendix one parking standards.

Secure and covered cycle storage should be provided within the development, to ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

Additionally, it is expected that a charging point for electric vehicles shall be included with-in the development, again to promote sustainable modes of transport. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states: - charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle.

FP1401544 runs through the development, the grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and planning application number, to discuss their proposal before any development works begin.

The proposed development as amended is acceptable in terms of access, parking and highway safety.

Public Rights of Way

LCC Rights of Way Team have objected to the development as follows:

The National Planning Policy Framework 2024 places an obligation on developments to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. It is the view of the Public Rights of way Team that the development does not meet this requirement as the existing detached garage to be converted obstructs footpath FP1401544, as shown by the indicative line on the attached overlay.

Any obstruction of a public rights of way is a criminal offence and something that would impact the sale and potential value of the property. Therefore, the plans should be revised to showing the proposed realignment of footpath FP1401544 which will requires a Public Path Order under the provisions of the Town and Country Planning Act 1990 Section 257 (TCPA90 S257) or Highways Act 1980 Section 119 (HWA90 S119) for the Public Rights of Way team to support this application.

The obstruction of the Right of Way is controlled under other legislation.

Contamination

A Preliminary Risk Assessment (PRA) for contaminated land has not been submitted with an application for a sensitive residential use. The surrounding area has been subject to significant quarrying activities. The site is within 250m of a fairly large historic landfill site to the west. An active landfill site is also recorded beyond that. The external areas have been levelled and materials have been imported which may not be suitable for a residential garden.

The above issues should not prohibit development but will need to be addressed. A pre-commencement condition would be required to be added to any approval granted.

Biodiversity Net Gain

In relation to the Statutory 10% Net Gain on biodiversity value, the applicant has claimed the self build exemption, but no Unilateral Undertaking has been submitted to ensure the site is occupied by someone who has had some input into the design of the building as a dwelling.

Given the fact that the building is already there, and the proposal utilises existing openings, it would be difficult to see how it would be a self-build dwelling.

However, on viewing the site, it consists of the garage building and hardstanding to the front with no landscaping which would ultimately fall under the 'de minimis' exemption.

Conclusion

It is therefore considered that the proposal results in the formation of an additional residential unit in the countryside which would be contrary to the NPPF and policies SD2, HS12 and HS13 of the Rossendale Local Plan and would not be in a sustainable location. The proposed dwelling would not meet any of the exceptions for allowing an additional dwelling in the countryside and would not represent a conversion of an existing agricultural building or provide for a worker in agriculture or forestry. The proposal would therefore be contrary to up to date policies in the Local Plan and there are no overriding reasons for allowing the proposal.

9. RECOMMENDATION

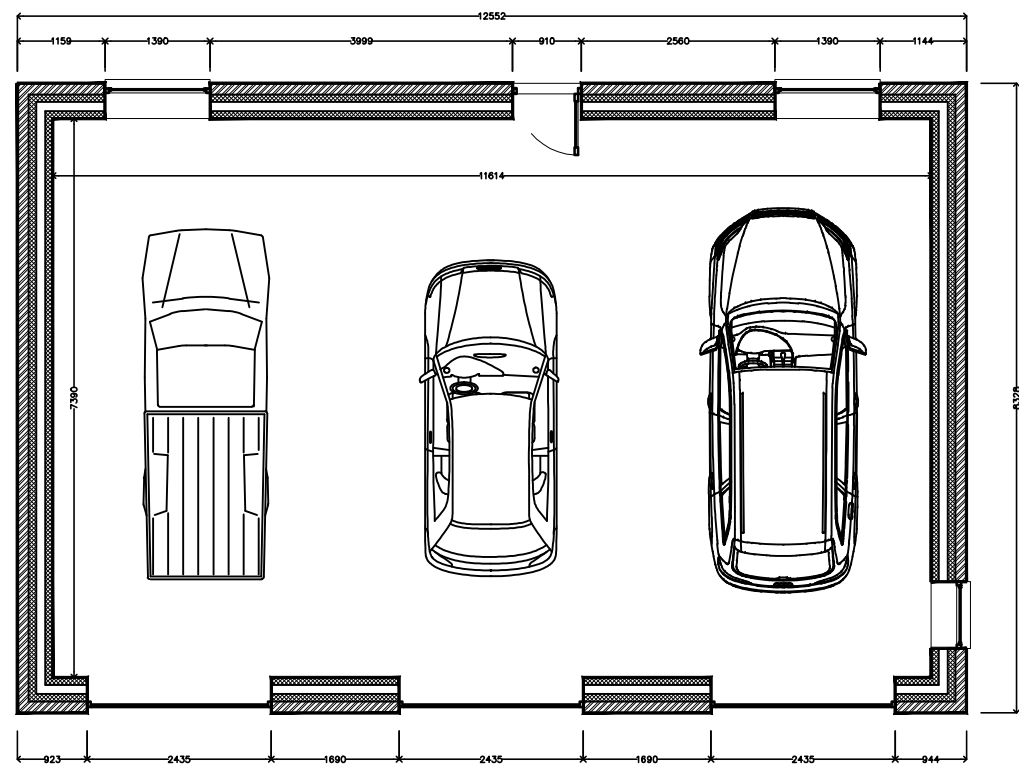
Refuse for the following reason.

10. REASONS

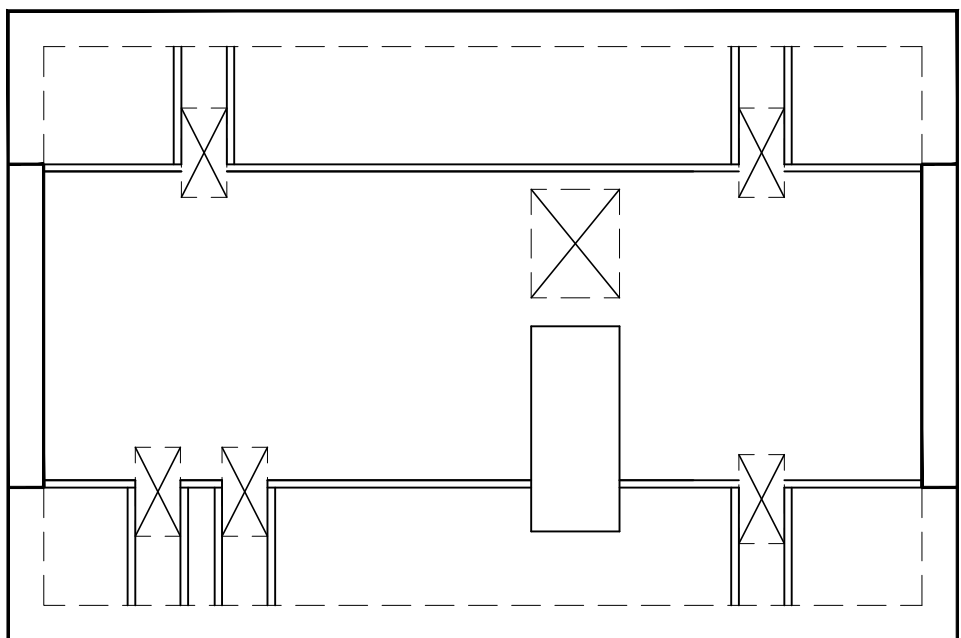
The proposal would result in the creation of an additional dwelling in an isolated and unsustainable location in open countryside and would be contrary to the NPPF and Policies SD1, SD2, HS12 and HS13 of the Rossendale Local Plan 2019-2036. The proposed dwelling would not meet any of the exceptions for allowing an additional dwelling in the countryside.

11. INFORMATIVES

The proposal would not comply with the development plan and would not improve the economic, social and environmental conditions of the area. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Policy DM3 of the National Planning Policy Framework.



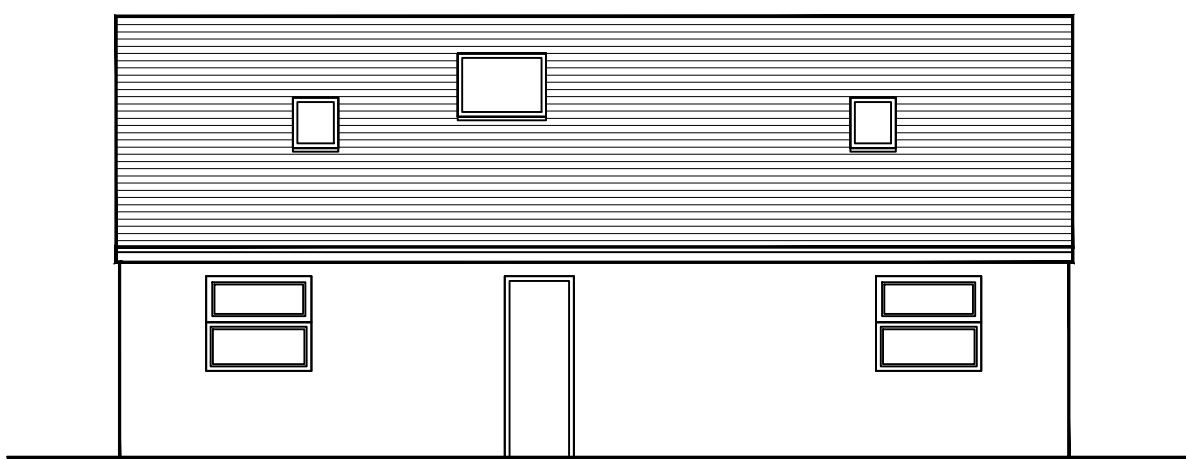
Existing Ground Floor Garage Plan (1:100)



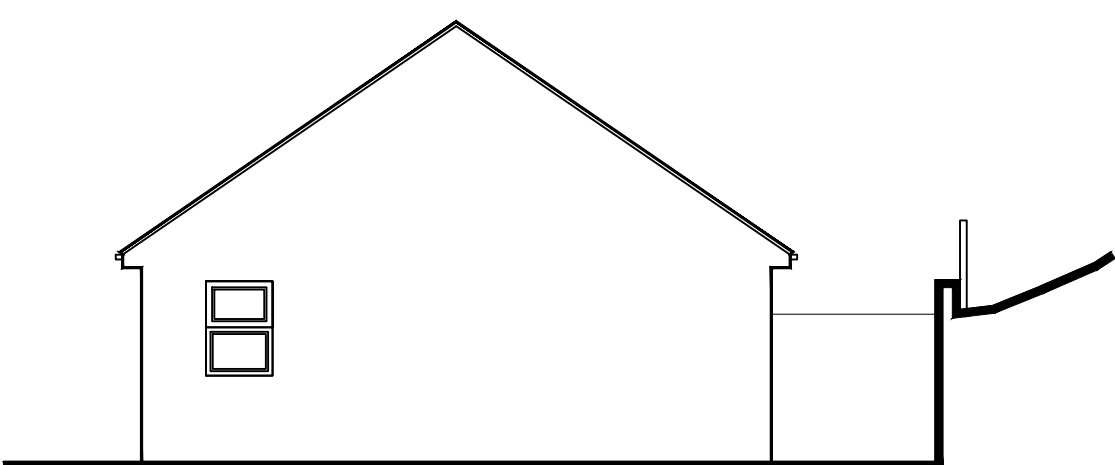
Existing Storage Floor Plan (1:100)



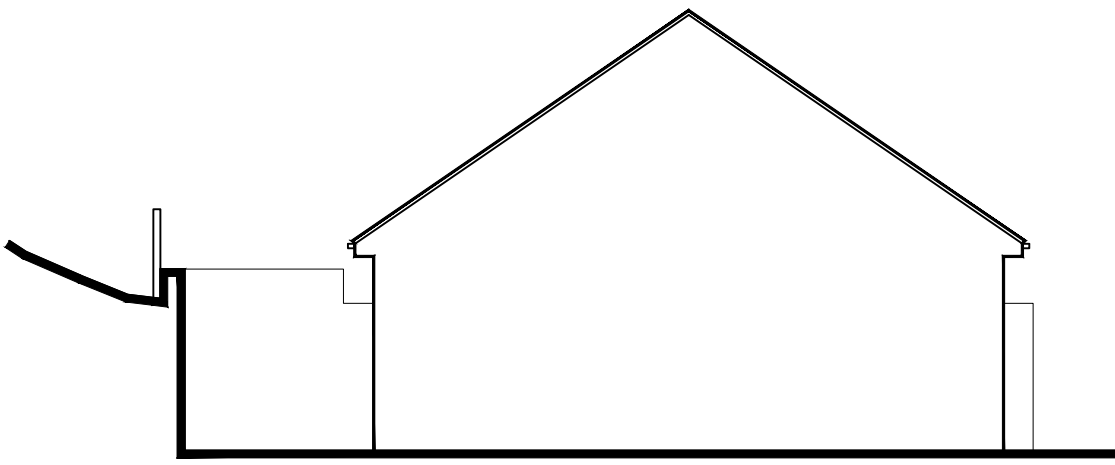
Existing Northern Front Elevation (1:100)



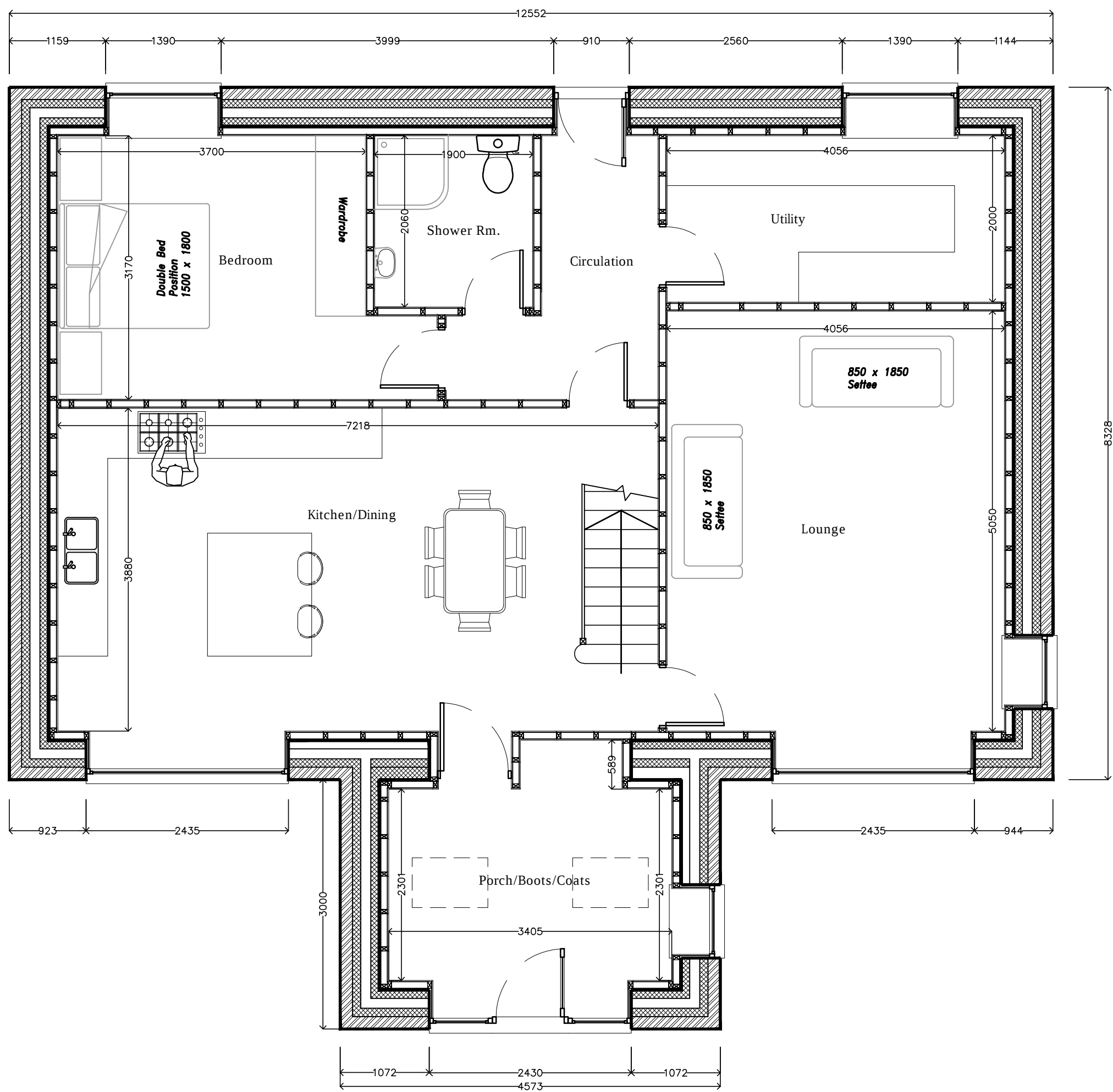
Existing South Rear Elevation (1:100)



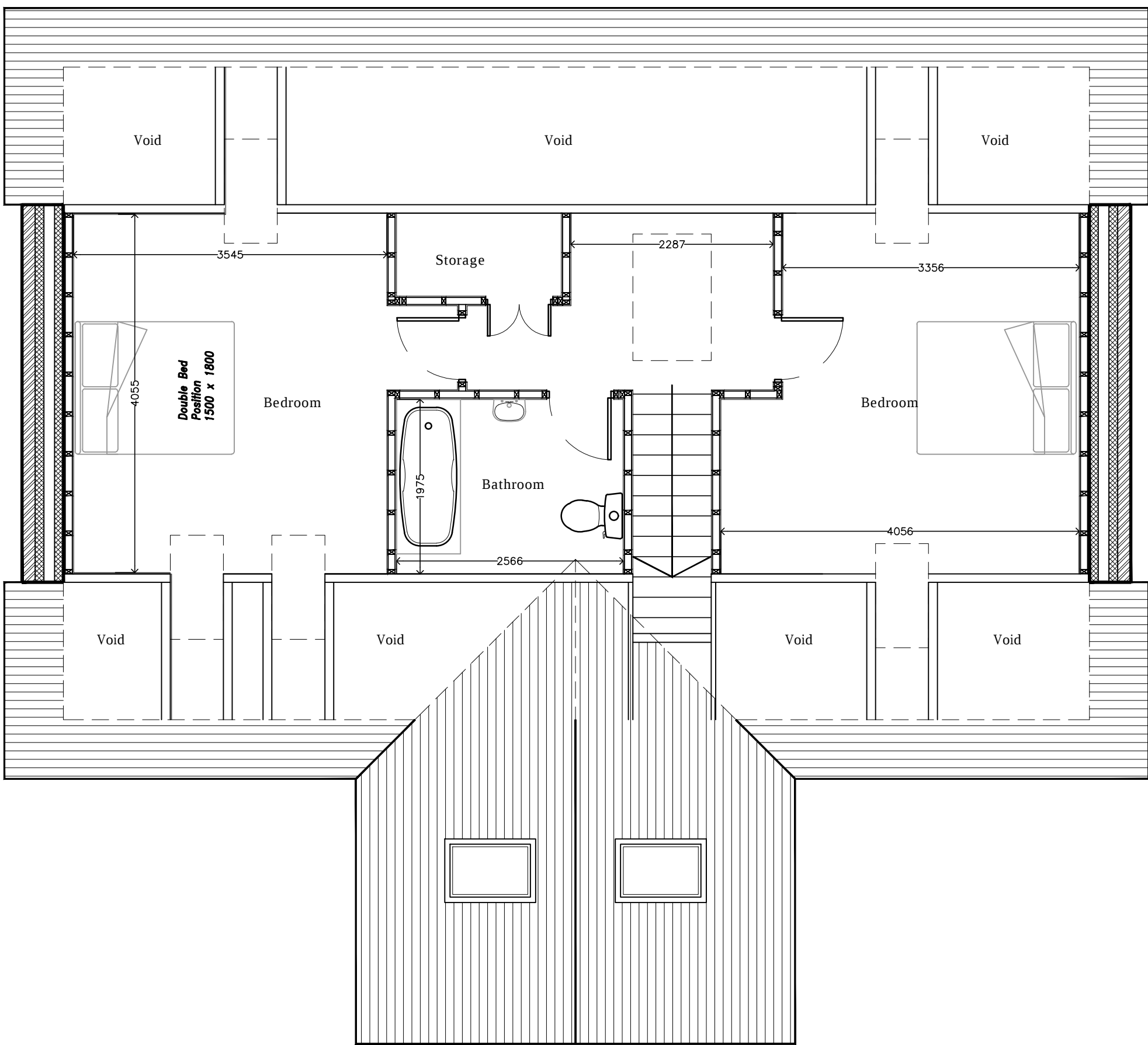
Existing Western Gable Elevation (1:100)



Existing Eastern Gable Elevation (1:100)



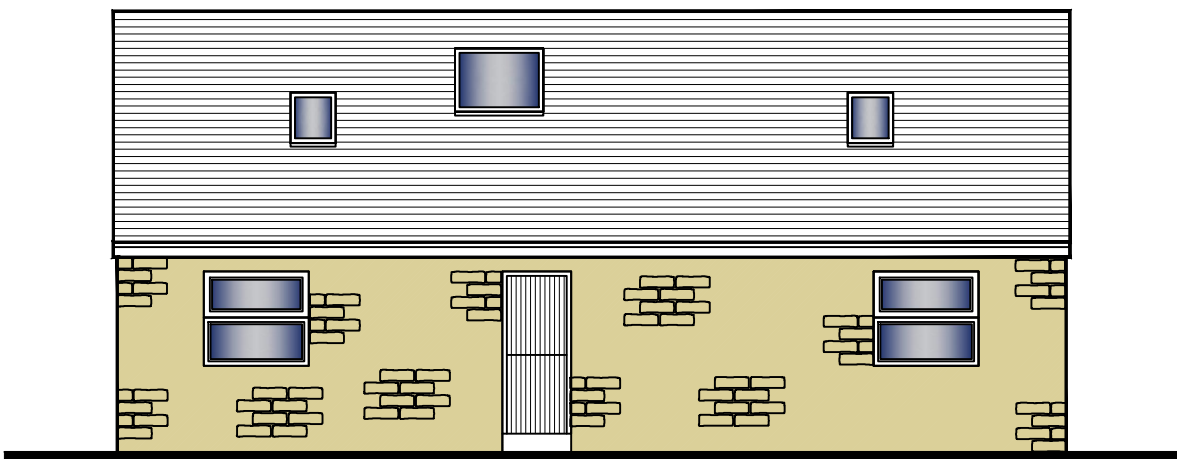
Proposed Ground Floor Plan (1:50)



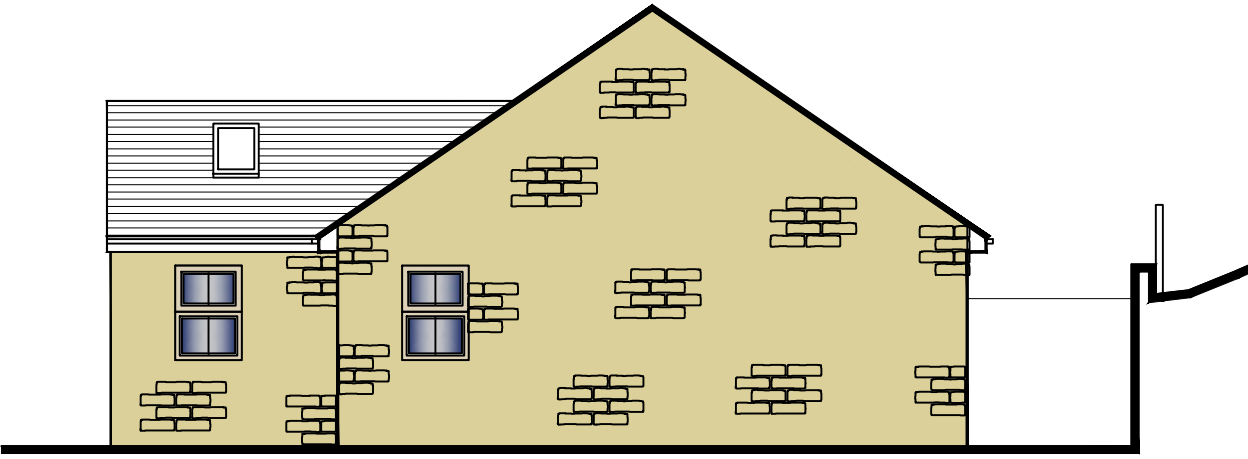
Proposed First Floor Plan (1:50)



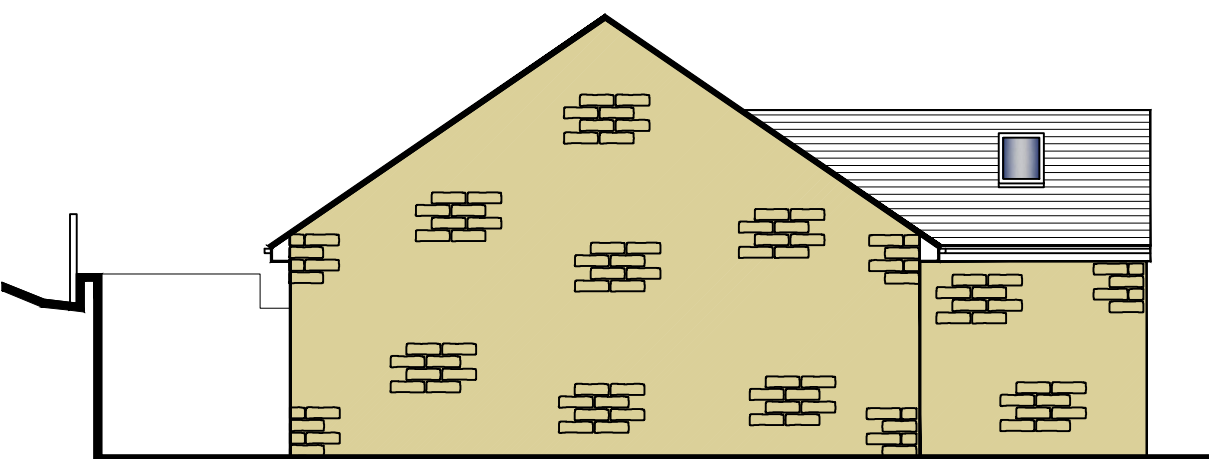
Proposed Northern Front Elevation (1:100)



Proposed South Rear Elevation (1:100)



Proposed Western Gable Elevation (1:100)

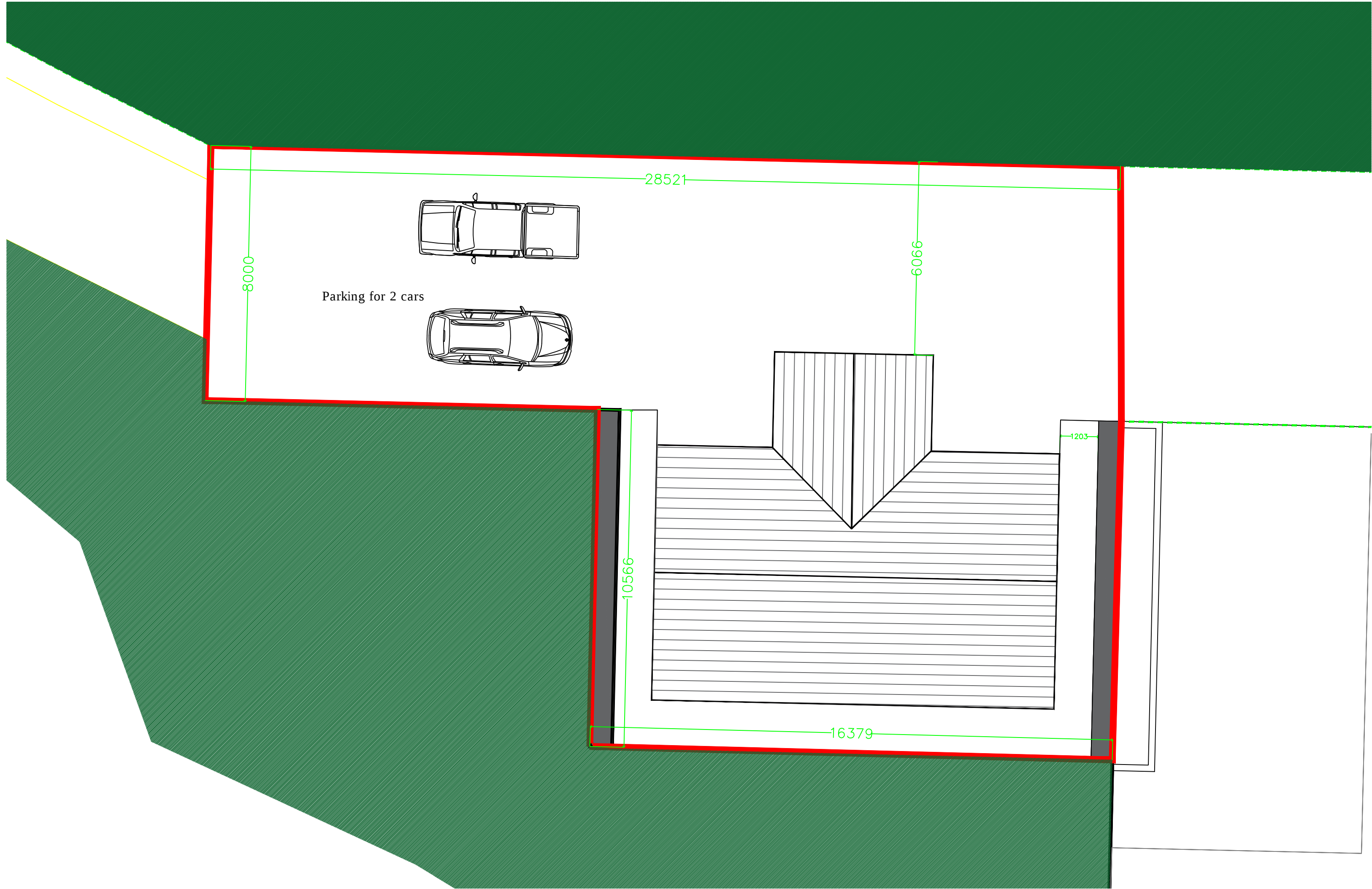


Proposed Eastern Gable Elevation (1:100)

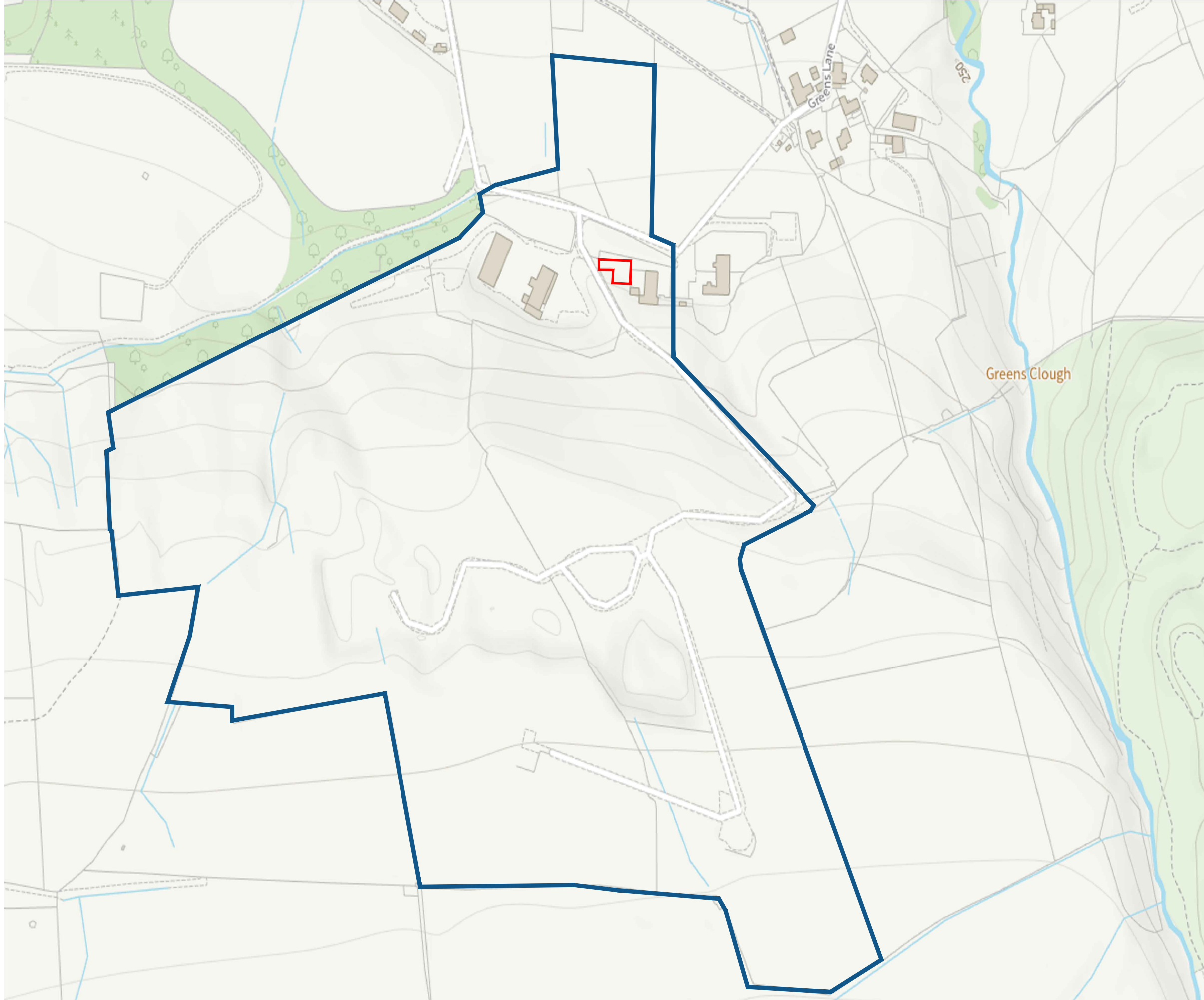
Client			
Mr Andrew Lyth			
Project			
Conversion of Garage to 3 bed dwelling Sheephouse Fold, Greens Lane OL13 0JS			
Job No.	Area	File Ref	
2023/63			
Title			
Existing & Proposed Plans & Elevations			
2023/63-01			rev. A
Date	Drn.	Scale	Checked
27.09.23	B. Edmondson	AS Noted	

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design services

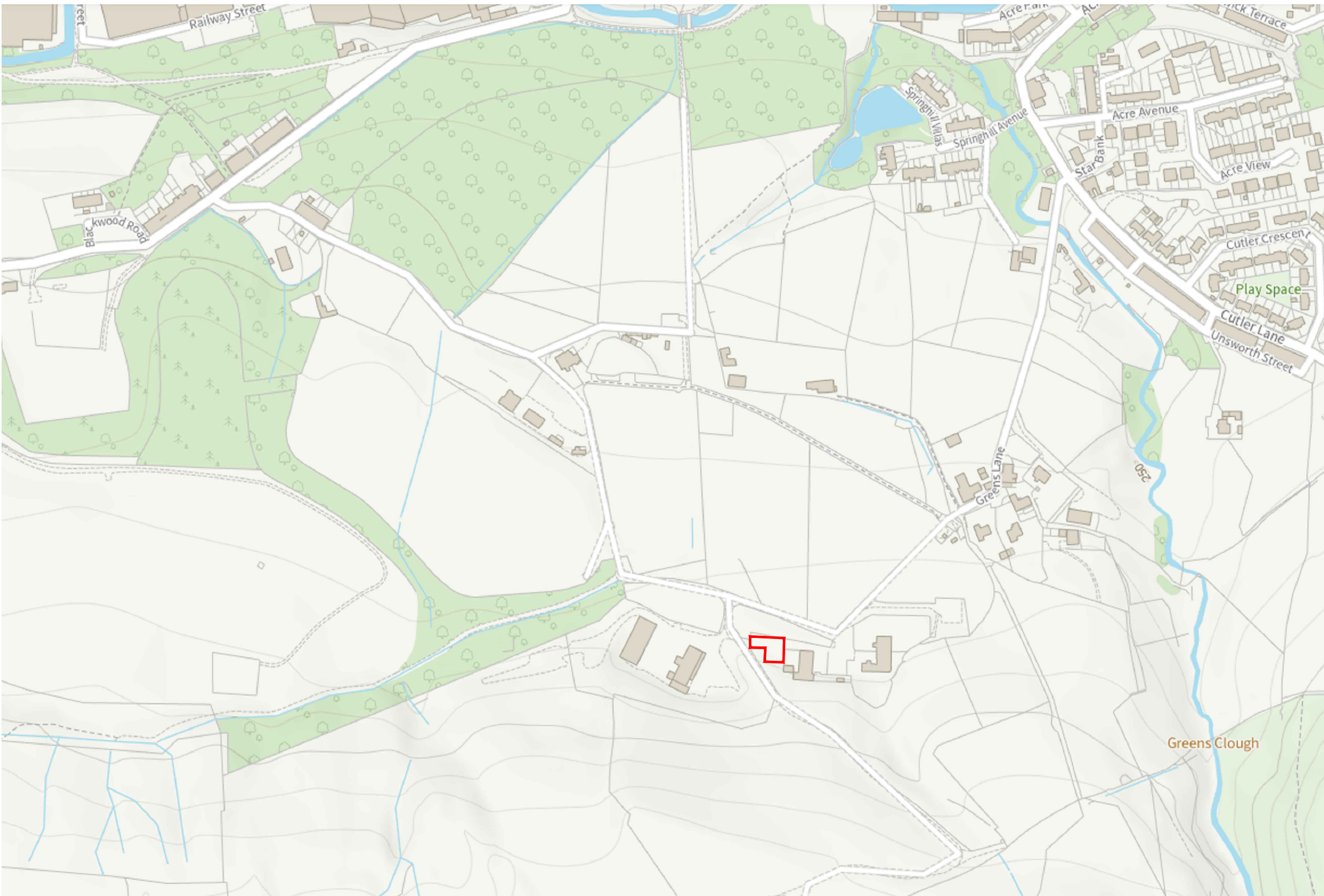
20 Fernhill Drive
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Lancashire
OL13 8JS
tel 01706 870944
mob: 07528809176
e:info@eds20.co.uk



Proposed Site Plan (1:100)



Site Plan indicated land owned by applicant (1:2500)



Site Plan indicating proposed site relative to Stacksteads (NTS)

Client

Mr Andrew Lyth

Project

Conversion of Garage to 3 bed dwelling
Sheephouse Fold, Greens Lane OL13 0JS

Job No.

2023/63

Area

File Ref

Title

Site Plans

2023/63-02

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27.09.23

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