

TITLE: 2005/324 - OUTLINE APPLICATION FOR THE ERECTION OF A 4 BEDROOM DETACHED DWELLING AT LAND ADJ TO 136 MARKET STREET, EDENFIELD, ROSSENDALE

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 2 AUGUST 2005

BY: TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT : MR R NUTTALL

DETERMINATION EXPIRY DATE : 21 JULY 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.

This application has been requested to be heard at this Committee by a ward Councillor.

Site and Proposal

This proposal seeks outline consent to erect a four bed detached dwelling (800 m²) on land off Market Street, Edenfield. No details have been submitted and therefore only the principle of residential development is being sought. The site comprises a level hard surface and is currently used for off road parking and garden curtilage. On the adjoining highway, a bus stop and shelter is situated to the front of the site.

Relevant Planning History

2005/245 - Outline - erection of a detached dwelling – Refused 19 May 2005
2004/799 - Outline application for the erection of a 4 bedroom detached dwelling – Refused 14 Dec 2004. An appeal was lodged against the decision but was withdrawn.

Consultation Responses

Environment Directorate (Highways) – No objection

Forward Planning – Raises a policy based objection

Notification Responses

No letters of representation have been received, however a supplementary supporting statement has been received which makes the following comments

“Pack Horse Farm extends to some 336 acres of agricultural land in and around the village of Edenfield of which 326 acres are owner occupied, the additional 20 acres are held on a 1986 Agricultural Holdings Act Tenancy from United Utilities
The farm has no dedicated farm house and this has been the case since the family acquired the holding. Although this has been acceptable in the past, changes in the farming industry and the family it is becoming increasingly difficult to manage the holding from a distance.

The farm carries some 400 head of Gritstone breeding ewes with 110 Hogs to be introduced to the ram for breeding in October/November 2005, the lambs from which will be finished on the holding and sold at slaughter weight through the local auction marts.

It is Mr Nuttall's intention to continue to make significant investment into the holding having recently obtained planning consent from the Council for the erection of a 80' x 80' x 16' portal framed far building to BS5502 at a cost of £50,000.

Once constructed it is also intended to re-introduce to the holding a beef finishing enterprise with cross bred store cattle to be purchased at ages of 6-8 months and take them through to finished killing weight for direct sale to slaughter, it is also intended to increase the sheep numbers to around 700 head.

This will significantly increase the time requirement on the applicant through the increased need for herd and flock management, feeding and welfare.

Mr Nuttall is the fourth generation to farm at Pack Horse Farm, his family having managed the holding since the 1890's. The family business is therefore well rooted in the village and Mr Nuttall is firmly committed to the continuation of the business in the future.

It is on this basis that he has applied for consent for the construction of a dwellinghouse close to his main farming enterprise and less than 50m from the farm yard.

The erection of a new farmhouse would allow the applicant to live on the unit significantly increasing the security for the farmyard and allowing a permanent presence on the holding thereby increasing livestock welfare especially at lambing time when the flock will be indoors.”

Development Plan Policies

Rossendale District Local Plan (adopted 1995)

DS1 - The Council will seek to locate most new development within a defined urban boundary - the urban boundary - and will resist development beyond it unless it

complies with policies DS.3 and DS.5. The urban boundary is indicated on the proposals map.

Policy DS3 - "Within the Greenbelts, planning permission will not be given except in very special circumstances for the erection of new buildings and for the change of use of other buildings other than for the purpose of agriculture, forestry, outdoor sport and recreation cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area. The change of use of a redundant building may be permitted within the terms of national greenbelt policy. The greenbelts are shown upon the proposals map as listed below: between Haslingden and Baxenden Between Waterfoot and Stacksteads Between Haslingden & Rawtenstall & Edenfield to the East, West and North of Whitworth and to the south and west of Edenfield

Policy DS4 - Inset Villages - "To exclude the settlements listed from the greenbelts - Acre, Edenfield, Ewood Bridge, Irwell Vale, Stubbins".

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 states that development should be located primarily within the principal urban areas, main towns, key service centres (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. In all cases the proposals must satisfy certain specified criteria.

Policy 5 states, in part, that outside of Principal Urban Areas, Main Towns and Key Service Areas (Market Towns) development of an appropriate scale and nature will normally take place in identified villages and other settlements. Such development should support rural and urban regeneration by meeting an identified local need for housing, employment or community services that maintain or strengthen the local economy, including proposals that aid farm diversification and sustainable tourism.

Policy 12 states that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016.

Other Material Planning Considerations

PPG1 (General Policy and Principles)

Government guidance in the form of PPG1 emphasises that development should be sustainable and states that there is a need to achieve a balance between promoting economic prosperity and protecting the natural and built environment. It also identifies ways in which mixed use development can be promoted, and provides advice on design matters.

Paragraph 7 states that *"Urban regeneration and re-use of previously- developed land are important supporting objectives for creating a more sustainable pattern of development. The Government is committed to:*

- a) concentrating development for uses which generate a large number of trips in places well served by public transport, especially in town centres, rather than in out of centre locations; and*
- b) preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of Greenfield sites."*

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.

Planning Issues

The first issue for consideration is the land use designation. The site is located mainly within the urban boundary with garden areas to the rear being situated in the Greenbelt. It is considered therefore that the land use principle of development on this site is acceptable. The site is a brownfield site (ie part of the garden area of the property on Market Street) and complies with PPG3 (Housing) but the application does not demonstrate very special circumstances or need and is therefore contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan 2001-2016.

The relocation of the bus shelter and bus stop are matters to be considered as part of the siting and access details and would form part of a reserved matters submission.

In relation to the supporting statement, the application has not been assessed by the Lancashire County Council Rural Land Agency which has responsibility for agricultural matters as it has not been described as an agricultural worker's dwelling, but as an outline application for a dwellinghouse. Accordingly, as the supporting statement has not been objectively assessed, the supporting statement can only be given little weight.

In view of the current housing supply issues within the Borough, it is considered that the application does not demonstrate very special circumstances or need and is therefore considered to be contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan 2001-2016. This policy requires the provision of 1,920 dwellings over the plan period and specifies an annual average dwelling provision in the period 2001-2006 equivalent to 1,100 dwellings. Total housing completions 2001-September 2003 amounted to 431 dwellings. Additionally, the County Council has previously commented that as at 1 October 2003 there were existing planning permissions for 1,606 dwellings and based on these figures it concludes that there are sufficient residential planning permissions to meet the Borough Council's housing requirement to 2006.

Summary of Reasons for Refusal

The proposed development will contribute to the over-provision of housing in the Borough, contrary to Policy 12 of the recently adopted Joint Lancashire Structure

Plan, and there are no other material considerations of sufficient weight to tip the balance in favour of a permission.

Recommendation

That the application be refused for the reason given below.

Reason for Refusal

The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the Adopted Joint Lancashire Structure Plan. No or insufficient justification has been advanced to otherwise warrant the grant of permission for the proposed development.

Background documents

Adopted Joint Lancashire Structure Plan 2001-2016
Planning Policy Guidance Note 3
Rossendale District Local Plan 1995