

**Application No:** 2009/373

**Application Type:** Full

**Proposal:** Change of use of land to a private gypsy caravan site, including one residential caravan, and associated hardstandings/outbuilding for incidental residential purposes (Retrospective)

**Location:** Sunnyside Lodge,  
Tong Lane, Bacup

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control  
Committee

**Date:** 14 December 2009

**Applicant:** Mr C Dugdale

**Determination Expiry Date:**  
1 January 2010

**Agent:** Dr A Murdoch

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Reason for Call-In:

**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.

## **APPLICATION DETAILS**

### **1. The Site**

The application site measures approximately 17m x 24m, and is situated on the corner of Tong Lane and the access road serving Tong Farm. Each of these frontages is screened by stone walls topped by timber fences. The area is largely hardstanding, taking vehicular access from Tong Lane at that end of the frontage furthest from the corner. The static caravan in which the applicant is residing measures approximately 3m x 10m x 3m in height and is visible to the public principally through the access-point. Also to be seen on the site is a 1-storey stone building with recent lean-to extensions to each side, a touring caravan and a small dog kennel.

The applicant also owns a piece of land extending a further 20m up Tong Lane that is of unkempt appearance and occupied by building used for stabling horses/storage of feed. To the rear of this area is a stable block in a different ownership.

To the other side of Tong Lane are houses that front Pennine Road and St Mary's Primary School. To the other side of the access road to Tong Farm is a recently cleared site that extends up to Pennine Road, for which there is permission to erect 2 houses (Planning Permission 2009/242), to the east of which is a terrace of 3 houses.

Whilst the School, the existing houses and site with permission for 2 further houses lie within the Urban Boundary of Bacup, the application site is in an area designated as Countryside in the Rossendale District Local Plan.

### **2. Relevant Planning History**

- 1991/281 - Erection of Bungalow  
Refused on 21/6/9, there being a presumption against erection of a dwelling in Countryside.
- 2008/260 - Siting of a caravan  
Withdrawn
- 2008/397 - Siting of a caravan  
Refused by Committee on 11/8/08.  
Appeal submitted, but withdrawn.

### **3. The Proposal**

The applicant seeks retrospect permission for the retention of the static caravan for residential use and for the retention/use of the hardstanding/outbuilding for incidental residential purposes.

In support of previous applications, the applicant pointed out that :

- The site is owned by the applicant and the family has been living in the caravan for approximately 2 years.
- The site has utilities connected, in terms of water, gas and electricity, and the utility companies use the site for billing purposes.

- Prior to the applicants buying and living on the site, local residents experienced continuous trouble from youths congregating and engaging in anti-social behaviour.

In respect of the current application the principal justification advanced is that :

- The Applicant and his wife and two children are Gypsies.
- He wishes to continue to reside here in order that his children are settled so as to obtain better education than was hitherto been the case - the application is accompanied by details and documentation to support the claim to be gypsies and from LCC's Education Department/Traveller Education Access Co-ordinator.
- Contrary to National and Development Plan policies, Rossendale Borough does not have proper housing provision for Gypsy and Traveller Families.
- Whilst the Local Plan contains no Gypsy Policy, the saved part of the Joint Lancashire Structure Plan and Draft Partial Review of the RSS are supportive of making proper provision for Gypsy and Traveller Families.
- There is local support for the application - evidenced by a petition bearing 31 names (from 26 addresses).

#### 4. **Policy Context**

##### **National Planning Guidance**

PPS1 Sustainable Development  
 PPS3 Housing  
 PPS7 Rural Areas

##### **Development Plan Policies**

###### **Regional Spatial Strategy (2008)**

DP1-9 Spatial Principles  
 RDF1 Spatial Priorities  
 RDF2 Rural Areas  
 L4 Regional Housing Provision  
 RT2 Managing Travel Demand  
 RT4 Management of the Highway Network  
 EM1 Environmental Assets

###### **Joint Lancashire Structure Plan (2005)**

Policy 29 Sites for Gypsy & Traveller Families

###### **Rossendale District Local Plan (Adopted 1995)**

DS5 Development Outside the Urban Boundary & Green Belt  
 DC1 Development Criteria

##### **Other Material Planning Considerations**

4NW Draft Partial Review of the RSS  
 LCC Landscape Strategy for Lancashire  
 LCC Parking Standards  
 RBC Core Strategy  
 RBC Revised Interim Housing Policy Statement (July 2008))

## **5. CONSULTATIONS**

### LCC (Highways)

No objection

### RBC (Environmental Health)

No objection

## **6. REPRESENTATIONS**

None

## **7. ASSESSMENT**

In dealing with this application the main issues to consider are:

1. Principle
2. Housing Policy
3. Visual Amenity
4. Neighbour Amenity
5. Access/Parking

### Principle

In the adopted Local Plan, the application site lies within Countryside, wherein there is a presumption against permitting new dwellings other than by conversion of existing buildings unless needed for the purposes of agricultural or forestry workers, etc. The proposal is not appropriate in principle in the Countryside.

It is also necessary to look at the extent to which the proposal will erode the essentially open and rural character of the Countryside; this matter is addressed below in the section on Visual Amenity).

Since the proposed caravan would be used for residential purposes as a residential dwelling, it is considered that the proposal conflicts with the Policy DS5 of the Local Plan

### Housing Policy

In accordance with Government guidance, Policy 29 of the Joint Lancashire Structure Plan, and the policies in the Draft Partial Review of the RSS to replace it, are supportive of making proper provision for Gypsy and Traveller Families.

The Interim Housing Policy Statement (July 2008) amplifies upon the housing policies of PPS3, the Regional Spatial Strategy and the Council's LDF Core Strategy. It does not preclude residential development within the Countryside but seeks to ensure that proposals for residential development in this location are assessed against the following criteria :

1. For solely affordable and/or special needs housing; or
2. Accommodation for agricultural or forestry workers

On the basis of the information submitted I am satisfied that the Applicant and his family are gypsies and there is a family association with the Bacup area that extends over an extended number of years. Having regard to the documentation (appended) from LCC's Education Department/Traveller Education Access Co-ordinator I am also satisfied that there is an educational justification for permitting this family to remain here.

#### Visual Amenity

The development for which permission is sought does, to a degree, erode the essentially open and rural character of the area. However, the site was not formerly free from all buildings/urbanising features. The site has clearly defined boundaries, with other buildings immediately beyond it.

I am also mindful that the site is only just beyond the Urban Boundary of Bacup and, with erection of the houses permitted by Planning Permission 2009/242 will be less visible from Pennine Road.

#### Neighbour Amenity

The residential properties located in close vicinity of the site (as existing and proposed) are/will not be unduly affected so long as the site remains in its present nature/intensity of use.

#### Access/Parking

The Highway Authority has no objection in principle to the proposal. The access-point is sufficiently far from any junction. However, it is considered appropriate to require that sufficient space in the vicinity of the access-point is kept free of obstruction, in order that any vehicles are able to both enter/exit the site in forward gear.

#### CONCLUSION

Whilst the development for which permission is sought is contrary to Countryside policy, it is for special needs housing for which there is strong policy support. On balance, and so long as the site remains in its present nature/intensity of use, I consider it appropriate to recommend approval.

### **8. SUMMARY REASON FOR APPROVAL**

The proposed development is not appropriate in principle within the Countryside, but the special circumstances (in relation to Housing policy/need) have been advanced to warrant an approval for the present nature/intensity of use. Subject to the conditions, the Council is satisfied that the development will not unduly detract from visual and neighbour amenity or highway safety. Particular regard has been given to PPS1 / PPS3 / PPS7 / PPG13, Policies RDF2 / L4 / EM1 of the Regional Spatial Strategy, and Policies DS1 / DC1 of the Rossendale District Local Plan.

### **9. RECOMMENDATION**

Retrospective permission be granted.

## 10. Conditions

1. The permission hereby granted is for no more than one caravan on the site to be used for residential purposes and for the hardstanding/outbuilding on the site not to be used for other than incidental residential purposes associated with that caravan.

Reason : For the avoidance of doubt and to protect visual/neighbour amenity and highway safety, in accordance with Policies RDF2 / EM1 of the Regional Spatial Strategy and Policies DS1 / DC1 of the Rossendale District Local Plan.

2. The area coloured pink on the approved plan shall be kept free of obstruction at all times.

Reason : To ensure that vehicles can both enter/exit the site in forward gear, in the interests of highway safety and in accordance with Policies RT2 / RT4 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.

<b>Contact Officer</b>	
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