

**Application No:** 2011/007

**Application Type:** Full

**Proposal:** Demolition of farm building & erection of a detached dwelling

**Location:** Land at Broadclough Farm, Burnley Road, Bacup

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 21 March 2011

**Applicant:** Mr S Middleton

**Determination**

**Expiry Date:** 23 March 2011

**Agent:**

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member: Cllr Judith Driver

Reason for Call-In: In support that there is a suitable argument for the erection of a dwelling on this countryside plot

**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.

## **APPLICATION DETAILS**

### **1. SITE**

- 1.1 This application relates to a site of approximately 1.37 hectares in area that is located in the Countryside between the settlements of Weir and Bacup.
- 1.2 The site slopes steeply up from the highway currently accessed from Burnley Road. The site forms part of Broadclough Farm.
- 1.3 The site is bordered by a 1m stone wall running parallel to Burnley Road and farming land to north and west. To the south the site borders the garden of 152 Burnley Road and a curtain manufacturing works (planning application 1980/0328).
- 1.4 To the north of the site there is a traditional two storey farmhouse with detached converted barn.

### **2. RELEVANT PLANNING HISTORY**

2002/0511 – Erection of 1 two storey dwelling and 1 single storey dwelling  
Refused for the following reasons;

1. The proposed dwelling lies outside the urban boundary as identified on the adopted Rossendale District Local Plan, Policy DS.2 of the said plan aims to locate most new development within the urban boundary and consequently the proposal is at variance to Policy DS.1.
2. The proposed dwelling is contrary to Policy DS.5 of the Rossendale District Local Plan which restricts development outside the urban boundary to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area. The Local Planning Authority do not consider, (and no supporting material has been submitted with the application to indicate otherwise), that a dwelling is needed for the purposes stated in Policy DS.5.
3. The proposal is contrary to national Planning Policy Guidance 3 (housing) which aims to locate new dwellings on previously developed land, before building on undeveloped land. A search sequence approach has not been submitted with the application justifying the suitability of the application site. Within Rossendale, there exists an ample supply of previously developed land and existing vacant buildings in more sustainable urban locations.
4. To allow the proposed development would be contrary to government targets for concentrating most additional housing development within urban areas and making more efficient land by maximising the re-use of previously developed land and the conversion and re-use of existing buildings in urban areas.

2003/027 – Construction of 2 detached dwellings with detached double garages.  
Refused for the following reasons;

1. The proposed dwelling lies outside the urban boundary as identified on the adopted Rossendale District Local Plan, Policy DS2 of the said plan aims to locate most new development within the urban boundary and consequently the proposal is at variance to Policy DS1.
2. The proposed dwelling is contrary to Policy DS5 of the Rossendale District Local Plan which restricts development outside the urban boundary to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area. The local planning authority do not consider, (and no supporting material has been submitted with the application to indicate otherwise), that a dwelling is needed for the purpose states in Policy DS5.
3. The proposal is contrary to national Planning Policy Guidance 3 (housing) which aims to locate new dwellings on previously developed land within urban areas, before building on undeveloped land outside urban areas. A search sequence approach has not been submitted with the application justifying the suitability of the application site. Within Rossendale, there exists an ample supply of previously developed land and existing vacant buildings in more sustainable urban locations.
4. To allow the proposed development would be contrary to government targets for concentrating most additional housing development within urban areas and making more efficient use of land by maximising the re-use of previously developed land and the conversion and re-use of existing buildings in urban areas.
5. To allow the development would create a precedent for development on previously developed land outside the urban boundaries. Such precedent would damage the regenerative efforts of Rossendale Borough Council to promote housing within areas where it can support local services and amenities and create less reliance on the use of the private car.
6. Policy 1 of the adopted Lancashire Structure Plan states that development in the open countryside outside of green belts will be limited to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area. The development is outside the main urban boundaries of Bacup and does not meet the criteria set out in Policy 1.
7. Policy 1 of the Deposit draft of the replacement Joint Lancashire Structure Plan states that rural development should meet an identified local need to support rural regeneration outside the principal urban areas, main towns, market towns and strategic locations for development will be acceptable. The proposed development is not justified in terms of meeting an identified local need or assisting rural regeneration.
8. Policy 5 of the Deposit draft of the Replacement Joint Lancashire Structure Plan states that development should meet an identified local need for employment, community services or housing. Paragraph 5.1.15 of the supporting text for Policy 5 states that limited amounts of market housing will be allowed to support village services that would be unviable without some modest

growth. There is no evidence to suggest that the proposed development is required to support village services.

2007/716 - Outline Permission for residential development of an adjacent site. This application is felt to be relevant as it is a more recent assessment of a proposal for residential development of this area of countryside. Approval is sought at this stage for the scale, layout and means of access; the applicant has reserved for later consideration the matters of appearance and landscaping.

Refused for the following reasons;

1. The proposed development would be outside the urban area and would be of significant scale on a greenfield site in a countryside location. It would not be appropriate development having regard to the settlement hierarchy, the site's accessibility or a balance of uses that contributes towards a sustainable pattern of development. The scale of the proposals will not contribute towards meeting an identified local need or support local regeneration. The proposed development will be contrary to Policy 1 of the adopted Joint Lancashire Structure Plan, PPS3 and PPS7.
2. The proposed development is not within an identified village or settlement and is of a scale inappropriate to its location contrary to saved Policy DS1 and Policy 5 of the adopted Joint Lancashire Structure Plan.
3. The proposal does not meet any of the criteria laid down in either the Revised Interim Housing Position Statement January 2007 or the Interim Housing Position Statement December 2007 which set out the housing policy for Rossendale in a position of housing over supply. It is considered that the development is not required to meet the housing requirements of the Borough. The proposal is therefore contrary to the provisions of PPS3 and Policy 12 of the adopted Joint Lancashire Structure Plan 2001-2016 and Rossendale Council's revised Interim Housing Position Statement (Jan 2007) ( and the revised Interim Housing Position Statement (Dec 2007).
4. There is no affordable housing contribution and no clear evidence to demonstrate that the required level of provision would not be viable. The proposal is therefore contrary to the provisions of PPS3, Policy 12 of the Joint Lancashire Structure Plan and Rossendale Council's Interim Housing Position Statement (Dec 2007).
5. The application fails to make provision for a financial contribution towards Public Open Space or Public Transport contrary to the Lancashire County Council Obligations Paper of July 2006.
6. The proposed development would lead to the loss of trees protected by a Tree Preservation Order to the detriment of the character and appearance of the site, contrary to saved Policy E4 and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
7. The applicant has failed to prove that the proposed development would not be detrimental to highway safety in the position, design and vertical alignment of the proposed access road from Burnley Road. In addition, the layout does not

make adequate provision for the turning of vehicles. The proposed development would be contrary to the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan and Policy 7 of the adopted Joint Lancashire Structure Plan.

8. The application and submitted plans contain insufficient information to enable the application to be adequately assessed including the following matters: scale of the development, existing and finished levels, survey of existing trees, details of proposed access to Burnley Road, contrary to the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
9. The application fails to address the issue of the accessibility of the site to retail, employment, and leisure and education facilities by sustainable modes of travel i.e. public transport, cycling and walking contrary to PPS1 and PPS7.

### **3. THE PROPOSAL**

- 3.1 Permission is sought for the demolition of an existing farm building and erection of a 2-storey detached dwelling. The existing farm building/barn will be demolished and the proposed dwelling will be sited on the foot print of the old barn.
- 3.2 The dwelling will be a 5 bedroom detached with associated living space on two floors. The property is a modern family home of coursed natural stone and slate construction. The property would have timber or timber effect UPVC windows with stone heads and cills.
- 3.3 The front elevation of the property would be angled to match the front elevations of the adjacent terrace row on Burnley Road. The proposed dwelling would be set back from Burnley Road by approximately 20m with a generous area of hardstanding to front and an area of landscaped garden running along the boundary of Burnley Road and continuing along the boundary with the garden of No.152. The property is 22m x 16.5m. The height to the eaves is 10m and height to the ridge 15m.
- 3.4 The applicant has provided the following information to justify why the proposed dwelling would be an acceptable departure from the plan;
  - It will enable the applicant to care for an elderly couple who currently live on the farm. This couple brought the applicant up.
  - The house would have a number of renewable energy technologies
  - The design would complement the existing farm dwellings
  - The barn, shippon and dairy on the farm have been converted into a dwelling under planning permission 2000/0025

### **4. POLICY CONTEXT**

#### National Planning Guidance

PPS1 Sustainable Development

PPS3 Housing  
PPS7 Rural Areas  
PPG13 Transport  
PPS23 Pollution Control

Rossendale District Local Plan (1995)

DS5 Development Outside the Urban Boundary & Green Belt  
DC1 Development Criteria  
DC4 Materials

Regional Spatial Strategy Policies

DP 1-9 Spatial Principles  
RDF1 Spatial Priorities  
RDF2 Rural Areas  
RT2 Managing Travel Demand  
RT4 Management of the Highway Network  
EM1 Environmental Assets

Saved Policies of the Rossendale District Local Plan

DS5 – Development Outside the Urban Boundary & Green Belt  
DC1 – Development Criteria  
DC4 – Materials

Other Material Planning Considerations

RBC Submitted Core Strategy (2010)  
RBC Interim Housing Policy Statement (2010)  
RBC Strategic Housing Land Availability Assessment (2009)  
RBC Strategic Housing Market Assessment (2009)  
RBC Affordable Housing Economic Viability Assessment (2010)

**5. CONSULTATION RESPONSES**

Environment Agency – No objections. Note to applicant that if an open loop ground source heat pump is to be installed then a Licence and Permit may be required.

Environmental Health – No objections

LCC Highway Authority – Request for driveway access to be resited a minimum of 20 metres from Burnley Road.

RBC Drainage – Developer is encouraged to implement sustainable urban drainage systems by way of a condition.

**6. REPRESENTATIONS**

6.1 Two site notices posted on 02/02/2011 and 17 neighbours were notified by letter on 27/01/2011 to accord with the General Development Procedure Order. The

site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

- 6.2 There has been one set of neighbour comments concerning the removal of the asbestos building. should be done in a safe manner.

## **7. ASSESSMENT**

The main considerations of the application are :

- 1) Principle; 2) Housing; 3) Visual Amenity; 4) Neighbour Amenity and
- 5) Access/Parking

### Principle

Saved Policy DS5 of the adopted Local Plan states :

‘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 providing that they comply with policy DC1’

PPS7 states that new houses in the countryside should be strictly controlled where they would be away from established settlements or from areas allocated for housing in development plans. Priority should be given to the redevelopment of brownfield sites first.

Consistent with Government guidance, the Policies of the RSS seek to direct most new development (including housing) to the urban areas and Policy RDF2 seeks to limit new development in the open countryside to that with “an essential requirement for a rural area, which cannot be accommodated elsewhere (such as mineral extraction)”.

The proposed scheme would result in the creation of a new building in the countryside for residential purposes. In addition, the scale of building proposed would be very much greater than that being replaced, and the proposal will entail a nature, form & intensity of use/development that diminishes openness/urbanises the site.

The scheme is considered unacceptable in principle. The reasons advanced by the applicant for making an exception to national guidance and development plan policy are not considered sufficient.

### Housing

The Council can demonstrate an adequate 5-year supply of housing land in the Borough (as identified in the SHLAA), but it remains essential that policies restricting the location of new residential development should be adhered to.

The site of the current application lies in the Countryside, wherein new housing of this type and in the locations proposed would be contrary to the policies of the development plan.

The latest SHLAA also identifies more than enough sites to meet the Borough's 10- and 15- year RSS requirement for housing land (as prescribed by PPS3).

Additionally, the Council's IHPS indicates that new residential outside the Urban Boundary of settlements will be permitted only where it is solely for affordable &/or supported housing, or to meet an agricultural or forestry need; this requirement accords with the latest SHMA, supported by the Council's recently approved Affordable Housing Economic Viability Assessment (as required by PPS3).

As stated in the Council's Interim Housing Policy Statement (May 2010) New Residential Development Outside the Urban Boundary of Settlements in Rossendale will only be permitted where:

- 1) It is for solely affordable and/or supported housing; or
- 2) It is accommodate for agricultural or forestry workers, subject to an assessment of the need for the unit.

The current application is not proposing the house be provided as affordable or supported housing, or for an agricultural or forestry worker.

The application would conflict with the Council's Interim Housing Policy Statement. It is considered that permitting an additional house in this location would undermine the focus for most residential development to be in the main development locations and the identified regeneration priority areas (Rawtenstall Town Centre and the Bacup, Stacksteads & Britannia Housing Pathfinder Area).

As part of the applicants supporting statement there has been no medical case submitted. It is acknowledged that the couple are in their late 80s but the house would be a permanent feature after the justification for it has gone. There has not been a case made why alternative arrangements could not be a solution e.g. a house in the urban boundary for sale that the applicant could relocate to.

### Visual Amenity

PPS1 emphasises the importance Government attaches to 'good design', stating "*Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes....Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted*".

PPS7 states that all development in rural areas should be well designed and inclusive and in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

In terms of its design and appearance, the proposed house is considered not to share any affinity with its countryside setting, the proposed house type more appropriate to a modern housing estate.

The scheme is considered to detract unacceptably from the character and appearance of the area by virtue of its design and size. It is also considered the scale of the

proposed development is in excess of what is necessary for the purpose indicated. It is therefore contrary to Policy DC1 of the Rossendale District Local Plan Saved Policies.

### Neighbour Amenity

The gable of the proposed property includes two non-habitable room windows which face towards the garden of 152 Burnley Road. Due to the set back position of the proposed dwelling and the adequate separation distances meeting the requirements of paragraph 2.1 of the Rossendale Council's Alterations and Extensions to residential properties (SPD) and as the rooms served by the gable windows are non-habitable (study and bathroom) it is considered these windows would not be detrimental to the privacy enjoyed by the occupant of No.152.

The scheme is therefore considered acceptable in terms of neighbour amenity.

### Access/Parking

LCC Highway Authority is satisfied the proposal provides adequate parking provision but raises concern regarding the position of the driveway access. This access needs to be relocated 20m from Burnley Road for Highway safety issues. There are no further highway safety or access issues.

## **8. CONCLUSION**

- 8.1 The application is recommended for refusal in relation to national and local policy in relation to Greenfield development, countryside and housing policy, and its scale and design in relation to its impact upon open and rural character of the site.

## **9. RECOMMENDATION**

- 9.1 That the Committee be minded to refuse the application.

## **10. REASONS FOR REFUSAL**

1. The application site is located within the Countryside, wherein national and development plan policies set out the framework for development restraint. The applicant has not advanced a case to adequately demonstrate why the erection of a dwelling should be permitted outside the Urban Boundary, as defined in the adopted Rossendale District Local Plan. Furthermore, the proposed development is not sensitive to the character of the Countryside and local distinctiveness and will unacceptably erode openness and the rural character of the area. The proposal is therefore considered to be contrary to PPS1 / PPS3 / PPS7, Policy RDF2 / EM1 of the Regional Spatial Strategy for the North West of England (2008), and Policy DS5 / DC1 of the Rossendale District Local Plan (1995).
2. The proposed development is contrary to the provisions of PPS3, Policies RDF1 / L4 / L5 of the Regional Spatial Strategy, Policies DS1 / DS5 of the Rossendale District Local Plan and the Council's Interim Housing Policy

Statement (May 2010), which seek to locate most new residential development within the Urban Boundary and only permit new residential development outside the defined Urban Boundary for affordable or supported housing, or for agricultural or forestry workers. In this instance the case has not been advanced to warrant an exception to policy being made.

3. To allow the development would create a precedent for development on previously developed land outside the urban boundaries without clear justification. Such precedent would damage the regenerative efforts of Rossendale Borough Council to promote housing within regeneration priority areas and where it can support local services and amenities and create less reliance on the use of the private car. It is therefore contrary to policy DS5 of the adopted Local Plan and policies DP1-9, RDF1 of the Regional Spatial Strategy and Interim Housing Policy May 2010.

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