

<b>Application Number:</b>	2012/117	<b>Application Type:</b>	Full
<b>Proposal:</b>	Conversion of Stables to Dwelling Including Single Storey Extension and Alteration to Land Levels at Rear	<b>Location:</b>	Stables, Hud Hey Road, Rising Bridge, Haslingden
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	17 April 2012
<b>Applicant:</b>	Ms L Turner	<b>Determination Expiry Date:</b>	04 May 2012
<b>Agent:</b>			

<b>Contact Officer:</b>	Richard Elliott	<b>Telephone:</b>	01706 238639
<b>Email:</b>	richardelliott@rossendalebc.gov.uk		

REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input checked="" type="checkbox"/> <b>Councillor David Stansfield</b> The property is empty and cannot be used for any useful purpose. A conversion to a house would be far more suitable.
<b>3 or more objections received</b>	<input type="checkbox"/>
<b>Other (please state):</b>	

## 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(S)

That the application be refused for the reasons set out in Section 9 of the Report.

## 2. SITE

The application relates to a site of 0.02ha in area that lies within the Countryside to the north west of the settlement of Haslingden.

The site is occupied by a stable block, constructed of stone under a tile roof, with two loose-boxes, a tack room and a hay store. The stables are accessed via a gated entrance off Hud Hey Road approximately 45m to the west of the junction with Rising Bridge Road.

To its Hud Hey Road frontage the site is bounded by natural stone walls with hedging behind. Such is the height of the hedging and walling that visibility of a driver of a vehicle exiting the site is relatively poor, but views of the building from the highway are limited and its is to be seen amidst trees / shrubs and against a backdrop of land that rises steeply to the rear.

Within the site there is an area of hardstanding which can be used for parking and turning of a vehicle, whilst at the top of the steeply-sloping land to the rear of the stables is a prominent hedge line. The field which lies beyond this hedge is also in the applicant's ownership.

### 3. RELEVANT PLANNING HISTORY

**1997/451**     Erection of Loose Boxes and Hay Store  
Approved

**2002/068**     Change of use of Stables to Form Dwelling  
Refused for the following reasons:

- 1) The proposed extension would represent a disproportionate and over-large addition to the original building amounting to the erection of a new dwelling in the countryside.
- 2) The proposed building would include excessive fenestration and would have the appearance of a suburban bungalow.
- 3) Approval of the application would set an undesirable precedent.

**2003/165**     Conversion of Stables to Create Two Storey Dwelling with Dormer to the Rear  
Refused for the following reasons:

- 1) The proposed development would involve significant alterations, extensions and additions that would amount to the formation of a new dwelling in the Countryside without justification.
- 2) The proposed extension would include excessive details of fenestration and would look out of place in the countryside, failing to respect the character and appearance of the existing stables building.

### 4. THE PROPOSAL

The applicant seeks permission to convert/extend the stables building to form a dwelling. Due to the steeply rising land levels the extension proposed to the rear would require significant excavation of the banking and would also result in loss of part of the hedgeline and encroachment into the field beyond by approximately 52m<sup>2</sup>.

The building to be converted measures 4.25m x 12m x 4.2m in height. The proposed extension would project 3.5m from the rear elevation, have a width of 5.2m and a pitched roof of the same height. It would have a doorway in the rear elevation and patio doors in the east facing side and be constructed in matching materials. The agent has submitted calculations to demonstrate the extension would result in a 29% increase in the volume of the existing building.

The works to the banking would require the removal of large amount of earth, reducing levels by up to 2.5m and the provision of 3 rows of gabion retaining walls. Two car parking spaces are proposed to the side of the resulting dwelling, with turning space in front.

The applicant has submitted information to show that the building has been marketed through Weale & Hitchin since 21 April 2011 for business /commercial purposes and for its continued use as stabling. The property was viewed on the website some 12,835 times and details were issued 372 times. No offers have been received. Weale & Hitchin has stated that although the Council's SPD on Conversions of Properties within the Countryside requires information with regard to conversion costs for employment uses versus residential, and an estimated yield of commercial uses and projected eventual income, as there have been no formal offers made for the commercial or business uses of the premises there is no commercial return and any such conversion costs would therefore be unviable.

## **5. POLICY CONTEXT**

### **National Planning Guidance**

#### **National Planning Policy Framework (2012)**

- Section 1 Building a Strong Competitive Economy
- Section 3 Supporting a Prosperous and Rural Economy
- Section 4 Supporting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 11 Conserving and Enhancing the Natural Environment

### **Development Plan**

#### **Regional Spatial Strategy for the NW of England (2008)**

- Policy DP 1 Spatial Principles
- Policy RDF 1 Spatial Priorities
- Policy RDF 2 Rural Areas
- Policy L 4 Regional Housing Provision
- Policy RT 2 Managing Travel Demand
- Policy RT4 Management of the Highway Network
- Policy EM 1 Environmental Assets

#### **Rossendale Core Strategy DPD (2011)**

- AVP6 Haslingden and Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 10 Provision for Employment
- Policy 16 Preserving and Enhancing the Built Environment
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

### **Other Material Planning Considerations**

RBC Conversion and Re-Use of Buildings in the Countryside SPD (2010)

## 6. CONSULTATION RESPONSES

### RBC (Environmental Health)

No objection

### LCC (Highways)

Request the following conditions :

- Additional hardstanding to be constructed using a bound porous material;
- If the gates are to remain they must be set back 5 metres from the back of the footway.

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 28/03/12 and 17 neighbours were consulted by letter on 14/03/12.

One letter of representation from the occupiers of Moorside, supporting the development, has been received.

## 8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Housing Policy; 3) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking

### Principle

The National Planning Policy Framework (March 2012) states that local planning authorities should apply the presumption in favour of sustainable development. However, it also states that "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

The site lies within a Countryside Area. The Council's Core Strategy states that proposals outside of the Urban Boundary will be determined in accordance with the relevant national and local planning guidance.

Paragraph 4.1 of the Council's Conversion and Re-Use of Buildings in the Countryside SPD states that:

The conversion of an existing building in the countryside will be permitted where:

- The building is shown to the satisfaction of the Council to be structurally sound; and
- Conversion works are in keeping with the style of the building and respect the character of the natural and man-made landscape, protecting and enhancing it where possible; and
- The building is of sufficient size to be capable of conversion without requiring substantial extensions or alterations; and
- Satisfactory means of access, off-street parking, bin storage and servicing can be provided and mains services are available for connection into the scheme; and
- The development does not require the removal of, or damage to, significant or prominent trees, hedges, watercourses, ponds

- or any other natural landscaped features; and
- The development will not require unnecessary expenditure by public authorities and utilities on the provision of infrastructure; and
- The development would not have an unacceptable impact on nature conservation interests or protected species; and
- The development is sustainable in terms of its location and access to public transport and local services; and
- The Council is satisfied that the building was originally created for genuine purposes.

Paragraph 4.2 states that in addition to the above proposals to convert a building in the countryside to residential use will need to demonstrate that::

- Every reasonable attempt has been made to secure business/commercial re-use and that these uses are not viable; or
- The building is unsuitable for business use; or
- The residential conversion is required to meet a proven need for a dwelling for a full-time agricultural or forestry worker.
- The building (or group of buildings) is of permanent and substantial construction and is of a form, bulk and general design in keeping with its surroundings and can be converted without extensive alteration, rebuilding or extension.

In relation to Policy 4.1 of the Council's SPD the main concern is that the proposed scheme is not in keeping with the style of the building and does not respect the character of the natural landscape, most particularly by reason of the extension, re-profiling of the land/gabion walls, loss of the boundary hedge and encroachment into the field beyond. As such the development would not protect or enhance the essentially open and rural character of the countryside.

In respect of paragraph 4.2 I am not satisfied that sufficient details have been provided to ensure that every reasonable attempt has been made to secure business/commercial re-use and that these uses are not viable.

In dismissing an Appeal against refusal of Application 2010/0041 in August 2010 for the conversion of High Valley Stables in Cloughfold to a dwelling, which was also marketed by Weale & Hitchin, the Inspector stated:

*"..... the estate agents second letter states that 10 people have inspected the site (one person twice) and lists the number of times that the web site has been visited and details downloaded. However, there is no analysis as to why the building was not suitable to those who visited it. Furthermore, the marketing report concludes that as there have been no offers for commercial or business uses there is no commercial return and any such conversion costs would be unviable. However, this is a modern building that could be suitable for a number of uses although I note that the location and access of the stables may prove restrictive for some commercial uses. Also, reference is made to better located sites but no information has been submitted about them.*

*In conclusion on this issue, I do not consider that the appellant's case is sufficiently robust."*

The above referenced scheme draws significant parallels in respect of the marketing information provided. Further information in respect of the precise marketing details and why those who viewed the site didn't make firm offers would help to indicate if the re-use as stables or similar is unfeasible.

### Housing Policy

Policy 2 of the Council's Core Strategy supports the re-use and conversion of appropriate buildings for housing and prioritises the development of previously land.

Policy 21 seeks to strictly limit new development outside existing rural settlements. Development should be restricted to those that demonstrate social and/or economic benefits to the community with strict consideration given to impacts on the countryside.

Paragraph 55 of the NPPF sets out that isolated new homes in the countryside should be avoided unless there are special circumstances. One of those defined is where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.

Whilst the site is considered previously developed land the scheme is considered to entail significant extension of the existing building, not simply its conversion, and would cause significant harm to the character and appearance of the countryside (as set out in the proceeding section). Furthermore, it has not been demonstrated to the satisfaction of the LPA that the building is redundant, and there continues to be demand for stabling. Accordingly, the scheme is considered unacceptable in terms of housing policy.

### Visual Amenity

The proposed extension does appear very domestic in appearance and would not be in keeping with the character of the stables building. It is acknowledged that it would not be greatly seen from the public highway. However, the works proposed to the land to the rear in order to accommodate it, including re-profiling of the land/gabion walls, loss of the boundary hedge and encroachment into the field beyond, are significant in scale and harm to the essentially open and rural character of the countryside.

### Neighbour Amenity

Separation distances and levels around the site are such that there would be no harmful impact on the amenity on any neighbours resulting from the scheme.

### Highway Safety

Visibility from the existing access is not considered good. However, the access point is in existing use and there has been no objection from the Highway Authority. Subject to their recommended conditions the scheme is considered acceptable in terms of highway safety.

## **9. RECOMMENDATION**

That the application be refused for the following reasons :

- 1) The proposed development by reason of the size/design/appearance of the extension and the works proposed to the land to the rear in order to accommodate it (including re-profiling of the land/gabion walls, loss of the boundary hedge and encroachment into the field beyond), are considered to be unduly harmful to the character of the existing building and the essentially open and rural character of the countryside. It is considered that the development is contrary to the NPPF, Policies DP1-9/EM1 of the Regional Spatial Strategy,

Policies 1 / 2 / 9 / 17 / 18 / 24 of the Council's adopted Core Strategy DPD (2011) and the Council's Conversion and Re-use of Buildings in the Countryside SPD ( 2010).

- 2) The applicant has not demonstrated to the satisfaction of the Local Planning Authority that to grant permission for conversion of the building to residential use would be appropriate as the site has not been adequately marketed for commercial/countryside uses and there has been no analysis as to why the building was unsuitable to any or all of the 372 people who viewed details of the site. The proposal is therefore considered contrary to the provisions of the NPPF, Policies RDF2 of the Regional Spatial Strategy for the North West of England (2008), Policies 1 / 2 / 9 / 17 / 18 / 24 of the Council's adopted Core Strategy DPD (2011) and the Council's Conversion and Re-use of Buildings in the Countryside SPD (2010).