

Forest of Bowland

A.O.N.B



Supplementary Planning Guidance



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**Planning and Building Control
Town Hall
Nelson**

1.0 INTRODUCTION

This document contains planning guidance to supplement the policies in the Development Plan. The document forms Supplementary Planning Guidance (SPG) to the Pendle Local Plan. Full public consultation will be undertaken before the document is adopted. Once adopted the SPG will be a material consideration in the determination of planning applications.

2.0 BACKGROUND

"In those parts of the countryside where special statutory designations apply, planning policies and development control decisions should take full account of the specific features or qualities which justified designation of the area, and sustain or further the purposes of that designation." (DoE, 1997)

In 1945, at the request of the Government, the architect John Dower produced a report on how National Parks (first created in the USA) might be introduced in England and Wales. In 1949 the National Parks and Access to the Countryside Act designated National Parks and Areas of Outstanding Natural Beauty (AONBs).

Planning Policy Guidance Note 7 - The Countryside (PPG7) regards National Park designation as conferring the highest status of protection as far as landscape and scenic beauty are concerned. The statutory purposes of National Parks are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for the public understanding and enjoyment of their special qualities.

Areas of Outstanding Natural Beauty (AONBs) are designated by the same means and under the same legislation as National Parks. The primary objective of designation is the conservation of the natural beauty of the landscape. AONBs differ from National Parks in that the promotion of recreation is not an objective of their designation. Policies and development control decisions should favour *conservation of the natural beauty of the landscape*.

Traditionally, there has been no statutory administrative framework for the management of AONBs. The administration of planning and development control in AONBs has been the responsibility of those local authorities within whose boundaries they fall. However, in June 2000 it was confirmed by the Government that, since the landscape qualities of National Parks and AONBs are equivalent, the protection being given to both types of area by the land and planning system should also be equivalent. The Countryside and Rights of Way Act 2000 strengthens the conservation and management of AONBs in partnership with local authorities. The Government now seeks the adoption of a statutory Management Plan for every AONB and the establishment of Conservation Boards for individual AONBs where there would be local benefit in doing so.

3.0 FOREST OF BOWLAND AONB

The Forest of Bowland AONB was designated in 1964. It comprises some 803 km² of Lancashire and Yorkshire upland landscapes. Part of this AONB falls within the Pendle boundary, and indeed, Pendle Hill is included in the designated area. The AONB is characterised by a central upland core with summits above 450m and vast tracts of heather-covered peat moorland. This is dissected by steep-sided valleys which open out into rich green lowlands.

There are a number of pressures on the AONB landscape. These include; loss of hedgerows, unsightly farm buildings, intensive farming, commercial conifer afforestation and visitor pressures including a high concentration of visitors at 'honey-pot' sites such as Barley Picnic site.

4.0 MANAGEMENT OF AONBs

The Countryside and Rights of Way Act 2000 (CRoW) allows the Secretary of State to transfer the functions of a local authority (except Development Control), so far as relating to the AONB, to a Conservation Board. To date no Conservation Board has been established for the Forest of Bowland AONB. Responsibility therefore lies with the local authority.

A requirement of the CRoW Act is to produce a statutory Management Plan for each AONB. Where no Conservation Board exists the local authority must produce a Management Plan by April 2004.

A Management Plan for the Forest of Bowland AONB was adopted in March 1995. Under the provisions of the CRoW Act local authorities can adopt an existing AONB Management Plan. The Joint Advisory Committee for the Forest of Bowland AONB have produced an Action Plan and, in doing so, have updated issues covered by the existing Management Plan. It is the intention of the Joint Advisory Committee to work with local authority partners to review the existing Management Plan, as updated by the Action Plan. The Plan would be the subject of consultation with the partners in order to identify issues not covered in the plan and new issues since the Action Plan was produced.

The main aims of the Action Plan are to:

1. Protect conserve and enhance the natural and cultural heritage of the Forest of Bowland AONB
2. Promote the sustainable social and economic development of the area, particularly where such activity conserves and enhances the environment.
3. Encourage enjoyment of the area where it is consistent with the first two objectives.

It is the aim of this SPG to translate these aims into planning guidance to provide an appropriate level of control over development in the AONB. In particular, this SPG seeks to strengthen current Local Plan policy in line with the requirements of the CRoW Act which provides the same level of planning control to AONBs as to National Parks.

5.0 PLANNING POLICY

5.1 Planning Policy Guidance and the CRow Act 2000

Planning guidance on AONBs is contained in Planning Policy Guidance Note 7: The Countryside (PPG7). This has been amended by a Ministerial Statement issued in June 2000. PPG7 states that the primary objective of AONB designation is conservation of the natural beauty of the environment. This is reinforced under the CRow Act which states that a local planning authority has power to

"take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area".¹

PPG7 also states that in general, policies and development control decisions affecting AONBs should favour conservation of the natural beauty of the landscape. In all cases the environmental effects of new proposals will be a major consideration, though it will also be appropriate to have regard to the economic and social well-being of the areas. The Ministerial Statement issued in June 2002 amends paragraph 4.8 of PPG7. The amendment states that major development should not take place in AONBs except in exceptional circumstances. Such proposals should be demonstrated to be in the public interest before being allowed to proceed.

The Government have since issued Planning Policy Statement 7 – Sustainable Development in Rural Areas. This was published as a consultation draft and has minimum weight in the determination of planning applications. PPS7 will eventually replace PPG7 and PPG21 – Tourism.

PPG 9 – Nature Conservation seeks to protect sites of international, national, regional and local importance, including SPAs, SSSIs, BHS and LNI sites.

5.2 Regional Planning Guidance

Policy ER5 of the Regional Planning Guidance for the North West (RPG 13) states that planning authorities in their plans, policies and proposals should ensure that the overall nature conservation resource in the North West is protected and enriched through conservation, restoration and re-establishment of key resources.

5.3 Structure Plan Policy

Policy 1 of the Lancashire Structure Plan (1991 – 2006) seeks to control development in rural areas. In the open countryside development is heavily restricted and within the AONB development in the open countryside must contribute to the conservation of the Natural Beauty of the Area.

The Deposit Joint Lancashire Structure Plan sets out a policy on Lancashire's natural and man-made heritage. Policy 21 states that the highest level of protection will be afforded to those heritage resources of international and national importance. AONBs

¹ Section 85 of the CRow Act highlights the duty on public bodies to demonstrate that they have given due regard to conserving and enhancing natural beauty.

are listed as sites of national importance. The Policy states that 'sites, areas and features of heritage importance will be conserved and, in appropriate circumstances, enhanced'. In addition Policy 20 identifies landscape character types. Development must be appropriate to the landscape character type within which it is to be situated and contribute to its conservation, enhancement or restoration, or the creation of appropriate new features.

Policies 10 and 11 of the Lancashire Minerals and Waste Local plan deal with developments in the AONB. Developments involving minerals and waste will be determined by Lancashire County Council.

5.4 Local Plan Policy

Policy E1 of the Pendle Local Plan (adopted 1999) relates to the AONB. The Policy reads as follows:

The Borough Council will seek to safeguard the Area of Outstanding Natural Beauty. Planning permission will not be granted for proposals which are incompatible with the area. Small scale developments will be permitted provided that;

- 1. The development is of a high standard, in keeping with the surrounding area;*
- 2. New buildings, including dwellings or associated structures are constructed of materials to complement the character and/or appearance of the surroundings. Commercial and agricultural buildings, except dwellings, shall be constructed using matt dark grey, brown or olive coloured walling and roofing materials in keeping with their setting;*
- 3. The siting of new buildings should be so that they have minimal visual impact on the landscape. In this respect, applicants shall submit detailed drawings showing existing natural features, existing buildings and structures and show how the proposal relates to these features to provide a comprehensive assessment of the level of integration of new development into the landscape. Where larger buildings are required for agricultural purposes, these should be sited adjacent to existing farm buildings, avoiding skyline locations and be built along or into slopes rather than across them. New buildings that would not integrate well with the existing landscape will be resisted;*
- 4. The design of the new building respects the architecture of the existing buildings of quality, in order to reduce the impact of new development and avoid the introduction of urban features. In exceptional circumstances where larger agricultural buildings are required they shall be designed so that wall heights and building lines are varied to give the appearance of a small group rather than one large building;*
- 5. The extension of buildings, such as dwellings and agricultural buildings should respect the design and materials of the existing structure;*
- 6. Engineering operations, such as the formation of new roads or the installation of plant or machinery, should be sited in less prominent positions. New routes should be kept away from the area but where this is not practicable, roads should be located close to existing buildings and avoid skyline locations. External surfaces of plant housing should be non-reflective so as to limit visual impact in the landscape. Earthworks should be undertaken with great care, so that both during and after engineering operations the visual appearance of the special*

quality of the area is not harmed. Engineering operations that adversely affect landscape quality will be resisted.

Other relevant policies are: E5 Open Moorland Areas, E6 Important Wildlife Sites, E9 Conservation Areas, E11 Conversion of Agricultural Buildings to Dwellings, E19 Walls and Hedges, H5 Low Cost Housing in Rural Areas, H6 Agricultural/Forestry Workers Dwellings, C15 Telecommunications Development and D1 The use of Building Materials.

A revised Local Plan has now been prepared. This is a 1st Stage Deposit Local Plan for Pendle. Policy 2 (AONB) reads as follows:

“The Borough Council will seek to safeguard the Area of Outstanding Natural Beauty as defined on the proposals map. Planning permission will not be granted for large scale developments or development deemed incompatible with the local area.” The policy explains that full account should be taken of this SPG. When the new Local Plan is adopted it is intended that the Policy from the previous Local Plan (1991 – 2001), as detailed above, will become the Policy of this SPG.

5.5 Development in the Open Countryside SPG

The Council have also adopted Supplementary Planning Guidance which deals with Development in the Open Countryside. This should be read in conjunction with this SPG. In particular the Development in the Open Countryside SPG states that in respect of new buildings in the AONB granted under permitted development rights the local planning authority requires the submission of details within 28 days of the proposal. Two landscape character tracts relate specifically to the AONB area; Moorland Hills and Moorland Fringe.

6.0 DEVELOPMENT WITHIN THE AONB - GUIDING PRINCIPLES

6.1 Scale of development

Local Plan Policy E1 seeks to safeguard the AONB and states that planning permission will not be granted for proposals deemed incompatible with the area. This is supported in Policy 2 of the Deposit Local Plan. The Policy allows for small scale development providing that it meets a number of criteria. The Ministerial Statement issued in June 2000 strengthens policy guidance on major development proposals in the AONB.

Major development should not take place in the Forest of Bowland AONB except in exceptional circumstances. Any proposed major development must be shown to be in the public interest. Consideration of an application for major development will include an assessment of:

1. The need for the development, in terms of national considerations, and the impact of permitting it or refusing it on the local economy;
2. The cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way; and

3. Any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.

All major development must be resisted in the AONB unless it is in the national interest and all other options outside the AONB have been fully examined.²

Small scale development will be permitted provided it meets the criteria set out in Policy E1 of the Pendle Local Plan (as above), and is in accordance with the guidelines set out in this SPG.

6.2 Housing

The AONB is not suitable for major housing developments. However, policy must allow for housing to meet the needs of local people.

The construction of new dwellings in the AONB is unacceptable unless necessary for agricultural or forestry workers, individual dwellings to meet a local need, low cost housing to serve the community or the replacement of an existing dwelling, where the replacement is of similar size to that which it replaces and can be accommodated on the original site. The siting of caravans or mobile homes will not be permitted for use as a permanent dwelling within the AONB.

Where new housing development is proposed this should comprise single dwellings. Any proposal must be accompanied by a housing needs statement³. Development on a more substantial scale will only be permitted where it is to meet a community's needs for low cost housing. Such development may be promoted by a housing association or similar body and will be subject to a planning obligation or condition to restrict occupancy to those in need of affordable housing⁴ in the locality.

The siting of new housing in the AONB is of utmost importance. Most new dwellings should be located within an existing settlement; Barley, Newchurch, Spenbrook, Roughlee and Crow Trees.

The guidelines of PPG3 should be followed and development is only acceptable on previously developed plots or infill sites. Exception will be made for agricultural or forestry workers dwellings where there is a proven need for the dwelling to be located close to the business. Sites immediately adjoining the settlement will be considered for affordable housing, where it can be demonstrated that no suitable site or combination of sites exist within the settlement boundary. New house building should avoid areas at risk of flooding.

² Major development is defined as development which is in the national interest and/or development which would **significantly** affect the natural beauty of the landscape. Examples include proposals for large road schemes, energy generating schemes, reservoirs, telecommunication masts, large hotels, large employment sites or large housing developments.

³ The Housing need statement should explain the circumstances regarding the need for a new dwelling. A valid 'need' will be for someone who has lived in the AONB area for 3 or more years or works within the AONB area and who cannot find suitable accommodation. This would be appropriate where there are no vacant properties of the required size/type or where existing dwellings are too expensive.

⁴ Affordable housing is defined as that which provides accommodation for local people who, by reason of income, are denied entry into the normal housing market.

Development should have special regard to the surrounding buildings and should not compromise the village character. The scale and design of existing buildings should be respected. Details of appropriate design are included in a subsequent section.

6.3 Employment

Few employment opportunities exist in the AONB outside of agriculture and Newchurch Mill. Tourism is developing and, in particular, Pendle Hill draws many visitors. The primary objective of the AONB is to conserve and enhance the natural beauty. Employment opportunities must not compromise this objective, although the social and economic well-being of local people must be considered. In particular, it is important to maintain services within these rural areas.

The AONB area is currently afforded an Objective 2 status, which allows access to European funds for employment initiatives. In particular Pendleside currently benefits from the Leader+ initiative which aims to create a self reliant rural community by developing a sustainable rural economy which will provide quality of life improvements.

To avoid damaging the quality environment of the AONB, development for employment uses will normally only be permitted within a defined settlement. Extension or alteration of existing premises within a settlement will be allowed, providing they respect the character of the local area. Home based working will be encouraged and permission granted where there is limited harm to the environment.

Employment in the open countryside will be confined to agriculture and forestry, or those businesses which can re-use redundant agricultural buildings, where suitable access and services can be provided without harm to the environment. The creation of a new access road would be considered harmful.

Agriculture is an important element in the shaping of the AONB landscape. The farming industry has been changing with new processes and machinery. Some new development in the countryside will be necessary to enable farmers to farm effectively and respond to changing circumstances.

Agricultural buildings may be permitted in the AONB where an existing traditional building cannot be re-used, or where there is no building available in the immediate vicinity. New agricultural buildings must follow the stringent design guidelines in Policy E1 and must be in accordance with the design guidance in this SPG. Modern agricultural buildings should be dismantled when no longer required. The siting of a new agricultural building should not detract significantly from the natural beauty of the AONB. Indeed Policy E1 of the Local Plan states that new agricultural buildings should be located adjacent to existing farm buildings, avoiding skyline locations. They should be built into slopes, rather than across them.

The loss of employment premises to other uses, including residential, will be resisted, unless retaining the premises in employment use would be more harmful to the AONB than the proposed new use. Where the premises are obsolete and inappropriate for employment use, conversion will be considered only in areas where

the building adjoins an existing settlement⁵. Isolated farm buildings are not suitable for conversion other than to provide small scale storage or workshop use and where no significant alterations to the building are necessary. Conversion of agricultural buildings to dwellings is not appropriate in the AONB, unless the building immediately adjoins an existing settlement⁶.

6.4 *Farm Diversification and Tourism*

Farmers are increasingly seeking to diversify their activities in an attempt to ensure the continued viability of the farm and to supplement their incomes. It is the management of land through farming that has helped shape the AONB, farm diversification can lead to the fragmentation of farming units and damage the natural environment. However, this is not to say that all farm diversification will be discouraged. Indeed there are some uses which can be compatible with the objectives of the AONB. Providing visitor accommodation, small farm shops or recreational facilities can help encourage tourists to the area, whilst educational facilities can help teach of the important qualities of the AONB.

The conversion of traditional farm buildings to form ancillary shops, short-stay visitor accommodation, recreation or educational facilities will be permitted provided the proposed use is small scale and would form part of an economically viable farm business, they are located close to remaining farm buildings, traffic generated would not be excessive and visitor car parking can be provided without causing irreparable damage to the environment. The erection of new buildings to house some form of farm diversification will only be considered where the proposed building adjoins an existing settlement. Conversion of isolated buildings for some form of diversification is not appropriate.

New touring caravan or tent sites and static holiday caravan sites will not be permitted in the AONB.

The North West Regional Assembly have produced a guide entitled 'Farm Diversification in the North West – a guide to Planning. (2003) This contains some useful advice on development involving farm diversification and is available free of charge from the Council.

6.5 *Design*

It is of paramount importance that any development in the AONB respects the character of the area and, where possible, seeks to enhance the natural beauty. Good design requires careful consideration of the scale, type and density of the proposal.

New buildings should have minimal visual impact on the landscape. Most new buildings should be located within existing settlements and should avoid skyline locations. Development should be small scale to meet local needs. Any application

⁵ If a building adjoins an existing settlement, the nearest wall of the building must be within 0 - 150m from the nearest boundary of that settlement.

⁶ If a building immediately adjoins a settlement, the nearest wall of the building must be within 0 - 50m from the nearest boundary of that settlement.

for development should be accompanied by detailed drawings which show the existing buildings and features and how the proposed building will fit within.

Extensions to original buildings, whether residential or commercial, should be small scale and should respect the scale and design of the original building. Extensions which are considered disproportionate to the original building will not gain planning permission. Care should be taken with the siting of an extension. These should generally be to the rear of a property, unless backing open countryside, where extension on an alternative elevation may be preferable.

In line with Policy D1 of the Pendle Local Plan, new buildings should be constructed of materials which complement the character or appearance of the surrounds. Stone (new or reclaimed) should be used, unless the proposed building adjoins a building of different materials, then the proposed building should match the surrounds. Roofs should be constructed of natural blue slate or stone slate. Door and window surrounds should match adjacent or adjoining buildings. New buildings should have limited openings.

Modern agricultural or commercial buildings should be constructed using matt dark grey, brown or olive coloured walling and roofing materials in keeping with their setting. Developers will be encouraged to consider energy conservation in building techniques, materials and design solutions. Developers will also be encouraged to use sustainable materials, such as timber from managed woodlands products originating locally, thus reducing transport costs.

6.6 Landscape Enhancement

The primary objective of AONB designation is the 'conservation and enhancement of the natural beauty'. The development control principles set out above can help conserve this natural beauty. However, the Borough Council also wish to enhance the AONB.

The Forest of Bowland AONB contains a designated Site of Special Scientific Interest (SSSI), Biological Heritage Sites (BHS) and sites of Local Natural Importance (LNI). It is important to protect these sites and encourage measures which regenerate moorland vegetation and encourage wildlife, such as, Moorland Grip Blocks (partial damming of small upland ditches to increase species diversity). Planning permission will not be granted for development proposals which would damage these areas.

There are 2 designated Conservation areas within the AONB; Whitehough and Newchurch in Pendle. These are 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. In these Conservation Areas planning permission will not be granted for the demolition or partial demolition of buildings of townscape value. In addition, any proposed development must pay particular attention to the scale and design of the existing buildings and must be in harmony with those buildings. UPVC windows and doors should be avoided.

Within the AONB it is important to retain, repair and preserve hedgerows and areas of drystone walling. These are characteristic of the AONB area and their loss can

significantly alter the character of the area. Proposals to introduce new boundaries within the open countryside or along a settlement boundary should compose dry stone walling or native species hedegrows.

Woodland planting within the AONB can provide economic benefits as well as wider environmental improvements (reductions in CO2 gases in the atmosphere), however, proposals for new planting within the AONB should include at least 50% Broadleaved or native species. New planting should avoid unnatural regular lines, geometric patterns or shapes and should avoid the Open Moorland Areas and Important Wildlife Sites. Woodland planting will not be permitted on any moorland or wildlife site unless it would result in ecological benefit to the existing habitat.

7.0 RELEVANT DOCUMENTS

Countryside and Rights of Way Act 2000

Ministerial Statement on AONBs June 2000

Planning Policy Guidance Note 7 The Countryside (PPG7)

Planning Policy Guidance Note 3 Housing (PPG3)

Pendle Local Plan (1999)

1st Stage Deposit Pendle Local Plan (2003)

Development in the Open Countryside. Pendle Borough Council SPG (2002)

The Forest of Bowland AONB Management Plan (1995)

The Forest of Bowland Action Plan 2000 - 2010 (2000)

Deposit Joint Lancashire Structure Plan 2001 - 2016 (2002)

Regional Planning Guidance for the North West (RPG 13). NWRA

Farm Diversification in the North West – A Guide To Planning. NWRA

Planning Policy Guidance Note 21: Tourism (PPG21)

Planning Policy Guidance Note 9: Nature Conservation (PPG9)

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)