

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: BARROWFORD & WESTERN PARISHES COMMITTEE**

**DATE: 9 MARCH 2017**

**Report Author: Neil Watson**  
**Tel. No: 01282 661706**  
**E-mail: neil.watson@pendle.gov.uk**

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## BARROWFORD AND WESTERN PARISHES COMMITTEE ON 9 MARCH 2017

**Application Ref:** 16/0782/OUT  
**Proposal:** Outline: Erection of an agricultural workers dwelling (Access only).  
**At:** High Mount Farm, Foxen Dole Lane, Higham  
**On behalf of:** Mr G Edwards  
**Date Registered:** 21/12/2017  
**Expiry Date:** 15/02/2017  
**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is agricultural land approximately 300m to the south of the settlement of Higham and falling within the Green Belt. To the North of the site are existing agricultural and equine buildings, to the east is Foxen Dole Lane with open countryside beyond and there is open countryside to the south and west.

The site forms part of an agricultural unit comprising 9.69 hectares of land owned by the applicant. An additional 17 hectares of land, 3km to the north east, is rented by the applicant on a short term annual agreement. The applicant also rents of a short term annual agreement a linked holding of 12.14 hectares at Roxton in Lincolnshire.

The farming operation comprises of suckler beef rearing, finishing beef and lamb supplying meat to a retail butcher's outlet. Its livestock currently consists has 138 head of cattle and 75 lambs.

This is an outline application for access only for the erection of an agricultural worker's dwelling.

### **Relevant Planning History**

13/06/0520P - Erect Livestock building 24M x 20M - Approved

13/11/0621P - Erection of a detached dwelling for agricultural worker (Eaves height 5m, ridge height 7.5m) - Refused

13/12/0330P - Change of use from agricultural land to agricultural land and equine use and erection of a stable building - Withdrawn

13/12/0331P - Erection of an attached agricultural building to accommodate livestock - Withdrawn

13/12/0451P - Erection of an attached agricultural building to accommodate livestock (Re-Submission) - Approved

13/12/0452P - Change of use from agricultural land to agricultural and equine use and erection of stable building (resubmission) - Refused

13/12/0573P - Change of use from agricultural land to agricultural land and equine use and erection of stable building – Approved

13/16/0037P – Full: Erection of agricultural workers dwelling with associated curtilage and parking area – Refused

## **Consultee Response**

LCC Highways – No objection.

Coal Authority – Objects, the site is located within the defined high risk area and no coal mining risk assessment or equivalent has been submitted.

PBC Environmental Health - No adverse comments.

United Utilities - No objection.

Higham Parish Council - We draw attention to the fact that the property is situated in the Greenbelt. We have no further comments at this stage pending a further application.

## **Public Response**

A site notice was posted and two neighbours notified – One response received objecting on the following grounds:

Mr. Edwards has been submitting many times over the years for many different planning options in order to finally obtain planning for a dwelling, which we all know would not be for workers, it would become a private home.

He has for a few years now been operating his small holding/Equestrian premises very well, he has a large building to accommodate his agricultural stock along with his horses which are not agricultural and I do not feel that it warrants permission for a dwelling, if workers need space for lunch, rest etc. then I am sure a bit of a shed/container would be acceptable as like any other working sites.

There are many people close by i.e. Greenhead Lane, Cookstool Lane, who also operate the same so would that mean they would get planning too, the answer I'm sure would be no due to being Green Belt Areas?

My main concern would be the extra volume of traffic this could generate, my postcode as you can see is BB12 9EX but you actually access my property from Fir Trees Lane. Myself and my neighbours have to put up with many vehicles coming and going, inconveniencing us at our private homes because the satnav has directed them to our properties and not actually Foxen Dole Lane, there are 2/3 businesses being run from Hey Acres Farm already which causes these issues, it is very annoying, upsetting and un-securing for us living there, also the access on these Lanes are not suitable for large amounts of traffic of all kinds they are both No Trough Lanes without turning facilities.

## **Officer Comments**

### **Policy**

#### **National Planning Policy Framework**

The Framework seeks to achieve sustainable development and protect Green Belt land. The policy reinforces the view that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm, and any other harm, is clearly outweighed by other considerations.

The construction of non-agricultural new buildings are inappropriate in the Green Belt unless they meet one of the exceptions set out in the Framework, exceptions include buildings for agriculture and forestry. The purpose of new dwellings are to house people whether or not they are associated with agriculture. They are not therefore covered by the exemption. As such very exceptional circumstances need to exist to allow them.

### Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. Proposals should maintain the openness of the Green Belt.

### Replacement Pendle Local Plan

Policy 3 'Development in Green Belt' states that inappropriate development in the Green Belt will not be allowed. Inappropriate development is defined in the National Planning Policy Framework. This issue is addressed further under the Need / Justification and Green Belt sections below.

### **Green Belt Impact, Agricultural Need and Justification**

As stated above new dwellings are inappropriate development within the Green Belt and thus, by definition, harmful to it. Although agricultural buildings are not inappropriate, an agricultural worker's dwelling is a domestic rather than an agricultural building.

Therefore, for the proposed agricultural worker's dwelling to be acceptable it must be demonstrated that there are very special circumstances that would offset the harm to the Green Belt. To justify the proposed dwelling on that basis it must be demonstrated there is an essential need for this dwelling in connection with this agricultural use and that the essential need cannot be met by any other dwellings available nearby.

It must also be demonstrated that the farm business can support the construction of the dwelling without putting its long term financial viability in jeopardy. If it cannot this could potentially lead to justification for the removal of an agricultural worker's tie in the future, resulting in a new market dwelling in the Green Belt.

### Availability of alternative housing

The holding is split into three parcels of land and the need for a dwelling is submitted on the basis of the need of all three parcels.

The site is located within walking distance of Higham which 300m away. A search of marketed properties has found properties for sale in Higham which it appears could feasibly meet the needs of the Farm.

The submitted supporting statements do not address the issue of properties being available in other locations including the village of Higham and Fence. It is often as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development.

Advice has been taken from an external consultant, ADAS, who have advised that the Council should investigate the potential of any alternative dwellings located within a 1 mile radius of the site which may serve the agricultural need. To serve the agricultural need they have ADAS advise that a dwelling should be within sight and sound of the farm buildings. There are properties available in Higham, within half a mile of the buildings, although these are not within direct sight and sound of the farm, modern agricultural CCTV could allow the stock to be monitored and they could be quickly reached from those properties. This has been raised with the applicant but has not been addressed. It has therefore not been demonstrated that properties available in Higham could not meet the needs of the farm.

### Financial viability

Accounts for the past three years have been submitted confidentially with the application. Although these show a profit, it is modest and less than adequate to support the minimum wage for a single full time agricultural worker. It is therefore not clear that the business could viably fund the cost of a dwelling. The applicant has stated that the dwelling would be financed partially from private funds, however, this application must be assessed on the basis of what the farm business can viably fund.

ADAS have raised a concern we have that the viability of the holding is dependent on the whole enterprise and that two of the three parcels of land are tenanted on a yearly basis. Only a small proportion of the land which makes up the farm is owned by the applicant, this is the 9.69ha of land at Foxen Dole Lane, the remainder of the agricultural holding is land at Spencer House Farm (17ha) and in Lincolnshire (12.14ha). These are rented on an annual tenancy agreement, there is no security of tenure on these areas of land and therefore it cannot be adequately ensured that they will continue to be available to the agricultural holding in the future. Therefore, it has not been adequately demonstrated that the current scale of the farming operation, which even at present does not appear to be sufficient to viably support the erection of a dwelling. The applicant cannot demonstrate that there is an assured financial or function need beyond the 12 month period of their tenancy. Were, for reasons beyond the applicant's control, that land to become available any dwelling would no longer serve a legitimate agricultural need.

The proposed dwelling does not meet a Green Belt exception and therefore is inappropriate development that would cause harm to the Green Belt. It has not been demonstrated that there are very special circumstances that would offset this harm. The proposed development would therefore result in unacceptable harm to the openness of the Green Belt contrary to policies 3 and ENV2 and section 9 of the Framework.

### **Coal Mining**

The Coal Authority have objected to this application as the site partially falls within the high risk area. The Coal Authority did not object to previous application as they showed the proposed dwelling would be built away from the high risk area, therefore, this is a matter that could be addressed at the reserved matters stage with the layout of the development.

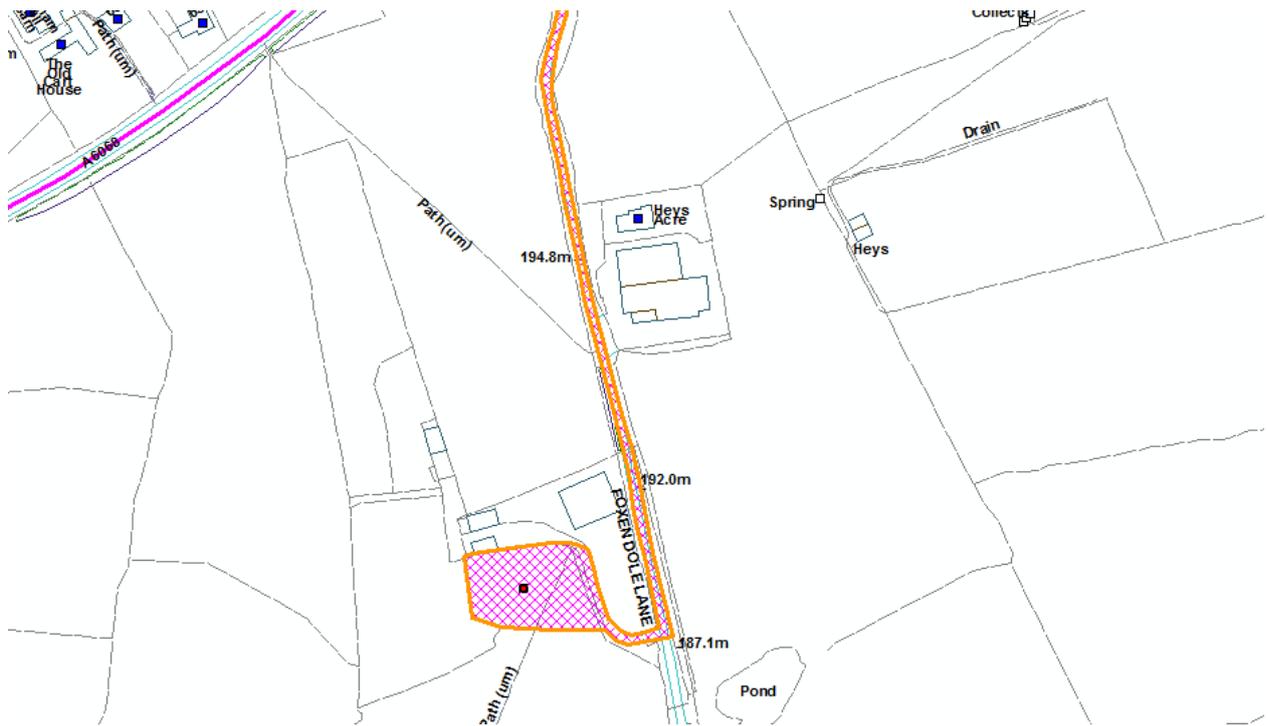
### **Access**

The existing farm access would be used for the proposed development, this is acceptable in terms of highway safety.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed dwelling is inappropriate development within the Green Belt and the applicant has failed to demonstrate that the essential need for the proposed dwelling that cannot be met by other available properties nearby, the applicant has also failed to demonstrate that the farm business is capable of funding and sustaining the cost of the dwelling and that the current scale of the farm business would be sustainable beyond a 12 month period. Therefore, the applicant has failed to demonstrate very special circumstances that would outweigh the harm to the openness of the Green Belt that the development would result in. The proposed development is therefore contrary to section 9 of the National Planning Policy Framework, Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and Policy 3 of the Replacement Pendle Local Plan.



**Application Ref:** 16/0782/OUT

**Proposal:** Outline: Erection of an agricultural workers dwelling (Access only).

**At:** High Mount Farm, Foxen Dole Lane, Higham

**On behalf of:** Mr G Edwards

**Application Ref:** 16/0797/FUL  
**Proposal:** Full: Demolition of outbuildings and erection of two, one bedroom holiday accommodation units.  
**At:** Ing Head Farm, Barley  
**On behalf of:** Mr Kirk  
**Date Registered:** 20 December 2016  
**Expiry Date:** 14 February 2017  
**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee due to the number of objections received.

The development seeks to demolish an existing, dilapidated outbuilding and replace with a new building containing two holiday units. The site is within the AONB and adjacent to an existing cluster of buildings, accessed from Barley Lane.

### **Consultee Response**

**LCC Highways;** no objections in principle, development should have a negligible impact on highway safety and capacity. Adequate parking has been provided for the use and the existing dwelling.

**PBC Environmental Health;** development is within a rural area and likely served by a private water supply. The applicant is advised to ascertain the quality and sufficiency of the supply, more information can be obtained via Environmental Health.

**PBC Rights of Way;** no comments received.

**Barley with Wheatley Booth PC;** Barley Parish Council have visited the site and considered this application and found it to have the following merits:-

1. The existing building is in poor condition and is a detriment to the landscape in this sensitive location. The NPPF encourages "the development of dis-used buildings leading to the enhancement of the immediate setting" and the parish council considers the removal will be a positive benefit to the area.
2. The scale of the development is two single storey holiday cottages which have a smaller footprint than the existing building and as two attached cottages our view is that it will not over develop the small residential enclave.
3. The elevation of the building is single storey and this will limit the visual impact on the landscape noting that the increase in height over the existing building is relatively small. The location (Amended) is acceptable.
4. The intended use of materials compliments the existing homes (coursed stone, slate roof and wooden windows) in the enclave.
5. Adequate parking is provided and it is our view that that although the additional traffic would have some impact on the on the semi-grassed lane it would not be a significant detriment.

6. The proposed landscaping would benefit the area.

However, whilst the parish council has no objection to this as a development we do have an objection in relation to design in accordance with NPPF Policy in relation to "achieving quality in design & conservation".

This objection relates only to frontage of the properties which are almost completely of glass and timber and are not in character with the existing buildings and do not therefore promote local distinctiveness.

Whilst it is recognised that the frontages are not visible from public footpaths and will, in part, be obscured by existing and proposed landscaping we do consider the frontage should have some features in common with the adjacent existing high standard properties.

We recognise the need for a good light source but we consider there is too much glass in the designed frontage.

The need for such accommodation in the area has been the subject of debate in recent months. This is a relatively small scale development but the "need" should still be a consideration for Pendle BC.

Barley PC respectfully requests that this application is refused.

**LCC AONB Manager;** amended plans address earlier concerns regarding the proposed glazing to the south-east elevation.

### **Public Response**

**Thirteen neighbours notified, site and press notices also displayed;** four objections received, commenting on;

- Building seems significantly higher than existing
- Existing parking already compromised – more spaces would add to this issue
- Possible hazard for walkers/runners from increased vehicular movements
- Not possible to judge impact from plans
- Existing building follows land levels, not clear whether it would be raised or lowered to address this.
- Glass elevation clearly visible from footpaths
- Concerned works could obstruct footpath during construction
- Local wildlife would be affected
- Commercial development not in keeping with type of building expected in the AONB

## **Officer Comments**

### **Policy**

#### **Local Plan Part 1**

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that in determining proposals which affect the Forest of Bowland Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty. Supporting advice can also be found in the Forest of Bowland AONB SPG and the Landscape Character Assessment.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy WRK5 relates to tourism facilities and supports improved provision where they promote tourism, help to improve the diversity of the existing tourism on offer and are of an appropriate scale/design that will not have an inappropriate impact on amenity or character.

In rural Pendle the provision of new buildings should ensure that are of a traditional design and in keeping with the area in which they are located.

#### **Saved Policies of the Replacement Pendle Local Plan**

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 40 (Tourism) states that new tourist facilities will be supported in rural areas for proposals to redevelop within the footprint of an existing building in the open countryside without the need for large scale extension. And, would assist rural regeneration in a location where the environment, transport and utility infrastructure can accommodate the visitor impact.

### **Need**

Policy WRK5 supports the provision of facilities which add variety to those already on offer. In this case the Parish have suggested that the need for development of this nature should be a material consideration for the Local Planning Authority.

The Supporting Planning Statement submitted with the application highlighted other such facilities within Barley, finding 4 other properties via the 'visit Pendle' website. It is cited that the development here would offer different opportunities to those existing.

The site lies at the foot of Pendle and provides direct access for walkers to the network of public footpaths which run over and around the hill. In this regard it would provide facilities outside of, but close to, the village centre. It would contribute to those existing types of accommodation on offer and help increase the potential for staying visitors (rather than those on day trips) who provide greater economic benefit to the Borough.

## **Design and Landscape Impact**

The scheme seeks to demolish the existing building, which is in poor condition and contributes little to the wider landscape. The new development would sit within its footprint (albeit of a lesser size - circa 40% reduction in floor area) but would stand some 600mm higher at ridge level. The overall form of the scheme remains as original proposed, with the two units contained within a single storey stone and slate structure. However amendments have been made to the south east facing elevation, which will be discussed below.

The landscape here (Type D9 in the Forest of Bowland AONB Character Assessment) is of a high sensitivity and with a limited to moderate capacity to accommodate change. The site is visible due to its elevation and location adjacent to a well-used network of public footpaths which lead to and from Pendle Hill to the west.

In line with Policy WRK5 and saved Policy 40, the scheme here seeks to work within the footprint of the existing structure. An increase in overall ridge height is proposed, however this would not be significant accounting for a reduction in overall massing. The form and shape of the building is appropriate for the setting and subject to the use of high quality materials it would not appear anomalous in the landscape.

Following discussions with the applicant and Agent, revisions have been made to the design of the south east facing elevation. Originally large areas of glazing and timber were proposed. This has now however been replaced by a more typical arrangement of windows, doors and stonework. The mullions to the windows and heads/surrounds to the openings reflect those of traditional and older properties in the area. This is acceptable and addresses concerns raised by the Parish and LCC's Principal AONB Officer.

## **Highways**

LCC Engineers have assessed the proposal and raise no objections to the scheme, finding that it would have a negligible impact on highway safety and capacity in the vicinity of the site. Dedicated parking is to be provided for each of the units and the adjacent house. Since the original submission the layout has been amended slightly to show that 4 cars (for the dwelling and the proposed units, which require 1 each) can be parked adjacent.

The access lane is surfaced along its full length and provides suitable visibility at the junction with Barley Lane. As such the development raises no adverse highway safety issues.

## **Residential Amenity**

The development, accounting for its distance to and relationship with the adjacent neighbours, raises no adverse amenity concerns.

## **Public Rights of Way**

Public Footpaths exist on and adjacent to the site. Whilst the scheme as shown would not interfere with these rights of the way, the applicant should ensure that they are not obstructed or affect during or after the development process. Should diversions or closures be required, they would need to be sought through the appropriate channels.

## Trees & Landscaping

Existing trees within the site (although not formally protected) are to be retained and are a sufficient distance from the development to be adversely affected. Additional soft and hard landscaping is proposed with a combination of stone walls, post and rail fencing and planting along the site boundary.

## Ecology

Concerns have been raised that the development would impact on wildlife. As part of the submission, the applicant has undertaken a bat survey with regard to the existing structure. The report finds no evidence of roosting bats and potential for opportunities low.

The proposal therefore raises no adverse issues.

## Summary

Following revisions to the design, the proposed development is acceptable and compliant with the Local Plan Part 1, saved Policies of the Replacement Pendle Local Plan and supporting guidance.

## Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The buildings and units shall be occupied for holiday purposes only:

(1) the building shall not be occupied as a person's sole or main place of residence.

(2) the owner/operator shall maintain an up-to-date register of the names of the owners/occupiers of the building and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

**Reason:** In order to ensure the proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:2500 site location plan, 1624-SP01 A, 1624-PL02 B, 1624-PL01 B

**Reason:** For the avoidance of doubt and in the interests of proper planning.

4. Prior to the commencement of any development hereby approved, details of the proposed external bin storage arrangements for the holiday units shall be submitted to and approved in writing by the Local Planning Authority. The associated bins shall thereafter be stored in accordance with the agreed details at all times.

**Reason:** To ensure that external paraphernalia is suitably sited.

5. The development hereby permitted shall not be commenced unless and until samples and colours of all facing and roofing materials to be used in the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved details.

**Reason:** In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

6. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the building is occupied.

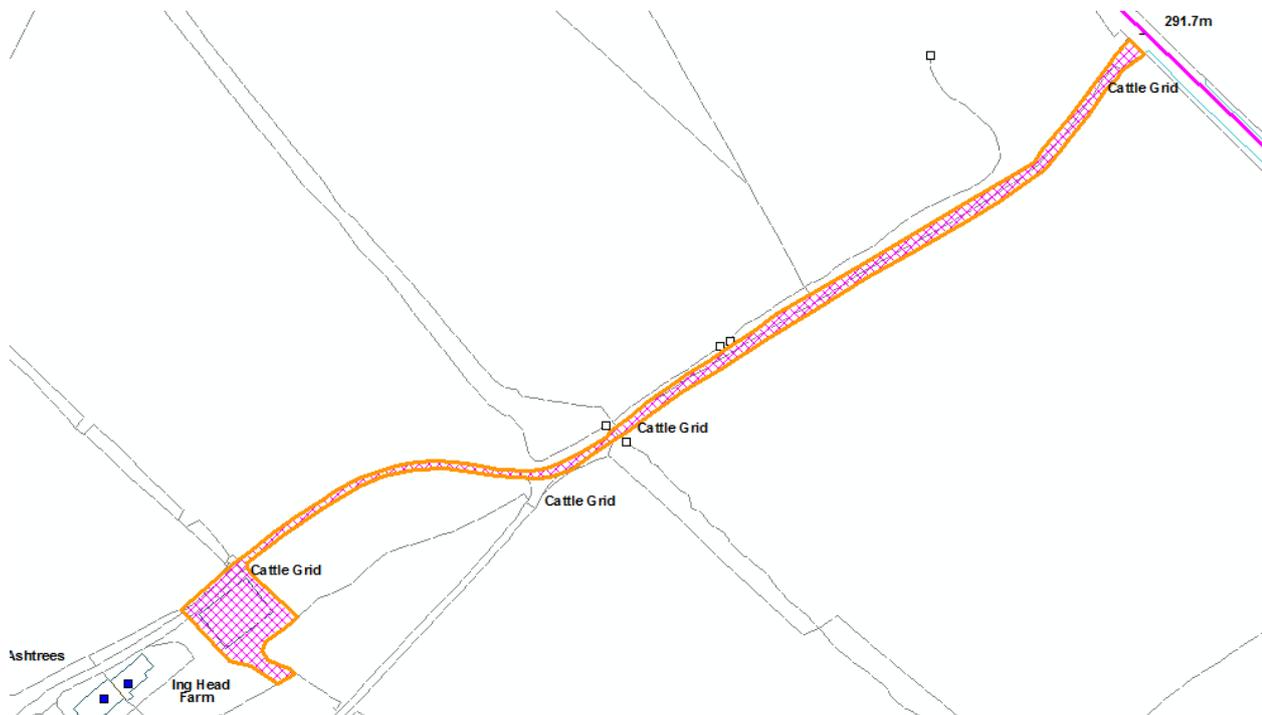
**Reason:** In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

7. Prior to the commencement of development, details of the proposed roof lights style and appearance shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall then be installed in strict accordance with the approved details.

**Reason:** To ensure the use of appropriate materials in order to protect the character and appearance of the AONB.

8. The parking and manoeuvring spaces, as shown on approved drawing 1624-SP01 A, shall be laid out, surfaced and made available prior to the first occupation of an unit hereby approved. The areas shall thereafter remain available at all times for the parking and manoeuvring of vehicles associated with the existing dwelling and holiday units.

**Reason:** To ensure suitable and useable parking provision.



**Application Ref:** 16/0797/FUL

**Proposal:** Full: Demolition of outbuildings and erection of two, one bedroom holiday accommodation units.

**At:** Ing Head Farm, Barley

**On behalf of:** Mr Kirk

## LIST OF BACKGROUND PAPERS

Planning Applications

**NW/SM**

**Date: 01 March 2017**