



<b>REPORT FROM:</b>	<b>PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER</b>
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<b>TO:</b>	<b>BARROWFORD &amp; WESTERN PARISHES COMMITTEE</b>
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<b>DATE:</b>	<b>11TH MAY 2017</b>
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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## **BARROWFORD AND WESTERN PARISHES COMMITTEE 11 MAY 2017**

**Application Ref:** 17/0128/FUL

**Proposal:** Full: Erection of detached dwellinghouse

**At:** Land adjacent Pasture Barn East, Pasture Lane, Barrowford

**On behalf of:** Mr & Mrs Alderson

**Date Registered:** 13 March 2017

**Expiry Date:** 8 May 2017

**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee at the request of Councillors and seeks to erect a single dwelling on land adjacent to Pasture Barn East.

This particular site was originally subject to a submission in 2015 for conversion of the existing agricultural building under rights afforded by Part 3, Class Q of the GPDO. However this process of carrying out the works the structure to be retained failed, meaning that only a section of the gable elevation remained. As such the development could no longer benefit from the rights afforded in Class Q, which relate only to the conversion of buildings and does not allow for the provision of new structural elements.

As such this full planning application is made for the development.

The site is within the Open Countryside and of no other specific designation in the Local Plan.

### **Relevant Planning History**

**13/15/0211N** - Prior Approval Notification (Agricultural building to dwelling): Change of use of agricultural building to dwelling and associated external alterations (Class Q (a & b)) – **Notification Accept**

### **Consultee Response**

**LCC Highways;** no objections - may affect a right if way therefore information passed to Public Rights of Way section.

**Countryside Access Officer;** a note should be added to any approval given advising that a grant of planning permission does not give any rights to obstruct or interfere with the line of the adjacent public footpath.

The applicants may wish to seek advice from a suitably qualified rights of way practitioner as the width of the path may not be obvious.

If part of the path needs to be permanently or temporarily closed/diverted, a formal order will first be required.

**Barrowford Parish Council;** would like to see this house conditioned as an agricultural workers dwelling. In recent years several residential properties have been created on this farm which falls outside the settlement boundary.

### **Public Response**

**Eleven neighbours notified, site and press notices displayed;** one response received, commenting on;

- Query statements made within application regarding retention of the original building and weather conditions causing the collapse of the structure. Allege that the building was systematically demolished.
- 617m is not close to the settlement boundary
- Allege building that exists on site is larger than the previously approved plans show

### **Policy**

#### **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

Policy ENV1 seeks to ensure that development in the Open Countryside is appropriate and safeguards the landscape character of the area.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered. It also states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

## **National Planning Policy Framework**

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

Paragraph 55 seeks to avoid the provision of isolated homes in the countryside unless there are special circumstances.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

## **Principle of Housing**

A single dwelling has previously been permitted at this site; however this was through relatively recent changes to the GPDO which allowed for the conversion of redundant agricultural buildings, subject to various criteria. Proposals which fall within the detailed allowances (Part 3, Class Q) are not subject to sustainability assessments as outlined in the Planning Practice Guidance notes. Neither are they assessed against adopted local or national planning policies.

For the reasons referred to at the start of this report, the development cannot now proceed under those allowances and this full planning application is made. It must therefore be determined in accordance with the Local Plan Part 1 or the National Planning Policy Framework, where appropriate.

In this case the site is some 617m (as the crow flies) from the nearest point of the settlement boundary to the south on Pasture Lane. This is a clear and distinct separation, which would be deemed isolated for the purposes of paragraph 55 and cannot be considered 'close' to the settlement as required in Policy LIV1.

Notwithstanding the supporting information provided by the applicant regarding the sustainability of the site, occupiers of the proposed development would still need to

travel some distance to access the nearest public transport facilities and services within the town (the nearest bus stop is roughly 1000m away on Gisburn Road). Allowances in Class Q are no longer relevant, particularly in relation to sustainability assessments and therefore cannot be considered a legitimate fall-back position or afforded weight in the determination of this submission.

References to recent appeal decisions within the Planning Statement are noted; however the relative distances from those developments to the nearest settlement and/or public transport facilities is significantly less than at this site.

Accounting for these characteristics, the site cannot be said to be sustainable in terms of its location.

### **Officer Comments**

#### **Design and Landscape Impact**

The application seeks to work within the parameters of the earlier scheme and would replicate the dimensions of the now demolished agricultural building. The walls would be horizontally clad in timber and the roof in profiled sheet cladding. The design is not typical of other dwellings in the area, however the use of materials proposed are not dissimilar to those found in rural agricultural buildings and as such would not be harmful.

In terms of overall impact the proposal by would not be significant by way of scale and massing. It is located immediately to the east of the existing cluster of buildings and would not be a prominent addition to the landscape.

#### **Amenity**

The new dwelling would be a sufficient distance from adjacent residential properties to avoid any issues of overlooking and privacy loss and would not raise any other undue concerns.

The unit would have a proportionate amount of curtilage, with car parking, storage for bins and amenity space.

#### **Highways**

LCC Engineers have raised no objection to the scheme. The addition of a further property in this location would not create highway capacity or safety issues.

#### **Other Issues**

The Parish have requested that the property is conditioned to be used as an agricultural workers dwelling. This would not however be appropriate and has not been applied for.

Third party comments from the public question details contained within the Design and Access Statement regarding the events which have led to the submission of this application. Whilst these are noted they are not material issues in the determination of this application.

## **Summary**

The proposed development would represent the creation of new dwellings in an isolated location, contrary to paragraph 55 of the National Planning Policy Framework and Policy LIV1 of the Local Plan Part 1.

## **RECOMMENDATION: Refuse**

1. The formation of a new dwelling in an isolated and unsustainable location would be contrary to paragraph 55 of the National Planning Policy Framework and Policy LIV1 of the Local Plan Part 1. The proposal would set a precedent for other unacceptable development to come forward, contrary to both local and national policy.

**Application Ref:** 17/0039/FUL

**Proposal:** Full: Erection of reception and office building.

**At:** Boothman Park, Barley New Road, Barley

**On behalf of:** Boothman Park Estates Ltd

**Date Registered:** 30/01/2017

**Expiry Date:** 27/03/2017

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application has been brought before committee because three objections have been received.

The application site is a recreational fishery with associated tourist accommodation located within woodland. The site slopes steeply up to the south from Barley New Road with dense woodland above and below the central fishing ponds and buildings.

The proposed development is the erection of a timber building to accommodate a site office and reception. The proposed building would have a footprint of 14.1m x 4m with an eaves height of 2.1m and a ridge height of 3.2m. The building would be located adjacent to the three timber lodges and car park within the site.

### **Relevant Planning History**

13/97/0246P - Retain pond and use for recreational fishing. Approved, 07/08/1997

13/02/0156P - Continue use of pond for recreational fishing. Approved, 10/02/2003

13/04/0516P - Erect 3 holiday chalets. Refused, 11/01/2005

13/05/0033P - Retain 3 fishing ponds. Approved, 17/05/2005

13/05/0034P - Erect 3 holiday chalets. Approved, 18/05/2005

13/06/0365P - complete the formation of track for forestry (Forestry Commission Determination) - Approved 28/06/2006

13/06/0776P - modify Condition 2 App ref. 13/05/0034p 'erect 3 chalets' to reduce 'closed period' Refused, 2 February, 2007

13/07/0240P - modify Condition 2 - as above (re-submission) Refused 10/05/2007  
Approved on Appeal

13/09/0199P - Alteration to ground levels and construction of track. Approved, 07/2009

13/09/0420P - Remove Condition 9 Planning permission 13/09/0199p to retain track to Heys Lane. Refused, 05/11/2009.

13/10/0643P - Erect 1.3m high post and rail fence. Refused, 07/02/2011.

13/12/0065P - Change of use of a wooded area for the siting of 8 camping pods, erection of field kitchen and wc/shower unit and installation of associated infrastructure (part retrospective). Refused and appeal dismissed.

### **Consultee Response**

LCC Highways – No objection.

Barley Parish Council - Object to the application on the following grounds:

There is insufficient information regarding the proposed structure for the Parish Council to make a decision on the suitability and appearance of the building.

The Plans and Elevations Drawing Dwg-01 provides shape and dimensions only. The “Application for Planning Permission” form refers only to the structure being “timber”.

The parish council has visited the site and been given assurances by the developer that the structure will match existing structures but we consider that more detail should be in the application. Indeed, we consider the application to be poor with anomalies such as referring the site to be a “camping site” and denying the existence of trees forming part of the landscape character.

The parish council acknowledges the business need for an office but we also have concerns regarding the over-development of this small woodland area; this will be another building in the open countryside.

### **Public Response**

Site notice posted and nearest neighbours notified. Responses received objecting to the development on the following grounds:

There is already a site office/admin building on the site approved by 13/09/0469P. The piecemeal development in Boothman Wood to date has resulted in buildings sprawled along the site and this further proposed development would be a further extension to this sprawl and overdevelopment of the site to the detriment of the AONB.



The building would be a new development in the open countryside and would be noticeably visible from Barley New Road to the detriment of the AONB.

The building's electric lighting will add to this to the detriment of the dark woodland vista.

The proposals are poor in terms of content and quality of design.

The structure is out of keeping with the architecture of the village and the agricultural developments that surround it.

It will have considerable detrimental effect on the view particularly from Heyes Lane, a popular footpath.

The developer refers to the site as a 'camping site', surely this is incorrect. Therefore perhaps there are other anomalies and inaccuracies in this application.

### **Officer Comments**

#### **Policy**

Policy 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, or its replacement. 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. In addition, proposals in the AONB will be considered on a needs basis, should be in scale with and have respect for their surroundings, and be in line with AONB Management Plan objectives. Proposals in the AONB should have regard to the Forest of Bowland SPG or its replacement.

Policy ENV2 (Achieving Quality in Design and Conservation) states that 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 protect or enhance the natural environment and not detract from the natural beauty of the AONB by way of their siting, size, design and appearance.

Policy WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.

3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

### **Principle of the Development**

The provision of new or improved facilities for tourism and leisure is supported by policy WRK5 of the LPP1 where it would not result in a significant increase in car usage or have a significant detrimental effect on the natural or historic environment, local amenity or character of the area. The proposed development would support the existing tourism / leisure use of the site and would not result in a significant increase in car usage. The building is therefore acceptable in principle, its impact on the natural or historic environment, local amenity and character of the area is addressed below.

### **Design and Visual Impact**

The design of the building would be in keeping with other buildings within the site. Due to the topography of the site and the screening from surrounding trees the building is unlikely to be visible other than from within the site itself and would not be prominent if it is. Taking this into account the proposed building would not unacceptably impact upon the visual amenity of the area or the character and natural beauty of the AONB in accordance with policies ENV1, ENV2 and WRK5.

### **Amenity**

The proposed building would raise no adverse residential amenity issues.

### **Highways**

An acceptable level of car parking would be maintained on the site and the proposed development would not raise any unacceptable highway safety impacts.

### **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 proposed development is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development 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 development hereby permitted shall be carried out in accordance with the following approved plans: WRE/01 Dwg 01, WRE/01 Dwg 02.

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

3. Prior to the commencement of the erection of the external walls of the building samples of the external wall and roof materials and their finish shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in strict accordance with the approved details.

**Reason:** In the interest of visual amenity and the character and appearance of the AONB.