



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

TO: POLICY AND RESOURCES COMMITTEE

DATE: 19th MARCH, 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY AND RESOURCES COMMITTEE ON 19 MARCH 2019

Application Ref: 19/0069/FUL

Proposal: Major: Full: Change of use from Agricultural to a Caravan Park and siting of 36 Holiday Lodge Caravans and 20 Touring Caravan Pitches.

At: Caravan Site, Lower Greenhill Farm, Kelbrook Road, Salterforth

On behalf of: Mr. & Mrs. N. Hudson

Date Registered: 28/01/2019

Expiry Date: 29/04/2019

Case Officer: Alex Cameron

This application has been referred to Policy and Resources Committee from West Craven Committee as the Committee resolved to refuse the application on the grounds of drainage and flood risk which would result in a significant risk of costs at appeal.

Site Description and Proposal

The application site is an agricultural field to the south west of Lower Green Hill Caravan Park. The caravan park lies between the villages of Kelbrook and Salterforth. The site is situated in open countryside and is surrounded by agricultural fields to the south, and west. To the east runs the access road to Bashfield Farm. The site is accessed off the B6383 Kelbrook Road via existing internal caravan park road which passes Lower Green Hill Farm and Barn.

The proposed development is the change of use of a 1.3 hectare area of the field to accommodate 36 static caravans and 20 touring caravans as an extension to the existing caravan park.

This application is a revised submission following a previous withdrawn application. The application site has been increased to allow for the formation of a surface water basin at the south eastern end of the site.

Relevant Planning History

13/87/0859P – Change of use of farm land to caravan site at Lower Greenhill Farm, Salterforth.

13/91/0152P – Erect caravan utility block. Approved 05/91.

13/95/0206P – Form access to Kelbrook Road Field NO 2220. Approved 06/95.

13/95/0338P – Increased use of site up to 23 caravans and 5 mobile homes. Approved 08/95.

13/95/0603P – retain site extension at caravan park and increase use to 23 caravans and 5 mobile homes. Approved 01/96.

13/12/0241P - Full: Extend touring caravan site, reconfigure plot layout and erection of a two storey building. Approved 07/12

13/12/0241C1 - Approval of details reserved by conditions 6, 7 and 8 of 13/12/0241P. Approved 09/12.

13/12/0503P - Full: Removal of conditions 4 and 6 from Planning Permission 13/12/0241P - Approved 21/12/2012.

13/13/0561P - Full: Change of use of land for siting a caravan for permanent warden's accommodation. Approved

13/14/0272P - Full: Change of use of land from agricultural land to caravan park extension for siting 27 static caravans. Approved.

17/0659/FUL - Full: Change of use of land to accommodate 5 static caravan pitches. Approved.

17/0690/FUL - Full: Erection of two storey building comprising office/reception, laundry and storage at ground floor and holiday accommodation at first floor (Retrospective). Approved.

18/0283/FUL - Major: Full: Change of use from Agricultural to a Caravan Park and siting of 36 Holiday Lodge Caravans and 20 Touring Caravan Pitches. Withdrawn.

Consultee Response

LCC Highways

Lead Local Flood Authority – No objection subject to conditions for a surface water drainage scheme and a construction phase surface water management plan.

Earby and Salterforth Internal Drainage Board - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare.

No obstructions within 7 metres of the edge of a watercourse are permitted without Consent from the IDB.

Should consent be required from the IDB then we would advise that this should be made a condition of any planning decision.

Yorkshire Water – Please attach the following conditions:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 4 (four) litres per second. (In the interest of satisfactory and sustainable drainage).

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. (To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network).

The Flooding & Drainage Assessment Rev B (prepared by Coda Structures – Report 7325 dated 11 December 2018) is acceptable. In summary, the report states that foul water may be pumped to the combined public sewer via the existing caravan site drainage and surface water will drain to watercourse. From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 4 (four) litres per second.

Lancashire Fire and Rescue – Comments to draw the applicant’s attention to building regulations requirements for access and facilities for the Fire Services.

PBC Environmental Health - Subject to planning approval being obtained the owner or agent of the park shall make an application to the Council’s Environmental Health Commercial Team to vary the existing site licence for the siting of 36 holiday caravans and 20 touring pitches.

As part of the development of the site, the site operator shall take into consideration the Model Standards 1989 for Holiday Static Caravans and the Model Standards 1983 for Touring Caravan Sites.

Salterforth Parish Council

Public Response

Press and site notices posted and nearest neighbours notified.

- This site would become a large blot on a beautiful part of open countryside. The proposed planting would do little to screen the development.
- The proposed static caravans are not appropriate in a rural location.
- The development would increase the level of traffic entering/exiting the site, some with caravans, to the detriment of highway safety.
- Adverse residential amenity impacts on nearby dwellings.
- The area has a reputation for its beautiful open views and walking routes. Increasing the number of caravans will have a negative impact on tourism.
- Harm to the landscape character of the area.
- Approval would set a precedent for further development.
- Adverse residential amenity impact.
- Visual impact from the adjacent private access road and dwellings.
- Insufficient assessment of the visual impacts affecting adjacent properties.
- Loss of grade 3 agricultural land.
- The development would set a precedent for other such developments.

- Loss of habitat for protected species.
- No assessment of lighting impacts.
- The LVIA is inadequate, it does not address the impacts on adjacent properties.
- The decision of the appeal at Dalesview Caravan Park is relevant to this application, this site shares issues regarding the effect upon the character and appearance of the area.
- Confusing and inaccurate drainage and flooding information.
- The infrastructure of the area will not support further development. Sewer, roads, schools etc. will cease functioning.
- The development would lead to an increased risk of downstream flooding in Earby.
- This site will add considerably to the water discharge into the waterways, the new cut leading to Earby and under the ditches that already cannot cope with heavy rain. This has previously flooded under the railway bridge, adjoining fields and Salterforth Beck flooding further down into Earby.
- There is only one small tunnel which goes under the Barnoldswick –Kelbrook Road, if this were to become blocked with debris (such as trees or a small structure) during heavy rain this would be catastrophic for the whole area, including some of the present property. With future forecasts of climate change; more heavy rain and flooding are inevitable to this area.
- The last spell of heavy rain on Boxing Day 2015 saw the water only yards away from the present static caravans.
- If the sewage treatment plant were to flood it could potentially lead to pollution, disease and environmental problems.
- The proposed catchment/retention basin will be positioned in an area that already floods. Controlled release of the storage area cannot be achieved due to the outlet which enters the dyke being submerged in flood waters. The dyke floods on a regular basis and over tops its banks into the surrounding fields. Earby and Salterforth Drainage Board have restricted surface water entering the dyke to 1.4 litres per hectare per second and not the 9.1 litres per hectare per second as the applicant's drainage plans show. This dyke is already at full capacity hence the restricted amount placed by the Salerforth and Earby Drainage Board.
- Policy ENV7 water management clearly states: A development will NOT be allowed to increase the run off rate from a site even if it is not viable to implement a SuDS scheme.
- This development will defiantly add to an increased run off flooding to Earby and its surrounding area.

Officer Comments

Policy

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. The impact of new developments on the natural environment (biodiversity and geodiversity) should be kept to a minimum.

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.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy ENV7 (Water Management) states that The design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

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 proposed change of use would be an expansion of the existing tourism use, this would provide improved facilities for tourism. The site is in an acceptably assessable location for a tourist accommodation use approximately 450m walking distance from bus stops and the settlement of Salterforth. The development would result in the loss of agricultural land but this would be outweighed by the economic and social benefits of supporting tourism. The development is therefore acceptable in accordance with policy WRK5.

Visual Amenity and Landscape Impact

The application site is located at the bottom of a hill which rises to the west, this would screen the development in public from views from the west. There would be glimpses of the site between the trees and hedgerow lining Kelbrook Road approaching from the south east. The development would be visible from the access road to Bashfield Farm and land to the south, however, this is a private road and private land. These private views of the site would not result in an unacceptable visual amenity impact.

There would be public views of the site at a distance of 500m or more from public footpaths to the south east, the proposed development would be seen in the context of the existing caravan site and, with appropriate landscaping to be controlled by condition, would not result in an unacceptable impact upon the landscape.

The finish of the static caravans could be controlled by condition, the proposed touring caravans would be to the north west side of the site screened by the surrounding development and topography.

It has been raised that this site raises similar issues to that of Dalesview Caravan Park where an appeal against the refusal of planning permission to extend the caravan park was dismissed. That site is materially different to this in a number of regards, most relevantly it has a public bridleway passing adjacent to the boundary of the site and it was primordially the impact on the character of viewpoints from that bridleway that the Inspector determined was unacceptable. This application site has no public rights of way immediately passing the site and therefore is materially different to the Dalesview Caravan Park appeal site in terms of assessment of its visual impacts.

With a condition to ensure adequate landscaping and that the finish of the static caravans is controlled the proposal is acceptable in terms of visual amenity in accordance with policy ENV2 and WRK5.

Residential Amenity

The proposed extension of the caravan park would be approximately 190m from dwellings at Bashfield Farm, and 50m from Lower Greenhill Farmhouse and Barn, these distances are sufficient to ensure there would be no unacceptable residential amenity impacts upon the occupants those properties from the extension to the caravan park. The development would also increase the level of traffic passing Lower Greenhill Farm, the increase in traffic would not result in an unacceptable residential amenity impact upon the occupants of that or any other dwelling.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

The site would be accessed via the existing caravan site access. Details of proposed improvements to the junction have been submitted, the submitted plans also demonstrated that acceptable visibility spays of 2.4m x 215m are achieved over land controlled by LCC.

With the proposed alterations to the junction the access is acceptable to accommodate the additional traffic that would result from the development.

A condition is also necessary to ensure that the existing access to the field from the access road to Bashfield Farm is not used for vehicular access to the site. That access would be unsuitable to accommodate traffic from the development.

An adequate level of car parking of one space per caravan is proposed for the development.

The proposed development is acceptable in terms of highway safety in accordance with policy ENV4.

Ecology

Concerns have been raised regarding the potential impacts of the development on protected species. An ecology survey has been submitted, this concludes that the likely impacts are minimal. It makes recommendations for mitigation in the form of timing of any works to avoid bird breeding season, a low-level lighting scheme, bat boxes attached to trees and additional hedgerow planting. The

recommendations would result in an overall enhancement, the proposed development is acceptable in terms of ecology impact in accordance with policy ENV1.

Drainage

The Flood Risk Assessment (FRA) submitted for the application states that the site is not at risk from fluvial flooding but is potentially at risk of surface water flooding. It is detailed in the FRA that the proposed levels of the caravans would be raised above the level of any potential overland water flows and those flows would be routed around the caravan pitches.

This will result in surface water flows being displaced, to accommodate this displacement a 1375 m³ surface water detention basin is proposed to the south east of the site. Surface water would discharge from the proposed basin, at a rate equivalent to the greenfield run-off rate, to the watercourse to the east of the site.

The LLFA have no objection to the development, with their recommended conditions the site can be adequately drained and would not result in unacceptable risks of on-site or off-site flooding.

The Internal Drainage Board (IDB) have requested a condition requiring that consent is obtained from them for any discharge to a watercourse and that such consent would limit the discharge to 1.4 litres per second per hectare.

The IDB's consent process is under separate non-planning legislation and they have powers to ensure that consent is obtained, the National Planning Practice Guidance makes it clear that planning conditions should not duplicate controls under other legislation. Such a condition is not necessary.

The discharge to 1.4 litres per second per hectare referenced by the IDB is significantly below the 7 litres per second per hectare rate calculated in the Flood Risk Assessment (FRA), this equates to a discharge rate of 9.1 litres per second for this 1.3 hectare site. The FRA acceptably demonstrates that the attenuated discharge rate would not be greater than the existing greenfield run-off rate. The Lead Local Flood Authority have assessed this and raise no objection to the development subject to conditions. The development would not result in an unacceptable risk of on-site flooding or increase in the risk of off-site flooding.

Foul sewage is proposed to be drained to the existing foul sewer running along Kelbrook Road. Concerns have been raised regarding the provision of separate toilet facilities for the touring caravans. This is an operational matter and it is not necessary to make an assessment of this in this planning application.

With conditions to control the details of the drainage and its maintenance the proposed development is acceptable in terms of drainage and flood risk.

Summary

The proposed extension of the caravan site would constitute sustainable development and is acceptable in terms of visual and landscape impacts, residential amenity, highway safety, impact on ecology and drainage. It is recommended that the application be approved.

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 in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan. 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 development permitted shall be begun before the expiration of three years from the date of the 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: GVA/02B240528/001 Rev B, 503 Rev H, 7325/020, 7325/021, 7325 Fig 3 Rev B, 200 Rev B.

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

3. There shall not be more than 20 touring caravan pitches and 36 static caravans sited within the approved application site and they shall be laid out in accordance with the approved plan 503 Rev H.

Reason: To ensure that the visual impact of the touring caravans is mitigated in the interests of the visual amenity of the area.

4. The caravan pitches shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

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

5. All static caravans shall be finished/painted prior to being brought on to the caravan park in a colour to be first agreed in writing by the Local Planning Authority and thereafter maintained in accordance with the approved colour.

Reason: To ensure that the finish of the static caravans is controlled in the interests of the visual amenity of the area.

6. Provision shall be made within the site for the parking of not less than one car per caravan pitch, together with a turning space such that vehicles serving may both enter and leave the site in a forward gear, in accordance with the approved plans. The caravan pitches hereby approved shall

not be occupied unless and until the access, parking and turning areas have been laid out, surfaced and made available for use and the parking and turning area shall thereafter remain free from obstruction and available for parking and manoeuvring purposes at all times thereafter.

Reason: In order to ensure satisfactory levels of off street parking are achieved within the site to prevent parking on the county highway to the detriment of highway safety.

7. The use hereby approved site shall not commence unless and until the works to the junction and access road detailed in drawing Nos. 7325/020, 7325/021 have been completed in accordance with a scheme of construction of the site access to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to the junction.

Reason: In order to ensure that the final details of the highway works are acceptable before those works commence.

8. The access from the site to Kelbrook Road shall be constructed in accordance with the details specified in the Proposed Site Access Arrangement plan (Drawing No 7325/021 dated 24.7.18) prior to first use of the development hereby approved.

Reason: To enable vehicles to enter and leave the site in a safe manner without causing a hazard to other road users.

9. The use hereby approved site shall not commence unless and until the existing vehicular access to the site from the access road to Bashfield Farm has been physically and permanently closed and thereafter, notwithstanding the provisions of Part 2 classes A and B of the second schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no vehicular access to the site from the access road to Bashfield Farm.

Reason: The junction of the access road to Bashfield Farm with Kelbrook Road is inadequate to accommodate the nature of traffic that would result from the development.

10. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

11. No caravans shall be sited on the approved application site unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;

f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the use of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

12. The development shall be carried out and operated in full accordance with the mitigation and compensation recommendations of the Ecological Impact Assessment dated 13/08/2018. No caravans shall be sited on the approved application site unless and until a scheme for the installation of bat boxes has been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved scheme prior to the commencement of the use of the development and maintained thereafter.

Reason: To ensure protection of ecology and wildlife.

13. No external lighting shall be installed within the approved application site unless and until details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In order to prevent light pollution causing harm wildlife and the open rural character of the countryside .

14. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

b) The drainage strategy should demonstrate that post development surface water run-off from the application site will not exceed a maximum rate of 9.1l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

c) A site layout plan showing flood water exceedance routes, both on and off site;

d) A timetable for implementation, including phasing as applicable;

e) Details of water quality controls, where applicable.

f) Details of an appropriate management and maintenance plan for the surface water drainage scheme for the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, that water quality is not detrimentally impacted by the development proposal and that appropriate maintenance mechanisms are put in place for the lifetime of the development

15. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site. No development shall commence unless and until details of the foul water drainage have been submitted to and approved in writing by the Local Planning Authority. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 4 (four) litres per second.

Reason: In the interest of satisfactory and sustainable drainage).

Note

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, radius kerbs, re-location of verge marker posts, and relocation of the highway gully. The widened access should be surfaced with tarmac. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance, details of which can be found:

<http://www.water.org.uk/publications/water-industry-guidance/%E2%80%A8national-guidance-document-provision-water-fire-fighting-3rd>

The Local Authority Building Control/Approved Inspector and Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

If you would like to discuss this or any other matter of fire safety, please call Duncan Raidy on 01282429452 / 07920008521



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At: Caravan Site, Lower Greenhill Farm, Kelbrook Road, Salterforth

On behalf of: Mr & Mrs N. Hudson