

REPORT FROM: **PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER**

TO: **BARROWFORD & WESTERN PARISHES COMMITTEE**

DATE: **30th July 2020**

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 30 JULY 2020

Application Ref: 20/0259/FUL

Proposal: Full: Conversion of Barn into 2 No. Holiday Lets and the Siting of 5 No. Holiday Cabins.

At: Stone Fold Farm, Stump Hall Road, Higham

On behalf of: Mrs Daisy Whitehouse

Date Registered: 20/04/2020

Expiry Date: 13/08/2020

Case Officer: Alex Cameron

This application has been brought before committee as more than two objections have been received.

Site Description and Proposal

The application site is a stone barn adjacent to a farmhouse and open land to the south, either side of the access track to the farm. The site lies within the open countryside and the Forest of Bowland AONB. The site sits on a valley side sloping down to Sabden Brook to the North, rising to Spence Moor and Pendle Hill beyond. Public footpaths 112, 114, 115 and 118 run along and parallel to the access track and there is an extensive network of Public Rights of Way on the opposite valley side.

The proposed development is the conversion of the barn to 2 one bed holiday lets and the siting of five holiday cabins (2 two bed and 3 one bed) within the garden of the property. The proposed holiday cabins would be clad in cedar boarding with timber framed windows and doors.

This application follows a similar application for conversion of the barn and holiday cabins submitted in 2018, with the cabins sited on higher open land to the south. The cabins were removed from that proposal and the application for just the barn conversion was refused due to the lack of visibility at the junction.

Relevant Planning History

18/0563/FUL - Full: Conversion of barn into 2 Holiday Lets (Use Class C3). Refused.

Consultee Response

LCC Highways – Object to the proposed development.

The junction and access onto Stump Hall Road have not been shown to meet with required visibility splays and without evidence to the contrary we are of the opinion that these cannot be achieved for the speed of the road.

The site is remote from the nearest services, such as public transport provision, food store and medical facilities. Consequently the site will be highly dependent upon the use of the private motor vehicle which will see an intensification of vehicular use along Stump Hall Road. This will be at odds with the intention of increased pedestrian and cycling use. The county council's view is that the site does not fully comply with sustainable development as defined within National Planning Policy Framework (NPPF).

Stump Hall Lane is a narrow carriageway without street lighting or footway provision that does not allow for two way vehicle flows along much of its length. To a certain extent this is replicated on the roads that access Stump Hall Road from the classified highway network. In addition areas of the road do not provide adequate width for a car and a pedestrian to pass. A significant intensification of its use by vehicular and pedestrian traffic would be a highway safety concern.

LCC AONB Partnership - The proposal for the conversion of the barn into two holiday lets will have limited landscape or visual impacts on the local landscape character. The AONB Partnership does not have any concerns with this aspect of the proposal.

The proposal also includes the siting of five holiday cabins within the existing woodland copse surrounding the farmhouse and barn. This re-siting of the cabins is welcomed by the AONB Partnership and is an improvement on the previous application for five cabins on more elevated land above Stone Fold Farm.

However, the AONB Partnership still holds a number of concerns regarding the proposed holiday cabins:

The 'Landscape Proposals' outline that selective thinning of the existing copses of native and non-native trees within the property to accommodate the building. In addition, the plan appears to show arrows and 'splays' from the cabins to indicate cabin orientation with elevations with most glazing facing outwards from the cabins. Without more detailed landscape proposals detailing where trees will be selectively thinned, this leaves open the possibility that trees may be removed to accommodate construction, which could make the cabins much more visible within the local landscape.

The proposals do not outline any plans of the external lighting for footpaths and the cabins; therefore it is not possible to assess the potential impact of this on the local landscape. The proposals do include cabin designs which show extensive glazing at ground level and higher up within the roof pitch for both the one and two bed cabins. Both the external lighting- and internal lighting spilling out from these glazed elevations have the potential to impact on the darker skies that the Upper Sabden Valley currently benefits from and which contributes to its local landscape character and sense of place.

The cabin roof heights appear to be over 5 metres with steep pitches. These roof heights and designs could make the cabins more visible and incongruous with the local vernacular in the surrounding landscape.

The tranquillity of the Upper Sabden Valley is likely to be impacted by the proposals, as follows: up to nine cars travelling to and from the property (when fully occupied) and additional journeys for visiting and shopping for provisions the outdoor terraces with hot tubs have the potential to introduce noise and disturbance within the local landscape particularly during evening/night-time.

Works in the entrance to Stone Fold and in the highway to create visibility splays and or passing places has the potential to impact on the character of the narrow country lane, Stump Hall Road

Based on the concerns outlined above the Forest of Bowland AONB Partnership believes that the outlined proposals cannot be accommodated within the AONB without compromising key characteristics of the local landscape, and therefore wishes to register an objection. Should the Council be minded to offer consent for the proposals, the AONB Partnership asks the Council to:

- Request the applicant provides a more detailed landscape plan with information on where selective thinning will take place within the existing woodland copses to ensure that the cabins are not made more visible within the landscape.
- Apply a condition that the applicant must seek the permission from the Council for removal of any removal of more trees within the site (following completion of the development) to ensure adequate screening is maintained.
- Ensure designs for the provision of visibility splays and passing places retain any traditional boundaries (e.g. hedgerows, dry stone walls) by moving or transplanting these.

Lancashire Fire and Rescue Services – Comments relating to building regulations.

Higham with West Close Booth Parish Council – There are no objections to the proposed Barn Conversion into two holiday lets provided that the recommendations in the Bat Survey are adhered to. The Council has the following concerns in relation to the proposals for the erection and siting of five holiday cabins for the following principal reasons:

The proposed development is inappropriate in this unique, unspoiled and tranquil part of the Forest of Bowland AONB and Pendle Hill Landscape Partnership Area, known as “Pendle’s Hidden Gem”; AONB restrictions should be strictly applied

The proposed appearance, type and style of the cabins is out of keeping and character with anything in the area

Stump Hall Road is a locally notorious and already over-used, narrow, sight-restricted, single-track road, with few passing places; it is unsuitable for the additional number of cars and service delivery vehicles anticipated for the development. Attention is drawn to the detailed letter of objections from LCC Highways dated 1.10.2018 on the previous application no.18/0563/FUL, none of which appear to have been overcome by the present application. Furthermore, the re-submitted visibility splay plan appears to be unaltered and not to meet the

requirements and grounds for refusal set out in the Planning Officer's Report dated 22.8.2018

The access track down to the site from Stump Hall Rd (which the application states will not be altered) is too narrow and steep to accommodate the contemplated visitor and service traffic; it is also questioned whether the area around the existing property proposed for additional parking is sufficient or suitably configured to accommodate the additional cars and service vehicles and all necessary turning and manoeuvring

The proposals anticipate and depend upon all-year round (i.e. winter inclusive) usage of the cabins; this is unrealistic given the nature of Stump Hall Rd (which is not gritted and is susceptible to flooding) and the steepness of the access track (where residents currently park a car at the top during ice or snow conditions)

The application states that waste storage and collection arrangements will be 'as existing'; at present the property leaves its single-residency domestic bins at the top of the access track beside Stump Hall Rd (presumably because waste lorries cannot navigate the track); any waste storage area for more substantial quantities and containers in that area would be unsightly and unacceptable

The application states that the present foul sewage arrangements are unknown and omits to specify any proposed sewage arrangements; septic tank drainage for a development of this size would be undesirable in this catchment area and mains sewage is presumably not available

No details of site lighting have been provided but this would presumably be required for the cabins, site paths, parking areas and access track and would be obtrusive in this rural AONB setting (particularly in winter)

Although the proposal provides and depends for acceptability upon the preservation (with some thinning) of the present screen of trees around the proposed cabin area, there is concern that in course of time (e.g. with demand from the cabins for a view) those trees will be removed or not replaced - with no adequate legal protection

Apart from one broad-statistic, two-year old letter from Marketing Lancashire, there is no independent evidence to support the need, desirability and sustainability of the proposed development. The Planning Statement justification that 'the site is within easy walking distance of the village of Higham where a range of services are available and the site has good access to the major road networks and is accessible by public transport' is incorrect in almost all respects. The averred target market for 'city break' patronage in winter is considered to be particularly speculative and unsupported given the remoteness and limited accessibility of the site

If the application is allowed it risks being a thin-end-of-the-wedge precedent for further development in this very special area (either by extension of this site or other localised applications)

Goldshaw Booth Parish Council - Most of the original concerns raised by the Parish Council seem to have been taken into consideration with the amended application, particularly in relation to the relocation/screening of the cabins; however,

concerns remain that the development would be clearly visible from the higher ridges of the valley. Also, the existing trees could be felled at a later stage.

Access to the site via the narrow and winding road, which LCC Highways previously highlighted and the increased vehicular and pedestrian usage would have an unacceptable impact on local roads.

These views and concerns in relation to vehicular noise and road safety caused directly by increased traffic along the narrow lanes were also voiced by local residents and their opinions should take precedence.

The development could be considered as inappropriate to the character of the rural landscape and therefore not in keeping with the rustic charm of the area. There would also be increased noise and light pollution in the area.

Public Response

Nearest neighbours notified. Responses received objecting to the development on the following grounds:

- Stump Hall Road narrow with poor passing and visibility and popular with walkers, cyclists and horse riders, the increase in traffic would be of significant danger.
- Harm to the landscape.
- Harm to the character of the AONB.
- Harm to the heritage of the area.
- Noise and light pollution
- Prominent visibility from public rights of way that cross the land.
- The public right of way through the site is blocked and this should be rectified.
- Where would refuse be stored?
- No local shops within walking distance.
- No access to public transport.
- Impact on bats and other wildlife.
- Adverse impact on tourism in the area.
- There is not a justification for additional holiday lets at this location.
- The development would have an adverse impact upon the SSSI Impact Risk Zone.
- Local opinion must be given weight in the decision.

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.

National Planning Policy Framework

Paragraph 130 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 130 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

Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

Principle of the development

Concerns have been raised regarding the sustainability of the location for the provision of tourist accommodation.

There is an identified need within the borough for the provision of tourist accommodation such as this and the nature of tourist accommodation is that it is

located in countryside locations with easy access to outdoor activities such as walking and cycling. Furthermore, the Forest of Bowland attracts tourists to the area and provision needs to be made within the AONB to accommodate tourists. Therefore, it is accepted that tourist accommodation can, where necessary, be located in locations that would not be acceptable for similar unrestricted dwellings.

Policy WRK5 states that applications for tourist accommodation will be supported where they do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport.

Paragraph 83 of the Framework states that decision should enable sustainable rural tourism and leisure developments.

The site is approximately an 800m walk from the settlement of Higham, with the most direct route being by public rights of way. Whilst these are unlit and partially unmade they would provide pedestrian access to the village and visiting tourists are likely to be more prepared to walk longer distances over such public rights of way than typical for a occupier of a dwelling. Taking this into account the site has acceptable accessibility for tourist accommodation in accordance with policy WRK5 and the Framework.

The application would have no access to public transport

Visual Amenity and Landscape Impact

The proposed conversion of the barn would be sympathetic to the building and would not result in any unacceptable visual or landscape impacts or harm to the scenic beauty of the AONB.

The plans have been amended to address the concerns of the AONB Manager, reducing the pitch of the cabin roofs and removing the glazing from the gables. Concerns relating to outdoor lighting can be addressed by a condition controlling details of outdoor lighting and the landscaping of the site can also be controlled by condition.

The proposed cabins would be located within the existing garden of the property which is surrounded by a mix of deciduous and evergreen trees and on more level land than the previous proposed siting of the cabins on steeply sloping land to the south.

Although the lodges may be visible in some views from across the valley and the footpaths running immediately past the site, seen amongst the trees, with additional landscaping to replace those to be removed and related to the existing group of buildings they and the associated infrastructure would not result in unacceptable impacts upon the visual amenity, landscape character or scenic beauty of the AONB.

The proposed development would not unacceptably impact upon the landscape character and natural beauty of the AONB and is therefore in accordance with policies ENV1, ENV2 and WRK5 and paragraphs 130 and 172 of the framework.

Amenity

The proposed conversion and cabin development would raise no unacceptable residential amenity issues.

Concerns have been raised in terms of impact on tranquillity resulting from noise, the level of noise from small scale holiday accommodation such as this would not be so great as to result in unacceptable impacts.

Ecology

The ecology survey identifies potential impacts on bats and bird habitats, it proposed mitigation measures for the impact on birds, these are acceptable and can be ensured by condition.

A bat survey has been submitted which identifies that a bat roost is present within the building proposed for conversion. The development would result in destruction of the roost which must be carried out under licence. Mitigation measures are proposed to provide replacement habitat provision. The proposed mitigation can be ensured by condition.

Concerns have been raised that the site is within a SSSI impact risk zone, the site is not within an SSSI, the nearest is Little Mearley Clough approximately 4km to the north west and the development is not of a scale or nature that would adversely impact upon any SSSI.

Drainage

Acceptable foul and surface water drainage provision could be ensured by condition.

Highways

The visibility at the access road junction is currently severely restricted by the existing walls, embankment and vegetation. The vegetated embankment is part of the adopted highway. Stump Hall Road is a national speed limit road, the appropriate visibility splay for a 60mph road is 2.4m x 215m in each direction. Taking into account the nature of the road, average vehicle speed are likely to be below the 60mph speed limit, however, no details have been submitted to demonstrate what the average speed of traffic is.

An amended plan has been submitted showing visibility splays of 2.4m x 43m in each direction to the centre of the highway and the works to the embankment necessary to achieve them.

43m visibility splays are adequate for average traffic speeds of up to 30mph. Although the traffic speed is likely to be below the 60mph limit of the road it is also likely to be above 30mph. Without a speed survey demonstrating the average speed the proposed visibility splays are not adequate.

Furthermore, the proposed regrading of the banking and sightlines don't allow adequate provision for vegetation, such as long grass, growing on the banking and it is likely that such vegetation would further reduce visibility.

It is likely that greater visibility splays would be achievable, however, they would require more extensive works to the highway banking and possibly to the walls at the access. Details of those works are necessary to make a full assessment of the viability and acceptability of those works and whether adequate visibility can be achieved.

An adequate level of car parking for the proposed holiday lets, and proposed to be maintained for the existing property.

Intervisible passing places would also be necessary on the access track to ensure that vehicles do not reverse back out onto the highway, these could be required by condition if not detailed in amended plans.

Summary

The proposed development is acceptable in principle and in terms of its landscape and visual impacts and impact on the AONB, however, the access as proposed would not have adequate visibility to accommodate the proposed development. This is likely to be possible to resolve with the submission of amended plans providing for greater visibility and therefore it is recommended that the approval of the application, including any additional conditions necessary be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of plans detailing acceptable visibility splays.

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: Delegate Grant Consent

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: 2046_001, 2046_010 Rev B, 2046_011 Rev B, 2046_020 Rev B, 2046_030 Rev B, Barn Existing and Proposed Floor Plans, Barn Existing And Proposed Elevations.

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

3. Prior to the siting of the cabins on the land samples of the external materials of the walls and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and to preserve the natural scenic beauty of the AONB.

4. The windows and external door of the barn shall be of timber construction only, prior the installation of new doors and window frames in the barn samples of the colour and finish shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be finished and thereafter maintained in accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and to preserve the natural scenic beauty of the AONB.

5. The holiday lets and cabins hereby approved 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 the occupiers of the holiday lets and cabins 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.

6. The development shall not commence 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.

7. The development shall be carried out and operated in full accordance with the recommendations of the Preliminary Ecological Appraisal and Bat Roost Assessment dated 13/08/2018, bat survey dated 10/09/2018 and Ecology Report dated 28/11/2019. The details of the mitigation measures for the loss of bat habitat shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works to the barn and shall be installed in accordance with the approved details prior to the first occupation of the barn conversion hereby approved.

Reason: To ensure protection of ecology and wildlife.

8. 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 to wildlife and the open rural character of the countryside.

9. No development shall take place unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities and mechanical road sweeping provision
- v) A scheme for recycling/disposing of waste resulting from clearance and construction works
- vi) Details of working hours
- vii) Routing of delivery vehicles to/from site
- viii) Timing of deliveries
- ix) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- x) Measures to control construction noise and vibration

xi) Measures to control dust.

Reason: In the interest of highway safety and residential amenity.

10. Prior to first use of each building hereby approved, the parking spaces and manoeuvring areas serving that building shall be laid out and surfaced in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, the parking spaces and manoeuvring areas shall thereafter at all times remain free from obstruction and available for vehicle parking and manoeuvring purposes.

Reason: To allow for the effective use of the parking and manoeuvring areas in the interest of highway safety.

11. The development shall not commence unless and until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The foul and surface water drainage for each building shall be installed and operational in accordance with the approved details prior to the occupation of the building it serves.

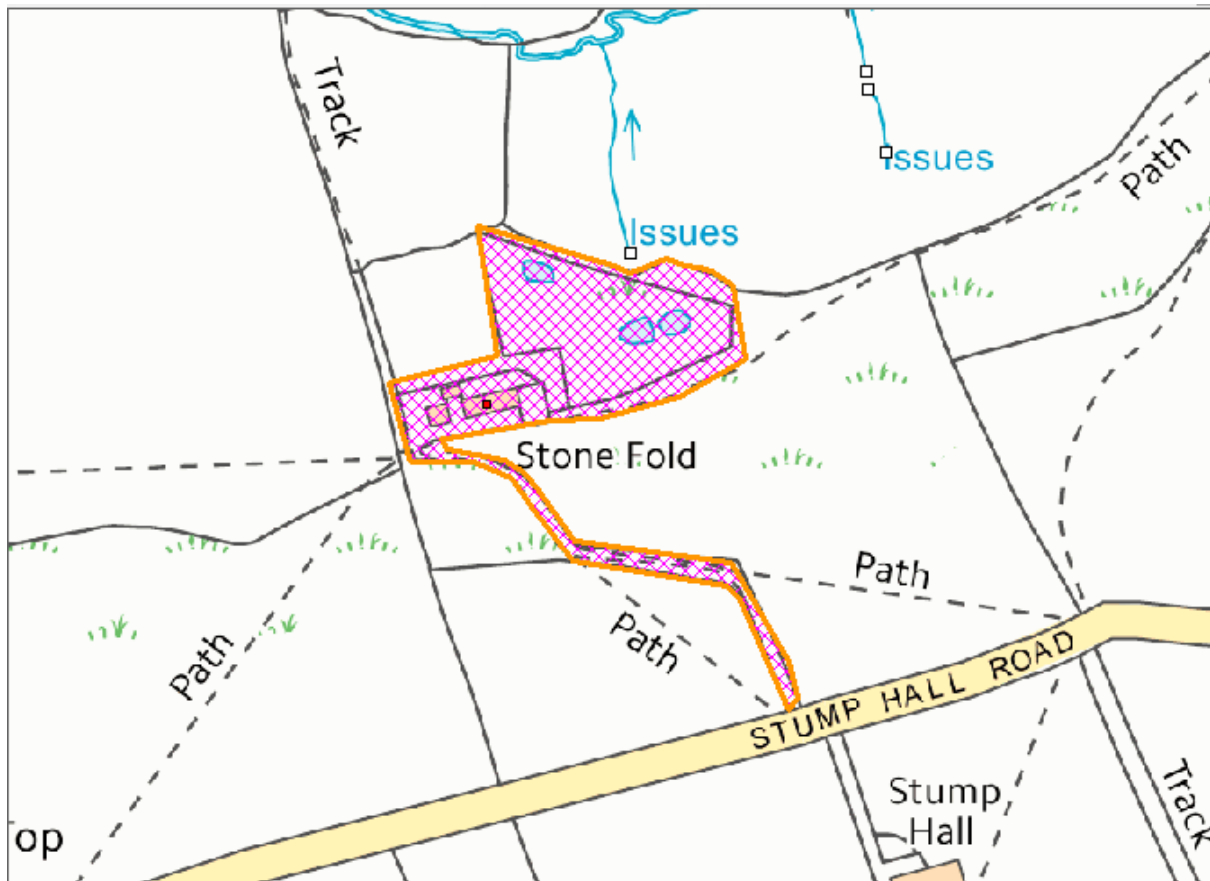
Reason: To ensure acceptable foul water drainage to prevent flooding and pollution.

12. The permission hereby granted is for the conversion of the existing barn building only and does not imply or grant permission for any demolition or re-building of the external walls of that building.

Reason: For the avoidance of doubt in the interests of the character and appearance of the area.

13. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F, G & H of Part 1 and Classes A, B & C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the AONB.



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Proposal: Full: Conversion of Barn into 2 No. Holiday Lets and the Siting of 5 No. Holiday Cabins.

At: Stone Fold Farm, Stump Hall Road, Higham

On behalf of: Mrs Daisy Whitehouse

LIST OF BACKGROUND PAPERS

Planning Applications

NW/CPB

Date: 23rd July 2020

