



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

**TO: BARROWFORD AND WESTERN PARISHES COMMITTEE**

**DATE: 25<sup>th</sup> November 2020**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO BARROWFORD AND WESTERN PARISHES AREA COMMITTEE ON 25 NOVEMBER 2020

**Application Ref:** 20/0421/FUL

**Proposal:** Full: Demolition of existing agricultural buildings, erection of a single storey building for use as a children's cuddling farm and erection of a detached dwelling house and domestic garage with storage above.

**At:** Agricultural Buildings to the east of Moss End, Spenbrook Road, Newchurch In Pendle

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

**Date Registered:** 05/08/2020

**Expiry Date:** 24/10/2020

**Case Officer:** Alex Cameron

This application has been brought before Committee at the request of a Councillor.

### **Site Description and Proposal**

The application site is a group of dilapidated agricultural buildings located within the open countryside approximately 200m to the west of the settlement of Spenbrook and within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

The proposed development is the demolition of the existing buildings and the erection of a building for use as a children's cuddling farm and a detached dwelling house and detached garage with storage above. The proposed dwelling would have a footprint of 18m x 15m, an eaves height of 5.2m and a ridge height of 7.2m. The garage would have a footprint of 9.5m x 7.7m with an eaves height of 3.5m and a ridge height of 5.7m. The dwelling would be finished predominantly in natural stone and part render, the garage in natural stone, both with stone slate roofing and timber fenestration the proposed agricultural / educational building would have an 'L' shaped footprint of 30m x 36m and 10-12m wide, with an eaves height of 3m and a ridge height of 5.1m. It would be finished in natural stone and concrete lower walls, timber cladding above and a steel sheet roof.

### **Relevant Planning History**

None.

### **Consultee Response**

**LCC Highways** – No objection.

**Goldshaw Booth Parish Council** - In respect of the above application, the Parish Council have no objections to the proposed residential dwelling and domestic garage. However, in respect of the children's cuddling farm, feel that the following objections apply:

1. The site is within an Area of Outstanding Natural Beauty. The National Planning Policy Framework (February 2019) states "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". This commercial proposal does not conserve or enhance landscape and scenic beauty.

2. Pendle Borough Councils Core Strategy 2011-2030, also 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. In addition, proposals will be considered on a needs basis, should be in scale with, and have respect for their surroundings and be in line with the AONB Management Plan objectives. Proposals in the AONB should have regard to the Forest of Bowland AONB SPG, or its replacement”. It is the opinion of the Parish Council that there is not a “needs basis” given that a previous similar application in the area caused great concerns over the increase in traffic.

3. There are concerns over access to the development and vehicular access is via narrow country lanes.

4. The scale, design and materials are not in keeping with the AONB.

5. There is already a significant amount of traffic in the area with Douglas Hall Kennels and a new residential development under construction in Spenbrook adding a further 29 dwellings. This business will encourage even more traffic.

6. The planning statement states ‘It is respectfully submitted that the details pay full regard to the proposed use, the fact that the applicants will reside on the site at all times and that the annexe will be available for use by additional staff including the elderly parent of the applicant who currently runs the smallholding’. Is it the case that the garage will be used as accommodation as the applicant and parent are not going to share the annexe with members of staff?

7. The visibility splay cannot be achieved to the required standards because of the existence of a hedge which as a minimum would need cutting down to the dry stone wall level.

### **Public Response**

A press and site notice were posted and nearest neighbours notified. One response received objecting on the following grounds:

- The proposed new buildings are in the midst of agricultural land and would be very prominent in the landscape from all sides. As this is both an AONB and a conservation area, I feel that this placement of new houses and commercial premises is inappropriate.
- The large size of the proposed development will lead to a substantial visual impact, particularly from the only road which serves this part of Pendle and a network of local footpaths.
- The proposed use as a Cuddling Farm presents public health risks as any lapses in hygiene may lead to illness in children.

### **Officer Comments**

#### **Policy**

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

Planning policy nationally is set out in the National Planning Policy Framework (“the Framework”). This sets out the economic, social and environmental role that planning has. Part 3 deals with supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. It also supports the diversification of agricultural and other land based rural businesses as well as retaining local services and rural communities. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Paragraph 115 requires great weight to be given to conserving the landscape and scenic beauty in, amongst others, Areas of Outstanding Natural Beauty.

### Adopted Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires great weight to be given to the landscape and scenic beauty of the AONB. Proposals are to be considered on a needs basis and be in scale and respect for their surroundings. Proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

Policy ENV2 (Achieving Quality in Design and Conservation) seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary. Proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SUP3 (Education and Training) states that facilities and services for the education and training of all age groups should be in locations that are conveniently accessible to users, including by walking and cycling.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. It states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution.

### Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

### **Principle of the Development**

The site is located approximately 200m from the settlement of Spenbrook, directly accessible via a public right of way. This is not an isolated location for the purposes of paragraph 79 of the Framework. The site is therefore an acceptable location for the proposed dwelling.

Concerns have been raised regarding the proposed annex accommodation to the dwelling in that it would in effect be a separate dwelling. As addressed above this is a sustainable location for a new dwelling, however, a second dwelling has not been applied for. An annex is differentiated from an independent dwelling in that its occupants must be members of the same household as the main dwelling, one of the primary indicators of this is whether meals are shared with the rest of the household. The proposed kitchen has been removed from the annex, this indicates that the occupants would be reliant on the main house for main meals and as such that the annex would be likely to be used as such. If it is not used as such in the future a separate application may be required for the use of the annex as an independent dwelling, such an application would be considered on its own merits.

Policy SUP3 (Education and Training) states that facilities and services for the education and training of all age groups should be in locations that are conveniently accessible to users, including by walking and cycling. The proposed children's cuddling farm use is one that by its nature would generally be in a rural location, in that context the application site is conveniently accessible by foot to the settlement of Spenbrook and public transport to other settlement. Taking that into account the proposed cuddling farm use is acceptable in this location.

### **Landscape Impact and Visual Amenity**

The site sits towards the bottom of a valley which is dotted with farmsteads, the proposed development would be in keeping with that character and would replace existing dilapidated sheds which cause harm to the appearance of their immediate setting.

The proposed dwelling would be of traditional design and materials in keeping with the character of the area, and the proposed cuddling farm would have the appearance of an agricultural building. With appropriate landscaping the proposed development would be acceptable in terms of visual amenity and would preserve the natural scenic beauty of the AONB. The proposed use is acceptable in landscape and visual amenity terms in accordance with policies ENV1 and ENV2.

### **Highways**

A traffic speed survey has been submitted demonstrating that acceptable visibility can be provided at the junction to accommodate the additional traffic the use would generate and this, together with the creation of adequate passing places on the track, can be ensured by condition.

The proposed development is therefore acceptable in terms of highway safety and accessibility in accordance with policies ENV4 and WRK4 of the LPP1 and policy 31 of the RPLP.

### **Residential Amenity**

The development is a sufficient distance from nearby dwellings to ensure that it does not result in any unacceptable residential amenity impacts.

### **Other Issues**

Concerns have been raised regarding hygiene in relation to the cuddling farm use, this is not a material consideration for a planning application.

### **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 use is acceptable in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and 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 must be begun not later than the expiration of three years beginning with 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: A0.0 Rev A, A1.2, A1.3, A1.4, A1.5 Rev A, A1.6, A1.7, A2.1.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of the external materials to be used in the construction of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. All windows and doors in the dwelling hereby approved shall be set back from the external face of the walls by 75mm.

Reason: In order to protect and preserve the character and appearance of the area.

5. Notwithstanding the provisions of Use Class D1 of the Town & Country Planning (Use Classes) Order 1987 (as amended), or any statutory instrument revoking and re-enacting that Order with or without modification, the D1 use of the building shall be limited to the classroom and associated staff room, corridor, entrance lobby, reception and toilet facilities detailed in plan No. A1.6, all other areas of the proposed farm building shall be use for or ancillary to the accommodation of animals or other agricultural use.

Reason: To protect the vitality and viability of the Borough's town centres.

6. The development hereby approved shall not be occupied 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 substantial completion 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. Prior to first occupation the dwelling shall have an electric vehicle charging point installed.

Reason: To ensure that the development supports sustainable transport modes.

8. 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 character of the building and scenic beauty of the AONB.

9. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the dwelling or farm building. The scheme shall provide for separate systems for foul and surface waters and the drainage for the dwelling shall be constructed and completed in accordance with the approved plans before the use of the building it serves commences.

Reason: To control foul and surface water flow disposal and prevent flooding.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road level. The visibility splays to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the access track from the continuation of the nearer edge of the carriageway of Spenbrook Road to points measured 49m (southbound) and 41m (northbound) along the nearer edge of the carriageway of Spenbrook Road, from the centre line of the access, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority’).

Reason: To ensure adequate visibility at the site access.

11. The use of the development shall not commence unless and until a scheme has been submitted to, and approved in writing by, the Local Planning Authority for the creation of two passing places on the access track from Spenbrook Road the passing places shall be constructed prior to first use of the approved development and thereafter maintained free from obstruction and available for passing purposes.

Reason: In the interest of highway safety.

12. The proposed development should not be brought into use unless and until the parking areas shown on the approved plans have been constructed, laid out and surfaced. The parking areas shall thereafter always remain available for the parking of vehicles associated with the development.

Reason: In order to ensure satisfactory levels of parking are achieved within the site.

Note: The grant of planning permission does not entitle a developer to obstruct a right

of way. The development may affect the setting of Public Footpaths 20, 40 and 42 (Goldshaw Booth).

**Application Ref:** 20/0421/FUL

**Proposal:** Full: Demolition of existing agricultural buildings, erection of a single storey building for use as a children`s cuddling farm and erection of a detached dwelling house and domestic garage with storage above.

**At:** Agricultural Buildings To The East Of Moss End, Spenbrook Road, Newchurch In Pendle

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

**Application Ref:** 20/0560/HHO

**Proposal:** Full: Extension to form first floor to side and replacement roof to rear conservatory.

**At:** Littlestone Edge Farm, Gisburn Road, Blacko.

**On behalf of:** Mr Howard Smith

**Date Registered:** 28.08.2020

**Expiry Date:** 04.12.2020

**Case Officer:** Charlotte Pinch

### **Site Description and Proposal**

The application is to be decided at committee as it was called in by a Councillor.

The application site comprises of a semi-detached dwellinghouse, sited off an access road to other farm and residential buildings. The site is located within the Open Countryside.

The proposed development is for the erection of a first floor side extension, to the south west side elevation and a replacement roof to the existing single storey rear conservatory.

The proposed first floor extension would have a width of 10.9m, depth of 5.4m and total height of 3.7m. The extension would comprise of three additional bedrooms and two bathrooms. It would be constructed of natural stone and textured render, natural stone and natural blue slate roof tiles. A glazed aluminium roof will be used on the conservatory.

### **Relevant Planning History**

13/06/0121P

Full: Erect first floor extension to side (west) to create additional bedroom accommodation.

Refused. 2006.

Appeal dismissed.

### **Consultee Response**

#### LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore the Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

#### Cadent Gas

No objections.

### **Public Response**

None received.

## **Officer Comments**

### **Policy**

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

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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, taking into account any local design standards.

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

Policy ENV1(Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy 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 LIV5 (Designing Better Places to Live) states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

#### **Replacement Pendle Local Plan**

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Supplementary Planning Guidance: Development in the Open Countryside.

Design Principles Supplementary Planning Document 2009.

### **Design and Impact on the Open Countryside**

Paragraphs 124 through to 132 of the NPPF contains guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

Extensions and alterations within the Open Countryside may be acceptable provided they are proportionate in scale to the original dwelling.

The Council's adopted SPD: Design Principles document provides strict guidance on the design of extensions and roof alterations. It details that extensions should be designed to appear subordinate in scale to the original dwelling and should not look out of place in the landscape.

The host dwelling is of a traditional barn style, as part of the original farm complex, therefore any extensions or alterations must remain in keeping with the style of the barn, using sympathetic materials and design features.

The proposed first floor side extension would dominate the front, side and rear elevations of the existing building, given its 10.9m width, which is substantially wider than the original dwellinghouse and be extremely prominent given its first floor location. This would substantially increase the bulk of the dwellinghouse, resulting in a disproportionate addition to the existing building. The existing single storey side extension is a later addition to the dwelling, which has a lengthy projection. The addition of a first floor above this, significantly detracts from the small scale of the original dwelling in an unsympathetic manner. The key characteristics of the dwellinghouse as a traditional farm building, of a relatively modest scale, would be significantly eroded as a result of this unsympathetic extension.

The south west side elevation of the dwelling is directly adjacent to a junction of three existing public footpaths which run along the access track, within 1m of the proposed extension. As a result, the extension would be readily visible from public viewpoints and therefore this disproportionate extension would be an obtrusive addition from public vantage points. The close proximity of the extension to the public footpaths and its first floor elevation would result in an overbearing impact on those using the footpath and block views across the landscape when using the public footpaths.

The proposed replacement roof on the existing single storey rear extension, raises no objections in relation to design.

As a result, the design of the proposed first floor side extension is poor and the scale is disproportionate to the existing dwellinghouse, it fails to take opportunities to improve the character and quality of the area, whilst integrating with the open countryside. Paragraph 130 of The Framework states that planning permission should be refused for such development.

### **Impact on Amenity**

Although the existing dwelling is set within a constrained plot, with limited space about the property, there are no dwellings sited to the front or rear of the application site which would be within overlooking distance of the proposed development.

The property is attached to a terrace of dwellings on the north east side elevation, however the proposed extension is to be erected on the south west side elevation and therefore obscured by the existing dwellinghouse.

No side facing windows are proposed on the extension which would overlook the adjacent public footpaths.

The proposed extension would raise no unacceptable residential amenity impacts in accordance with Policies ENV2 and LIV5.

### **Highways and Access**

No objections were raised in principle by LCC Highways in relation to the parking and access arrangement, which I concur with.

### **Recommendation: Refuse**

The design of the proposed extension is poor and the scale of the extension is disproportionate to the existing dwellinghouse and would result in a bulky addition, prominent from public viewpoints within the open countryside. Therefore, the proposal fails to take opportunities for improving the character and quality of the area. The development would therefore be contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and Paragraph 130 of the National Planning Policy Framework.

**Application Ref: 20/0560/HHO**

**Proposal:** Full: Extension to form first floor to side and replacement roof to rear conservatory.

**At:** Littlestone Edge Farm, Gisburn Road, Blacko.

**On behalf of:** Mr Howard Smith

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 16th November 2020**