



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 26th MAY, 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY & RESOURCES COMMITTEE 26th May 2022

This application has been referred to Policy & Resources Committee because Nelson, Brierfield and Reedley Committee's resolution to approve the application would represent a significant departure from policy.

Application Ref: 21/0755/FUL

Proposal: Full: Change of use of land to extend residential curtilage and formation of a hardstanding for use as domestic car parking area (Retrospective).

At: Waterside Bungalow, Montford Road, Brierfield

On behalf of: Mr Qessar Qayum

Date Registered: 27th September 2021

Expiry Date: 8th March 2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is an area of grassland to the north of Waterside Bungalow. There is a small grass verge to the edge of Montford Road. The site is within a Green Belt designated area in the Open Countryside.

The application seeks retrospective planning permission to increase the bungalow's domestic car parking capacity to 8 vehicles. The bungalow has a garage. There is parking capacity for 3 vehicles

Relevant Planning History

None

Consultee Response

Highways LCC –
No objections

TPO Environment Office

Natural England

Coal Authority-

The application site lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Environment Agency

PBC Engineering

PBC Public Rights of Way

Reedley Hallows Parish Council

Public Response

Site notice placed and nearest neighbours notified by letter with one response:

There is no need for a large plot of land for residential parking. There is a garage, two parking places in front of that and a circle which can park three cars. How many live at the house and can drive?

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) 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. Developments should maintain the openness of the Green Belt.

Development in the Open Countryside (SPG).

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework sets out the overall policy framework for planning in England. It sets out that there are 3 overall objectives to sustainable development environmental, social and economic aspects.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The Framework re-emphasises the law in indicating that the starting point for assessing development is the development plan.

There is a presumption in favour of sustainable development as set out in paragraph 11. Applications that conform to the development plan should be approved. Where policies are out of date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as “the tilted balance”.

Green Belt

The Framework states:

137. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

138. Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;

(d) to preserve the setting and special character of historic towns; and

(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The provision of the car parking area would be an engineering operation. The land use would also be a change of use to a residential use. These can be appropriate development provided that they do no impact on the openness of the green belt.

Here the open land would extend beyond the curtilage of the existing building. It is intended to be used for parking of vehicles. These would clearly alter the character of the area and lead to a loss of openness on land that currently has no man made features on it and would be visible in the green belt. The development would therefore adversely affect the openness and as such would be inappropriate development harmful to the green belt.

Open Countryside

Development in the Open Countryside should be sympathetic and in proportion and be in keeping with the setting. The development would be an incongruous element in the landscape and would change the character of the area adversely.

Design and Materials

The proposed retrospective development seeks to replace 120m of grassland with hardcore. The Design Principles SPD states that it is important that adequate space is provided for parking, however large amounts of hard surfacing such as concrete are not attractive and stone or brick would be preferable. The size of the car park is larger than necessary and the material is unattractive, therefore this development is contrary to ENV2 and the Design Principles SPD.

Amenity

The bungalow has existing car parking space to accord with the Saved Policy 31 Parking Standards. There is existing capacity to park 3 vehicles. The application does not present a justifiable reason to increase the parking capacity to 8 vehicles.

This development would have an adverse impact on the visual amenity of the area, as it is in an area of designated Green Belt in the Open Countryside. The car park would be on Montford Road, which public footpath 13-16-FP67 runs along.

The car park itself is unattractive in appearance and would harm the Open Countryside and Green Belt aspect of the locality. Were vehicles to be parked on it there would no longer be an open aspect.

There are no very special circumstances that would benefit the public to justify this development, therefore it is contrary to the Framework Policy.

RECOMMENDATION: Refuse

1. The application site is within Green Belt and the proposed development would adversely affect the openness of the Green Belt and would thus be inappropriate development. There are no very special circumstances to justify approving inappropriate development. The development is thus contrary to Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy and section 13 of the National Planning Policy Framework.

2. The proposed development would cause unacceptable harm to the character and visual amenity of the area, contrary to Policy ENV2 of the Local Plan Part 1: Core

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