



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

**TO:** NELSON, BRIERFIELD AND REEDLEY COMMITTEE

**DATE:** 6<sup>TH</sup> SEPTEMBER 2022

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 5<sup>TH</sup> SEPTEMBER 2022

**Application Ref:** 21/0235/FUL

**Proposal:** Full: Formation of an all-weather riding arena, including groundworks for level changes within the site (retrospective).

**At:** 1 Moor Isles Barn, Woodend Road, Brierfield

**On behalf of:** Mr Alister Douglas

**Date Registered:** 18/03/2021

**Expiry Date:** 11/08/2022

**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 an agricultural field located within the Green Belt adjacent to an isolated group of dwellings.

The proposed development is the retrospective formation of a 50m x 30m horse riding arena. The proposal was originally submitted for a smaller arena of 40m x 20m and plans later amended to reflect the arena as constructed. The formation of the arena involved the cutting and filling the sloping land to create a level platform.

In addition a hard surfaced track to the area and an additional filled area next to the arena have been formed, the agent states that these are temporary and to be removed.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – No objection subject to a condition restricting commercial use.

Lancashire Fire and Rescue – Comments relating to building regulations.

Coal Authority – No objection.

PBC Countryside Access – Raised a concern in relation to previous amended plans that the public right of way running through the site would be obstructed. Recommend a note to be attached to any permission.

Reedley Hallows Parish Council – 1. The development appears to be growing all the time since application for planning permission was first submitted.

2. The menage/ riding arena looks quite large if it is only meant for use by a small girl and her pony.

3. The proposed development looks far bigger than the original plans submitted. Furthermore reference is made to including a road which suggests a possible commercial use going forward.

This backs on to a neighbour's garden. That person is concerned about the possibility of flood lighting and also extra traffic and noise.

The Parish Council would therefore ask if the Pendle Council could take these concerns into account in determining this application.

## **Public Response**

A site notice has been posted and nearest neighbours notified – Two responses received raising the following objections:

- Concerns that the arena may be used for commercial purposes resulting in noise and traffic
- The amended plans do not show the access road
- The amended plans do not show the access points/gates
- Concerns relating to illumination of the arena
- Concerns regarding noise from a dressage speaker system

## **Officer Comments**

### **Policy**

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

Policy ENV1 states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

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. Where applicable proposals should maintain the openness of the Green Belt.

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

Policy 39 relates to Equestrian Development, this states that the location, size and design of a proposal must preserve the landscape character and openness of an area. In Green Belt small stable development (up to four stables) will be acceptable provided the application is in close proximity to an occupied building (within 15m of grounds).

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

Paragraph 143-146 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. This includes the provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 states that 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.

## **Green Belt Impact**

Saved Policy 39 of the Replacement Pendle Local plan states that in the Green Belt small stable development will be acceptable. Other applications and appeals within Pendle's Green Belt have established that riding arenas can also be acceptable within the Green Belt. The riding arena meets the exception in the Framework for provision of appropriate facilities for outdoor recreation and the cut and fill for the arena acceptably preserves the openness of the Green Belt.

The additional area of fill that is currently used for parking a horse box however does adversely impact on openness due to its position and use for parking. However, the agent has stated it is temporary and will be removed as will the access road.

The development would not result in an unacceptable impact on the openness of the Green Belt in accordance with the Framework and policies ENV2 and 39.

## **Visual Amenity**

The riding arena is set against a dense belt of trees and as a result is not prominently visible in the landscape, proposed development would not cause any unacceptable impact upon the visual amenity of the area.

The track and parking area that have been formed are more prominent and do result in harm to the visual amenity of the area, however, the agent has confirmed that they are temporary and will be removed, a condition is necessary to ensure that they are.

## **Residential Amenity**

The riding arena is set down and sited a sufficient distance from adjacent dwellings to ensure that it would not result in unacceptable impacts.

A condition is necessary to control lighting of the arena. Concerns have been raised regarding the use of speaker systems, this is not something that has been raised as an issue with other similar riding arenas and there are controls in Environmental Health legislation over nuisance amplified noise, a condition to ensure that the arena is not used for commercial activities would acceptably ensure that the use of the arena does not result in unacceptable residential amenity impacts.

A condition is also necessary to control manure storage

The development is acceptable in terms of residential amenity in accordance with policy ENV2 and ENV5.

## **Highways**

With a condition to ensure that the arena is limited to the personal use of the landowner the proposed development would not result in an unacceptable increase in traffic accessing the site and is acceptable in terms of highway safety.

The amended proposal does not obstruct the public right of way running through the site.

## **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 hereby permitted shall be carried out in accordance with the following approved plans: 21/005/3a, 21/005/3/PF Rev. A

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

2. There shall be no external lighting of the application site unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity, direction and timing of illumination 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 the open rural character of the countryside and residential amenity.

3. Within one month of the date of this permission details of manure storage arrangements shall have been submitted to, and approved in writing by, the Local Planning Authority. The manure storage shall at all times thereafter be in strict accordance with the approved details.

Reason: To protect controlled waters from pollution and protect the amenity of neighbouring residential properties from odours and flying insects.

4. The riding arena hereby permitted shall be used solely for horses owned or leased by the owner/occupier of 1 Moor Isles Barn, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

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

5. Within 3 months of the date of this permission, or an alternative date that has been submitted to and approved in writing by the Local Planning Authority, the raised land to the east of the riding arena and temporary access road to the arena shall have been removed, the land returned to its previous level and reseeded to return to its previous condition.

Reason: In order to preserve the openness of the Green Belt and the visual amenity of the area.

Note: The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner.

**Application Ref:** 21/0235/FUL

**Proposal:** Full: Formation of an all-weather riding arena, including groundworks for level changes within the site (retrospective).

**At:** 1 Moor Isles Barn, Woodend Road, Brierfield

**On behalf of:** Mr Alister Douglas

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 5<sup>TH</sup> SEPTEMBER 2022

**Application Number:** 22/0353/HHO

**Proposal:** Full: Erection of first floor and single storey ground floor extensions.

**Site Address:** Monkholme Lodge Robinson Lane Brierfield Nelson  
Lancashire  
BB9 5QS

**On behalf of:** Mr S. Choudrey

**Date Registered:** 27th May 2022

**Expiry Date:** 22nd July 2022

**Case Officer:** Yvonne Smallwood

This application has been called to Committee as it has been called in by a Councillor.

### **Site Description and Proposal**

The application site is a detached house located within the Green Belt adjacent to the settlement of Brierfield.

The proposal seeks to erect a first floor and single storey extensions and a balcony to the first storey of the north-west elevation. The materials would be stone and slate with UPVC fenestration to match existing. The balcony would have a glazed balustrade.

### **Relevant Planning History**

20/0317/HHO - Full: Erection of a first floor extension on the South West side elevation and a first floor balcony on the North West front elevation. Refused 2020

13/10/0449P - Full: Erect single storey domestic side extension. Approved 2010.

13/10/0629P - Full: Erection of single storey domestic side extension to dwelling house (Re-Submission). Approved 2010.

13/13/0472P - Lawful Development Certificate (Proposed use): Use of a detached outbuilding for domestic storage and garaging. Approved 2013.

### **Consultee Response**

Highways LCC –

Having considered the information submitted, the above proposal raises no highway concerns. Although the number of bedrooms is proposed to be increased from five to eight four parking spaces would be retained, which complies with the borough council's maximum Parking Standards for the type and size of development proposed. Therefore, the Highway Development Support Section would raise no objection to the proposal on highway grounds.

Cadent Gas –

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

Reedley Hallows Parish Council –  
No objections

Environmental Services (Health)

### **Public Response**

Nearest neighbours notified –

I write in relation to the application for Monkholme Lodge and would like to confirm the planning application has no impact on where I live.

My property Galen is detached and in its own ground, therefore there is no visual impairment. I support this application and would like to confirm this application will not cause any inconvenience to myself or to members of the family who reside at my address.

### **Officer Comments**

#### **Policy**

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. Where applicable proposals should maintain the openness of the Green Belt.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network.

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

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

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

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

Paragraph 148 states that, 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.

Paragraph 149 states that the extension or alteration of a building is acceptable if it does not result in disproportionate additions over and above the size of the original building.

Paragraph 150 sets out the circumstances where development within the Green Belt is not inappropriate. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

## **Green Belt**

The site is located within the Green Belt. The exceptions for new buildings that are not inappropriate within the green belt include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

In this context the 'original building' is external volume of the building as first built, or if built before 1<sup>st</sup> July 1948, as it was on that date.

Maps available from the 1940s show that a building has been present on the site since then. It is not entirely clear from the details we have how much the original building was altered between the 1940s and 2010, when a planning application was submitted for its extension, however, the footprint appears to have remained relatively similar until 2010.

As there is not sufficient evidence available of how the building appeared before 2010, and no additional details have been provided by the applicant, the evidence we have from planning applications submitted in 2010 are taken to show the scale of the original building for the purpose of assessing this application.

The building as it was in 2010 had an external volume of approximately 293 m<sup>3</sup>.

A large single storey detached garage/storage building was erected in around 2013 and that has since been attached by an unauthorised side and rear extension built at some point since 2013. Without evidence to the contrary, that unauthorised extension appears to have become immune from action due to the passage of four years.

Those extensions to the building have increased its total external volume to approximately 737 m<sup>3</sup>.

The proposed extension would increase that by approximately 480 m<sup>3</sup> to 1217 m<sup>3</sup>. That would be a total increase in the external volume of the original building of approximately 253%.

This would represent a significant and clearly disproportionate extension of the original property. The proposed further extension of the building does not meet the exception for proportionate extensions and is inappropriate development in the Green Belt.

Due to its elevated position the proposed first floor extension would also be more prominent than the existing extensions in public views from Robinson Lane and would result in unacceptable harm to the openness of the Green Belt. No very special circumstances have been demonstrated to outweigh that harm.

The proposed extension is therefore contrary to policy ENV2 and paragraphs 147-150 of the Framework.

## **Visual Amenity**

The proposed extension would not result in unacceptable visual amenity impacts, however, it would cause unacceptable harm to the openness of the Green Belt contrary to policy ENV2.



## **Residential Amenity**

The proposed development is a sufficient distance from neighbouring properties to ensure that the extension would not result in any unacceptable loss of light, privacy or overbearing impacts and therefore acceptable in terms of residential amenity in accordance with Policy ENV2 and the guidance of the Design Principles SPD.

## **Highways**

The site would maintain an acceptable level of car parking and the proposed development is acceptable in highway safety terms in accordance with policies 31 and ENV4.

## **Other Matters**

The percentage increase in volume that the proposed extension would add to the original dwelling was requested from the agent. This information has not been received.

## **RECOMMENDATION: Refuse**

For the following reason/s:

1. The proposed extension would result in a further disproportionate extension of the original building and is therefore inappropriate development in the Green Belt, the extension would cause harm to the openness of the Green Belt and no very special circumstances have been demonstrated that would clearly outweigh that harm, the proposed extension is therefore contrary to policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 147-150 of the National Planning Policy Framework.

**Application Number:** 22/0353/HHO

**Proposal:** Full: Erection of first floor and single storey ground floor extensions.

**Site Address:** Monkholme Lodge Robinson Lane Brierfield Nelson  
Lancashire  
BB9 5QS

**On behalf of:** Mr S. Choudrey

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 5<sup>TH</sup> SEPTEMBER 2022

**Application Ref:** 22/0402/HHO

**Proposal:** Full: Resubmission of application 13/08/0655P – First floor extension to garage/outbuilding.

**At:** Hollydene, 1 Reedley Drive, Reedley.

**On behalf of:** Mr S Hussain.

**Date Registered:** 20<sup>th</sup> June 2022

**Expiry Date:** 15<sup>th</sup> August 2022

**Case Officer:** Joanne Naylor

This application has been brought before committee at the request of a Councillor and has three objections.

### **Site Description and Proposal**

The application site is a detached Edwardian property on Reedley Drive within a predominately residential area. The property has natural stone walls to the front and side elevations, white render to the rear elevation and a pitched slate roof. There are front and rear gardens and off-street parking for four vehicles. The windows and doors are white uPVC and black guttering and downpipes. The detached garage has an extension to the rear and is located to the side of the dwelling, it has natural and artificial stone walls, a pitched roof of slate roof tiles and uPVC windows and doors.

The planning application is a resubmission of application 13/08/0655P for a first floor extension to the existing garage and attached building and would comprise of a playroom and gym with internal stairs to access, and the games room would be used for a study.

### **Relevant Planning History**

13/08/0655P: Full: Erect first floor and rear two storey extension to garage to form ancillary accommodation. Approved with conditions.

13/94/0573P: Erect double garage. Approved with conditions.

### **Consultee Response**

#### LCC Highways

Having reviewed the plans and highway related documents submitted, I have the following comments:

I note this is a resubmission of application 13/08/0655. There is no objection to this proposal, but I would recommend the following condition:

Condition: The extension hereby permitted shall be used solely for domestic purposes incidental and ancillary to the enjoyment of the existing dwelling, Hollydene, and shall not be used as a separate dwelling or for any other purpose whatsoever

r.

Reason: To protect the residential amenities of the site and neighbourhood.

### Reedley Hallows Parish Council

No response received.

### **Public Response**

The nearest neighbours have been notified by letter with three households objecting, summarised below:

- Windows will overlook the garden and impacts negatively on privacy and will reduce light.
- The development will negatively impact family life and health and wellbeing, create stress from being overlooked and remove privacy.
- The height of the development will increase the feeling of being trapped between large buildings with the recent new development adding to this.
- It will affect sunlight in the house, cause shadow to the rear of the house and garden, the development on Redman Road already affects light and disrupts the view.
- Concern about privacy by having windows overlooking the garden, requests that if it is approved that the window treatment would retain the privacy for the neighbours for the lifetime of the development.

### **Officer Comments**

#### **Relevant Planning Policy**

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

#### **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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

The main considerations for this application are the design and materials, and residential amenity.

#### **Design and Materials**

Policy ENV2 seeks to protect and enhance the heritage, character and resident's quality of life through high standards of quality and design in new development. The planning application is a resubmission of planning application reference 13/08/0655P for which permission has already

been granted for a first floor to the garage with a window to the first floor, and a two storey rear extension with two windows to ground floor and three rooflights to the first floor. 13/08/0655P was approved with conditions. The applicant has developed the single storey rear extension, the proposal would seek to develop a second storey element.

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling and pitched roof elements are preferred. The proposal would have natural stone walls, a pitched roof with natural slate roof tiles. At the time of the site visit, some of the windows and doors have been changed to black uPVC frames, in order that all the window frames and doors are uniformed across the building, black window and door frames would be acceptable, in this particular location. These materials would be appropriate in this location and would meet the guidance set out in the Design Principles SPD.

This application proposes changes to the original planning permission, namely the enlargement of the first floor window, to a large feature window upon the front elevation, and three rooflights serving the playroom. The original application included one rooflight to the proposed rear extension on the east elevation, which has not been retained in the proposed application and three rooflights on the rear extension which have been retained in the proposed application.

The proposed feature window to the front elevation would measure 2.8m wide and 2.5m to the apex, although this would be of a more modern design with the window mimicking the pitch of the roof, it would reflect the design and pitch of the first floor bay window of the existing dwelling and the neighbouring dwelling at No. 3. The design of the feature window would not be uncharacteristic of properties within the area and would be proportionate to the front elevation, it would be acceptable in terms of design.

The Design Principles SPD advises that raising the ridge height would generally be acceptable where there would be no adverse impact on the character and appearance of the building and streetscene. The existing garage with rear extension are a later addition to the property and separated from the main dwelling. The proposed development would alter the existing roof by increasing the height by circa 2m and the proposed rear extension second storey ridgeline would be reduced by 0.2m. The garage and rear extension is set back and to the side of the dwellinghouse, when viewed from the front elevation the proposed development would not appear dominant to the dwellinghouse. The design of the proposed development is acceptable and would have no unacceptable impact on the character and appearance of the building and the streetscene.

The proposed development would meet Policy ENV2 and the Design Principles SPD in terms of design and materials.

### **Residential Amenity**

The Design Principles SPD advises that extensions must adequately protect neighbours enjoyment of their home, to not overshadow or have an overbearing effect on neighbouring properties. The existing garage and rear extension adjoin the neighbour's garage at No. 3, the roof lift would result in the roof of the garage and rear extension being more visible, however, the proposed development is smaller in scale and height than the existing dwellinghouse and neighbouring houses, when viewed from neighbouring properties the proposed development would not be over dominating in terms of outlook.

The Design Principles SPD advises that rear extensions should restrict windows to rear elevations and that windows in side elevations overlooking neighbouring property should be avoided. The proposed development would have six rooflights on the side elevation serving the first floor. The application site has dwellinghouses to three sides, the siting of the rooflights would be the least intrusive option. However, the proposed development would result in overlooking of neighbouring

gardens and dwellings. No. 513 Colne Road has habitable room windows to the ground floor of the rear elevation and a conservatory, the application site has a circa 1.8m high wooden fence which would reduce the overlooking from the proposed development to the ground floor of No. 513. A condition to retain the fencing boundary treatment could be added to ensure the neighbour(s) amenity is protected. To the first floor of No. 513 there are three windows on the rear elevation, with one serving a bathroom, one serving a landing and one serving a bedroom. The distance from the first floor rooflights to the rear elevation windows of No. 513 would be 17m. The Design Principles advise that there should be a minimum distance of 21m between habitable room windows in properties directly facing each other. The distance of 17m between habitable room windows would not meet the SPD criteria, however, this could be addressed through a suitable condition that the four rooflights nearest the rear elevation would be obscure glazed. The two rooflights nearest to the front of the building could remain clear glazed. This is because views out of these would be obscured by the main dwellinghouse itself. As such, the rooflights towards the front of the building would not result in an unacceptable neighbouring amenity issue.

No. 3 Reedley Drive has a first floor bedroom window to the gable end, when considering the Design Principles SPD guidance of the 45 degree rule then the proposed feature window on the front elevation would not breach the 45 degree rule.

On the opposite side of Reedley Drive there is a recent residential development, directly opposite the proposed development is a car park at a distance of 30m, there would be no unacceptable residential amenity issues in this case.

The proposed development would meet Policy ENV2 and the Design Principles SPD in terms of residential amenity.

## **Highways**

The existing dwelling has 2 off-street car parking spaces to the front of the property on a private driveway. There are also two off-street car parking spaces in the double garage, which are to be retained as part of the proposed development. There is no change to the number of car parking spaces to be provided. Four off-street car parking spaces is the maximum number of spaces required under Policy 31 of the Pendle Replacement Local Plan. As such, there is no need for additional car parking in this case.

## **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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LU264-P01 Site Plans; and LU261-P02B Layout & Elevation Plan Existing & Proposed Floor Plans.

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

2. The four rooflights nearest to the rear of the development hereby permitted shall at all times be glazed only with obscure glass of a type and degree of obscurity to be Level 5. Any replacement glazing shall be of an equal degree of obscurity. The rooflight(s) shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** To ensure the development does not adversely affect the privacy and amenity of the occupants of the adjoining dwelling.

3. The existing fence along the party boundary with No. 513 Colne Road shall remain in place at a height of 1.8m for the lifetime of the development. If the fence is removed a replacement boundary treatment shall be installed within 3 months of the removal of the fence in accordance with details submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring amenity.

5. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

6. The development hereby permitted shall be used solely for domestic purposes incidental and ancillary to the enjoyment of the existing dwelling known as Hollydene 1 Reedley Drive and shall not be used as a separate dwelling or for any other purpose whatsoever.

**Reason:** To protect the residential amenities of the site and neighbourhood.

7. The development hereby permitted shall not at any time have any additional windows, doors or other openings inserted in the east, south, west and north elevations unless with the prior written consent of the Local Planning Authority as to the location, size, design and degree of obscurity of the glazing in the new opening and any window thereafter installed shall at all times comply strictly with the details so approved.

**Reason:** In the interests of the privacy and amenity of the occupants of the adjacent property.

**Application Ref:** 22/0402/HHO

**Proposal:** Full: Resubmission of application 13/08/0655P – First floor extension to garage/outbuilding.

**At:** Hollydene, 1 Reedley Drive, Reedley.

**On behalf of:** Mr S Hussain.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 5<sup>TH</sup> SEPTEMBER 2022

**Application Ref:** 22/0456/HHO

**Proposal:** Full: Insert dormer windows to front and rear roofslopes.

**At:** 183 Leeds Road, Nelson.

**On behalf of:** Mr Rana

**Date Registered:** 5<sup>th</sup> July 2022

**Expiry Date:** 30<sup>th</sup> August 2022

**Case Officer:** Yvonne Smallwood

This has been brought before Committee as it has been called in by a Councillor.

### ***Site Description and Proposal***

The application site is a two storey terraced dwellinghouse, located within a residential area of Nelson.

The proposal is for the erection of flat roof front and rear dormer. This development would create three bedrooms and a bathroom in the existing loft area.

The dormers would be finished in UPVC weather boarding, grey felt roof and grey UPVC windows.

### ***Relevant Planning History***

None

### ***Consultee Response***

LCC Highways -  
No objection

Environment Agency –

The development proposed is a loft conversion to a property located in Flood Zones 2 and 3 which is land defined in the [planning practice guidance](#) as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>. We recommend that you view our standing advice in full before making a decision on this application.

**Environmental permit - advice to applicant** The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert



□ in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

The property to be developed is built over a culverted watercourse, Hendon Brook which is designated as a Main River. However, as there are no ground floor alterations proposed, in this instance a Flood Risk Activity Permit will not be required.

Nelson Town Council -

### **Public Response**

None received.

### **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 (Protecting and Enhancing Our Natural and Historic Environments) of the Pendle Local Plan Part 1 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) of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

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 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

### **Design and Materials**

The Design Principles SPD states that dormers should be set below the ridge line of the original roof by at least 0.2m, set in from the side elevation by 0.5m and from the rear elevation by 1m. Dormers should be faced in materials which match the existing roof coverings. Pitched roof dormers are preferable. Flat roof dormers are not acceptable on front elevations or any elevation clearly visible from a public vantage point.

The proposed dormers would be set in from the side elevations by 0.1m on each side, set back from the rear elevation by 0.1m and set down from the ridge line by 0.1 m. Whilst the dormer would not be set back from the rear elevation by the guide of 1m.. Overall the proposed rear dormer would not result in a significantly disproportionate addition to the roof and would not be overly prominent in the street scene.

With regards to front dormers, the Design Principles SPD states that dormers on a front roof slope will not be acceptable unless they are a feature of other similar houses in the locality (25% or more

of the properties having front dormers) or the dormer would otherwise be appropriate in visual design terms. The dormer would have a flat roof which is considered poor design.

Leeds Road comprises of narrow, uniform, terraced properties. There are two examples of pitched roof dormers within the row. However, front dormers are not a feature of similar houses in the locality, as they are present in fewer than 25% of properties. The proposed front dormer would be readily visible from a number of public vantage points on Leeds Road. Therefore it would result in a development which is detrimental to the character of the street scene and would not comply with the guidance in the Design Principles SPD.

As a result, the proposed development is not acceptable in relation to design or visual amenity and as such does not comply with Policies ENV1, ENV2, the Design Principles SPD and Paragraph 130 of the NPPF.

### **Residential Amenity**

The proposed front dormer would face east directly onto Leeds Road. There are no residential properties opposite a paved area with trees. The front dormer would have no adverse impact on residential amenity.

The proposed rear dormer would face directly west, onto the back street where there are commercial and educational premises with a playground to south west. The rear dormer would not have an unacceptable adverse impact on residential amenity.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

### **Highways**

The proposed dormers would add three additional bedrooms to the dwellinghouse, creating a five bedroom property.

However, on balance, given the terraced nature of the property, there being no space on plot to accommodate parking and all dwellings only having on street parking, requiring full on plot parking provision in accordance with Policy 31 would not be appropriate. This would not be a substantive reason to warrant refusal of the application.

### **Flood Risk Assessment**

The application site has been identified as Flood Zone 3. A Flood Risk Assessment has been requested from the agent, but had not been received at the time of writing this report.

### ***RECOMMENDATION: Delegated Refuse subject to receipt of the Flood Risk Assessment***

1. The visual impacts of the front dormer when related to the existing street scene are unacceptable. The front dormer is inappropriate within a street scene in which there are fewer than 25% dormer extensions and it would be detrimental to the character of the area and is poor design. As such the development fails to comply with Policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy and National Planning Policy Framework and the Design Principles SPD.

**Application Ref:** 22/0456/HHO

**Proposal:** Full: Insert dormer windows to front and rear roofslopes.

**At:** 183 Leeds Road, Nelson.

**On behalf of:** Mr Rana

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 5<sup>th</sup> SEPTEMBER 2022

**Application Ref:** 22/0471//FUL

**Proposal:** Full: Retention of use of land for private equine use, dog rehabilitation use and associated rural workers dwelling.

**At:** Pendle Bridge Lodge, Woodend Road, Brierfield

**On behalf of:** K9 Rehab

**Date Registered:** 08/07/2022

**Expiry Date:** 02/09/2022

**Case Officer:** Laura Barnes

This application has been brought before committee for determination due to the level of public interest.

### **Site Description and Proposal**

The application site relates to land within the Green Belt. The application is in part retrospective with the canine and horse use being unlawfully carried out at the site.

The applicants are in occupation of the site in a caravan. This has been the subject of separate enforcement action. The application also seeks permission for a rural workers dwelling.

The main difference between the current application and a previously refused one (21/0978/FUL) is the introduction of 10 No. separate dog kennels, rather than a single building to accommodate dogs. Each of the dog kennels is to be a timber construction with a wire mesh frontage.

### **Relevant Planning History**

The building on site was granted planning permission for an equine use under 18/0098/FUL.

21/0978/FUL: Full: Retention of use of land for private equine use, dog rehabilitation use and associated rural workers dwelling.

Refused

### **Consultee Response**

#### **LCC Highways**

Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location and are of the opinion that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site, subject to the following comments being noted and conditions being applied to any formal planning approval granted.

As the proposed dog rehabilitation use is by appointment only, and the site is not open to the general public, traffic levels generated would be limited and at an acceptable level. No Public Rights of Way pass through the development site. Notwithstanding the details shown on the proposed Site Plan (Drawing No 02), four parking spaces can be provided in the area to the South of the proposed dwelling. This is considered an appropriate number for the two bed house proposed, together with the dog rehabilitation business. Additional parking could be provided in

front of the proposed dwelling, if required. The parking and manoeuvring areas should be kept free from obstructions at all times to ensure that vehicles can enter and leave the site in forward gear.

As access to the site is via a single vehicle width track leading from Woodend Road, and which also serves another business at The Orchard, the use of land for private equine purposes should be controlled by condition. This is to ensure that activities at the development site do not generate additional traffic, which may be detrimental to highway safety and capacity on the surrounding highway network.

The following conditions should be applied to any formal planning approval granted.

### **Conditions**

1. The car parking and manoeuvring areas shown on the approved plan shall be maintained free from obstruction and kept available for car parking and manoeuvring purposes at all times.

Reason: To ensure adequate car parking provision in the interest of highway safety.

2. The retention of the use of the land hereby permitted shall be for, or ancillary to, the keeping of horses owned or leased by the occupier of Pendle Bridge Lodge only, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time other than shown on the approved plans.

Reason: In the interest of highway safety.

### Reedley Hallows Parish Council

Objection to the scheme based upon inappropriate development in the Green Belt.

### **Public Response**

The nearest neighbours were notified by letter. Multiple responses have been received in support of the application, raising the point that the business which is operating from this location is providing a valuable public service.

### **Officer Comments**

#### **Policy**

#### Pendle Local Plan Part 1: Core Strategy (LPP1)

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 ENV4 (Promoting Sustainable Travel) 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. Consideration should be given to locating new housing, employment and service developments near to each other to give people the opportunity to live and work within a sustainable distance.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.

Policy SDP2 (Spatial Development Principles) states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

### Replacement Pendle Local Plan

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

### National Planning Policy Framework 2018 (The Framework)

Paragraph 80 states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

Paragraph 148 states:

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.

Paragraph 149 of the Framework is set out below:

*"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

The Town & Country Planning Act 1990, section 336 sets out a definition for agriculture as follows: *“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;*”

### **Officer Comments**

The use which has been applied for here is a mixed one, of equine and a dog rehabilitation facility. The application has with it a supporting statement which makes the following points:

- The building would be used for the stabling of the applicant’s horses in winter months and partly for dog rehabilitation use.
- The rehabilitation is not physical rehabilitation but rather wellbeing and training which consists of standard obedience and agility training.
- The training takes place 7 days a week and in 40 minute to hour sessions. The facility gives residential training.
- About 40 dogs per week are trained.

The applicant accepts that the development does not fall in line with any of the exceptions that would indicate this development is not inappropriate development. The statement indicates that development that is inappropriate can only be allowed where there are very special planning circumstances shown. As the development is inappropriate development it should only be approved if there are very special planning circumstances.

The applicant has applied for a dwelling on the land which does not accord with the Framework in this regard. Paragraph 138 describes the purposes of the Green Belt, building a house would not preserve any of these five purposes:

Paragraph 138, Framework

*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*

As such, the principle of development in this case is unacceptable within the Green Belt.

The proposed development is within the Open Countryside, Policy SDP2 of the Local Plan Part 1 Core Strategy sets out that development should be located within Town Centre boundaries, although Policy LIV1 makes provision for some residential development to come forward prior to the Part 2 Local Plan being adopted, this requires sites to be located close to the settlement boundary. The proposed dwelling is 800m from the settlement boundary on Greenhead Lane. The occupants would be required to walk down an unlit route to access any form of public transport. Whilst there are other dwellings in terms of a cluster of cottages to the north of the application site, this does not make the proposed dwelling a sustainable one, in terms of paragraph 79 of the Framework with an isolated dwelling.

The application is based on the stabling of horses as well as canine activities, with 10 dog kennels proposed. The equine use of the building, as with most other stables, does not require a 24 hour a day presence on site. The scale of the equine building is modest. There would be no requirement to be on site to tend to the horses and the use proposed is for the horses to be on site for parts of the year. The kennels would allow residential courses to be provided for up to 10 dogs at once.

The requirement is that it must be essential for a rural worker to be on site in order to justify a dwelling. The majority of the dog training takes place with day visits with dogs and their owners. The majority of the canine use therefore does not require a presence overnight. Taking care of 10 dogs overnight is not adequate justification to justify erecting a permanent dwelling on the land.

In addition there needs to be very special circumstances shown for allowing a dwelling in green belt. Effectively with there being no justification for being on site to look after horses overnight the very special circumstances to allow the dwelling comes down to housing up to 10 dogs for part of the year. This falls substantially short of being very special circumstances and the development of the dwelling would thus result in inappropriate development harmful to the greenbelt.

## **Design**

### Stables

The stables measure 3.3m to ridge with a pitched roof. They are to be constructed of timber with a composite sheet roof. The footprint is 7.3m x 21.9m. The building is to comprise 5 no. stable / kennels, one dog kennel and a tack room. The roof plan indicates 10no. roof lights.

### Dwelling

The proposed building is to be positioned in line with the stables, as opposed to the existing arrangement of the static caravan, which is positioned perpendicular to the stables. The proposed dwelling is modest in size, being a two bedroom bungalow. It is to be timber clad with a composite sheet roof and aluminium powder coated windows.

The materials of the proposed building could be subject to a condition in future, should planning permission be approved in this location. As such, the proposed development accords with Policy ENV2 of the Local Plan Part 1 Core Strategy in this regard.

## **Residential Amenity**

The proposed dwelling is positioned so that habitable room windows are in excess of 21m from the nearest neighbouring properties. There would be no unacceptable impact upon the neighbours in this regard. In terms of the stable, whilst this is 26m from the rear elevation of the cottages, with a south west prevailing wind, this close proximity would not give rise to an unacceptable impact in terms of the proximity of the stables and livestock to the neighbouring residents. Further, a manure store could be the subject of a condition should this be necessary. The proposed site is set at a greater height than the cottages with a slope down, where the dog training ground area is, as such when viewed from the rear gardens at the cottages, the stables would take an elevated position. However, this would not lead to an unacceptable overbearing effect.

The proposed dwelling would raise no unacceptable residential amenity issues in relation to Policy ENV2 of the Local Plan Part 1 Core Strategy.

## **Highways**

Although the proposed development is accessed up a private track, given the nature of the business by appointment only, there would be no highway safety danger with an intensification of the route. Conditions are put forward, should the application be approved.

## **Ecology**

The application is accompanied by an ecological assessment which details the potential for the site to support habitats for bats and birds amongst other things. The report recommends that bat

boxes are erected, if this was necessary it could be secured by planning condition. The report also sets out the type of land which the application site contains, including modified grassland.

Overall, there is no necessary further surveying required for ecological purposes. The proposed development accords with policy in this regard.

### Trees

The application is accompanied by an arboriculture impact assessment. There are four individual groups of trees within the site boundary. No trees are required to be removed as a result of the proposed development.

The site plan indicates a proposed landscaping scheme including around the side and rear of the stables closest to the neighbouring cottages. Should a landscaping scheme be necessary, this could be the subject of a condition. In this case it is the principle of development which is unacceptable.

### **Other Matters**

The Council have received concerns that if this business were to close there is nothing in the surrounding area which would assist potentially dangerous dogs, from harm to the public. This does not form part of the planning case as the business could be set up elsewhere in a field, not within the Green Belt which would provide a suitable alternative to this particular location. As such, the principle is not with the operation of a dog rehabilitation facility, but rather the need for a dwelling here, which the report has set out is not necessary.

### **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed building in an isolated position, away from a settlement and would result in an isolated dwelling in an unsustainable location with insufficient justification to warrant approving such a development in the open countryside. In addition the development is inappropriate development in the green belt. There are no very special circumstances that would justify allowing such inappropriate development which would be harmful to the openness of the green belt. The proposal is contrary to paragraphs 80 and 147 of the Framework, Policies ENV2, ENV4, LIV 1 and SUP2 of the Local Plan: Part 1 Core Strategy.

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**On behalf of:** K9 Rehab