



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

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 02ND MARCH 2023**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 02 MARCH 2023

**Application Ref:** 22/0394/FUL

**Proposal:** Full: External alterations to detached garage associated with 206 Skipton Road to form summerhouse and formation of parking area for two cars and vehicular access.

**At:** 206 Skipton Road, Colne

**On behalf of:** Mr T. Baines

**Date Registered:** 29/06/2022

**Expiry Date:** 24/08/2022

**Case Officer:** Alex Cameron

This application has been brought before Committee due to the number of objections received.

### **Site Description and Proposal**

The application site is a triangular area of detached domestic land and double garage associated with 206 Skipton Road, accessed via Noyna Street.

This application was originally for the demolition of the garage and erection of a detached two storey dwelling but has been revised to external alterations to the garage to form a summerhouse and the formation of a parking area for two cars accessed from Castle Road.

The external alterations would be the cladding of the walls in horizontal timber, slate to the roof, formation of roof canopy to the south and replacement of the garage doors with glazed bi-folding doors.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – No objection subject to conditions for boundary wall height and surfacing.

Colne Town Council - The Town Council object to this application due to inappropriate use of materials. The proposed concrete tiles should be slate, in keeping with the surrounding area.

### **Public Response**

Nearest neighbours notified – Responses received objecting on the following grounds:

- Restriction of access to the rear of 204 & 206 Skipton Road and to 18 Castle Road
- Lack of provision for electric vehicle charging
- Loss of light to a kitchen window in 18 Castle Road
- Incorrect site area given
- Loss of car parking

- Adverse impact on the street scene
- Loss of amenity space for 206 Skipton Road

## **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. This policy is linked to the guidance set out in the Design Principles SPD.

Policy 31 'Parking' which is a saved policy of the Replacement Pendle Local Plan requires adequate car parking to be provided for the development.

### **Design**

The proposed external alterations to the existing garage to form a summerhouse are acceptable in terms of design and visual amenity in accordance with policy ENV2.

### **Amenity**

Taking into account the presence of the existing garage the proposed development would result in no unacceptable residential amenity impacts in accordance with Policy ENV2.

### **Highways**

With conditions to ensure adequate surfacing and visibility the proposed car parking area and access is acceptable in terms of highway safety.

### **Other issues**

Concerns have been raised in relation to rights of access to neighbouring properties. This is a separate civil law matter between the landowners and not a material planning consideration. Furthermore, this and other issues raised appear to relate to the original scheme for a dwelling rather than the revised proposal.

## **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 acceptable in terms of design, residential amenity and highway safety. 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: BAI/01 Dwg 01b, BAI/01 Dwg 04b, BAI/01 Dwg 05c

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

3. All materials to be used in the elevations and roof of 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.

4. Prior to first use of the approved development the existing stone boundary wall on the highway frontage of the site to Castle Road shall be reduced to a height not greater than 0.9m above the nearside carriageway level on Castle Road and shall be permanently maintained as such. Nothing above 0.9m in height shall be erected or allowed to grow along the boundary with Castle Road.

Reason: To ensure adequate inter-visibility to and from the site access

5. Prior to first use of the approved development the parking area shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials.

Reason: In the interest of highway safety to prevent loose surface material from being carried onto the adopted highway.

Note: This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 171 of the Highways Act 1980 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) for the list of approved contractors and to start the Section 171 process.

**Application Ref:** 22/0394/FUL

**Proposal:** Full: External alterations to detached garage associated with 206 Skipton Road to form summerhouse and formation of parking area for two cars and vehicular access.

**At:** 206 Skipton Road, Colne

**On behalf of:** Mr T. Baines

## REPORT TO COLNE AREA COMMITTEE 02<sup>ND</sup> MARCH 2023

**Application Ref:** 22/0813/FUL

**Proposal:** Full: Erection of agricultural building on the existing agricultural land, erection of stables on equestrian land, change of use of agricultural land to residential garden, change of use of agricultural land to equestrian land, construction of menage on equestrian land.

**At:** The Old Dairy, Skipton New Road, Foulridge

**On behalf of:** Mr Stephen Hardman

**Date Registered:** 12/01/2023

**Expiry Date:** 09/03/2023

**Case Officer:** Laura Barnes

### **Site Description and Proposal**

The application site is an agricultural field adjacent to a cluster of farm buildings accessed of a track leading north off Skipton New Road, Foulridge. The application site is beyond the settlement boundary, within the Open Countryside. It is also within the Green Belt and there is a Public Right of Way running through the site from the track to the south west to the north east.

The proposal is for the change of use of the land from agricultural to a residential garden and equestrian land. It also seeks permission to erect an agricultural building (18.2m x 9.1m, height 4.6m), a ménage and stable for 3 horses (11.3m x 3.8m and 2.5m roof overhang, 4.5m in height). The application also involves adding a gate to the existing Public Right of Way, this would be the subject of a separate application under the Highway Act.

### **Relevant Planning History**

18/0425/FUL: Conversion of two outbuildings into two residential dwelling houses.  
Approved with conditions

### **Consultee Response**

#### **LCC Highways**

Having reviewed the information submitted, the Highway Development Control Section does not raise an objection regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

#### **Public Right of Way**

Public Footpath 13-12-FP 26 (Foulridge) passes through the proposed development site. The Proposed Site Plan (Drawing 107/001/03) and submitted statements propose to leave the line of the Public Footpath unchanged, with the exception of it being enclosed by fencing and with additional gates. We have noted the borough council's Countryside Access Officer's comments of 19 January regarding the footpath's width and installation of gates, together with a suggested Informative Note. We support both the comments and note.

#### **Stables and manège**

Access to the site from Skipton New Road is via a single vehicle width track serving several other properties, with limited passing places and restricted forward visibility along stretches. A Public Right of Way also passes over the full length of the track from Skipton New Road and beyond the development site. Therefore, to ensure that the proposed development does not generate additional traffic, the use of the stables and manège should be limited by condition for use only by horses owned or leased by the occupier of The Old Dairy.

#### Car port

The proposed car port is considered adequately sized to provide two car parking spaces, together with adequate internal manoeuvring area to allow vehicles to enter and leave the site in forward gear.

Additionally, due to the nature of the application, it is expected that a charging point for electric vehicles shall be included within the development to promote sustainable forms of transport. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

#### Conditions

1. The stables and manège hereby permitted shall be used for and by horses owned or leased by the occupier of The Old Dairy only, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time. Reason: In the interest of highway safety.
2. Prior to first occupation of the approved development an electric vehicle charging point shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

#### Pendle Borough Council Countryside Access Officer

I write in relation to public footpath 13-12-FP 26, which passes through the application site. The application proposes to install additional fencing so that there is would be a fence on either side of the public footpath. It also proposes additional gates across the footpath.

The affected section of footpath was diverted by order in September 2014. The diversion order defines the width of the footpath as 2 metres wide, it also sets out the position of the gates, which the landowner is entitled to maintain in the footpath. The plan submitted appears to show a width less than this. Planning permission alone would not entitle the landowner to place additional gates in the public footpath. Instead, the owner of the land would need to apply for the authorisation of any additional gates in accordance with the Highways Act 1980 Section 147. Details can be found at <https://www.lancashire.gov.uk/roads-parkingand-travel/public-rights-of-way/>.

If requested we would be happy to send a copy of the diversion order to the developer.

#### Suggested note

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that the full width is 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. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

## Foulridge Parish Council

Foulridge Parish Council has no objection to the general content of this application. The applicants have ensured that the right of way will be assured and the conditions required by PBC

The applicants have also requested a 'no commercial use' easement agreement with the owners of the access lane, Nona Meadow Ltd, to the Lower Broach hamlet. This should alleviate the neighbours fears of the error in animal numbers stated in the original submission. The size and positioning of the agricultural building is still a factor, but the applicants have informed the Council that they are willing to discuss the repositioning of the building with their neighbours. However, to ensure neighbours concerns are considered, the Council feel that the positioning should be covered by conditions if approval is granted.

### **Public Response**

Nearest neighbours have been notified by letter, a site and press notice have been displayed. Multiple comments have been received both in favour and objection to the scheme. Those writing in objection have raised the following issues:

- Green Belt land should stay this way
- Additional traffic would cause an issue on the track leading up to the property – there is no passing place on the track
- Impact upon local wildlife
- Noise, smell and vermin which will be attracted due to the proposed development
- A building is plotted on the plans which isn't actually there on the ground
- The other development at Lower Broach is all being finished to a high quality in stone
- The proposed buildings would be within 2m of the boundary of neighbouring dwellings, at 4m in height these buildings would be overbearing
- There is an issue with the boundary line which has been finished with a close boarded fence, when this should be a low stone wall
- Previous application – comments from LCC Highways about there being limited places for pedestrians to safely step off the track
- Parish Council have raised issue with this track previously
- Concerns regarding discharge of sewage and effluent in close proximity to a watercourse which serves Lake Burwain
- Traffic may damage sewage pipes
- At present the bins are collected by a caged tipper vehicle, when these black bin bags are left out they would be vulnerable to vermin created by the farm
- No mains water to The Old Dairy
- The proposed development would result in a loss of privacy to the neighbouring dwellings due to the contours of the land

- Light pollution
- Over development of this hamlet
- Concern over pets escaping into field
- Loss of residential amenity
- Easement for maintenance of land would be lost
- 270 animals is far too many for this area of land
- Loss of enjoyment of surrounding land
- The manege would be used as a business
- The size of the buildings is excessive in Green Belt, it would result in a 160% increase in the current footprint
- School children use this track, it would be dangerous for them if additional farm machinery were to use the track

Those writing in support have made the following comments:

- There would be no increase in traffic
- The intention is for two horses and a Shetland pony to graze on the land during the summer months, just as they do on surrounding land
- The agricultural building needs to be sited in a secure setting
- The intention is for a maximum of 10 sheep, 10 hens, 2 horses and a Shetland pony
- This type of development should be expected in a rural area
- There is running water at the property but there is a proposal for a new mains water pipe
- The animals will need some shelter, there is no issue with this

## **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) 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. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

### Replacement Pendle Local Plan

Saved Policy 31 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.

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.”

Paragraph 150 states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- (a) mineral extraction;
- (b) engineering operations;
- (c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- (d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- (f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”

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;”

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

The Development in the Open Countryside SPG is also relevant to this application.

## **Green Belt**

The application site is located within the Green Belt. Taking each of the elements of the proposed development in turn, the merits will now be discussed. Firstly, the siting of an agricultural building on agricultural land. The Framework sets out that buildings for agriculture are not inappropriate. Therefore, the principle of siting the agricultural building on this land is acceptable. The creation of a manege is an engineering operation because it would involve levelling the land to create a surface suitable for riding horses around an arena. The Framework sets out at paragraph 150 that engineering operations are also not inappropriate development. Moreover, the manege would preserve the openness of the Green Belt.

In relation to the proposed stables, these would be required to support the manege and would come about as a result of the change of use of the land. Paragraph 149 of the Framework states that appropriate facilities for outdoor recreation would not be inappropriate where they are in connection with a change of use, provided that they preserve the openness of the Green Belt. Being positioned to the rear of the dwelling and not central to the site would allow the main part of the land to remain open.

Finally, the change of use of the land from agricultural to equine would facilitate outdoor recreation, similarly the change to domestic garden would also be outdoor recreation. Subject to a condition removing Permitted Development Rights to the garden land, both would preserve the openness of the Green Belt and conforms with paragraphs 149 and 150 of the Framework.

Overall, the proposed development would be acceptable in Green Belt terms.

## **Design**

The proposed development involves the erection of an agricultural building. This is to measure 18.2m x 9.1m, height 4.6m. The building is to be constructed of concrete block lower walls with Yorkshire boarding stained in dark brown to the upper walls, with a profiled metal sheet roof sprayed in Vandyke Brown. The building is to house livestock as well as provide machinery storage. The Council's Development in the Open Countryside SPG sets out that agricultural buildings should reflect a traditional form and recommends that buildings for livestock are constructed of lower walls which are concrete block, upper walls in Yorkshire boarding and rooves to be either Vandyke Brown or Olive Green. The proposed development is acceptable in this regard.

Turning to the stables building. This is to be constructed of timber (upon a blockwork plinth) with a slate roof. The applicant's planning statement sets out that if the stables became redundant, they would be removed and restored to an open use.

The Development in the Countryside SPG advises that extensions to domestic gardens within the Green Belt should not exceed 0.05ha. The proposed garden would not exceed 0.05ha in area. As such, it is acceptable in this regard.

The proposed manege is to be formed by cut and fill, levelling up the land to create a platform upon which to ride horses, it is to have landscaping surrounding it in the form of a native hedgerow, two trees are also to be planted adjacent to the manege. The manege would ensure that the land is kept open, thus maintaining the purpose of the Green Belt. Details of the surfacing could be the subject of a planning condition. The location of the proposed manege means that it would be visible in views from public footpaths but it is not overly prominent and would not be so detrimental as to adversely impact on the wider visual amenity, subject to appropriate materials. The proposed surface water drainage is to soakaway. No details of this have been submitted and it would be appropriate to require a scheme to be submitted and approved. This can be controlled by condition.

The original application included reference to a car port, this has been removed during the course of the application process and is not for consideration.

## **Residential Amenity**

The site is located adjacent to a cluster of buildings which have been converted from agricultural to residential over time. The proposed change involves the erection of an agricultural building which would be positioned 45m to the north of the closest neighbouring dwelling. However, the land is currently agricultural. It would be unreasonable to prevent the erection of an agricultural building upon agricultural land. The difference between an agricultural field and an agricultural barn would be negligible in terms of neighbouring amenity. The building is to be sited to the north of the neighbouring dwellings. It would be sited approximately 65m from Lower Broach Farmhouse and 45m from Croft Barn. Both these properties would be to the south of the agricultural building and would benefit from a prevailing south westerly wind, blowing odours and noise away from the residential dwellings. It should be noted that the proposed agricultural building is to be sited on agricultural land in a rural location. By its very nature, one would expect a certain amount of odour and noise associated with a smallholding / farming operation.

In terms of siting, the proposed agricultural building would be positioned on land which takes a higher natural ground level than the neighbouring dwellings to the south. However, given the

separation distance between the proposed building and the existing dwelling this would not result in an unacceptable overbearing effect. Moreover, it is noted that there are no side elevation windows to Croft Barn. The proposed development would not result in an unacceptable effect upon the habitable living conditions of the occupants of this property.

The stables are to be single storey in height with a ridge height of 4.5m. Although these have been positioned to the north of the existing dwellings upon higher ground, given the separation distances of 23m to Croft Barn and 45m to Lower Broach Farmhouse, this would not result in an unacceptable overbearing effect.

It is noted that there are patio doors to the rear of Lower Broach Farmhouse, which serve a habitable room. However, these are located more than 21m from the proposed development which is not habitable accommodation. Therefore, there would be no unacceptable impact in this regard.

## **Highways**

The applicant has prepared a plan indicating their intention for the Public Right of Way. This would be the subject of a separate application, under the Highways Act. The Highways Authority have recommended that a note is attached to any grant of planning permission which would ensure that the applicant is aware that the Right of Way must not be obstructed during any construction period. In terms of car parking, the proposed development is to have three car parking spaces to the front of the dwelling. This is acceptable.

In terms of the use of the manege, it is important to ensure that this is used solely by the applicant and this does not become a commercial enterprise, which would have a greater impact upon users of the access track.

The Highways Authority have requested an electric vehicle charging point. However, given that the proposed development does not involve the creation of any residential space, this is not something which can reasonably be requested. Should the applicant choose to install a charging point, there would be no issue with this.

## **Other Matters**

Several members of the public have raised concern about the impact of the proposed development upon local wildlife. However, the majority of this site is to remain in agricultural use, so there would be no unacceptable impact in this regard. A point has been raised about a building having being plotted on the plans which is not on the land. This is not something that has been taken into consideration in the determination of the application.

It has been suggested that the development at The Old Dairy has not been carried out in accordance with the approved plans, which required a low stone wall, rather than a timber fence to be erected along the rear boundary. This relates to a separate planning application, the details have been passed to the Council's Enforcement Officer for further investigation.

In terms of manure and effluent, the Council would have no control over this had there not been an application for the change of use of part of the land. There would be no change in the management of the agricultural land in this regard. However, the Council are able to control the storage of manure from the stables. This is something which would be the subject of a planning condition.

Many other matters have been raised including the location of a septic tank, existing issue with bin collections, mains water and an easement on the land. These are not material planning considerations and have not formed part of the decision making process 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 development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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: Location Plan 10—001-01, Proposed Site Plan 107-001-02 Rev C, Proposed site Plan Residential 107-001-05 Rev B, Proposed Public Footpath Works 107-001-14 Rev B, Proposed Site Plan Change of Use 107-001-13 Rev B, Proposed Agricultural Barn Plan and Section 107-001-08, Proposed Agricultural Barn Elevations 107-001-09, Proposed Stables Plan and Section 107-001-10, Proposed Stables Elevations 107-001-11, Proposed Manege Plan and Section 107-001-12.

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

3. Samples of all external materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of above groundworks. The development shall be carried out using only the agreed materials.

**Reason:** In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Prior to first occupation of the development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and 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 approved form 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 tree loss is appropriately mitigated.

5. Prior to the laying of any surface or surface base, details of the surfacing material of the manege, including its colour, shall have been submitted to and approved in writing by the Local Planning Authority. The manege surface and base shall be constructed in a material which is permeable. The development shall thereafter be carried out and maintained in accordance with the approved details.

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

6. There shall be no external lighting erected to illuminate the manege hereby approved without the written approval of the Local Planning Authority.

Reason: In the interest of amenity.

7. The manège hereby permitted shall be used solely for horses owned or leased by the owner of the site, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

Reason: In the interest of highway safety.

8. Prior to commencement of the use of the manege a scheme for the storage of manure shall be submitted to and approved in writing by the Local Planning Authority.

The use shall not commenced unless and until the approved scheme has been implemented and the use shall thereafter at all times be carried out in strict accordance with the approved scheme.

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

9. 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 Class A, D, E and F of Part 1 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 to preserve the openness of the Green Belt.

Informative

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that the full width is 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. Any proposals

for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

**Application Ref:** 22/0813/FUL

**Proposal:** Full: Erection of agricultural building on the existing agricultural land, erection of stables on equestrian land, change of use of agricultural land to residential garden, change of use of agricultural land to equestrian land, construction of menage on equestrian land.

**At:** The Old Dairy, Skipton New Road, Foulridge

**On behalf of:** Mr Stephen Hardman

## REPORT TO COLNE & DISTRICT COMMITTEE 02<sup>nd</sup> MARCH 2023

**Application Ref:** 22/0856/FUL

**Proposal:** Full: Siting of a static caravan to be used as a permanent dwelling with associated landscaping.

**At:** Green End Smallholding, Lenches Road, Colne

**On behalf of:** Mr Herbert Taylor

**Date Registered:** 20/12/2022

**Expiry Date:** 14/02/2023

**Case Officer:** Laura Barnes

This application is before committee due to the level of objection, it was deferred for a site visit.

### **Site Description and Proposal**

The application site relates to an area of land adjacent to the settlement boundary for Colne. It is located within the Open Countryside but it not subject to any statutory designations.

The application seeks planning permission to site a static caravan on the land, to be used as a permanent residence. It also seeks permission for some ground works involved in levelling the land along with a retaining wall. At the time of the site visit, some of the ground works had already been undertaken.

### **Relevant Planning History**

16/0738/OUT: Outline: Major: Erection of up to 10 dwellings (All Matters Reserved).  
Approved with conditions

### **Consultee Response**

#### LCC Highways

The submitted documents and plans have been reviewed and the following comments are made.

The application seeks to place a one-bedroom caravan as a dwelling using an existing private access from the eastern extremity of Hartley Terrace which is a sett-paved privately maintained road.

There is a large area of hard standing proposed with space for car parking and turning. A secure, covered cycle store and electric vehicle charging point should be provided to support sustainable travel, should the application be approved.

#### Cadent Gas

We have received a notification from the Line search before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action. [Details have been passed to the applicant and are available on the Council's website]



## Colne Town Council

Colne Town Council objects to this application. This is an inappropriate location for a static caravan and there are too many unanswered questions with regard to intention, access, sewage etc.

### **Public Response**

Nearest neighbours have been notified by letter, multiple letters of objection have been received, raising the following issues:

- Currently two caravans on the site
- The applicant has been living on the land for a number of years
- There is concern that the applicant is applying for this caravan on behalf of people who have moved from Essex Street
- The applicant should consider the existing static caravan site at Prospect Farm
- The application site falls outside the settlement boundary and should be used for agriculture
- The area has too many caravan parks
- All housing targets have been met, there is no need for this application
- The proposed development is not in keeping with the surrounding area
- There is an issue with landownership including the private road at the top of Wood Street
- The applicant is not the occupier
- Protected bats and owls live on this site
- Incorrect information supplied regarding the proximity to a watercourse
- Concern regarding foul sewage
- Loss of privacy
- Question regarding where utilities will be provided from
- It is understood that the occupier wants to run a garage business from here
- The site is in an elevated position and will lead to flooding downstream
- Will the applicant be provided with a household waste bin?
- Increase in traffic
- Will electricity be provided via a generator which would cause disturbance to neighbours?
- Contamination
- Dangerous driving of the occupier
- Untaxed vehicles have been left on the road here
- Occupant is leaving rubbish on the site

### **Officer Comments**

#### **Policy**

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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

### **Principle of development**

Although the proposed development would result in an additional dwelling outside the settlement boundary, Policy LIV1 does make provision for sustainable sites outside the settlement boundary. As such, the proposed development is acceptable, subject to design & amenity policies.

### **Design**

The proposed development is for the siting of a one bedroom static caravan. Internally the caravan is to comprise an open plan kitchen / living area along with a bedroom and bathroom. The caravan is to have composite cladding to the walls, with a grey metal composite roof and grey UPVC windows. In terms of scale, the proposed caravan is to measure 13.7m in length, 4.2m in width and 3.6m in height. It is to have a pitched roof, a central access door and a set of patio doors to the north elevation. The proposed static caravan is to be sited parallel to an existing shed, adjacent to a newly constructed retaining wall, reducing its visibility from Lenches Road. The proposed recessive colour and low height of the building assist in reducing the wider visual impact of the proposal.

Overall, in terms of design the proposed development would be constructed of materials which are muted in colour. Given the set back from the roadside, the retaining wall and the existence of another building screening it in views from the west, the proposed development would result in an acceptable design which accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

### **Impact on Amenity**

The site is at the edge of the settlement, adjacent to Wood Street which comprises a row of terraced dwellings. Although the proposed static caravan is to have a set of patio doors which is to

the north elevation, it is sited so that it is not directly in alignment with Wood Street. Further, it is to be positioned so that it is greater than 21m from the nearest neighbouring dwelling. None of the other proposed windows would be within 21m of the neighbouring dwellings. As such, the proposed development would not result in an unacceptable neighbouring amenity issue.

Some local residents have expressed concern about the landowner being able to walk their dog along the rear of the terrace on Wood Street. Whether this planning application had been before the Council or not, there would be nothing to prevent the owner from exercising their right to walk across their own land. This is not a material consideration in this case.

The application is accompanied by a plan which indicates two rows of trees arranged to the north and south of the caravan, this would provide additional screening to the area and can be secured by condition.

Given its modest scale and height, being tucked away behind an existing agricultural building the proposed development would not result in an unacceptable overbearing effect upon neighbouring dwellings.

### **Parking and Highway Issues**

The proposed static caravan is to have one parking space and two cycle spaces. The Highways Authority have not objected to the proposed development. The proposed development would not result in an unacceptable highway safety issue.

### **Other Matters**

Issues relating to the ownership of the site are not a material planning consideration. Further, the applicant is not obliged to occupy the land despite being the owner. The applicant has completed the correct ownership certificate to accompany the application and this has been verified by the Land Registry. Concerns regarding utilities have been raised with the applicant's agent, they have informed the Council that there is an existing electric and water supply to the site. There is also a sewer within the site. As such, there is no concern regarding a lack of appropriate facilities. There are no known contamination issue relating to this site or the surrounding area. There are several other issues which have been raised by local resident however, these are not material planning considerations and have not formed part of the determination of this 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 development is acceptable in terms of scale and amenity, thereby complying with Local Plan policies. 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: Location Plan & Site Plan LU284-P01, Proposed Site Plan, Floor Plans and Elevation Plans LU284-P04

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

3. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and 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 approved form 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.

**Application Ref:** 22/0856/FUL

**Proposal:** Full: Siting of a static caravan to be used as a permanent dwelling with associated landscaping.

**At:** Green End Smallholding, Lenches Road, Colne

**On behalf of:** Mr Herbert Taylor

## REPORT TO COLNE AND DISTRICT COMMITTEE 02<sup>ND</sup> MARCH 2023

**Application Ref:** 22/0864/VAR

**Proposal:** Variation of Condition: Variation of Condition 2 (Plan 02 and Plan 03) of Planning Permission 17/0444/FUL.

**At:** Parson Lee Farm, Wycoller Road, Trawden, BB8 8SU

**On behalf of:** Mr Jason Chipchase

**Date Registered:** 12.01.2023

**Expiry Date:** 09.03.2023

**Case Officer:** Yvonne Smallwood

This application has been brought before Committee as there have been 3+ objections received.

### **Site Description and Proposal**

The application site changed use in 2017 from agricultural land to camping use. The site is adjacent to the farmhouse of Parson Lee Farm located within Open Countryside and Trawden Forest Conservation Area. The site sits on the side of a valley with Smithy Clough running to the north, it is accessed by a single track gravel road via Wycoller. The road is an adopted highway with a traffic regulation order restricting traffic beyond the Wycoller Country Park car park to access and disabled badge holders only.

The proposal seeks Variation of Condition 2 (Plan 02 and 03) of Planning Permission 17/0444/FUL. The design of the pods permitted on this planning permission were 5m x 3.02m and height of 2.65m. The proposed larger pods would be 8.4m x 2.84m with a height of 3.55m. The Variation would create space between the pods and trees would be planted as a boundary treatment. The outbuilding would remain as existing, as the larger pods would each have their own bathroom, therefore there would be no need for a separate shower/toilet block.

### **Relevant Planning History**

17/0444/FUL – Full: Change of use from agricultural land to camping use, siting of four portable camping pods and conversion of an existing outbuilding to a shower/toilet block (Re-submission) – Approved with Conditions, 30.10.2017

17/0114/FUL - Full: Change of use from agricultural to camping use, siting of four portable camping pods and erection of a shower/toilet block – Refused, 05.07.2017

### **Consultee Response**

Highways LCC – This application proposes to vary plans previously approved under Planning Permission 17/0444/FUL. Having reviewed the information submitted the Highways Development Control Section raises no objection to the proposed variation of plans.

Growth Lancashire, Environment and Conservation –

Proposal: Variation of Condition: Variation of Condition 2 (Plan 02 and Plan 03) of Planning Permission 17/0444/FUL.

Condition 2 relating to planning application 17/0444/FUL states: The development hereby permitted shall be carried out in accordance with the following approved plans 01, 02, 03, 04.

I have reviewed the supporting documents, which includes the proposed site plan, Planning Statement and a Heritage Statement.

The proposal seeks to vary Condition 2 of the existing approved application 17/0444/FUL, by way of Plan 02 and Plan 03 being updated with a new pod type, which include en-suite provision, plus amended siting within the existing application site boundary and also to omit Plan 04 Toilet Block.

The key heritage issue for the LPA to consider is whether the variation to Condition would harm the character and appearance of the Trawden Conservation Area.

On viewing the amended plans, it is evident that the newly proposed pods are differing in design and in their length are considerably longer. The submitted drawings evidence pods that are more of a rectangular lodge/caravan type, but with similar material finishes.

The revision in their locations sees a more dispersed arrangement replacing the original linear location, which saw the pods positioned closely together. Additionally, the plans demonstrate a landscape strategy that introduces tree planting to the field, which will provide some screening privacy and enclosure to each individual pod.

I think, whilst the newly proposed pods will be larger and therefore a more noticeable addition to the landscape and conservation area; due to the dispersed siting of each pod that allows for the landscape strategy, some screening will be offered by the introduction of new trees and the retention of existing trees. In my view, the landscape strategy will soften and lessen any visual impact.

As such, the proposal should not alter the original findings for application 17/0444/FUL in relation to Visual Amenity and Heritage Impact that noted:

Although visible from the top of the valley opposite the proposed pods would be small scale and not visually intrusive. The proposed facilities building and parking would be located adjacent to existing buildings and taking this into account would also not be visually intrusive in this setting. Taking into account the public benefits of providing tourist accommodation the proposed development would not result in unacceptable harm to the Conservation Area and is acceptable in terms of visual amenity.

Environment Officer for Trees and Environment Conservation

PBC Public Rights of Way

Environmental Health

PBC Engineering – Drainage

Colne Local Office

Trawden Forest Parish Council –

Councillors have no objections to the proposals within this application. It is encouraging that they are planting trees. Any additional parking, on the site, would also be welcomed.

Colne Town Council

## **Public Response**

Site notice placed and nearest neighbours notified by letter with six responses summarised below:  
Material Considerations:

- The pods conflict with the natural surroundings
- It would take many years for the trees planted to become established
- The access is very restricted on the lane
- The larger pods on their bases would have greater visual impact in the CP and CA
- Parking and outside seating areas would lose more agricultural land
- Parson Lee Farm is a historical building recognised by the CP and CA

Non-material Considerations:

- Access is unsuitable for horse riders, walkers and cyclists
- The owner has put a large gate at the bottom of his access and soil dumped near beck side
- There is already one pod on the site which is visible from rights of way such as the top of the valley above Wycoller
- Concerns that the access road might be improved in the scenic valley
- The delivery of a pod damaged the Pennine Bridleway where it comes down to the farm from Lancashire Moor Road and a suggestion that a condition of reinstatement be added if planning permission is granted
- The development, if approved, would increase traffic. There are already too many visitors to Wycoller
- The previous owner of farm said he could not operate his business due to poor access along the valley from Wycoller
- Visitors to Wycoller visit to get out into the countryside and enjoy unspoilt views of the natural landscape and the chalets will have a great impact on why people visit and love to enjoy Wycoller
- Suitable septic tank information is omitted from the proposal. The application site is between a brook and a beck
- Damage to bridleway due to dragging of pod to the farm; concerns that further deliveries could damage it beyond repair
- Loss of agricultural land and domestication of a rural location

## **Officer Comments**

### **Policy**

Policy ENV1 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. This is supported by the Conservation Area Design and Development Guidance SPD.

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) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability.

Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) 2008.

## **Visual Amenity and Heritage Impact**

The proposed pods would be larger than those permitted in Planning Permission 17/0444/FUL. This scheme was approved as it did not result in unacceptable harm to the Conservation Area. The new proposals have been assessed against the baseline situation and approved application proposals and it is concluded that they are likely to have a less than substantial, low level of impact on the Conservation Area.

Rather than a linear arrangement, the variation would disperse the pods, creating space around each one. As the larger pods would be increase their prominence in the Conservation Area, the proposed tree planting would provide screening; reducing the visual impact. The pods would be visible from the top of the valley opposite the site, however they are small in scale and would be finished in timber materials that are sympathetic to the setting within the Open Countryside.

Taking into account the public benefits of improving the locally available tourist accommodation, the proposed variation would not result in unacceptable harm to the significance of Trawden Conservation Area.

## **Residential Amenity**

The proposed Variation of Conditions would not raise any unacceptable residential amenity issues.

## **Highways**

Highways LCC raise no objection to the proposed variation of plans. We concur with their assessment, as the proposed variation to plans would not increase the number of campers with vehicles at the site at any one time, therefore the variation of plans would be acceptable with regard to highway safety.

## **Other Matters**

To the north of the site there is a pod that has replaced a green static caravan. This is not part of this Variation of Condition application and therefore will be dealt with as a separate matter.

Trawden Parish Council stated that Councillors have no objections to the proposals within this application and they find it encouraging that the variation includes the planting of trees. The Parish Council also stated that they would welcome increased parking capacity on the site.

Objections have been received stating that the pods and bases would conflict with their surroundings within a CP and CA. Growth Lancashire have been consulted on this application and we concur with their response: the proposed variation would not result in unacceptable harm to the significance of the Conservation Area.

There have been objections raised stating that the development would increase traffic and the access is poor. The variation would not increase the capacity of the site and therefore the number of vehicles accessing the site would be similar to what there would have been on permitted proposal, 17/0444/FUL. Also the parking area was previously agreed.

Further objections relating to the erection of a gate; dumped soil waste; previous damage to the bridleway; the omission of a septic tank; the site being located between a brook and a beck and the comment that the previous owner was unable to do business due to poor access are not part of this application and therefore cannot be reason to refuse this variation.



## **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 variation of condition is acceptable in all relevant regards. 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 from 05/10/2017.

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: TP01 03, TP01 02.

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

3. All materials to be used in the elevations and roofs of 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 appearance of the development

4. The camping use hereby approved shall be limited to four camping pods.

Reason: in the interest of clarity and highway safety and to preserve the character and appearance of the Conservation Area.

5. The car parking, manoeuvring area and access shown on plan No. 2 shall be surfaced in a bound, porous material and made available for use prior to the commencement of the use hereby approved. The car parking and manoeuvring areas shall thereafter be maintained free from obstruction and available for parking and manoeuvring purposes.

Reason: to ensure adequate car parking and turning provision is made and retained on the site in the interest of highway safety.

**Application Ref:** 22/0864/VAR

**Proposal:** Variation of Condition: Variation of Condition 2 (Plan 02 and Plan 03) of Planning Permission 17/0444/FUL.

**At:** Parson Lee Farm, Wycoller Road, Trawden, BB8 8SU

**On behalf of:** Mr Jason Chipchase

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 01st February 2023**