



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

TO: COLNE & DISTRICT COMMITTEE

DATE: 30TH MARCH 2023

**Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk**

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 30 MARCH 2023

Application Ref: 23/0043/FUL
Proposal: Full: Erection of 5 detached houses and associated works.
At: Land To The South Of, Green Meadow, Trawden
On behalf of: Foster Building Contractors Ltd
Date Registered: 23/01/2023
Expiry Date: 20/03/2023
Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a triangular 0.2 hectare field located to the south of a cul-de-sac of bungalows at Green Meadow in Trawden. The site is located within the settlement boundary of Trawden and within Trawden Forest Conservation Area. The site abuts the settlement boundary to the north, to the west is a detached house 'Long Green' and to the south and east is open land.

In 2013 planning permission was granted for six houses on part of this site, two of which have been built and therefore that permission is extant.

In 2016 a revised scheme for the rest of the site, proposing five dwellings in two pairs of semi-detached and one detached house and incorporating an additional strip of land to increase the overall number of dwellings to seven the west was approved at appeal and identical permission was granted again in 2020.

This application is a revised proposal for five detached dwellings. The proposed house would be finished in coursed natural stone with blue slate roofs. UPVC is proposed for windows, doors facias, soffits and rainwater goods.

Relevant Planning History

13/88/0332P - Erection of two dwellings. Approved.

13/88/1035P - Outline application for residential development. Refused and Appeal Dismissed.

13/97/0388P - Outline application for residential development. Refused and Appeal Dismissed.

13/13/0427P - Erection of 6 dwellings (3 pairs of semi detached houses). Approved.

13/15/0273P - Erection of 6 dwellings (3 pairs of semi-detached houses). Refused.

13/15/0361P - Full: Erection of 5 dwellings (2 Pairs of semi-detached and 1 detached). Appeal Allowed.

13/15/0420P - Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 13/13/0427P to amend the approved plans. Approved.

19/0750/FUL - Full: Erection of 5 dwellings (2 pairs of semi-detached and 1 detached). Approved.

Consultee Response

LCC Highways – No objection subject to conditions.

Cadent - Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

United Utilities – The proposals are acceptable subject to conditions.

Trawden Forest Parish Council –

Public Response

A press and site notice have been posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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

ENV2 (Achieving Quality in Design and Conservation) 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.

Policy LIV4 (Affordable Housing) requires that development of over five houses in Rural Pendle provide 20% affordable housing.

Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires a maximum parking provision of three spaces for a 4 or more bedroom dwelling.

Trawden Forest Neighbourhood Plan (TFNP)

Policy 1 states that development proposals within the Settlement Boundaries of Trawden and Cotton Tree will be supported provided that they are appropriate in scale, massing, and character.

Policy 3 states that within settlement boundaries proposals for residential development which comprise nine or fewer net additional dwellings will be supported, provided their design accords with the following principles. They should:

- i) Reflect local distinctiveness and be readily assimilated particularly in terms of: the extent and amount of development; scale; layout; open spaces; appearance; and material;
- ii) Respect and enhance the historic environment of the parish and its heritage and natural assets;
- iii) Ensure that locally important views and vistas are maintained or enhanced;
- iv) Retain and enhance open spaces, walls, hedgerows and trees which are important to the local character;
- v) Not lead to increases in flood risk or drainage problems;
- vi) Take account of information and design guidance included in the Pendle Core Strategy (Policy LIV5) and where appropriate the Character Appraisal for the Trawden Forest Conservation Area and Policy 7 in this plan;
- vii) Incorporate features to improve environmental performance and/or reduce carbon emissions, unless it is demonstrated to be not practicable and viable;
- viii) Produce a cohesive and high quality design in which detailing such as car parking, boundary treatments, bin stores, meter boxes, and lighting are all provided for in a harmonious and inclusive design;
- ix) Not result in the loss of any community building or heritage asset unless it can be demonstrated that it is no longer viable, adhering to the approach given in policy ENV1 of the Pendle Local Plan;
- x) Be compatible with and do not prejudice any intended use of adjacent sites and land uses.
- xi) Provide 20% of the site as affordable homes (for sites of 5 or more dwellings).

Policy 4 states that developers will be required to provide appropriate car parking for new residential developments. As a minimum developers must comply with the parking standards set out in the adopted Pendle Local Plan, but they are also encouraged to reflect the parking guidelines set out in Appendix 4 of this neighbourhood plan, to help reduce the future potential for on-street parking and congestion.

New developments should incorporate appropriate facilities for charging plug-in electric and hybrid vehicles.

National Planning Policy Framework (The Framework)

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Principle of the development

The principle of residential development of this site has been established by the previous extant permission and allowed appeal, since those decisions the land has been included within the settlement boundary of Trawden. This is a sustainable location for the proposed development in accordance with the Framework, LPP1 and the Neighbourhood Plan.

Affordable Housing

Policy LIV4 of the LPP1 and Policy 3 of the TFNP require that affordable housing is provided at a level of 20% for development of 5 or more dwellings. However, this site has an extant permission for six dwellings, without any affordable housing requirement, and this development would result in an increase of just one dwelling over that extant permission. Taking into account the specific

circumstances of this application, it is not necessary to impose a requirement for the provision of an affordable dwelling.

Design and Heritage Impact

The adjacent residential area is largely characterised by traditional terraced houses of simple vernacular design in a layout following the roads and lanes, with larger cottages and farm houses of varying design organically dotted around the land to the west of the site. There are also some unsympathetic modern buildings, built before the designation of the area, such as the cul-de-sac of bungalows at Green Meadow.

The proposed houses are of an acceptable design similar to the existing dwellings and other new residential developments in Trawden. The proposed design would be sympathetic to the character of the Conservation Area.

The use of uPVC gutters and pipes was approved previously at appeal and would not result in a harmful impact.

However, the proposed upvc windows and doors, would be more prominent and inappropriate, UPVC fascias and soffits may also have unacceptable impacts depending on their type and finish, a condition is necessary to ensure that appropriate timber windows and doors are used and details of appropriate fascias and soffits are submitted for approval.

With conditions to control the above the proposed development is acceptable in terms of visual amenity and would preserve the significance of the Conservation Area in accordance with policies LIV1, LIV2 and LIV5 of the LPP1 and policies 1 and 3 of the TFNP.

Residential Amenity

Upper floor windows in the rear elevation of plot 3 would face the boundary of Long Green separated by approximately 5.5m. Long Green does have a hedge adjacent to the boundary, however, the proposed windows would have views over the hedge into the garden of that property. A relationship of 4.5m was approved in the previous approvals, taking into account that long green sits within a large plot and the relationship would be with a far end of its garden, this would not result in an unacceptable loss of privacy to that property.

With a condition to ensure that side windows are obscure glazed the development would not result in any unacceptable loss of privacy or any other unacceptable impact upon No. 3 Green Meadow or any other surrounding property.

The proposed development raises no unacceptable residential amenity impacts in accordance in accordance with Policies ENV2 and LIV5.

Highways

The application plans proposes an acceptable highway layout and acceptable level of off-street car parking for each plot.

The proposed development is acceptable in terms of highway safety in accordance with policies 31 and ENV4.

Drainage

A drainage strategy has been submitted with this application and acceptably demonstrates that the

development would not result in an unacceptable increase in the risk of off-site flooding in accordance with policy ENV7.

Summary

The principle of a housing development on this site has been established by the extant and previous planning permissions, that principle has been strengthened by the inclusion of the site within the settlement boundary in the TFNP. The design of the proposed development is not materially different to that previously approved, acceptable drainage has been proposed and the addition of one dwelling over the extant permission would not result in any unacceptable impacts or implications. The application is therefore recommended for approval.

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, Trawden Forest Neighbourhood Plan 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 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: 1479-10A, 1479-11A, 1479-12A, 1479-13, 1479-14, DR-C-0102 P1, DR-C0101 P3

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

- 3 No above ground development involved in the erection of the external walls shall commence unless and until samples of the external materials to be used in the walls and roof, facias and soffits (notwithstanding any indication in the approved plans and application forms) of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure a satisfactory form of development to preserve the character and appearance of the Conservation Area.

- 4 All window frames, door frames and doors in the dwellings hereby permitted shall be of timber construction and shall be painted in a colour to be first submitted to and agreed in writing by the Local Planning Authority. All window frames, door frames and doors in the dwellings hereby permitted shall thereafter be retained and maintained as such for the lifetime of the development hereby permitted.

Reason: To preserve the character and appearance of the Conservation Area.

- 5 All window openings in the dwellings hereby permitted shall be set back from the external face of the wall by at least 100mm and retained as such for the lifetime of the development hereby permitted.

Reason: To preserve the character and appearance of the Conservation Area.

- 6 No above ground work involved in the erection of the external walls shall commence unless and a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

- 7 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing DR-C-0101, Rev P2 - Dated 8.12.22 which was prepared by Topping. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 8 For the full construction period of the development hereby permitted, facilities shall be available on site at all times for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: In the interest of highway safety.

- 9 The development hereby permitted shall be carried out in accordance with the measures set out in the submitted Traffic Management Plan by Andrew Hawthorne Architects.

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

10. No part of the development hereby approved shall commence until a scheme for the construction of a section of footway approximately 1.2m long and to an appropriate standard, including full height kerbs, between the development and the adopted highway network on Green Meadow has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

11. The new estate road/access between the site and Green Meadow shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

12. Prior to the occupation of each dwelling off-street car parking provision for a minimum of three cars within the curtilage of that dwelling shall be laid out and surfaced in a bound permeable material and thereafter maintained at all times free from obstruction and available for car parking purposes.

Reason: To ensure an adequate level of off-street car parking.

13. No dwelling hereby approved shall be occupied unless and until details of the proposed arrangements for future management and maintenance of the proposed road and footways within the development have been submitted to and approved by the Local Planning Authority. The road and footways shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the estate road and footways serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

14. Prior to the occupation of each dwelling hereby approved an electric vehicle charging point shall be provided for that dwelling.

Reason: To ensure that adequate provision is made to enable the use of more sustainable modes of transport.

Notes:

The granting of planning permission does not give approval to a connection being made to Lancashire County Council's highway drainage system.

Planning approval relates only to the powers under the Town and Country Planning Act, including the recommendations of the Lead Local Flood Authority. It does not provide any consent or approval under other acts, enactment, bylaw, order or regulation, including Land Drainage Consent, to discharge water into a water course. The applicant should be advised to contact Lancashire County Council's Flood Risk Management section by email on

suds@lancashire.gov.uk , quoting the planning application number, to discuss their proposal before any development works begin.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection plantprotection@cadentgas.com before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

United Utilities - A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines'.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

Application Ref: 23/0043/FUL

Proposal: Full: Erection of 5 detached houses and associated works.

At: Land To The South Of, Green Meadow, Trawden

On behalf of: Foster Building Contractors Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE 30TH MARCH 2023

Application Ref: 23/0082/FUL

Proposal: Full: Erection of two storey rear extension with alterations and the change of use of agricultural land to garden and landscaping.

At: Heyroyd Farmhouse, Skipton Old Road, Colne, BB8 7AD

On behalf of: Mr David Cockburn-Price

Date Registered: 08.02.2023

Expiry Date: 05.04.2023

Case Officer: Yvonne Smallwood

Committee decision due to the applicant being a Councillor.

Site Description and Proposal

The application site is a derelict detached stone-built property located within Lidgett and Bents Conservation Area, Green Belt and Open Countryside. Heyroyd House, a Grade II Listed Building is circa 40m to the south west of the application site.

The proposal seeks to erect a two storey rear extension, which would replace the existing single storey Store and WC to the rear. The extension would be 6m in length x 4.5m, with an eaves height of circa 6m and ridge height of 7.5m. There would be alterations to the fenestration of the front elevation. A rooflight window would be inserted to the front roofslope. The materials would be coursed stone walling, re-claimed slate roofing and painted timber fenestration to match existing. A stone garden wall would be erected to the north and east elevation to match existing.

The proposal would be a Change of Use of 0.14ha of former agricultural land to garden use. The lawn would be terraced with paved areas and planting.

It is noted that some information has been submitted relating to tree root protection, however a request has been made for an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) and Tree Protection Plan to meet the requirements of British Standard (BS 5837:2012).

Relevant Planning History

17/0644/FUL – Full: Conversion of existing agricultural building into two dwellings, with associated parking and landscaping and demolition of existing Dutch barn – Approve with Condition – 09.02.2018

Consultee Response

Highways LCC

Having reviewed the plans and information submitted, Lancashire County Council acting as the Local Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety,

capacity or amenity in the immediate vicinity of the site, subject to the following comments being noted and conditions being applied to any formal planning permission.

Proposal

The proposal is for the erection of a two storey rear extension to the dwelling, with alterations, and the change of use of agricultural land to garden and landscaping. It is an existing four bedroom property with no change to the number of bedrooms proposed.

Access

Access to the site would be via a private track leading from Skipton Old Road. The access serves other properties and is wide enough at the junction with Skipton Old Road to allow two vehicles to pass within the access.

Car & cycle parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. Three adequately sized car parking spaces should be provided for a dwelling with four and above bedrooms. The plans submitted indicate that parking for three vehicles would be provided. As there is no garage, secure, covered storage for at least two cycles should also be provided in line with the borough council's parking standards, and to support sustainable forms of transport.

General

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. Prior to first occupation of the approved development the parking area shown on the approved plans shall be constructed and laid out as submitted. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling. Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment 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.
3. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

Growth Lancashire

The changes to the front (whilst unusual) maintain the general form and are unseen behind the hedge and the rear extension remains subsidiary in scale. We also have to acknowledge that the work will benefit the building.

The enclosure of the land to the side changes the outlook/views of the property however it already appears semi-domestic in appearance in contrast to the open farmland to the side.

United Utilities

PBC Engineering

PBC Public Rights of Way

Environmental Health

Environment Officer – Trees

Colne Town Council -

The Town Council welcome this development's sympathetic design and repurpose of an old and currently unused building.

Public Response

Nearest neighbours notified by letter without response.

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 10 seeks to conserve areas identified as historic or of architectural interest in their setting.

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

Paragraph 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 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

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

Development in the Open Countryside
Areas of Special Architectural or Historic Interest

Supplementary Planning Document: Conservation Area Design and
Development Guidance

Design and Materials

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling. The scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room around the dwelling. The extension has a pitched roof which would be lower than the ridge height of the dwellinghouse. The proposed materials are coursed stone walling, re-claimed slate roofing and painted timber fenestration to match existing. A stone garden wall would be erected to the north and east elevation with stone to match existing.

To the front elevation the double windows either side of the door would be French doors, which would occupy the same width as the existing windows, but would be taken down to ground level. A conservation rooflight window would be inserted to the front roofslope. The alteration to the frontage would be acceptable.

To the rear extension there would be an arched window to the east elevation, an arched window to the north elevation and a door and three windows to the west elevation.

The design and materials of the development would be acceptable and would therefore not harm to setting or significance of the Conservation Area and as such would accord with Policy ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD guidance is designed to protect neighbouring amenity from overshadowing or obstruction of outlook.

The openings to the proposed extension: a window to the east elevation, a window to the north elevation and a door and three windows to the west elevation would not result in any loss of privacy to neighbouring properties.

There are neighbours to the south west of the application site, Heyroyd House and Heyroyd Cottage, which are at a distance of over 21m. There are two dwellings to the north west of the site, created from a converted barn at a distance of circa 40m. The proposed developments would not result in any unacceptable adverse impacts for the light or privacy of neighbouring properties and would therefore accord with ENV2 and the Design Principles SPD with regard to residential amenity.

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 1st July 1948, as it was on that date. The property was built in 1907.

We calculated that the volume increase of the development to be circa 14% greater than the original dwelling. The figure supplied by the agent for the percentage volume increase was 15.9%. This would not be disproportionate and therefore would not result in unacceptable harm to the openness of the Green Belt. Given that the property has been derelict for many years and is in a poor state of repair, the proposed renovation would serve to reverse harm to the Green Belt.

The proposal makes no physical alteration to the site boundary, but would change of use of 0.14ha of agricultural land to garden. It is stated in the Heritage Statement that the former agricultural land has been fenced off for almost two decades. Satellite images have been viewed to verify that the land was fenced off since at least 2009. Paragraph 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Garden use is not listed as an appropriate use. It is noted that whilst the land in question is agricultural land, it has not recently been available for agricultural use, due to being fenced off since 2009, or before. An unauthorized change of use has occurred and enforcement action has not been taken within the timeframe, therefore the ten year immunity rule applies. It is important that the Green Belt openness is preserved and, in order to secure this, a Condition to remove Permitted Development Rights will be applied, should this application be granted approval.

The proposed development would therefore accord with policy ENV2 and paragraphs 147-150 of the Framework.

Conservation Area

The proposed extension is subsidiary in scale and is to the rear of the dwelling. The alterations to the fenestration to the front elevation maintain the general form and are unseen due to the hedge fronting the boundary. The alterations to the frontage would not result in any adverse impact to the the setting of the Listed Building. The house is visible from public vantage points. Skipton Old Road has a footpath at a distance of circa 100m from the site. Also public footpath 13-4-FP216, which forms part of the East Colne Way, runs through the field to the east of the site of the property. Bringing the house back to residential use would improve the building due to its long-term derelict state, which would also benefit the Conservation Area. The materials proposed would match the existing and are traditional in nature and would therefore be sympathetic to the Conservation Area setting.

The enclosure of the land to the side changes the outlook and views of the property, however it has already been semi-domestic since 2009, perhaps longer, and there is already a contrast to the farmland to the side.

The proposed development are acceptable and would not result in any additional unacceptable harm to the significance of the Conservation Area and would therefore accord with Policies ENV1, ENV2 and the Design Principles SPD.

Open Countryside

Development in the Open Countryside should be sympathetic in proportion and be in keeping with the setting. The extension of the house and garden would be modest in scale and, provided that the openness retained, would be acceptable within the location of Open Countryside.

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 policy, design, amenity and highway safety. 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:
Drawings HF-100, HF-101, HF-102A, HF-111A, HF-112A, HF113A, 01, 03 and 02, submitted 23.02.2023

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

3. 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.

4. Prior to first occupation of the approved development the parking area shown on the approved plans shall be constructed and laid out as submitted. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

5. 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.

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

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the openness of the Green Belt and Open Countryside.

Application Ref: 23/0082/FUL

Proposal: Full: Erection of two storey rear extension with alterations and the change of use of agricultural land to garden and landscaping.

At: Heyroyd Farmhouse, Skipton Old Road, Colne, BB8 7AD

On behalf of: Mr David Cockburn-Price

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 03rd March 2023