

Colne & District Area Committee Update Report – 5th September 2024

24/0208/FUL – Brook View Barn, Skipton New Road, Foulridge

Following the publication of the committee report, the applicant has sought to provide additional clarity on the Very Special Circumstances case and has also provided some volume calculations.

Their summary email concludes:

“Any harm that would arise to the five purposes [of the Green Belt] is very limited given the locational context of the site. (it sits within a cluster of buildings) Balanced against the limited harm we have raised the following issues:-

- The Council’s instance upon specific materials directly affected the pitch of the roof which directly affected the buildings volume*
- If the proposal is refused the resultant house would have room size below the Nationally Described Space Standards*
- Extreme personal hardship and financial loss*

The list given above do not merely amount to personal circumstances. What we are saying is all the above points taken together need to be weighed in the balance against the harm. We argue that in this specific case the harm is outweighed.

It is submitted that whilst the volume increase is in excess of recommended percentages and therefore technically inappropriate, the constructed building does not 'substantially' affect the openness of the Green Belt and in any event, the VSC's submitted enable a recommendation to approve to be presented to the planning committee without fear of setting a precedent (which we would argue could not happen as every application is determined on its own merits and no two application are ever the same).”

The applicant submits that the original volume of the building was 167m³, this is in accordance with the Council’s calculations. The applicant has provided their calculation of the increase in volume as 455m³, this is a 172% increase on the original volume. The applicant originally calculated it was a 47% increase. We are in agreement with the volume calculations that the applicant indicates are broadly in line with our original calculation.

The applicant’s agent has advised that they are no longer applying for a detached garage and this has been removed from the plans and the description of development.

The applicant is advancing the view that proportionality has to be set against not only the size of the original building but taking into account the context in which the building is set.

The courts are clear that Councils have discretion to consider the planning balance in reaching decisions. Provided that the reader understands the rational and reasoning behind decisions it is for the decision maker to reach a reasonable conclusion on an application.

However misinterpreting the NPPF is a matter of law. Paragraph 152 of the NPPF states that inappropriate development is by definition harmful to the green belt. Paragraph 154 sets out what is not inappropriate development. It states:

C “the extension 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;”

The NPPF is clear in indicating that looking at proportionality of an extension it is not the context in which a building sits that defines proportionality. It is the extent of the extensions solely to that building that need to be taken into account.

IN this case the extension widens the building and extends the roof line up. The very modest building that originally existed is no longer a modest building but is substantially bigger in scale. At 172% of an increase in size and with the extension of width and height it cannot be reasonably concluded that the extensions are proportionate. They clearly are not and indeed are significantly disproportionate.

The extension also affect the openness of the area by increasing the scale and massing of the building.

It is however accepted that the development have no discernible impact on the five purposes of the green belt as set out in paragraph 143 of the NPPF:

143. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The applicant has advanced arguments about very special circumstances. It is not accepted that not complying with space standards and hence the need to increase the size of the property is a very special circumstance. These standards are applicable to every development and are not in themselves special. Developments would need to

be designed around the policies on green belt and internal designs fit in with the fabric of the building. It is not accepted that the needs of residents in terms of the number of bedrooms and the space standards would lead to very special circumstances that justify a whole departure from national green belt policies. This would result in a major shift away from national policy.

However personal hardship and financial impacts can be very special circumstances. Although we have not had specific financial information the applicant has indicated that they would not be able to afford to carry out the works to the property and were planning permission to be refused they would be severely impacted financially and indeed may not have a home to live in.

Very special circumstances may be the loss of a home, or financial hardship. It is now for Members to balance the harm to the openness of the Green Belt against the very special circumstances brought about by the loss of a home and financial hardship.

The development will harm the green belt as it is clearly inappropriate. It is not marginally inappropriate as the scale of the addition is significant. There would therefore in turn be significant harm to the green belt. That harm needs to be balanced against the very special circumstances of the applicants who would probably lose their home and would have severe financial difficulties.

Whilst recognising that there would be harm to the personal circumstances of the applicant, and accepting that these constitute very special circumstances the harm to the Green Belt is not outweighed by those Very Special Circumstances. It is recommended that the application be refused for the following reason::

1. The development which has been constructed is not in accordance with previously approved plans for the conversion of this building from agricultural use to domestic use (19/0369/FUL). The dwelling which has been constructed is disproportionate to the original building and does not meet any of the exceptions in Green Belt terms. It would lead to an unacceptable level of harm to the openness of the Green Belt by reason of inappropriateness. Moreover, the Very Special Circumstances case which has been put forward does not accord with national policy on this issue. As such, there is a direct conflict with paragraph 154 of the National Planning Policy Framework and Policies 1 & 3 of the Pendle Replacement Local Plan.

24/0430/ADV - Land at Whitewalls Drive, Colne

Following the publication of the committee report, the applicant has submitted a set of view points and a photomontage.

These demonstrate the site in the context of the wider landscape. It is clear that the signs would be similar in scale and prominence to those at Boundary Mill opposite the other side of the major round about at the end of the M65.

There is no change to the recommendation in the report.

Reason for Decision

Taking into account the provisions of the Development Plan, the proposed advertisements are acceptable in terms of amenity and public safety.

RECOMMENDATION: Approve

Subject to the following conditions:

1. Notwithstanding the provision of Part 3 (Regulation 14) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 this consent shall expire five years from the date of the grant of consent.

Reason: Condition imposed by the Regulations.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan PP-13194265v1, Advertisement plans prepared by IVC Signs, dated 25/06/2024 Job number SD11038, Rev –

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

3. Notwithstanding any indication on the approved plans, no consent is granted for the display of signs 3 and 15.

Reason: To prevent visual clutter in the interests of amenity and highway safety.

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations

4. No advertisement shall be sited or displayed so as to: a) Endanger persons using the highway, railway, waterway, dock, harbour or aerodrome (civil or military); b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: Condition imposed by the Regulations

5. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations

7. Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Condition imposed by the Regulations

8. Any illuminated advertisement shall be designed so that:

- No part of the source of the illumination shall at any time be directly visible to users of the adjacent public highway network;
- Static illumination is provided and the sign shall not feature intermittent or flashing lights;
- The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of Illuminated Advertisements or its equivalent in any replacement guide;
- Moving features are not provided.

Reason: In the interest of highway safety to avoid glare, dazzle or distraction to passing highway users.

24/0331/ADV - Land adjacent Whitewalls Drive, Colne

Following the publication of the committee report, the applicant has submitted a set of view points and a photomontage.

These demonstrate the site in the context of the wider landscape. It is clear that the signs would be similar in scale and prominence to those at Boundary Mill opposite the other side of the major round a bout at the end of the M65.

There is no change to the recommendation in the report.

Reason for Decision

Taking into account the provisions of the Development Plan, the proposed advertisements are acceptable in terms of amenity and public safety.

RECOMMENDATION: Approve

Subject to the following conditions:

1. Notwithstanding the provision of Part 3 (Regulation 14) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 this consent shall expire five years from the date of the grant of consent.

Reason: Condition imposed by the Regulations.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 19.161 dwg 015 Rev A, Advertisement plans prepared by IVC Signs, dated 07/08/2024 Rev P.

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

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations

4. No advertisement shall be sited or displayed so as to: (a) Endanger persons using the highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: Condition imposed by the Regulations.

5. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

Reason: Condition imposed by the Regulations

7. Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity
Reason: Condition imposed by the Regulations

8. Any illuminated advertisement shall be designed so that:

- No part of the source of the illumination shall at any time be directly visible to users of the adjacent public highway network;
- Static illumination is provided and the sign shall not feature intermittent or flashing lights;
- The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of Illuminated Advertisements or its equivalent in any replacement guide;
- Moving features are not provided.

Reason: In the interest of highway safety to avoid glare, dazzle or distraction to passing highway users.

24/0317/HHO 1 Castercliff Bank

Consultee response

The response from the parish council have been received following the publication of the committee report. It states:

Colne Town Council objects to this development due to the wall being too high and not in keeping with the surrounding area.

Neighbourhood Response

Four more neighbourhood responses have been received following the publication of the committee report. One of these is a comment from the applicant in response of the other objections and the other three are objections raising the following issues:

- Appears too high and not matching with the rest of the properties
- Restricts the view of vehicles on Castercliff Ave and South Valley Drive
- There are already existing outbuildings in the rear garden which are not built to a high standard and have been unfinished for 5 years, which leaves no confidence to the quality and finish of a project to the front.
- It is a health and safety hazard since it is a single skin wall.
- deeds for properties of the estate state that the front boundary wall should not exceed 3 feet
- The stated reason for the development is to create a safe front garden for the applicant's child to play in; however, there has not been any observed instance of the child playing in the garden.

Officer comments

The stability and structural integrity of walls, concerns regarding the duration and finish date of construction, and the intention behind the development in this case are not planning matters and therefore carry no weight in the determination of this application. Property deeds are governed by separate legislation and are not a planning consideration either.

This does not change the recommendation, which is for approval, however condition 1 pertaining to the start date is removed since this is a retrospective application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (received on 14.05.24)
 - Site Plan (received on 14.05.24)
 - Proposed Elevation Plans (received on 01.08.24)

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

2. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent 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.

