

**REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES**

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 6TH AUGUST 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 06 AUGUST 2025

Application Ref: 25/0110/OUT

Proposal: Outline: Erection of 9 detached and semi-detached dwellings with integral, attached and detached garages (Access, Layout, Scale and Landscaping).

At: 425 Gisburn Road, Blacko

On behalf of: The Executors Of The Estate Of Mrs. D. Holt

Date Registered: 19/02/2025

Expiry Date: 21/05/2025

Case Officer: Alex Cameron

This application has been brought before Committee due to the level of public response.

Site Description and Proposal

The application site is a plot of land adjacent to No. 425 Gisburn Road, Blacko. It is located beyond the settlement boundary within the Open Countryside.

This is an outline application for a residential development, the proposal was originally submitted for eleven dwellings but the number of dwellings has since been amended to nine.

An appeal was allowed for outline planning permission for a development of 9 dwellings at 425 Gisburn Road in 2023, this proposed development is described on the plans as a second phase of that development and would effectively form a single development for planning purposes with that approved development, resulting in eighteen dwellings in total.

Relevant Planning History

20/0277/OUT - Outline: Erection of one dwelling (Access Only). Approved with conditions

20/0463/OUT: Outline: Erection of one detached dwelling with attached garage (Access only). Approved

22/0573/OUT - Outline: Erection of 9 residential dwellings with attached/detached garages (re-submission). Appeal Allowed

Consultee Response

LCC Lead Local Flood Authority – Objected to the proposal for 11 dwellings due to lack of a sustainable drainage strategy. No comments on the amended proposal for 9 dwellings as it falls below their consultation threshold but referred to their standing advice for non-major developments, which advises that a sustainable drainage strategy is necessary.

United Utilities – A pressurised sewer asset crosses the north of the site and we will not permit building over it. The applicant must agree the new structures that are close to the infrastructure prior to any determination to understand if any amendments need to be made as part of the submission. Recommend conditions for drainage and asset protection if the application is approved.

PBC Environment Officer – No objection. Please condition an Arboricultural Method Statement (AMS) and Tree Protection Plan.

PBC Environmental Health – Recommend construction method statement and contaminated land conditions are attached.

LCC Schools Planning – No education contribution required at this stage.

Electricity Northwest – Access to the adjacent substation must be maintained.

Blacko Parish Council - 1. The proposal adds a further 11 houses to a site which already comprises 1 existing dwelling and planning permissions for 10 houses which would result in 22 houses on this site. The scale of this development is totally inappropriate for a small village like Blacko. There is no case put forward in the planning statement that there is a need for a development of this scale. This proposal uses up a further field than the previous approval and extends well outside the village boundary. The Parish Council believe such a development would be contrary to the Pendle Local Plan. The site is not a garden area as outlined but has been used to graze horses for many years. The horse trough is still there. The development will totally change the rural nature of the lane down to Water Meetings which is a local beauty spot. The development will totally destroy the amenity of the area for the local community.

2. The proposed development together with existing permissions will result in at least 44 vehicles coming and going via a new access to Gisburn Road. This would be highly dangerous and the application should be refused on Highway Safety grounds. Gisburn Road is an extremely busy road which is also regularly narrowed to a single carriageway chicane due to parked cars. To have some 44 cars trying to get in and out of the site at peak traffic times when cars on the main Gisburn Road already have difficulty passing through is a major accident waiting to happen.

3. We, the Parish Council, have written to LCC Highways explaining our concerns about the traffic problem and asked them to reconsider their position with regards to this proposed development on safety grounds

Public Response

Press and site notices have been posted and nearest neighbours notified. Responses received objecting the proposed development on the following grounds:

- Impact on the visual and landscape character of the area including cumulative impacts
- Overdevelopment of the site
- Urban land should be developed first
- Impact on tourism
- Projection beyond the settlement boundary
- Significant weight should be given to the open countryside policy of the Local Plan 4th Edition
- Restricted visibility at the access and adverse highway safety impact of additional traffic
- Access gradient and access for utility and emergency service vehicles
- Concerns about parking and reduction in on street parking availability if a Traffic Regulation Order is required
- Disruption during construction
- Impact on users of the existing track / bridleway through the site
- Access to the adjacent substation
- Impact on tress

- Increase in off-site flood risk
- Inadequate infrastructure, services and facilities in Blacko
- The development does not address the needs of the local community
- Lack of affordable houses
- Impact on wildlife and biodiversity
- Potential damage to a sewer
- Pollution of Pendle Water
- Lack of on site open space
- The reduction in number of dwellings does not address concerns

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth Blacko is defined as a Rural Village within Rural Pendle.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%, this is a general indication of the level of development expected rather than a maximum limit.

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

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

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

Policy LIV4 sets targets and thresholds for affordable housing provision. For 5 or more dwellings in Rural Pendle this is 20%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

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

Principle of the Development

The site is located adjacent to the settlement boundary for Blacko. Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement. Whilst the Local Plan Fourth Edition has now undergone examination in public this element of LIV1 applies until it is adopted, which it has not yet been.

Concerns have been raised in relation to infrastructure and services, however. Infrastructure and services are planning for taking into account the housing requirements of the Borough and taking into account new housing development. There have been no objections from the providers of services and infrastructure and there is no basis to resist the application on that basis.

This site is in a sustainable location adjacent to the settlement acceptably accessible. The proposed development is acceptable in principle in accordance with policies SDP2 and LIV1.

National Planning Policy Framework

Following changes to the method for calculating housing supply introduced by the revised National Planning Policy Framework published in December 2024 the Council has sufficient housing supply for 2.8 years. As this is below the 5 year supply requirement the Council is in a position of undersupply and the Council's housing policies are out of date. Paragraph 11 of the Framework requires that in this circumstance that applications for housing development are approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, this is referred to as the 'tilted balance'.

Visual Amenity

The site would be largely screened by surrounding buildings and trees and hedgerows and would not in principle result in unacceptable visual and landscape impacts.

Residential Amenity

The proposed development would not result in any unacceptable residential amenity impacts and would provide an acceptable living environment for its residents.

Trees

Concerns were initially raised by the Council's Environment Officer in relation to the proximity of proposed development to trees to be retained, the amended plans have altered the layout and removed dwellings to ensure that the development would not unacceptably impact upon the trees to be retained. The proposed trees and leylandii hedge to be removed are of low value and are proposed to be replaced with suitable native species planting. The impact on trees of the proposed development is acceptable.

Ecology and Biodiversity

A survey of the site has been undertaken by an ecologist this identifies potential habitats for birds in trees and hedgerows which can be acceptably protected with conditions for timing of clearance works and bird boxes.

The application has been submitted with a biodiversity metric and report, this proposes 100% loss of area habitat and hedgerow habitat types and makes no proposal for post development intervention to mitigate that and provide a 10% gain. It appears that the metric has not been correctly completed. This has been raised with the applicant, however, an acceptable 10% uplift can be ensured with the standard BNG conditions.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout includes an undeveloped area to the north of the access road which could acceptably provide an area of open space subject to a condition to control that.

Affordable Housing

Policy LIV4 sets a target of 20% affordable housing for developments of five or more dwellings in Rural Pendle. No affordable housing is specifically proposed or assessment submitted devastating that this would make the development financially unviable, however, affordable housing can be required by condition or section 106 agreement in the event of an appeal.

The existing permission has no affordable housing requirement, it is not clear why this was not required. Although this the existing and proposed sites should be considered as a single development for planning purposes it would not be reasonable to retrospectively impose the affordable housing requirement to the full eighteen dwellings in this circumstance where it is not clear why it was not imposed previously, it should be limited to the nine additional dwellings proposed.

Highways

The site access has been accepted for 9 dwellings, in addition to the existing traffic, by the existing outline permission. The increase in traffic from an additional nine dwellings would not result in any unacceptable highway safety impact. The development is acceptable in highway terms in accordance with policy ENV4.

Drainage and Flood Risk

The application was registered as major development of eleven dwellings, it has since been amended to nine which is below the ten dwelling major development threshold.

The LLFA objected to the development of eleven dwellings and recommended refusal as no surface water drainage strategy had been submitted to allow assessment of the principle of surface water sustainable drainage in accordance with paragraph 182 of the Framework.

The LLFA were reconsulted following the amendment of the development to nine dwellings, this falls below their consultation threshold and therefore they responded with no comment and referred the Council to their standing advice for non-major and minor planning applications. The LLFA's standing advice recommends that a sustainable drainage strategy is submitted for non-major developments.

Whilst the Council do not generally require that a sustainable drainage strategy is submitted at the application stage for all non-major developments, it is a matter for assessment on a case by case basis whether a development potentially results in surface water drainage impacts that make it necessary to assess where surface water can be acceptably drained in principle at the application stage.

This development would have cumulative surface water drainage impacts together with the approved development, cumulatively requiring eighteen dwellings to be drained. Furthermore, it significantly reduces the undeveloped area in the applicant's ownership available for sustainable drainage infrastructure, this is particularly relevant as surface water is proposed to be discharged to a soakaway in the application forms. Without an acceptable drainage strategy it cannot be assessed whether the site can in principle be acceptably drained without increasing the risk of flooding elsewhere.

The applicant has been repeatedly requested to provide a drainage strategy but has declined to do so.

A pressurised sewer runs to the north of the site and the exact location of the sewer has not been established by the applicant. United Utilities have advised that they will not allow building over it and will require a 6m easement. As the exact position of the sewer is not known, it is not known whether this will affect the proposed layout of the development, however, this could be addressed at the reserved matters stage.

Planning Balance

The Council is in a position of housing undersupply and therefore the tilted balance applies to the consideration of this application, the benefits of the development and level of undersupply must be balanced against the adverse impacts of the development and the application approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

The development would provide economic and social benefits from contribution to the economy from the construction of housing, the provision of new housing and would contribute towards addressing the 2.2 year deficit in the borough's 5 year housing supply, it would also provide an affordable dwelling. Taking into account the scale of the development at 9 dwellings, those benefits would be minor.

It has not been demonstrated that the site could in principle be acceptably drained without increasing flood risk elsewhere, this would be a significant harmful impact and would significantly outweigh the benefits of the development.

RECOMMENDATION: Refuse

For the following reason:

1. The applicant has failed to demonstrate that the surface water from the site could in principle be acceptably drained and therefore the development would not increase flood risk elsewhere contrary to Policy ENV7 of the Pendle Local Plan: Core Strategy and paragraph 182 of the National Planning Policy Framework.

Application Ref: 25/0110/OUT

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At: 425 Gisburn Road, Blacko

On behalf of: The Executors Of The Estate Of Mrs. D. Holt

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE COMMITTEE ON 6TH OF AUGUST 2025

Application Ref: 25/0267/FUL

Proposal: Full: Change of use of an agricultural building to form 3 no. holiday cottages.

At Pendle House Farm Cottage, Barley Lane, Barley

On behalf of: Mr & Mrs T Beckett

Date Registered: 17.04.2025

Expiry Date: 12.06.2025

Case Officer: Athira Pushpagaran

This application has been called in to committee by the Chair.

Site Description and Proposal

The application site is a former agricultural building situated within the curtilage of a cottage situated at the foot of Pendle Hill outside the defined settlement boundary. It is situated next to two existing cottages within the Forest of Bowland National Landscape (formerly AONB) and within the open countryside. The main access is through a track from Barley Lane through which bridleway BW1308006 also passes through. Public footpaths FP1308011 and FP1308050 pass adjoining the site.

The building is situated to the front of Pendle house farm cottage, finished in timber and stone. The building is split between two levels with the lower-level set circa 2m below the upper level, with opposing mono pitched roofs at both levels. The upper level is at the same ground level as the main dwelling which is two-storeyed.

The proposed development is the change of use of the agricultural building to form 3 no. holiday cottages - 2 x 2 bedroom (6 people per unit) and 1 x 4 bedroom (11 people), with seven associated car parking spaces.

Relevant Planning History

24/0550/CEU Certificate of Lawful Use (S.191 Existing Development): Demolition of woodshed and the erection of a single storey extension on the gable wall of the property. Issued. 2024

Consultee Response

Highways

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority makes the following initial comments. The authority requests additional information as the proposed development raises safety concerns and the authority wishes to more fully assess the impact of the proposed development on the surrounding highway network and its users.

Proposal

The proposed development is for the change of use of an agricultural building to form three holiday cottages – 2 x 2 bed (6 people per unit) and 1 x 4 bed (11 people), with seven associated car parking spaces.

Site access

The site is accessed from Barley Lane via a single vehicle width, unlit lane serving three existing residential/agricultural properties.

The highway authority notes that the access lane is not within the applicant's ownership and therefore any recommended improvements such as the provision of formal passing places is not within their control.

Public Rights of Way

There are no Public Footpaths through the site but Bridleway ref BW13-08-006 (Barley with Wheatley Booth) passes along the access lane from Barley Lane up to and beyond the start of the access track to Pendle House Farm Cottage.

Pendle Hill, which sits above the site, is a very popular destination for walkers, with cyclists and horse riders also using the bridleway which is well-used.

As noted on site there is poor or no intervisibility on sections of the lane from Barley Lane and limited places for vehicles to pass should they meet. The use of these passing places is also likely to require a vehicle to reverse a considerable distance on this narrow, unlit lane, where drivers may be unfamiliar with the layout.

In addition, there are insufficient refuge locations for pedestrians, cyclists and especially horse riders to move safely off the lane to allow vehicles to pass, which raises safety concerns.

As the access lane only has status as a bridleway the applicant should confirm what access rights they have as these may be limited for domestic purposes only.

Visibility

Visibility from Barley Lane to the lane's access is limited and partly obstructed by the rise in the land and stone boundary walls. Visibility on the lane approaching the access is also limited by the same features with a vehicle on the access lane unable to see approaching traffic and vice versa.

In addition, there has been an historic problem with vehicles parking on Barley Lane right up to the access which has necessitated the introduction of a No Waiting At Any Time Traffic Order on both sides of the access. Vehicles still park on Barley Lane beyond the extent of this TRO and encroach into the visibility in both directions as was noted on the site visit.

Car parking

Only seven parking spaces are shown on the plans submitted. Assuming that the existing dwelling has four bedrooms then three spaces need to be provided, particularly as the garage that will be lost to the development is adequately sized to provide at least two spaces. If the property is a three-bed property, then two spaces should be provided. This is in addition to the minimum of seven spaces for the holiday lets, as advised in the planning officer's response to the pre-application. Adequate manoeuvring area from all spaces also needs to be provided. A revised car parking plan should be provided demonstrating how both existing and proposed parking and manoeuvring will be accommodated.

Development site layout

No pedestrian links are shown between the car parking area and the individual units.

Following the receipt of the information requested the highway authority will provide further comments.

Further comments (19.06.25):

Two car parking spaces for the existing dwelling have been shown on the above drawing and the applicant's agent confirmed in a telephone conversation with the highway authority on 19 June that the existing property has three bedrooms. Therefore, two parking spaces would be considered adequate in addition to the seven for the proposed development. This parking area should be free from any landscaping or other obstructions to ensure that the parking spaces and manoeuvring area can be provided. The site layout has been amended, and pedestrian links have been provided between the car parking area and the individual units. Whilst the above amendments are now acceptable the proposed development still raises concerns about the intensification in use of the access lane from Barley Lane, as outlined in the highway authority's initial response. This includes vulnerable users on Bridleway ref BW13-08-006 (Barley with Wheatley Booth), and whether the proposed development would be contrary to paragraph 105 of the NPPF.

PBC Environmental health

The development is likely to be served by a private (i.e. non-mains) water supply. The applicant is advised to ascertain the quality and sufficiency of the water supply. If the water is used in a commercial or public activity, or if it is rented to tenants, it must be tested every year by the Council. If there is no commercial or public activity but more than one property uses the same water source, it must be tested by the Council every five years. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661031.

Parish/Town Council

We have been asked to comment on the following application submitted in relation to the conversion of a utilitarian agricultural building into three self-catering holiday cottages and we considered the application at our meeting held on 14 May 2025.

The Parish Council are familiar with the property and the setting since there has been a Certificate of Lawful Use application in 2024 which sought retrospective approval after a lean-to woodshed was demolished and replaced with a permanent stone-built extension to the property. The Parish Council supported the application, and it was approved by the Borough Council.

There is little detail provided with this application and our observation would be that it reads as an outline planning application because it is so basic; but it is not. The property is in a prominent position on the slopes of Pendle Hill in the open countryside outside the settlement boundary. The 3 cottages are shown on drawings to have the sleeping (beds) capacity for 23 people.

We have a number of concerns regarding this application as follows:

Traffic Issues - Policy ENV 4

If all the proposed properties were full this could generate between 7 and 15 additional vehicles using the access road, which is a bridleway from Barley Lane to the foot of Pendle Hill. LCC have commented that "Pendle Hill is a popular destination for walkers, with cyclists and horse riders also using the bridleway which is well-used" in their response. As residents we can confirm this. To make this development possible from a traffic perspective, and comply with Policy ENV 4 which requires adverse traffic impacts to be mitigated, works would be required to

- widen the junction to improve visibility and safety with Barley Lane and

- provide numerous vehicle passing places and pedestrian/cyclist/horses refuges on the narrow, circa 500m+, access road.

This is referenced in the Highway Authorities response to the application. With the access road not in the applicant's ownership the Council consider that the development would have to overcome numerous obstacles which might make the proposal unviable. Without the consent of local landowners this project may not be viable and there is no mention of any consents being granted.

Policy ENV4 states that where residual cumulative impacts on the highway network cannot be mitigated permission should be refused. There is also nothing in the application to give the Council confidence that sufficient parking spaces, with adequate manoeuvring space for visitors and the adjacent residents, can be provided.

Achieving Quality in Design and Conservation - Policy ENV 2

The design outlines that the existing building shape will stay the same and we will see new timber facias, the introduction of glass patio doors and the current green corrugated steel roof being retained. The Council are of the view that the building is acceptable as an agricultural barn but not as residential cottages.

This is not an attractive high standard of design and will look much as it is, other than glass patio doors will be introduced as well as patios at the front of the 3 cottages. It will not improve the quality of the tourism offer and is likely to have a detrimental impact on local amenity and character of the area. The front of the building is perched on high ground on the hillside directly adjacent to and overlooking, the main footpath up Pendle Hill. The patios at the front of the proposed property will have an impact on the rural ambience and character of this cherished landscape in terms of visual impact (people and garden paraphernalia), noise and light within the AONB. Policy WRK 5 refers to such impacts as being undesirable.

Sustainability

The National Planning Policy Framework places significant emphasis on sustainable development but the application does not place emphasis on this criterion. The Council acknowledge there is a presumption in favour of sustainable development. The Council considered sustainability and our views are below:

Sustainable Transport - this development is highly unlikely to make a contribution to sustainable transport. The majority of visitors to Barley are from East Lancashire and are day visitors. Those staying overnight are most likely to arrive by car and leave by car so making no contribution to the sustainable public transport network. There is a bus route along Barley Lane but the nearest bus stop is in Barley. Visitors will only add to the local vehicle journey totals.

Natural Resources - the water supply to properties on the slopes of Pendle Hill and to half of Barley village is from private aqueducts. As development increases, eg the planning approval of 4No glamping pods in 2022, this puts further demand on local water resources. At the time of writing the local water supply is under significant strain due to the current dry weather.

Policy ENV 7 (Water Management) states that the availability of an adequate water supply and disposal infrastructure must be considered. As the local PC with knowledge of the water supply system, we can state that there is limited, if any capacity, to add three more properties to the demand on the water supply. This is not addressed in the planning application which is also silent on power supply.

Viability of the Development - Whilst not a planning issue, there is likely to be limited demand for additional tourist accommodation in the area. There is a diverse range of accommodation in the

Barley area and, based on local knowledge, few are achieving the levels of occupancy they require. Post Covid was a boom time for local tourism but this has since diluted as the demand for foreign holidays has returned to post-covid levels

AONB Manager

No response

United Utilities

No response

PBC Public Rights of Way

The access to the site of the development runs along part public bridleway BW1308006. This right of way is very well used, mainly by pedestrians using the bridleway to walk from the roadside parking on Barley Lane to the start of FP1308005 which leads towards the summit of Pendle Hill. The effect of any development which introduces additional vehicle movements is to increase the inconvenience to public bridleway users when vehicles are passing them. This level of inconvenience is likely to be greater when cars are attempting to pass in opposite directions, or on the occasions when horse riders and cyclists are using the bridleway. I wish to object to the proposed development on the grounds of likely inconvenience to public rights of way users.

PBC Engineering

No response

Public Response

The nearest neighbours have been notified by letter, site notices have been displayed, with 12 objections received. The issues raised by these are summarised below:

- Buildings put up without planning consent
- Inappropriate location for a commercial building
- Direct threat to natural landscape of the AONB, and would permanently alter the untouched rural aesthetic
- Would impact the already overloaded village infrastructure of Barley
- Pendle house cottage relies on a natural spring shared with three other properties which would not be able to sustain three additional holiday cottages.
- The proposals reliance on septic tank system poses severe environmental risks.
- Unsafe and inappropriate access through single track road without many passing places.
- The proposed use would invite public access to the private track and exacerbates the issues such as littering, dog fouling, unauthorised parking, fly tipping etc.
- Would exacerbate rising concerns of rural theft, property damage and trespassing in Barley.
- Inadequate parking provision proposed.
- Proposal would introduce noise traffic, and urban sprawl to Pendle Hill eroding the special character of the area.
- Damage to local wildlife
- Not sustainable tourism

- out of character with the AONB and poses a significant threat to its visual and environmental integrity
- Significant Light and Noise Pollution will disturb wildlife, neighbours, and the peaceful rural character of the village, particularly during weekends and holidays
- No bin storage or waste management provision has been identified in the application
- No Commitment to Sustainable Energy
- Lack of Outdoor Amenity Space
- loss of privacy for neighbours
- represents unsustainable growth in the holiday accommodation sector as there is an overprovision of holiday accommodation in Barley
- insufficient detail to assess the scale of the proposed works
- Barley is a Day-Visitor Destination, not a Holiday Hub
- There is no plan for on-site management for the holiday accommodation
- Inadequate Outdoor Space for Occupants
- conversion of these buildings would totally use up all the applicants outside secure storage space
- the proposal's southerly outlook and visitor amenities will disrupt the visual harmony and privacy of existing dwellings
- Threat to Pendle Hill's Heritage and Community
- Poor design will degrade the visual character of the area, particularly as the structure sits in an elevated position overlooking the main Pendle Hill footpath
- Not viable in the area as the existing holiday lets are at less than 20% occupation
- Unsustainable development
- No specific local need
- Not a brownfield site as it is agricultural
- the size of the development would lend itself to accommodating hen and stag parties which would be a major disruption for the neighbours

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy ENV1 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 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) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused;

Policy WRK 5 Tourism, Leisure and Culture Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility

Expansion of the rural economy and farm diversification projects will be supported by promoting the re-use of existing buildings of traditional design and construction and by allowing extensions to existing business premises. Premises alongside the Leeds and Liverpool Canal provide a unique opportunity to preserve our industrial heritage, whilst creating new employment opportunities.

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 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.

Para 105. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

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

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Forest of Bowland AONB Supplementary Planning Guidance applies to development within the AONB

Officer Comments

The proposed development is for a holiday let. This is an acceptable location for a holiday let within acceptable walking and cycle distance of the settlement of Barley for holiday accommodation. The proposed development is therefore acceptable in principle in accordance with policy WRK5. The principal material considerations for the application are as follows:

Design and Landscape Impact

The application site is situated at the foot of Pendle Hill next to two existing cottages. On the top level the eaves are at 1.6m and the lower level is circa 2m set below the ground level of the main house. The existing building is set against the rising terrain of Pendle Hill. The proposal seeks to insert doors to the northeast and southeast elevations and windows to the other two elevations, and a patio to the southeast. These would be large, glazed openings compared to the smaller ones they replace on the building which currently has an agricultural appearance typical of rural locations. This combined with the domestication of the outside area with patios and parking would present a poor overall design that will alter the character of the AONB and present a development that will look out of character within the setting of Pendle Hill and the AONB.

Overall, the proposed development would not be acceptable in terms of design in and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, paragraph 139 of the NPPF Development in the Open Countryside SPG, Forest of Bowland AONB SPG and the Adopted Pendle Design principles SPD.

Residential Amenity

The existing agricultural building is only circa 4.3m from the front elevation of Pendle House farm cottage to its site. The proposed cottage would have a bedroom window facing this dwelling. However, due to the difference in levels it will not result in any overlooking or loss of privacy for the occupants of the dwelling.

The proposed development overall would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways and PROWs

The Highway Authority does not object to the proposal but raises concerns regarding the conflict with PROW users. The council's countryside access objects to the proposal based on its harmful impact on the safety of PROW users.

The site is accessed from Barley Lane via a single vehicle width, unlit lane serving three existing residential/agricultural properties. This lane also forms part of the public bridleway BW1308006. This is a very well used public right of way, mainly by pedestrians to walk from the roadside parking on Barley Lane to the start of FP1308005 which leads to the summit of Pendle Hill. There is poor or no intervisibility on sections of the lane from Barley Lane and limited places for vehicles to pass should they meet. The use of these passing places is also likely to require a vehicle to reverse a considerable distance on this narrow, unlit lane, where drivers may be unfamiliar with the layout. In addition, there are insufficient refuge locations for pedestrians, cyclists and especially horse riders to move safely off the lane to allow vehicles to pass, which raises safety concerns.

The proposed development would result in the intensification in use of the access lane. Additional vehicles on the lane generated by the occupants associated with the proposed use are likely to

cause unacceptable conflict between vehicles and vulnerable road users, pedestrians, cyclists and horse riders which would result in a highway safety concern. The proposal therefore is not acceptable and would be contrary to Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Pendle Replacement Local Plan and paragraphs 105 and 115 of the NPPF

RECOMMENDATION: Refuse

Due to the following reason(s):

1. The proposed development would result in an intensification of the use of the site which would result in a significant impact on highway safety and safety of PROW users on the road network leading to the site which is a single-track lane with limited passing places. The development would thus be contrary to Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Pendle Replacement Local Plan and Paragraphs 105 and 115 of the National Planning Policy Framework.
2. The proposed development would result in poor design that will have an unacceptable impact on the character of the Forest of Bowland National Landscape contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, Development in the Open Countryside SPG, Forest of Bowland AONB SPG and the Adopted Pendle Design principles SPD.

Application Ref: 25/0267/FUL

Proposal: Full: Change of use of an agricultural building to form 3 no. holiday cottages.

At Pendle House Farm Cottage, Barley Lane, Barley

On behalf of: Mr & Mrs T Beckett

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 6TH AUGUST 2025

Application Ref: 25/0337/FUL

Proposal: Full: Conversion of vacant church (Use Class Use Class F1(f)) into 6 no. residential flats (Use Class C3) and other associated works.

At Saint Peter And Saint Pauls Roman Catholic Church, Gisburn Road, Barrowford, Lancashire

On behalf of: Mr Tom Friar

Date Registered: 29.05.2025

Expiry Date: 23.07.2025

Case Officer: Negin Sadeghi

The application is before committee due to the level of public objection.

Site Description and Proposal

The application site is a disused Roman Catholic Church located on Gisburn Road within the Higherford area of Barrowford. The site is situated within the designated Higherford Conservation Area and lies within the defined settlement boundary. It occupies a prominent, elevated position near the junction with Foreside and adjacent to Higherford Bridge. Due to the site's topography, vehicular access directly to the building is not feasible. The building is bounded to the rear by a tall stone retaining wall along Pinfold. It is a locally distinctive structure and falls within Flood Zones 2 and 3 as designated by the Environment Agency.

The site adjoins Nos. 10 and 259 Gisburn Road to the east and is otherwise surrounded by landscape, highway, and Pendle Water to the west, north, and south. The church building sits approximately 1.8 metres below road level and is partially screened by a stone wall, forming part of a larger green landscape.

The proposal seeks full planning permission for the conversion of the existing church building into six self-contained one-bedroom residential flats (Use Class C3), with associated external alterations, refuse and cycle storage, and parking arrangements. Twelve car parking spaces are proposed off-site under a lease agreement with the Heritage Trust at the Malt Kiln Car Park, located directly opposite the site. The scheme proposes to retain key architectural features of the building, where feasible, and introduces minimal external alterations.

Relevant Planning History

22/0263/FUL; DC: WDN: Full: Change of use from Place of Worship (Use Class F1(f)) to Mixed Use comprising a dental practice (Use Class E(e)) and 3 No. residential dwellings (Use Class C3).

Consultee Response

Highways

summarised Highways consultation responses, clearly numbered for reference:

1) Initial Consultation:

- No objection in principle to the proposed conversion to 6 apartments.
- Car parking via a lease for 12 spaces at Malt Kiln car park is adequate but must be secured by condition.
- Cycle storage generally acceptable; concerns over rear access and level differences require amended plans.
- Refuse storage arrangements are inconsistent; must be revised for accessibility and to avoid obstructions.
- A Construction Traffic Management Plan (CTMP) is required due to parking restrictions and site constraints.

2) Detailed Initial Response After Site Visit (11 June 2025):

- Reaffirms no objection in principle.
- Parking: 12 leased spaces acceptable; must be signed for resident use and secured by condition.
- Cycle storage: Internal spaces acceptable; rear storage problematic due to level differences and retaining wall – alternatives suggested.
- Refuse storage: Discrepancies in documents; rear storage for flats 1–3 problematic (steps, level issues). Recommend relocation to the front of site; revised plans needed.
- CTMP required due to lack of on-site parking and difficult access.
- Conclusion: Further information and amended plans required; final highway conditions will follow.

3) Follow-Up Comments (14 July Submission):

- Cycle storage for flats 1–3 still proposed at rear – not supported due to distance and impact on retaining wall. Should be addressed by pre-commencement condition.
- Refuse bins: Revised plan places 9 bins at top of ramp – unacceptable due to space constraints and safety concerns for refuse vehicles.
- Bins for flats 4–6 must be stored internally; placement on ramp not supported.
- Collection from front on collection day is acceptable.
- Pre-commencement conditions recommended for:
 1. Construction Traffic Management Plan
 2. Cycle storage for flats 1–3
 3. Refuse bin storage

4) Final Highways Position:

- Cycle storage for flats 1–3 at the front is acceptable, subject to condition.
- Refuse bins for flats 1–3 could also be stored at the front (closer to collection point).
- Bins for flats 4–6 should not be stored on the ramp due to space and refuse wagon safety concerns.
- Urges resolution of bin storage before approval, though it still must be conditioned.

Parish/Town Council

No Objection provided the 12 parking spaces on the Malt Kiln Car Park are Guaranteed and comments addressed: This site falls within the Higherford Conservation Area and is a prominent building in the streetscape situated on the bank of Pendle Water just above Higherford Bridge. The building has some land to the front and side of the building but due to the topography of the site vehicle access is not possible. The buildings' location just past the abutment of Higherford bridge which has a 120° bend to the left lower abutment and a 90° turn into the junction with Foreside preclude safe on street parking near the building. The previous application for a dental practice

was totally impactable through the potential amount of parking required. This application for six apartments if backed up by a guarantee of 12 available spaces on the car park opposite would be a sensible reuse of the former church. The design to the basement level frontage could be improved so as not to adversely change the current symmetrical frontage of this most prominent aspect within the conservation area, The Parish Council has concerns regarding the storage of waste bins which if all apartments have grey/brown/green bins could total 18 and if stored in a n inappropriate location could have a detrimental effect on the visual amenity of the conservation area. the Parish Council would like these two matters considered and addressed before approving the application. The Parish Council would like to know if the stainedglass windows to the first floor are to be retained and if not would like the opportunity to record them for the local records?

Environment Health: no answer.

Environment Agency: no objection.

We have no objection to the proposed development; however, we offer the following comments for your consideration:

Flood Risk Standing Advice – for the Local Planning Authority
The site lies within Flood Zones 2 and 3, as defined in national planning guidance. As the proposal constitutes 'lower risk' development, it falls under our Flood Risk Standing Advice (FRSA), which replaces the need for direct consultation. We recommend the Local Planning Authority reviews the FRSA in full before determining the application. Further information is available at:
<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>

Environmental Permit – for the Applicant

Pendle Water is classified as a statutory main river. Under the Environmental Permitting (England and Wales) Regulations 2016, a permit may be required for any works:

- within 8 metres of a main river (or 16 metres if tidal),
- within 8 metres of a flood defence structure or culverted main river (16 metres if tidal),
- within 16 metres of a sea defence,
- involving excavation within 16 metres of a main river or flood defence,
- or within the floodplain if the activity may affect flood flow or storage and is not controlled by planning permission.

Further guidance can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Alternatively, contact our National Customer Contact Centre on 03708 506 506.

Applicants are advised not to assume that a permit will automatically be granted following planning approval and should engage with the Environment Agency at the earliest opportunity.

Architectural Liaison Unit: no answer.

PBC Engineering: no answer.

PBC Public right of way: no answer.

Public Response

The nearest neighbours have been notified by letter, and site and press notices were posted. A number of objection letters (3+) were received, raising the following concerns:

- **Construction Access and Safety:**
The site is located on a constrained road with no provision for skips or delivery vehicles. There is a lack of a Construction Traffic Management Plan and risk assessments.
- **Traffic and Parking:**
Inadequate visitor parking. The car park is shared with the public and often full. Parking pressures already exist locally.
- **Design and Conservation:**
Concerns about alterations to the symmetrical front façade and whether stained glass windows will be retained.
- **Refuse Storage:**
Potential visual harm and operational difficulty with the proposed bin storage.

Related Planning Policy

National Planning Policy Framework (NPPF, 2023)

Pendle Local Plan Part 1: Core Strategy (2011–2030):

- Policy ENV1: Protecting and Enhancing Our Natural and Historic Environments
- Policy ENV2: Achieving Quality in Design
- Policy LIV1: Housing Provision and Delivery
- Policy LIV5: Designing Better Places to Live

Saved Policies of the Replacement Pendle Local Plan (RPLP):

- Policy 31: Parking
- Policy 13: Quality and Design of New Development

Higherford Conservation Area Appraisal

National Design Guide (2021)

Officers

Principle of Development

The proposal involves the re-use of a vacant community building within a defined settlement boundary for residential purposes. Paragraph 119 of the NPPF encourages the effective use of previously developed land, while Policy LIV1 supports new housing development in sustainable locations. Subject to detailed design, highway, and flood risk considerations, the proposed development is acceptable in principle.

Heritage and Visual Impact

The site lies within the Higherford Conservation Area and comprises a building of local architectural merit. The scheme proposes to retain and convert the existing structure, thereby

preserving its contribution to the character of the area. Minimal external alterations are proposed, including the reuse of existing openings and preservation of the principal symmetrical frontage.

Concerns raised by the Parish Council regarding the basement-level design are noted. Conditions can cover this aspect to maintain the visual balance of the elevation.

Residential Amenity

To the north, west, and south, the building is separated from neighbouring properties by landscaping, a road, and a river, and therefore has no immediate neighbours on these sides. To the east, it adjoins the roofs of Nos. 10 and 259. Given its lower ground level, the building is further screened by the surrounding stone boundary wall.

The conversion would not result in unacceptable overlooking, overbearing, or loss of privacy to adjoining properties. Given the site's layout and orientation, the proposal does not result in harm to neighbouring amenity.

Highway Safety and Parking

Twelve parking spaces are proposed within an existing car park opposite the site under a formal lease arrangement. This provision exceeds the minimum standard of one space per unit and would ensure that on-street parking pressure is mitigated.

The Highway Authority raises no objection in principle but requests that the parking arrangement be secured by condition and clearly marked for residents' use.

Cycle storage provision is generally acceptable, but amendments are required to ensure accessibility and avoid undue intervention into the public highway or retaining walls. An amended site plan is required, and relevant conditions should secure full details of cycle parking.

Subject to conditions and receipt of an acceptable Construction Traffic Management Plan, the proposal would not result in harm to highway safety and would comply with Policy WRK5.

Flood Risk

The site lies within Flood Zones 2 and 3. The application is supported by a Flood Risk Assessment and falls within the scope of the Environment Agency's Flood Risk Standing Advice. It is therefore acceptable subject to compliance with mitigation measures set out in the FRA.

The development would be required to adopt appropriate floor levels, drainage measures, and evacuation strategies to minimise residual risk.

Others:

1. Construction Access and Safety:

The lack of on-site access and constrained nature of the road is acknowledged. A Construction Traffic Management Plan (CTMP) is required by condition to ensure safe and managed construction activities, including deliveries, vehicle routing, and timing.

2. Traffic and Parking:

The scheme provides 12 dedicated off-site parking spaces under a formal lease, which exceeds the minimum policy requirement. The spaces will be conditioned for exclusive resident use,

thereby mitigating on-street parking pressure. Visitor parking demand is expected to be low for one-bedroom units.

3. Design and Conservation:

The proposal retains the principal symmetrical façade, with only minimal and reversible changes. A condition ensures all materials and details match the existing building. Stained-glass windows will be recorded and documented prior to any removal, as secured by condition, to preserve local heritage.

4. Refuse Storage:

Initial concerns over refuse storage have been addressed. A condition requires a revised refuse storage and collection plan, to ensure that bins are stored appropriately off the highway and do not harm the conservation area's visual amenity.

Conclusion

The proposal represents a sustainable re-use of a vacant community building, making a modest contribution to local housing supply while retaining the site's historic and architectural character. Subject to amended plans and conditions relating to bin storage, cycle storage, parking, and construction management, the proposal is acceptable in planning terms.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

Recommendation: Approve

subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

PROPOSED ELEVATIONS; PROPOSED FLOOR PLANS; PROPOSED SITE PLAN - 19 May 2025

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

3. All external facing materials used in the development shall match those of the existing building in material, colour, and texture unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the character and appearance of the existing building and surrounding area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no changes shall be made to the design, materials, profile, or glazing pattern of the approved windows or doors (including any replacement or alteration works), unless details have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details and shall be retained as such at all times.

Reason: To ensure a high-quality appearance appropriate to the character and setting of the building and the Higherford Conservation Area, and to safeguard the architectural and historic interest of this locally distinctive building, in accordance with Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011–2030).

5. Prior to first occupation of the development, full details of secure and covered cycle storage provision for all six apartments shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be implemented before first occupation and retained thereafter for its intended purpose.

Reason: To encourage sustainable modes of travel and to ensure adequate cycle storage provision in accordance with national and local planning policy.

6. Prior to first occupation of the development, a revised refuse storage and collection plan shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved details prior to occupation and permanently retained thereafter. No refuse bins shall be stored on the public highway except on collection days.

Reason: In the interests of residential and visual amenity, and to prevent obstruction of the public highway.

7. Prior to first occupation of any of the approved dwellings, a signed legal agreement or equivalent mechanism confirming the lease of 12 car parking spaces within the Malt Kiln Car Park shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be clearly marked for the use of residents only and retained thereafter. If at any time the parking provision becomes unavailable, alternative off-site parking arrangements of an equivalent standard and capacity shall be submitted to and approved in writing by the Local Planning Authority within one month of the loss and implemented as approved.

Reason: To ensure adequate long-term off-site parking provision is retained for future residents in the interests of highway safety and amenity.

8. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall

include details of hours of work, construction vehicle routing, parking for site operatives, loading/unloading areas, wheel washing facilities, and any measures for minimising the impact on the local highway network. Development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of highway safety and to minimise disruption to local residents and businesses during the construction period.

9. The development shall be carried out in accordance with the mitigation measures identified in the submitted Flood Risk Assessment including finished floor levels and any resilience measures. These measures shall be implemented in full prior to first occupation and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

10. Prior to the removal or alteration of any stained-glass windows, a photographic and descriptive record of these windows shall be submitted to the Local Planning Authority and made available to the Parish Council for local heritage records.

Reason: To preserve architectural and historic features that contribute to the character of the building.

Informative:

- 1) All construction work will be carried out within the hours of 8 am – 6 pm Monday – Friday, 9 am – 1 pm Saturday, and no working on Sundays and Bank Holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter. Reason: For the amenity of the neighbouring residents.
- 2) The applicant is advised that any works within 8m of Pendle Water may require a Flood Risk Activity Permit from the Environment Agency.
- 3) The applicant is advised that any amendments to the highway may require a legal agreement under Section 278 of the Highways Act 1980.

Application Ref: 25/0337/FUL

Proposal: Full: Conversion of vacant church (Use Class Use Class F1(f)) into 6 no. residential flats (Use Class C3) and other associated works.

At Saint Peter And Saint Pauls Roman Catholic Church, Gisburn Road, Barrowford, Lancashire

On behalf of: Mr Tom Friar

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 6TH AUGUST 2025

Application Ref: 25/0388/PIP

Proposal: Permission in Principle: Erection of up to 5 no. dwellings.

At Greenbank Farm, Greenbank Drive, Fence, Lancashire

On behalf of: Pendleside Hospice

Date Registered: 13.06.2025

Expiry Date: 18.07.2025

Case Officer: Athira Pushpagaran

This application has been sent to committee due to it receiving 3+ objections contrary to officer recommendation.

Site Description and Proposal

The application site has the defined settlement boundary of Fence passing through it with the larger part of the site area falling outside the settlement, within the open countryside and green belt land. The site is situated at the end of Greenbank drive which is the main access to it.

The proposal is for the erection of up to 5 dwellings. The principle of residential development in this location is the only aspect to be considered as part of this application.

Relevant Planning History

23/0422/FUL Full: Retaining the agricultural building and the erection of 2 no. containers and 2 no. hen huts. Approved with Conditions. 2023

13/94/0288P Convert Outbuilding to Dwelling. Approved with Conditions. 1994

Consultee Response

Highways

Principle of Development acceptable. If Permission in Principle is granted there are several matters that would need addressing at the technical details stage. These include but are not exclusive to Car parking and Cycle Storage Provisions Plan, Refuse Storage Plan, Construction Method Statement including site plan, Street Lighting Assessment, Swept Path Analysis for a refuse vehicle or large emergency vehicle.

National Grid

Cadent Gas

No objection. Requests an informative on any decision notice regarding Cadent assets in proximity to the development.

United Utilities

No objection and strongly recommends that the applicant or any subsequent developer contacts United Utilities, using their pre-development enquiry service to discuss their proposals directly with our Developer Services team. Suggests a condition to be added to a subsequent Technical Details application along with an appendix of supporting information in a number of matters including drainage design and SuDs schemes.

Mining Remediation Authority

Coal outcrops run through the site which may have been subject to unrecorded shallow workings, posing potential risks to surface stability and public safety. As required by the NPPF, the applicant must demonstrate the site is safe and suitable for development, including any necessary remedial works. Should permission in principle be granted, any technical details application must be supported by a Coal Mining Risk Assessment to assess and address these risks.

Environment Officer Trees/Landscape

No response

PBC Engineering

No response

Parish/Town Council

No response

PBC Environmental health

No response

Public Response

The nearest neighbours have been notified by letter, with nine responses received out of which eight are objections and one is a neutral comment. The points raised in these are summarised below:

Objections:

- On green belt land, inappropriate development
- Inadequate and infrequent public transport
- Nearest surgeries oversubscribed and not within walking distance
- No evidence that existing local amenities have the capacity to accommodate additional demand generated by new housing
- Loss of private view and ambience to neighbours
- Would erode the rural setting of Fence and adjacent rural land
- Compromise the privacy of neighbours
- Compromise the isolated nature of the neighbouring property
- Would lead to increase in traffic and pose danger during school times.
- Increased traffic and congestion posing safety issues
- This is a precursor for more dwellings in the future next to the site
- Drainage issues
- Increased load on existing sewage system

- Loss of essential farmland
- Worsen existing drainage and flooding issues of water draining into Greenbank drive and nearby properties
- Harmfully impact wildlife and habitats on site
- Would set a dangerous precedent for further incremental loss of Green Belt land
- Undermines the openness and visual amenity of the Green Belt
- Would accelerate the urban sprawl in Fence and neighbouring areas
- Legal covenants on land restricting it to agricultural use
- Poor access
- There is a need to protect the sites history and legacy as farmland and shelter for animals in need and stabling horses and donkeys.
- The proposal may result in access to the adjacent brook being blocked making servicing it difficult, leading to flooding issues
- It is accepted that a certain amount of development in this location may be acceptable, but five dwellings are too intense for the site
- unclear from the plans whether the proposed new builds will reflect the existing properties in the area

Neutral

- Would be an improvement from the current asbestos roofed agricultural buildings but would need to be ensured that the buildings to be built should be of sympathetic design to the adjoining natural slate roofed stone buildings.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirement for Pendle, on allocated sites within settlements.

Policy ENV1 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 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Paragraph 110 seeks to manage patterns of growth through limiting the need to travel and offering genuine choice of transport modes.

Paragraph 115 states:

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- (a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users;
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ; and
- (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

Paragraph 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.

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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 154 states that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- 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), including buildings, 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 (including a material change of use to residential or mixed use including residential), whether redundant or in

continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

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

155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed⁵⁶;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below

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

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Officer Comments

Principle of Development

A permission in principle requires to establish if the principle of a development would be acceptable when considering the policy principles of a development at the site. The scope of the considerations at this stage is limited to location, land use and the amount of development permitted.

Most of the application site lies outside the settlement boundary with the defined boundary passing through it. The part of the site outside the settlement boundary also lies within open countryside and green belt land.

The main issues to be considered are:

- whether the proposal would be inappropriate development in the Green Belt
- whether the site is suitable for residential development

Green belt

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances exists to outweigh this harm. It

needs to be established whether any of the exceptions in the Framework apply to this development.

The proposed development would fall within the exception of limited infilling in a village identified by paragraph 154e of the Framework. Appeal decisions in the past have established that Fence is a village albeit a larger village. The site is at the edge of the settlement with existing built form to its west, south, east and northeast. The proposal would fall under limited infilling in a village.

Furthermore, the NPPF also supports residential development in the green belt if all of particulars a-d of paragraph 155 (as detailed in the policy section above) apply.

- a. The revised NPPF defines 'grey belt land' as Green Belt land comprising previously developed land or land that does not strongly contribute to Green Belt purposes (a), (b), or (d), as detailed in paragraph 143. Pendle has not undertaken a grey belt assessment but is commissioning work on this currently. Pendle Borough Council Green Belt Assessment from 2017 identifies that the parcel of green belt that includes the site as rating 'major' for purpose (a), 'slight' for purpose (b) and 'low' for purpose (d) of the five purposes of green belt. The 'major' contribution to purpose (a) is attributed to Noggarth Road which is included within this wider parcel to the north that provides a stronger green belt boundary. The site itself does not strongly contribute towards green belt purpose (a). Therefore, the proposed site would be considered Grey Belt, and it does not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
- b. Pendle currently does not have a 5-year housing land supply, as noted in the most recent housing land supply assessment and therefore there is a demonstrable unmet need for the type of development proposed (residential).
- c. The site is in a sustainable location as it is situated at the edge of Fence with essential amenities and services close by.
- d. Golden rules do not apply.

In this case the proposal would be in accordance with paragraphs 154 and 155 of the NPPF and would not be inappropriate development within the green belt.

Suitability of Residential Development

Residential development on part of the site within the settlement boundary is acceptable in principle in accordance with policy SDP2 which sets out that proposals for new development should be within a settlement boundary as defined on the proposals map.

Fence is defined as a Rural Service Centre, one of four villages in Pendle which are the focus for growth in rural Pendle. Policy LIV1 deals with housing provision and delivery. It states that until such a time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a settlement boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported where they accord with other policies in the Core Strategy.

Pendle currently does not have a 5-year housing land supply, as noted in the most recent housing land supply assessment and does not have a part 2 plan in place and the site is in a sustainable location access to local amenities and bus services. Therefore, in principle the principle of residential development on this site would be acceptable in accordance with policies LIV1 and SPD2.

The number of dwellings proposed would be appropriate to the character and density of this location which is residential in character with mostly semi-detached and detached dwellings.

Other Considerations

LCC highways does not object to the principle of the development and highlights a number of matters that would need addressing at the technical details stage including Car parking and Cycle Storage Provisions Plan, Refuse Storage Plan, Construction Method Statement including site plan, Street Lighting Assessment, Swept Path Analysis for a refuse vehicle or large emergency vehicle.

There is a group of TPO trees adjoining the site boundary. An arboricultural impact assessment would be required at the Technical Details Stage to ensure the development does not harm any trees.

The site lies within Flood Zone One as identified by the Environment Agency's Flood Map. There are no in principle objection to development in Flood Zone 1.

A number of other concerns both planning considerations and not were raised by members of the public. These are addressed below:

Impact on the character of the Area: A suitably designed housing scheme could be accommodated without detriment to the character of the surrounding area

Loss of view: Loss of private view is not a planning consideration. The site is not one that provides a public view that is special in character and should be preserved for the benefit of the wider public.

Future Development: Concerns about this scheme being a precursor to further development are noted; however, each planning application is assessed on its own merits in accordance with current policy.

Loss of Farmland: There are no planning policies that prohibit development on farmland. Each case is assessed based on its own merits in accordance with current policy.

Drainage issues: This is a matter for technical details stage and not a material consideration at PIP stage.

Ecology and wildlife: Ecological impacts are matters for the technical details consent stage including consideration of Biodiversity Net Gain.

Concerns about legal rights and covenants on deeds: These cannot be taken into consideration when determining a planning application as they are not material planning matters and a planning permission would not alter them.

Concerns have been raised that the site cannot accommodate five dwellings and that amenities of nearby residents will be affected. These are not matters for consideration for a PIP. They are matters for the technical details stage.

Conclusion

The application for Permission in Principle for the erection of up to five dwellings is acceptable in principle, subject to the satisfactory resolution of technical matters at the Technical Details stage. The proposal would contribute to the borough's housing supply in the context of the current housing land supply shortfall.

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, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

INFORMATIVE

As part of a Technical Details application, the following information should be provided:

- Car parking and Cycle Storage Provisions Plan
- Refuse Storage Plan
- Drainage strategy
- Construction Method Statement including site plan
- Coal Mining Risk Assessment
- Street Lighting Assessment
- Swept Path Analysis for a refuse vehicle or large emergency vehicle
- Bat surveys
- Arboricultural Impact Assessment

Application Ref: 25/0388/PIP

Proposal: Permission in Principle: Erection of up to 5 no. dwellings.

At Greenbank Farm, Greenbank Drive, Fence, Lancashire

On behalf of: Pendleside Hospice

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 25th July 2025