

## **REPORT TO THE WEST CRAVEN COMMITTEE ON 3RD OF MARCH 2026**

### **25/0813/FUL Land to The North of The Stables, Old Stone Trough Lane**

Following the publication of the committee report an amended construction management plan addressing the requirements of the condition for a construction method statement has been submitted. This is acceptable. The condition can therefore be removed from the recommendation.

A statement of objection from a solicitor representing neighbours, who have already objected to the proposal, has also been received raising issues which are addressed below.

The objection raises the issue of the weight to be given to the Permission in Principle approval that is extant and whether that should or not have a bearing on the current application. The letter accepts that it could have a bearing but effectively then indicates that it is not a matter of significance and that the Council can rely on other material issues, principally the new Local Plan, to refuse the current application. In the following comments it is noted that the site is larger than that approved in the PIP, but the basic issue here is whether or not the Council should give weight to the PIP in reaching a decision on this application.

Permission in principle was granted on this site under the provisions of section 58A of the Town and Country Planning Act 1990, for one dwelling. Although the PIP was originally refused by the Council, a subsequent appeal was allowed after an independent examination by a Planning Inspector. The Inspector was obliged to consider whether there were any impediments to a dwelling being erected on the site in principle. The Inspector, in reaching that decision, would have had to determine if there were any fundamental issues that would prevent that development, including impact on the character of the settlement. A PIP at Carry Lane in Colne was refused on the basis that any development of the proposed nature would have an unacceptable impact on the character of the location. This wasn't the case here. In other words, the appeal established that some form of development for housing would be acceptable on the site.

The objection argues that the scale of the dwelling on the current proposal is different from that at PIP stage. By its nature a PIP only assesses the location, land use and the amount of development proposed with detailed matters reserved for the Technical Details Consent (TDC) stage. Matters of scale, layout and design are not determined at PIP stage. The Inspector's decision confirms that the site's location and its relationship to the settlement are suitable for one dwelling, with design considerations to be assessed subsequently at technical details consent. The altered site area is not significant in the establishment of the principle of development on the site.

While PIP by itself is not a full planning permission, it however firmly establishes the principle of development, and it is established by granting permission under the Planning Act. We do accept that the current application relates to a wider site, however this is solely to include the siting of a temporary caravan during construction. The permanent dwelling is in accordance with the location of the approved PIP. The PIP is within time and is capable of implementation through a TDC and presents a clear fall-back position. As such it constitutes a material consideration to which significant

weight should be given as a permanent dwelling can be built on the site provided technical details are approved.

We recognise that the Council has adopted a new Local Plan since the PIP, but a change in policies do not nullify the consideration of an extant PIP. A technical details consent could still be submitted and unless there are technical reasons to object to the proposal it would be approved. No objection to the principle of development can be made at the Technical Details Consent stage.

The starting point for the consideration of any application is the development plan. The development plan constrains development generally outside of settlements. Policy DM27 does however allow for self-build development outside of settlements. The objection indicates this is not a self-build development. The application form however claims the self-build exemption and information in the accompanying documents confirms it is a self-build project. Policy DM27 allows for self-build and custom-build in sites '*located outside but closely related to a defined settlement boundary and its development would not adversely affect settlement character, residential amenity, or access to recreation.*' The main report deals with this issue which is a matter of planning judgment but with the precedent of some form of development being acceptable having been established in the appeal decision.

The drainage impact assessment assessed the proposed development and proposes an attenuation tank for excess flow. The proposal cannot reasonably be required to deal with the drainage provision of the existing stables and hardstanding. Notwithstanding this, the proposal would improve the overall surface water drainage of the larger site through the attenuation tank, as the greenfield runoff rate of the site is extremely low.

The assessment of the highway impact has been set out in detail within the officer's report, including consideration of the road closure when technical assessments were carried out.

The connection to services of the caravan and the dwelling is a matter for the utility companies. There are also PD rights available for the temporary use of the caravan during construction stage.

### **Officer Comments**

The comments received additional to those in the Committee report do not alter the planning balance. Committee is advised that the Permission in Principle does have material weight in determining the application and are advised that it should be given significant weight as it is extant, and subject to approval of details could result in a dwelling erected on site. It would be irrational not to give permission granted under an Act of Parliament significant weight in reaching a decision on the application. The application is recommended for approval subject to the following conditions.

### **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**

Subject to the following conditions:

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

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

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

- 662-25-1C Visibility Splays
- 3324/5B Plan Elevation & Section as Proposed
- 3324/8A Entrance Detail
- 3324/6A Site Plans as Proposed
- 3324-7 Proposed Site Sections
- 3324-1 Location Plan
- 662-25-1A Highway Report
- Landscape & Management Plan
- Proposed Drainage Strategy
- PV specification sheet- Eco Line Glass-Glass Non-Reflect M60/ 290 - 310 W
- Design and access statement
- Basic Level Preliminary Ecological Appraisal by Knight Sky Ecology
- Construction Management Plan 3324 /9A
- Construction method statement 001/A

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

3. 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, approved plans and the design and access statement 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.

4. Prior to first occupation of the approved development the parking and manoeuvring areas shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials and thereafter always remain available for the parking of

vehicles associated with the dwelling and shall be kept free from obstructions in perpetuity.

**Reason:** In the interest of highway safety to ensure that satisfactory levels of parking and manoeuvring are provided within the site.

5. Prior to the first occupation of the approved development surface water drainage measures as detailed in the approved site plan 3324/6A shall be installed and maintained thereafter.

**Reason:** To prevent flooding

6. The approved landscaping as per the site plan 3324/6A and Landscape & Management Plan shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

7. The proposed development hereby approved shall be carried out in strict accordance with the approved Construction method statement 001/A dated 26/01/26 and Construction Management Plan 3324 /9A. The approved statement and management plan shall be adhered to throughout the construction period.

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

8. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to, the construction of the amended access to the Local Highway Authority's specification including radius kerbs; the access constructed to prevent water flowing from the highway into the site; construction details of the tie-in to the existing carriageway edge.

**Reason:** In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

9. Prior to first occupation of the approved development visibility splays measured 2metres back along the centre line of the access from the carriageway edge and extending 34 metres to the northeast and 31 metres to the southwest of the access shall be provided. Nothing shall be erected, retained, planted and/or allowed to grow on land within the applicant's ownership at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

**Reason:** In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

10. Any gates or barrier erected across the site access shall be set back at least 10m into the site from the carriageway edge of Old Stone Trough Lane in accordance with the approved plans (drawing 6A dated 15.1.26) and retained at that distance for the lifetime of the development.

**Reason:** In the interest of highway safety to allow all vehicles to enter or leave the site without having to wait on Old Stone Trough Lane where they could cause an obstruction.

11. Prior to the occupation of the development hereby permitted the bat and bird boxes shall be provided in accordance with the recommendation of '*Basic Level Preliminary Ecological Appraisal prepared by Knight Sky Ecology dated 23 January 2026*' and maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure protection of the habitat of bats and birds.

12. Within one month of the development hereby approved being brought into use, the temporary caravan which is indicated on plan reference 3324-1, next to the stables shall no longer be used for residential accommodation and shall be removed from the site.

**Reason:** A separate unit of residential accommodation is not appropriate in this location

## **Informatives**

All construction work shall be carried out only within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours may result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays. No Vehicles shall be left idling onsite with the engine running.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the amended access to the 5 Highway Authority's specification including radius kerbs; the access constructed to prevent water flowing from the highway into the site; construction details of the tie-in to the existing carriageway edge. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

