

<b>Application Number:</b>	2020/0555	<b>Application Type:</b>	Full
<b>Proposal:</b>	Outline application (including access, layout and scale) for the erection of a single storey detached dwelling.	<b>Location:</b>	Land Between 184 And 188 Booth Road Stacksteads Bacup Lancashire OL13 0TH
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	25/05/2021
<b>Applicant(s):</b>	Mrs Emma Jackson	<b>Determination Expiry Date:</b>	04/06/2021 (Time Extension)
<b>Agent:</b>	Mr Martin Hill		

<b>Contact Officer:</b>	<b>Nick Brookman</b>	<b>Telephone:</b>	<b>01706 252414</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	✓ <b>Cllr Pam Bromley</b> <b>I can see no material reason why the application should be refused – I believe the objections relating to privacy, the character of the neighbourhood, and access are not valid reasons to reject the application</b>
<b>3 or more objections received</b>	
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

Refuse

## **APPLICATION DETAILS**

### **2. SITE**

The application site is located directly between the existing properties of No 184 and No 188 Booth Road. It is an undeveloped Greenfield site which is an irregular shaped plot of agricultural land approximately 870m<sup>2</sup> in size.

An existing track and entrance gate provides access into the site from Booth Road and this is immediately bound by mature hedging on both sides. In the wider context of the site the south side of Booth Road is residential with agricultural fields to the further south and the north side is home to the Valley Leadership Academy, formerly known as Fearn's High School.

The Land is designated as Green Belt.

### **3. RELEVANT PLANNING HISTORY**

2019/0445 - Outline application (including access, layout and scale) for the erection of 1 no. detached dwelling – refused.

2020/0443 - Outline application (including access, layout and scale) for a single storey detached dwelling (re-submission of 2019/0445) – Withdrawn.

### **4. PROPOSAL**

The applicant seeks outline planning permission (including access, layout and scale only) for the construction of a 1no. detached four bedroom dwelling on the site.

The dwelling would be located on the land currently serving as agricultural land to the south of the properties on Booth Road. Access to the new dwelling would be via the existing access track between No's 184 and 188 Booth Road opposite the artificial sports pitch associated with The Valley Leadership Academy with the intention of extending and then widening the driveway further into the site to match the shape profiling of the land.

The proposed dwelling would be set back behind the existing neighbouring properties to the west but the rear would be in line with those to the east, namely No's 180 and 182 Booth Road.

The curtilage would be oblong in shape to the rear and would effectively be set back to match those of the existing neighbouring properties.

### **5. POLICY CONTEXT**

#### **National**

#### **National Planning Policy Framework**

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport

- Section 11 Making effective use of land
- Section 12 Achieving well-designed places
- Section 13 Protecting Green Belt Land
- Section 15 Conserving and enhancing the natural environment

**Development Plan Policies**

- AVP 2 Bacup, Stacksteads, Britannia and Weir
- Policy 1 General Development Locations and Principles
- Policy 16 Preserving and Enhancing the Built Environment
- Policy 17 Rossendale’s Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

**Other Material Considerations**

- National Planning Practice Guidance
- National Design Guide

**6. CONSULTATION RESPONSES**

Ecology	No comment but no objection received on previous application
Land Contamination	No objection subject to conditions
LCC Highways	No objection subject to conditions and matters being addressed
RBC Environmental Health	No objection subject to conditions
RBC Forward Planning	No comments received
Tree Officer	No objection
United Utilities	No objection subject to conditions

**7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 15/03/2021 and neighbour letters were sent out on 08/03/2021

6 objections have been received, raising the following points:

- Harm to neighbour amenity.
- Harm to visual amenity.
- Insufficient parking.
- Harm to highway safety.
- Inappropriate development.
- Contrary to planning policy.

## 8. ASSESSMENT

### Principle

Chapter 13 of the National Planning Policy Framework 2019 (NPPF) recognises that the Green Belt serves five purposes:

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

When defining Green Belt boundaries, the NPPF advises that plans should:

- ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

In respect of proposals affecting the Green Belt, paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application the NPPF advises Local Planning Authorities (LPAs) of their responsibility to ensure that substantial weight is given to any harm to the Green Belt. LPAs are further advised that 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. As such (para145), a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Exceptions to this are:

- buildings for agriculture and forestry;
- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- limited infilling in villages;
- limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and;
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy 1 of the Core Strategy advises that proposals for development outside of the urban boundary will be determined in accordance with relevant national and local planning guidance. In respect of a review of Rossendale’s Green Belt borough wide this is currently being undertaken in respect of the emerging borough Local Plan but, to date, the application site has not been proposed for removal from the Green Belt.

### **Appropriateness of the Development**

As already indicated above, the site and adjacent land is not considered in the emerging Local Plan review process for removal from the Green Belt and for the purposes of this application, the site is considered to be wholly within the Green Belt.

The applicant’s agent asserts in the supporting planning statement that the proposal would constitute an infill site and has referred to paragraph 89 of the NPPF (outdated version of the NPPF (now paragraph 145)). The supporting statement elicits the concept that in this instance limited infilling applies as an exception to inappropriate development with the proposed dwelling being sited between two existing properties.

In addition, the supporting statement makes reference to very special circumstances and housing supply. The applicant believes that for the aforementioned reasons concerning the limited infilling the proposed development is not inappropriate, but in order to engage with this exception the development must:

1. *Constitute limited infilling* - Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage. The proposed dwelling is set back from the existing street scene and the building line would be add odds with properties both to the west and east.
2. *Be in a village* - The site is not located within a village – it is located adjacent to Booth Road in an area of Green Belt clearly separating the villages of Waterfoot and Stacksteads. This area of Green Belt functions to prevent neighbouring settlements (i.e. the villages of Waterfoot and Stacksteads) merging into one another which is one of the purposes of Green Belt.

As such, it is not considered that the proposed scheme is an exception to restricting development within this Green Belt location in accordance with paragraph 145 of the Framework, and it is therefore considered inappropriate development within the Green Belt.

In terms of appropriateness it is considered that this proposal does not meet any of the exceptions criteria laid down in paragraph 145 of the NPPF (2019) and, given that

substantial weight is given to any harm to the Green Belt, the NPPF advises that 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.

The development is inappropriate development within the Green Belt – which is by definition harmful to the Green Belt. The proposed development would have an undeniably greater impact on the openness of the Green Belt than the existing state on site and the proposed scheme is unacceptable in principle.

### **Five Year Housing Land Supply**

As the Council cannot presently demonstrate an up to date five year housing land supply based on Full Objectively Assessed Need (FOAN) the policies in the Council's Core Strategy relating to housing are considered to be out of date and should be afforded only limited weight. However, consideration of the current application needs to have regard to Paragraph 11 of the National Planning Policy Framework (NPPF), which states that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In this case, the application site is located wholly within an area of particular importance as defined by the NPPF; namely, the Green Belt.

Accordingly, there is an objection in principle to the erection of a dwelling within the application site. The development would also impact significantly upon the character and the openness of the Green Belt (however well-designed the dwelling was).

### **Visual Amenity**

Policy 1 of the adopted Core Strategy states that *“The Council will seek to maintain Rossendale’s distinctive environment...”*, and will do so by seeking to ensure the greatest amount of new development takes place within the Urban Boundary.

Policy 23 of the adopted Core Strategy states that:

*“The Council will ensure that Rossendale’s places and buildings are attractive, safe and easy to use, by ensuring that all new developments [amongst other things]:*

*- “Are of the highest standard of design that respects and responds to local context, distinctiveness and character;*

- *Contribute positively to local identity and heritage in terms of scale, density, layout, materials and access;*

- *Maintain the relationship between the urban areas and countryside, particularly at the rural-urban interface where the contrast between the natural and built environments is most prominent”*

Appearance is reserved for subsequent determination. However, the proposed dwelling would be out of keeping with the existing building line of other residential properties on Booth Road, which would appear incongruous in the existing street scene and would not respect the existing pattern of development in the area.

The site currently has an essentially open and rural character, forming part of a wider tract of open countryside to the south. The proposed scheme would significantly reduce the sense of openness on the site and would be fundamentally harmful to the site’s rural character.

Accordingly, the proposed dwelling would significantly harm the essentially open and rural character of the site and its surrounding area.

As such, the scheme is considered unacceptable in terms of visual amenity.

#### Neighbour Amenity

Whilst appearance is reserved for subsequent approval, it is considered that the proposed scale of the dwelling in its location will stand sufficiently far from neighbouring occupied buildings, and is unlikely to result in unacceptable detriment for any neighbours in terms of light, outlook, privacy or overbearing.

The scheme as currently proposed is considered acceptable in terms of neighbour amenity.

#### Access, Parking and Highway Safety

The Local Highway Authority would have no objection subject to the issues below being addressed satisfactorily if the Council was minded to approved the application.

*“The access to the site utilises an existing field access complete with dropped kerbs and in this respect, the access detail would-be considered acceptable. However I would need to be satisfied that the alternative access to the field would be capable of being used in terms of both access dimensions for agricultural vehicles and safety ( visibility etc) . As part of the proposal I would expect the alternative field access point(s) to have been identified.*

*In the submitted planning statement it states that the parking arrangements will enable vehicles to enter and leave in a forward gear and this is demonstrated on the site plan for a single vehicle . However the submitted plan refers to a 4 bed dwelling, this being the case then 3 parking spaces would be required together with the ability for each vehicle to independently enter and leave in a forward gear. Notwithstanding the final details of the proposed dwelling, the parking provision should satisfy Rossendale's parking requirements and retain the ability to enter/leave the site in forward gear.”*

Subject to conditions and such matters being addressed LCC Highways would have no objection on highway safety.

## Contamination / ground conditions

The Council's land contamination consultant considers that it would be necessary to include conditions requiring the submission of further site investigation reports and remediation proposals to ensure that any contaminants on site are properly addressed as part of the development, and that any such remediation is verified before the development is brought into use.

Subject to conditions, the scheme is considered acceptable in terms of contamination and ground conditions.

## Ecology

No comments were received on this application from the Council's Ecology Consultant. However, on previous applications it was noted that no significant ecological constraints were identified by the developer in their ecological appraisal that accompanied the application. Issues relating to amphibians, nesting birds, invasive species as well as landscaping can be resolved by condition should planning permission be granted.

## Drainage and flood risk

United Utilities have suggested conditions which would require the applicant to submit final details of the proposed surface water drainage scheme for the development, and will require them to demonstrate that surface water is to be dealt with in the most sustainable manner possible.

Subject to the proposed conditions, the scheme is considered acceptable in terms of drainage and flood risk.

## Conclusion

The proposal does not meet any of the exceptions criteria laid down in paragraph 145 of the NPPF (2019) and represents inappropriate development in the Green Belt. Given that substantial weight is given to any harm to the Green Belt, the NPPF advises that 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. No very special circumstances have been demonstrated in this case, and the development is considered unacceptable in principle. The development would also cause unacceptable harm to visual amenity and to the essentially open and rural character of the countryside.

## **9. SUMMARY REASON FOR REFUSAL**

1. The scheme would be inappropriate development within the Green Belt, which is by definition harmful. No very special circumstances have been demonstrated that would override the inappropriateness of the development. Accordingly, the application is considered unacceptable in principle having regard to the National Planning Policy Framework (2019) and Policy 1 of the Council's Core Strategy DPD.
2. The proposed development, by reason of its siting would appear as an unduly prominent and intrusive feature in the rural landscape that would erode to an unacceptable extent the intrinsic character and appearance of the countryside and the openness of the Green Belt.



The scheme is therefore considered unacceptable having regard to the National Planning Policy Framework (2019) and Policies 1, 16, 17, 18, 21, 23 and 24 of the Council's Core Strategy DPD.

## **INFORMATIVES**

1. Standard refusal informative.