

Application No: 2007/035	Application Type: Full
Proposal: Removal of condition 6 and modification of condition 7 on Planning Permission 2006/623 for erection of 8 chalets	Location: Croft Top Farm Stonefold Village Rising Bridge
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 6 March 2007
Applicant: Mr. K Holden	Determination Expiry Date: 19 March 2007
Agent: Janet Dixon Town Planners	

REASON FOR REPORTING

Outside Officer Scheme of Delegation No
Member Call-In Yes

Name of Member: Councillor D Ruddick

Reason for Call-In: The relevant conditions were imposed by Committee and, in his opinion, the original report gave no clear explanation why the conditions were imposed. The various tourist consultees had no objections and the Council's policy is to encourage tourism.

More than 3 objections received No

Other (please state)

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.

APPLICATION DETAILS

1.1 The Site and the Proposal

The application site forms part of Croft Top Farm which lies in the countryside to the east of Rising Bridge. The site itself lies to the south of the main car park and complex at Croft Top Equestrian Centre and an earth bund. The site is immediately surrounded by fields to the west, south and east some of which are enclosed and used for the grazing of horses. In the distance to the south-west and north-west stand small clusters of houses.

The site lies within the designated Countryside in the Rossendale District Local Plan.

2. Relevant Planning History

An earlier application, 2006/337, proposed the erection of 12 chalets to be used in connection with visitors to the Equestrian Centre. However, the applicant withdrew the application to address a number of Officer concerns.

The more recent application ,2006/623, which was approved by Committee on 9 January 2007, proposed the erection of 8 chalets and was submitted following discussions with the case officer. The application sought to justify the need for the chalets, minimise visual impact on the Countryside and minimise the development's footprint. The red edge site was scaled back markedly to enclose only the site of the chalets and a narrow access road. The applicant stated a willingness to be bound by a condition restricting the use of the chalets only to people using the Equestrian Centre.

Planning permission was granted subject to 7 conditions. The applicant is seeking to remove Condition 6 and modify Condition 7. The relevant conditions as approved by Committee are :

6. Within 6 months of the Chalets hereby approved ceasing their use as ancillary overnight accommodation, they shall be removed from the site and the ground returned to fallow ground. *Reason : In the interests of protecting the Countryside from unnecessary development, visual amenity and ecology.*
7. The Chalets hereby approved shall only be used by people attending events held at the Croft Top Equestrian Centre as overnight accommodation. The buildings shall be used for no other purposes which includes use for holiday letting. *Reason : To ensure the chalets are use for their intended purpose as ancillary accommodation top the Equestrian Centre in the interests of protecting the Countryside from unnecessary development, of visual amenity and ecology.*

The applicant's agent proposes the following wording for Condition 7 :

The chalets hereby approved shall only be used by people attending events held at Croft Top Equestrian Centre and as holiday accommodation. The buildings shall not be used for permanent residential accommodation.

The application was submitted with a letter from a bank expressing concern about the implications of these 2 conditions in terms of their impact on income potential/asset valuation and, consequently, security of any loan advance. The applicant's Agent explains that deletion of Condition 6 addresses the issue of a considerable investment being made in buildings otherwise viewed as of a temporary nature. The modified Condition 7 broadens use of the chalets from that by people attending events at the Equestrian Centre to use in a general sense as 'tourist accommodation'.

1.2 Relevant Planning History

2006/337 – Erection of 12 Holiday Chalets – Withdrawn

2006/623 – Approval for 8 holiday chalets as described above.

1.3 Policy Context

Rossendale District Local Plan (Adopted 1995)

DS 5 – Development Outside the Urban Boundary and Green Belt

C 8 – Countryside Recreation

DC 1 – Development Criteria

DC 2 – Landscaping

DC 4 – Materials

Joint Lancashire Structure Plan (Adopted 2005)

Policy 5 – Development Outside of Principal Urban Areas, Main Towns & Key Service Centres

Policy 19 – Tourism Development

Policy 20 – Lancashire's Landscapes

Other Material Planning Considerations

PPS7 - Sustainable Development In Rural Areas

PPG21 - Tourism

RPG 13 now forming the Regional Spatial Strategy for the North-West

2. INTERNAL CONSULTATIONS

RBC Environmental Health – no comments.

2.1 EXTERNAL CONSULTATIONS

The following comments were received in relation to the earlier application.

Lancashire County Council (Planning)

The scheme is considered to be in general conformity with the Structure Plan although the form of tree planting should be made to look more natural and less rigid whilst the access tracks should be laid in locally appropriate stone. Further details are required in relation to the impact on ecology.

Lancashire County Council (Highways)

Kings Highway has recently been widened. It has no further comments.

3. REPRESENTATIONS

- 3.1 Site Notice posted 29 January 2007 and 16 letters sent notifying neighbours of the scheme. 4 letters were received objecting to the earlier application but there have been no objections to the application to revise the conditions.

4. REPORT

The proposed development has already received outline planning permission. The main considerations are whether the removal/modification of the conditions as proposed would be contrary to national and local planning policies, and whether this would set an undesirable precedent for other new development in the Countryside.

PPS 7 states the following:

“Tourist and visitor facilities

35. *The provision of essential facilities for tourist visitors is vital for the development of the tourism industry in rural areas. Local planning authorities should:*

(i) plan for and support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages;

(ii) allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.

36. *Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction; they meet the criteria in paragraph 35(ii); and there are no suitable existing buildings or developed sites available for re-use.*

Tourist accommodation

37. *The Government expects most tourist accommodation requiring new buildings to be located in, or adjacent to, existing towns and villages.*

38. *The conversion of suitable existing rural buildings to provide hotel and other serviced accommodation should be allowed, taking into account the policies on the re-use of rural buildings in paragraphs 17 and 18. Similarly, planning authorities should adopt a positive approach to proposed extensions to existing tourist accommodation where the scale of the*

extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses.”

It is therefore necessary to balance the needs of the Equestrian Centre against the requirement to protect the essentially open and rural character of the Countryside.

Planning permission was granted on the basis that the proposed chalets would be tied to/ancillary to the existing use at Croft Top Farm. Structure Plan policy gives general support for farm diversification and tourism uses in the Countryside and the County confirmed that the scheme is considered to be in general conformity with the Structure Plan. The principle of new-build development was considered acceptable, in terms of National and Structure Plan policy, if limited to use by only those people who are also attending events at the Equestrian Centre.

The previous report did explain clearly why it was appropriate to grant planning permission for erection of the chalets, as they would be closely linked to the existing Equestrian Centre and would not materially increase traffic movements. The granting of planning permission would not have been recommended by your Officers for approval had the proposal been to erect in this location chalets without a strong link to the existing use.

PPS 7 seeks to focus new-build tourism development in, or close to existing villages. It goes on to say that *“facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction”*. Without the tie-in with the Equestrian Centre there is no justification for general holiday chalets in this prominent location in the Countryside, well away from any existing settlement.

PPS 7 supports *“the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres”*. No evidence has been provided by the applicant that such accommodation is needed and would most appropriately be sited here. Nor has evidence been provided to demonstrate that the proposal is needed to ensure the future viability of the existing business, as referred to in PPS 7.

A general tourism use of the buildings would also be likely to lead to an undesirable increase in traffic. which would go against the long-held concerns of local residents, who have witnessed the Equestrian Centre expand considerably over the years..

To allow erection of the chalets to proceed without retaining a strong link to the existing countryside attraction, or their retention beyond use tied to the Equestrian Centre would be contrary to policy and set an undesirable precedent for other developments in rural locations. Condition 6 and 7 Planning Permission 2006/623 addressed these issues and ought not to be deleted in the case of the former or modified as proposed in the case of the latter. The scheme as approved balanced the need for the chalets against its visual impact in the countryside

5. **CONCLUSION**

5.1 The approval of the chalets can only be justified if closely related to the existing Equestrian Centre, and remaining in use in connection with it. Accordingly, the removal of Condition 6 and the modification of Condition 7 as proposed is recommended for refusal.

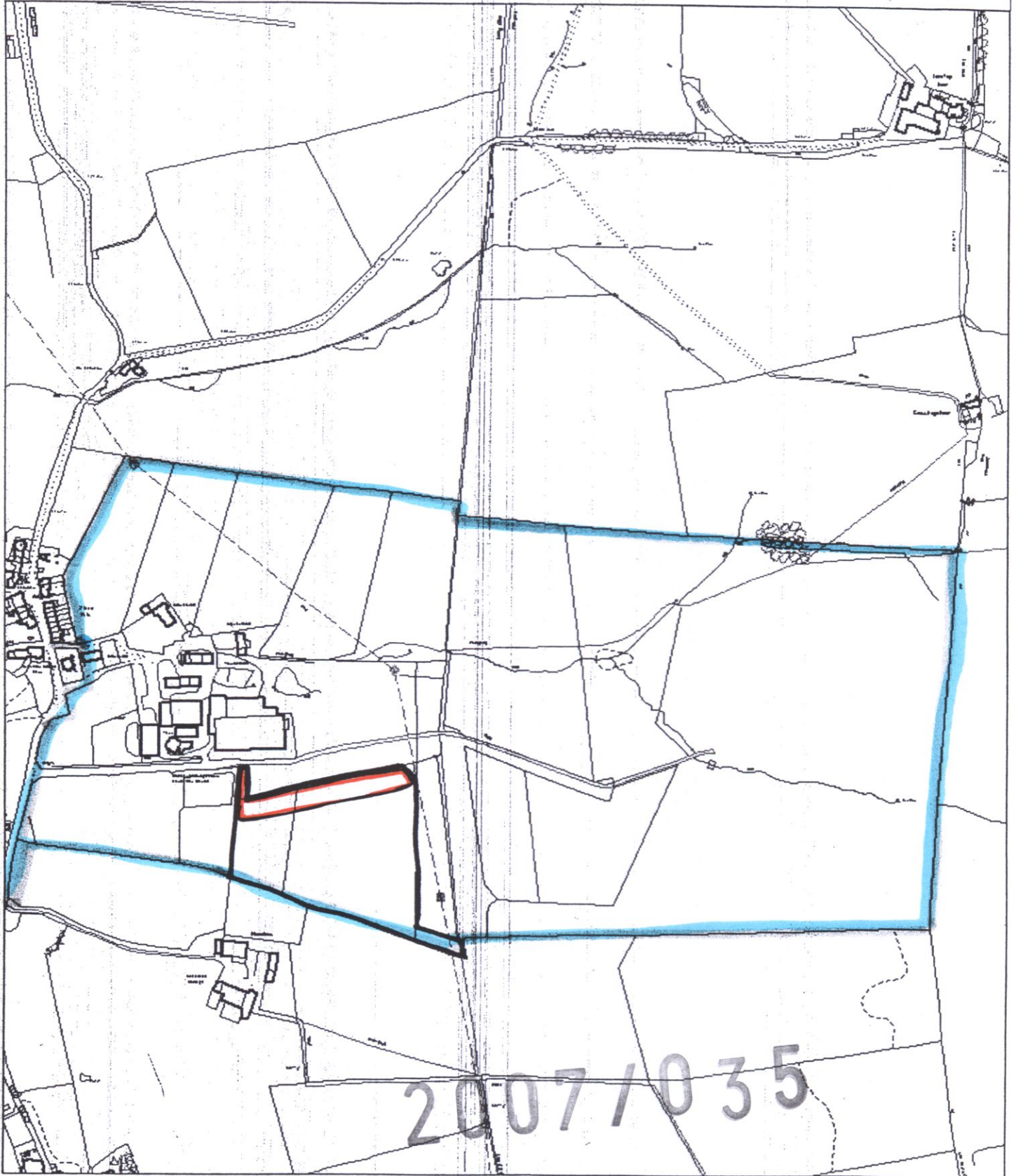
6. **RECOMMENDATION**

6.1 That the application be refused for the following reason :

The removal of Condition 6 from Planning Permission 2006/623, and the modification of Condition 7 as proposed, would result in the erection/retention of new-built development in the Countryside inadequately connected to an existing countryside attraction (ie the Equestrian Centre). Consequently, the development would be contrary to PPS7 – Sustainable Development in Rural Areas, Policy 19 and 20 of the adopted Joint Lancashire Structure Plan and Policy DS5 of the adopted Rossendale District Local Plan.

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Croft Top Farm



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Rossendale Borough Council