



TITLE: 2004/823 : CONVERSION AND EXTENSION OF FORMER AGRICULTURAL BUILDINGS TO FORM 3 DWELLINGS, HONEY HOLE, STACKSTEADS, BACUP.

TO/ON: DEVELOPMENT CONTROL COMMITTEE / 17 MARCH 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT: MR. J. LAW

DETERMINATION EXPIRY DATE: 11 JANUARY 2005

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.

Site and Proposal

The buildings, which are the subject of this application, are predominantly stone structures located approximately 110 metres north east of the junction of Tunstead Crescent and Tunstead Road on land identified as forming part of a Countryside Area in the Rossendale District Local Plan. The buildings are currently vacant but were last used for agricultural purposes. Planning permission is sought to convert and extend them to form three dwellings. A further building is to be converted and extended in order to form a detached garage for use in conjunction with unit 1.

This application is being reported to Committee for a decision because it is considered appropriate to do so, the previously refused application having been dealt with in this way.

Relevant Planning History

2004/614 – Alterations and conversion of former agricultural buildings to form five dwellings – Refused 19 November 2004 on policy grounds

2004/121 – Alterations and conversion of agricultural buildings to form five dwellings – Refused 27 May 2004 on policy grounds

Notification Responses

The application has been advertised by site notice. No representations have been received to date as a result.

The applicant's agent has submitted a letter in support of their proposal in which they state the following:-

- a) the site is sustainably located. It lies within 400 metres of a bus stop served by the most frequent and regular bus service in the District. It is also located in relatively close proximity to community facilities and services in Stacksteads.
- b) the proposal meets the requirements of PPG3. It seeks to convert existing buildings that are capable of conversion and that are not currently used for agricultural purposes.
- c) the development will not cause any 'demonstrable harm' despite the location of the site outside of the Urban Boundary.
- d) the proposal will support both rural and urban regeneration seeking as it does the re-use of suitably constructed and sustainably located buildings
- e) the proposal accords with all other relevant national and local plan policy and advice
- f) the proposed conversion works will retain the character of the buildings and their respective settings.
- g) an approval of this proposal will lead to a reduction in the number of vehicles, including commercial vehicles, visiting the site.
- h) a survey has been carried out which demonstrates that the buildings are not currently, and never have been, occupied by bats or owls.

Consultation Responses

County Planning Officer

Object. Consider that the Council's housing target for 2006 can reasonably be met through the implementation of existing residential planning permissions. There is therefore no need for further housing at present. Also consider that the proposal would be contrary to Policies 1 and 5 of the Draft Joint Lancashire Structure Plan.

R.B.C.Engineers

Object. Consider that the access road serving the development should be made up to an adoptable standard. This does not appear achievable given its current alignment and gradient.

Environmental Health

No objections subject to conditions.

Environment Agency

No objections subject to conditions.

Building Control Services

No Comments.

County Archaeology Unit

No objections subject to conditions

County Land Agent

No objections. Consider that the loss of these buildings to residential use will not have any adverse impact upon the operation of the remaining farm unit.

Development Plan Policies

Rossendale District Local Plan

Policy DS.1 (Urban Boundary) states that *“the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map”*

Policy DC.1 (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy DS.5 (Development outside the Urban Boundary and the Green Belts) states that *“outside the urban boundary and the green belts, shown on the proposals map, development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings provided that they comply with policies DC.1 and C.6”*

Policy C.1 (Countryside Areas) states that *“to enhance rural landscapes, known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes. Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area”*

Policy C.6 (Re-use and Adaptation of Rural Buildings) of the Rossendale District Local Plan. The policy states that *“proposals for re-use and adaptation of rural buildings will normally be permitted and will be considered on the basis of the criteria set out in Policy DC1 particular attention will be paid to the following:-*

- a) *That the building form, bulk and general design are in keeping with their surroundings*
- b) *In the Green Belt the building must be genuinely surplus to the present and foreseeable needs of agriculture*
- c) *The building is structurally sound and capable of conversion without the need for major alterations which would adversely affect its character and appearance.*
- d) *The proposed development is carefully detailed and designed to ensure that the essential character of the building is retained, preserved and enhanced.*
- e) *The affects of the creation of a garden area together with any garaging or car parking facilities does not harm the appearance or function of the area.*
- f) *The access to the site is to a safe standard or is capable being improved to a safe standard without harming the appearance of the locality.*
- g) *The impact of the proposal does not harm the appearance or function of the area.*
- h) *Extensions to such buildings will normally only be permitted where:*
 - i) *They are in size, mass and scale ancillary to the existing building, and otherwise necessary to provide a reasonable standard of modern habitable accommodation.*
 - j) *They are so designed and located, and are of matching materials of construction such that they reflect and enhance the character of the existing building.”*

Policy HP.4 (New uses for Old Buildings) states that *“ the Council will actively encourage new uses of old buildings or groups of old buildings which are of architectural or historic interest and also encourage private sector conservation initiatives provided that the change of use and alterations would be sympathetic to the character of the buildings and the proposed use does not detract significantly from the quality of the surrounding area”*

Policy T.4 (Car Parking) states that *“ Development proposals will be required to provide, normally within the cartilage of the development, sufficient space to meet both operational and non operational parking requirements”*

Lancashire Structure Plan 1991-2006:

Policy 1 (Development in Rural Areas) states, in part, that within the open countryside outside of the green belt, proposals to rehabilitate and re-use buildings will normally be considered acceptable provided that they meet certain specified criteria.

Policy 43 (General Housing Provision) sets out the number of new residential units needed between mid 1991 and mid 2006 to adequately house the County's population. The number stipulated for Rossendale is 2,500 dwellings.

Joint Lancashire Structure Plan 2001-2016 Proposed Changes to Deposit Edition

Policy 1 states that development should be located primarily within the principal urban areas, main towns, market towns and strategic locations for development. Development outside of these areas will be deemed acceptable in principle if it meets an identified local need or supports rural regeneration.

Policy 5 states, in part, that outside of Market Towns most rural development will take place in villages and other settlements. Such development should support rural regeneration by either providing for farm diversification or by meeting an identified local need for employment, community services or housing. Outside of villages other settlements and the green belt, conversion, re-development and limited 'new build' development to meet identified local employment needs will be viewed as acceptable in principle.

Policy 12 stipulates the annual average rates for future housing provision. For Rossendale 220 houses per year are required between 2001 and 2006 and then 80 house per year between 2006 and 2016.

The parking standards require a maximum of two car parking spaces to be provided in conjunction with dwellings with 2 or 3 bedrooms and three spaces to be provided in conjunction with dwellings with four or more bedrooms.

Other Material Planning Considerations

PPG3 (Housing)

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

Paragraph 22 states that *"The Government is committed to maximizing the re-use of previously-developed land...in order both to promote regeneration and minimize the amount of greenfield land being taken for development"*.

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

PPS7 (Sustainable development in rural areas)

This PPS, which superseded PPG7 in August of this year, provides guidance on land use planning in rural areas of England.

Paragraph 17 states that *"the Governments policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning Authorities should therefore set out in LDD's their policy criteria for permitting the*

conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses. These criteria should take account of:

- a) the potential impact on the countryside and landscapes and wildlife;*
- b) specific local economic and social needs and opportunities;*
- c) settlement patterns and accessibility to service centres, markets and housing;*
- d) the suitability of different types of buildings, and of different scales, for re-use;*
- e) the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character”*

Paragraph 40 states that *“Local Planning Authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits e.g. as a farm diversification scheme”*

PPG13 (Transport)

Government guidance in the form of PPG13 states in paragraph 19 that *“A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.”*

Planning Issues

The proposal is considered to be unacceptable for the following reason.

Housing Supply

Policy 43 of the adopted Structure Plan states that 2500 dwellings are required to be built within the Borough between mid 1991 and mid 2006 in order to adequately house the Borough’s population. 1,983 had been constructed by September 2003. Policy 12 of the Draft Deposit Structure Plan states that, for the same reason, 1920 dwellings need to be constructed between the period 2001 and 2016 at the rate of 200 properties per year until 2006 and 80 per year thereafter. 431 were constructed between 2001 and September 2003. On the basis of these figures alone it would seem reasonable to assume that there is currently a shortfall of dwellings in the Borough, 517 based on the adopted Structure Plan figures and 669 based on those contained within the Draft Deposit Structure Plan (assuming a construction rate of 1100 properties by 2006) . However, at 1 April 2003 there were 1606 planning permissions that were, and still are, capable of implementation. In view of this it is contended that the Council’s current housing targets for 2006 can reasonably be met. With this in mind, since this proposal involves the creation of three additional dwellings, it is considered that, despite the views of the applicant’s agent, the development is not currently required to meet the housing provision of the Borough.

Consideration has been given to whether or not any very Special Circumstances exist in this instance that could be used to justify approving this proposal despite the current lack of housing need. However, it is contended that there are no such reasons in this instance. The buildings are not considered to be of sufficient architectural merit to justify their retention in themselves nor would their conversion significantly benefit the general appearance of the area given the secluded position that they occupy.

Other Issues

The proposal is considered to be acceptable in all other respects in that:-

- a) apart from the issue of housing supply, and having revisited the reasons for refusing the previous similar application, the principle of converting and extending these buildings to form dwellings is considered to be acceptable;
- b) the conversion/extension works would essentially retain the character of the buildings, and the buildings so converted would not unacceptably overlook neighbouring properties or adversely affect the level of sunlight and daylight that those properties currently receive,

Rossendale Engineers concerns about the suitability of the access road to serve this development have been considered. However, the previous application, which sought approval for a similar form of development, was not refused on highway grounds. In view of this, since nothing has materially changed in highway safety terms since the refusal of the previous application, and since the current proposal seeks approval for fewer units (three as opposed to five), it is considered that it would be unreasonable to now seek to refuse this application on such grounds.

Despite the above it is considered that the housing supply concern outweighs all other considerations in this instance. In view of this refusal of this application is recommended.

Recommendation

That planning permission be refused for the following reason:

Reason for Refusal

It is considered that the dwellings are not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of policy 43 of the Lancashire Structure Plan 1991 -2006 and policy 12 of the Proposed Changes (Deposit Edition) Joint Lancashire Structure Plan 2001 – 2016.

Local Plan Policies

DC.1
DS.1
DS.5
HP.4
C.1
C.6
T.4

Adopted and Draft Structure Plan Policies

Policy 1 and 43 (Adopted)

Policies 1, 5 and 12 (Draft)