



TITLE:	2005/007 - CHANGE OF USE OF WORKSHOP TO DWELLING INCLUDING THE REMOVAL OF A CARAVAN, CURRENTLY USED FOR RESIDENTIAL PURPOSES AT LAND TO REAR OF SIGNAL BOX, HELMSHORE ROAD, HELMSHORE ROSSENDALE
TO/ON:	DEVELOPMENT CONTROL COMMITTEE - 17 MARCH 2005
BY:	TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT: MR A DUNN

DETERMINATION EXPIRY DATE: 3 March 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

This proposal seeks consent to convert an existing building used as a workshop to a one bed dwellinghouse and also for the removal of a static caravan which adjacent to the workshop. The site is located beyond a railway arch visible from Helmsshore Road and is well screened by mature landscaping. The building is constructed in stone with a slate roof and would provide sufficient accommodation for one person.

Relevant Planning History

None

Consultation Responses

United Utilities - No objection
 Environment Directorate - Policy - No objection
 Forward Planning - No response received

Notification Responses

Public consultation of was undertaken by the posting of site notices. Two letters of representation (one of which contains 10 signatures) have been received which make the following points:

- Unauthorised use of the premises
- Adverse precedent

Development Plan Policies

Rossendale District Local Plan

The following policies are considered relevant in this instance.

Policy DC1

"The Council aims to ensure that all new development is in accordance with the objectives and policies set out in the district plan. In general, all development proposals will be expected to provide a high standard of building and landscape design, to contribute to environmental quality, and not to be detrimental to existing conditions in the surrounding area. After taking into account any likely future extension, developments should not take more land than is reasonably necessary, nor should they prejudice the future development of any wider area. All applications for planning permission will be considered on the basis of the following criteria: location and nature of proposed development including its relationship to existing and other proposed land uses size and intensity of proposed development c) relationship to existing services and community facilities relationship to road and public transport network likely scale and type of traffic generation likely level of air, water and other environmental pollution including noise nuisance and the possible creation of any risk or hazard to surrounding land uses likely effect on existing trees and other natural features of the development site arrangements for servicing and access to proposed development including access for pedestrians, disabled people and emergency services car parking provision sunlighting, daylighting and privacy provided density, layout and relationship between buildings visual appearance and relation to surroundings landscaping and open space provision the needs of watercourses the impact upon man-made or other features of local importance"

Policy DS3

Within the Greenbelts, planning permission will not be given except in very special circumstances for the erection of new buildings and for the change of use of other buildings other than for the purpose of agriculture, forestry, outdoor sport and recreation cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area. The change of use of a redundant building may be permitted within the terms of national greenbelt policy. The greenbelts are shown upon the proposals map as listed below: between Haslingden and Baxenden Between Waterfoot and Stacksteads Between Haslingden & Rawtenstall & Edenfield to the East, West and North of Whitworth and to the south and west of Edenfield

Other Material Planning Considerations

PPG2 - Greenbelt

Planning Policy Guidance Note 2 (para 3.6) states that

"The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable." It continues

"With suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction"

PPG3 Housing

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.

Planning Issues

The principle of re-use of a building for residential purposes in this location is considered to be acceptable in policy terms as it accords with guidance contained in Planning Policy Guidance Note 2, outlined above. Additionally, the site is considered to be a brownfield site, thereby according with PPG3 (Housing).

The personal circumstances of the applicant also need to be taken into consideration. It is considered that there are overriding reasons for allowing this development. The applicant is elderly and his agent has submitted a supporting case which indicates that the applicant has lived on the site in excess of ten years. In this respect the use of the land for the stationing of a residential caravan may already be capable of receiving a certificate of lawfulness of use. Whilst the reasons for constructing the building (which is the subject of this application) without planning permission are unclear, a site visit revealed that the structure is well screened by mature landscaping. The applicant also owns approximately 5 acres of railway cutting in the vicinity.

Taking each point raised by the letters of representation in turn:

The use of the premises whilst unauthorised is now exempt from enforcement action and this application seeks to regularise the situation. The other matter relating to adverse precedent can be addressed by the use of a personal permission which would cease upon the applicant vacating the building and could also secure the removal of the caravan.

The design of the building is considered to be acceptable and is constructed in suitable materials which would not harm the visual appearance of the immediate locality. In view of the personal circumstances of the applicant, it is considered that the proposal accords with Policy DS3 of the Rossendale District Local Plan.

A recommendation of approval subject to a personal permission is recommended.

Summary of reasons for conditions to appear on the decision notice

The use of these premises as a dwellinghouse would not harm the openness of the greenbelt and accords with Planning Policy Guidance Note 2 and Planning Policy Guidance Note 3. In view of the applicant's personal circumstances, a personal permission is recommended.

Conditions and Reasons

1. The development permitted shall be begun before the expiration of five years from the date of this permission. Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. The caravan shall be removed within one month of first occupation of the dwelling hereby approved. Reason: In the interests of orderly and well planned development and to ensure that no net increase in residential housing stock results from this permission.

Background Documents

Planning Policy Guidance
Rossendale District Local Plan (Adopted April 1995)