

Application No: 2008/0397

Application Type: Full

Proposal: Siting of a caravan
(Retrospective)

Location: Sunnyside Lodge off Tong Lane,
Bacup.

Report of: Executive Director - Business

Status: For Publication

Report to: Development Control
Committee

Date: 4 August 2008

Applicant: C. Dugdale

Determination Expiry Date: 31 July 2008

Agent: Ben Edmonson

REASON FOR REPORTING

Outside Officer Scheme of Delegation

Member Call-In

Name of Member: Cllr Steen

Reason for Call-In: It is my contention that the land in question is not countryside as it is surrounded by agricultural buildings, a school and a large housing estate. There are further social and human rights issues that would be put to the Committee for its consideration.

More than 3 objections received No

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. The Site and the Proposal

- 1.1 The application site forms part of a large area of land comprising a single storey stone building with a lean to extension at side, a dog kennel, Two caravans (one static and one non-static), a small paddock with timber sheds for storage of horse feeds and a driveway/hardstanding area for the parking of vehicles. The land comprising the site is situated at the junction of Tong Land, Pennine

Road and Slack Gate Lane, Bacup. It is enclosed by a dry stone dwarf wall and timber fencing along the boundary with Tong Lane to the west and the north.

- 1.2 The site is located in close vicinity of the residential properties on Tong Lane and Slack Gate Lane to the north and north-west. St Mary's RC Primary School is located across Tong Lane to the south-west of the site. To the north, east and south, the site abuts areas of open land.
- 1.3 The application has been submitted in retrospect and seeks permission for the retention of a static caravan for residential use. The caravan measuring 8m x 3m x 3m is located close to the easterly boundary of the site and on the southerly side of the single storey building. The caravan is of a typical design with aluminium panelled external walls and aluminium window and door frames.

In support of the application, the applicant points out that:

- The site is owned by the applicants and the family has been living in the caravan for approximately 2 years.
- The site has utilities connected, in terms of water, gas and electricity, and the utility companies use the site for billing purposes.
- Prior to the applicants buying and living on the site, the local residents experienced continuous trouble from youths congregating and causing a nuisance with drinking and drug taking.
- Since the applicants have lived on site, the youths do not use the site and do not cause the same anti-social behaviour.
- There is a big issue of anti behaviour within the Pennine Road Area, therefore it is sensible to think that the less places this sort of behaviour can be carried out, the better for local residents.

2. Relevant Planning History

- 2.1 Planning application ref. 1991/281 for the erection of a bungalow on land off Tong Lane, Bacup: Refused on 21 June 1991.
- 2.2 Planning application ref. 2002/332 for the erection of 3 no. bungalows on land off Fairview Crescent (now Pennine Road), Bacup: Refused on 30 July 2002.
- 2.3 Planning application ref. 2008/0260 for the siting of a caravan (retrospective) on land off Tong Lane, Bacup: Withdrawn

3. Policy Context

National Planning Guidance

PPS1 - Sustainable Development

PPS7 - Sustainable Developments in Rural Areas

Development Plan Policies

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 5 – Development Outside of Principal Urban Areas, Main Towns and Key Service Centres
Policy 12 - Housing Provision
Policy 20 – Lancashire’s Landscapes

Rossendale District Local Plan (Adopted 1995)

DS5 – Development Outside the Urban Boundary & Green Belt
DC1 – Development Criteria
DC4 - Materials

Other Material Planning Considerations

Rossendale BC Revised Interim Housing Policy Statement (December 2007)
Lancashire CC – Planning Obligations Paper
Lancashire CC - Parking Standards
LCC Landscape & Heritage SPD

4. CONSULTATIONS

LCC (Highways) – No highways comments

5. REPRESENTATIONS

5.1 A site notice was posted on 6 June 2008 and the relevant neighbours were notified by letter on 9 June 2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

5.2 No comments have been received to date. However, the applicant has submitted, as part of the planning application, five individual letters from the residents of the area supporting the proposed development. The points made are:

- The land was a real eyesore before the applicants moved and started living on the site. Making the land vacant again would just attract vandals and tipping of rubbish making it an eyesore once again.
- The site has been a known spot for juveniles to hang around getting drunk, this is not something we want to be passing on our way home.
- Prior to 2006, children were having fires on the site causing trouble. It looked like a dump site, rats running wild.

6. ASSESSMENT

6.1 In dealing with this application the main issues to consider are:

1. Principle of the development
2. Housing Policy
3. Neighbourhood amenity
4. Highway issues.
5. Design/appearance

Principle

- 6.2 In the adopted Local Plan, the application site lies within a Countryside Area, wherein Policy DS5 would preclude development other than for the purposes of agriculture, forestry or other uses appropriate to a rural area, unless for the rehabilitation and re-use of buildings providing that they comply with policy DC1. Since the proposed caravan would be used for residential purposes as a residential dwelling, it is considered that the proposal conflicts with the purposes of Policy DS5 of the Local Plan and is therefore unacceptable in principle.

Housing Policy

- 6.3 The main issue which needs to be considered in relation to Housing Policy is that of housing over-supply.
- 6.3.1 PPS3 sets out Government guidance on a range of issues relating to the provision of housing. Paragraph 3 states that *“One of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time, whether through new development or the conversion of existing buildings. The aim is to provide a choice of sites which are both suitable and available for housebuilding. This is important not only to ensure that everyone has the opportunity of a decent home but also to maintain the momentum of economic growth”*. Paragraph 8 goes on to say *“It is an essential feature of the plan, monitor and manage approach that housing requirements and the ways in which they are to be met, should be kept under regular review. The planned level of housing provision and its distribution should be based on a clear set of policy objectives, linked to measurable indicators of change...Reviews should occur at least every five years and sooner, if there are signs of either under or over-provision of housing land”*.

Consistent with housing policy contained in national and regional guidance, Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) has resulted in a housing allocation requiring a reduced rate of provision for several Lancashire Districts over the period 2001-2016, including Rossendale. Policy 12 states that 1,920 dwellings are required to be built within the Borough between 2001 and 2016 in order to adequately house the Borough's population. It further states that these are to be provided at the rate of 220 dwellings per year until 2006 and 80 per year thereafter. Having regard to the number of dwellings which have been built since 2001, and to the number for which permission exists, Lancashire County Council (Planning) is of the view that this Council should rigorously enforce a policy of restraint on proposals coming forward that will create additional dwelling units.

In the supporting text following Policy 12 of the Structure Plan it states that: *“Where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable housing or special needs housing or form a key element within a mixed use regeneration project”*.

At its meeting in June 2006, Cabinet received a Housing Land Monitoring Report, setting out the latest position in relation to provision of housing. The

report to Cabinet says of the Monitoring Report: *“It shows that the number of dwellings which have a valid planning approval exceed the requirements of the Joint Lancashire Structure Plan (JLSP). Anticipated completions have also been considered and this will significantly exceed the provisions of just 80 that the JLSP requires on an annual basis for the period 2006 to 2016”*. The Draft Regional Spatial Strategy has not progressed to the stage that its contents can have a greater weight than Policy 12 of the adopted Structure Plan and the Regional Guidance it was founded upon.

A Revised Interim Housing Position Statement and an Affordable Housing Position Statement were approved by Council in January 2007. However, the need to continue to constrain the supply of housing land was considered again in December 2007 by Cabinet and these documents have now been revised as the Interim Housing Policy Statement. This document sets out that applications received on or after 20/12/07 will be considered against the criteria set out in this policy statement.

The Council's Interim Housing Policy Statement (December 2007) accepted the contention that the Council would over-shoot its housing allocation and the permissions now granted should be limited to those it set out:

“Applications for residential development in Rossendale will be acceptable in the following circumstances:

- a) The replacement of existing dwellings, provided that the number of dwellings is not increased.*
- b) The proposal can be justified in relation to agricultural and forestry activities.*
- c) In relation to listed building and important buildings in conservation areas, the applicant can demonstrate the proposal is the only means to their conservation.*
- d) Conversion or change of use of buildings within the urban boundary of settlements within the Borough (i.e. Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.*
- e) New build proposals on previously developed land (PDL) within the urban boundary of the main development location (Appendix C) but excluding the Action Plan Areas; where the number of units is 20 or less. These proposals will only be acceptable where they make an essential contribution to the supply of affordable housing as interpreted in Appendix B.*
- f) Proposals on previously developed land (PDL) within the regeneration priority areas of Rawtenstall Town Centre APP or Bacup, stacksteads and Britannia APP that will deliver regeneration benefits. Where proposals are for 15 or more dwellings, the Council will seek to obtain 30% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirements will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.*
- g) Developments that are solely for affordable or special needs housing will be supported where they address local need and are appropriate in terms of their scale and location.*

h) Within the urban boundary of the main development location or the regeneration priority areas where residential development is part of a mixed-use scheme that will have essential regenerative benefits for the Borough. Where proposals include 15 or more dwellings, the council will seek to obtain 42% affordable housing (where there is a clear need as demonstrated through the Housing Needs Assessment). A reduction in the affordable housing requirement will only be acceptable where the applicant pays for the Council to approach an independent specialist to test their arguments on viability.

Accordingly, it is appropriate to consider the application in relation to the criteria of the Interim Housing Position Statement. The application proposal:

- Does not represent the replacement of an existing dwelling.
- Is not in relation to agricultural or forestry activities.
- Will not harm the character of any Listed Building or Conservation Area.
- Does not relate to conversion or change of use of a building.
- Does not relate to previously developed land within the main development location.
- Does not relate to previously developed land within the regeneration priority areas.
- Does not relate to affordable or special needs housing.
- Is not within the Urban Boundary or regeneration priority areas.

The proposal is contrary to the general thrust of Housing policy to be applied in a situation of housing oversupply. With respect particularly to the issue of oversupply, the proposal does not meet any of the criteria of the Council's own Interim Housing Policy Statement. The applicant has not made a case in this respect to warrant permission being granted as an exception to Policy 12.

Neighbourhood amenity

- 6.4 The residential properties located in close vicinity of the site are too far away to be affected by the proposed caravan. As such it is considered that the proposal has little detrimental impact on the residential amenities of the adjacent residents in the area.

Highway safety

- 6.5 Access to the site is gained via the existing access from Tong Lane. The highway authority has no comments with regard to the proposed access.

Design/appearance

- 6.6 The caravan is located close to the easterly boundary of the site and is of the typical design with aluminium panelled external walls and aluminium window and door frames. Whilst the caravan is sited away from other residential properties and partially screened from view, a caravan is not in keeping with the open and rural character of the Countryside which should be protected from the encroachment of development. Notwithstanding, the design and appearance of the caravan is not of substantial construction and is out of keeping with the locally distinctive design and materials used in the area. As such, it is considered

that the proposed development, in terms of the design and appearance, is unacceptable.

Enforcement

- 6.7 The proposed development is unacceptable in principle in this location and would be detrimental to visual amenity, as such the application is recommended for refusal. Enforcement action is therefore recommended to remove the caravan but can also be used to secure the tidying of the site and that the site be secured by the owners to prevent youths from congregating on the site in the future.

7. CONCLUSION

- 7.1 In view of the location of the site within the Countryside Area and the above stated policy constraints, it is considered that the proposal would contribute towards an inappropriate excess in housing-supply provision, which is unacceptable. It is considered that the arguments put forward by the applicant and the residents in support of the proposal do not sufficiently outweigh the presumption of refusal. The retention of the caravan for residential use (i.e. a dwelling house) is contrary to policies 5 and 12 of the Lancashire Structure Plan and the saved policy DS5 of the Rossendale District Local Plan and is therefore unacceptable. It is therefore recommended that Enforcement action be authorised to removed the caravan and to restore and enclose the cartilage of the site back to countryside.

8.. RECOMMENDATION

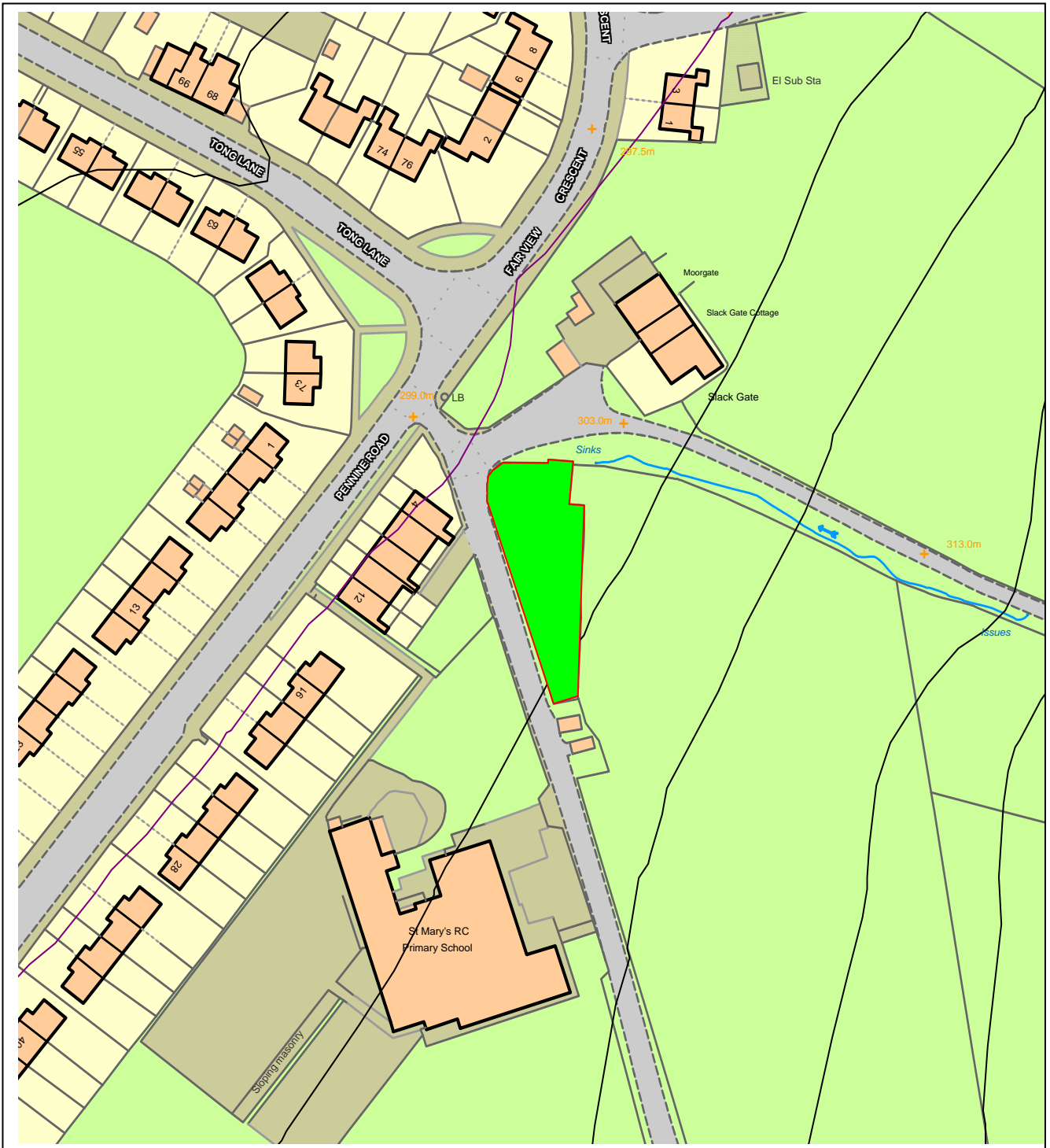
It is recommended that permission be refused for the following reasons:

1. The proposed development is not appropriate development for a Countryside Area and is contrary to the provisions of PPS7 – Sustainable Development in Rural Areas, Saved Policy 5 - Development Outside of Principal Urban Areas, Main Towns and Key Service Centres of the adopted Joint Lancashire Structure Plan and the saved Policy DS5 - Development Outside the Urban Boundary & Green Belt of the adopted Rossendale District Local Plan.
2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to the provisions of PPS3, Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Interim Housing Policy Statement (December 2007). In this instance, the case has not been advanced to warrant an exception to policy being made.
3. The proposed development by reason of its size, design and position is out of keeping with the Countryside, is not of substantial construction and does not reflect the locally distinctive design and materials on dwellings in the Countryside. As such, the development is harmful to the visual amenity of the surrounding area and is contrary to Saved Policy 20 – Lancashire’s Landscapes of the

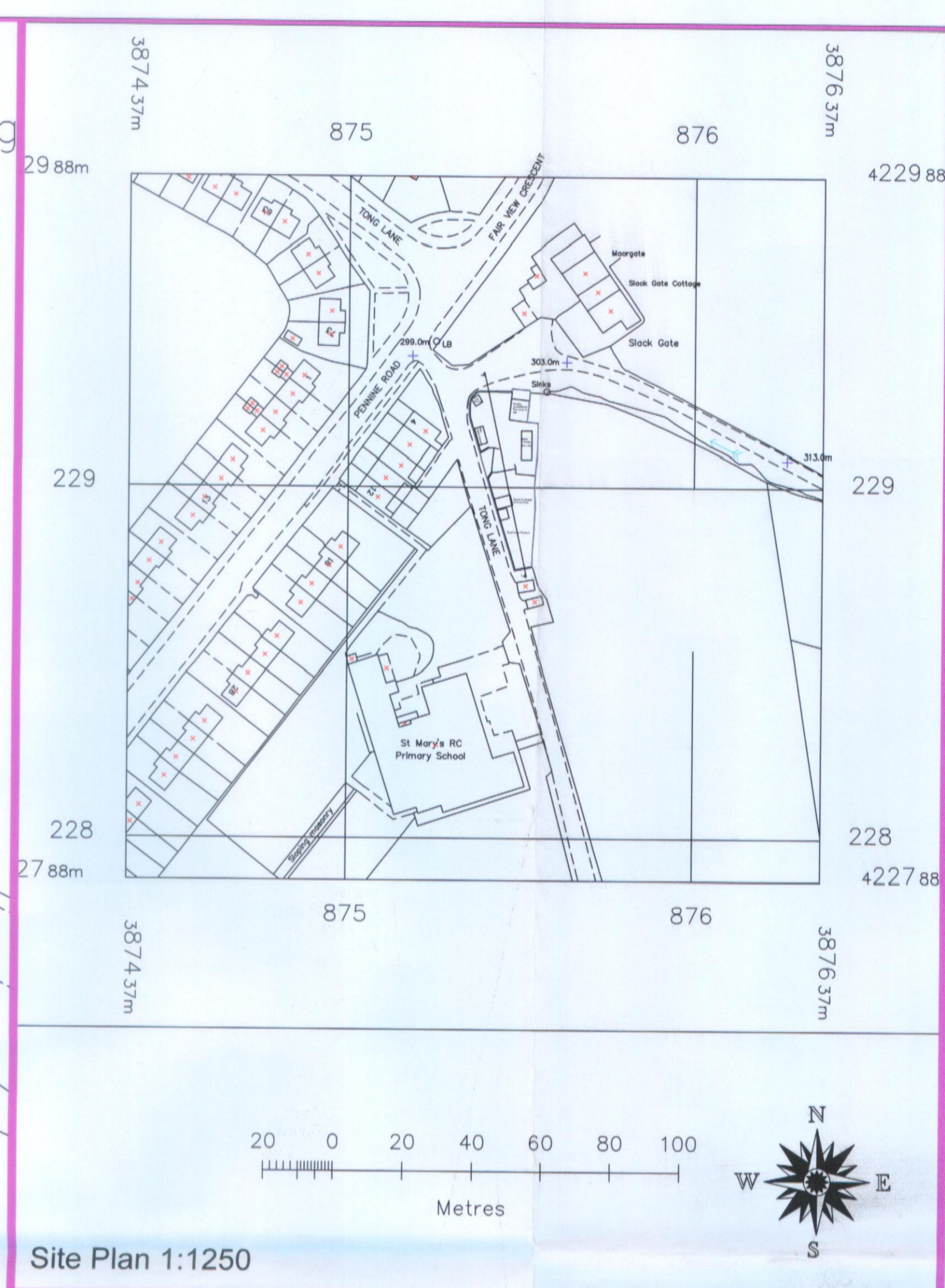
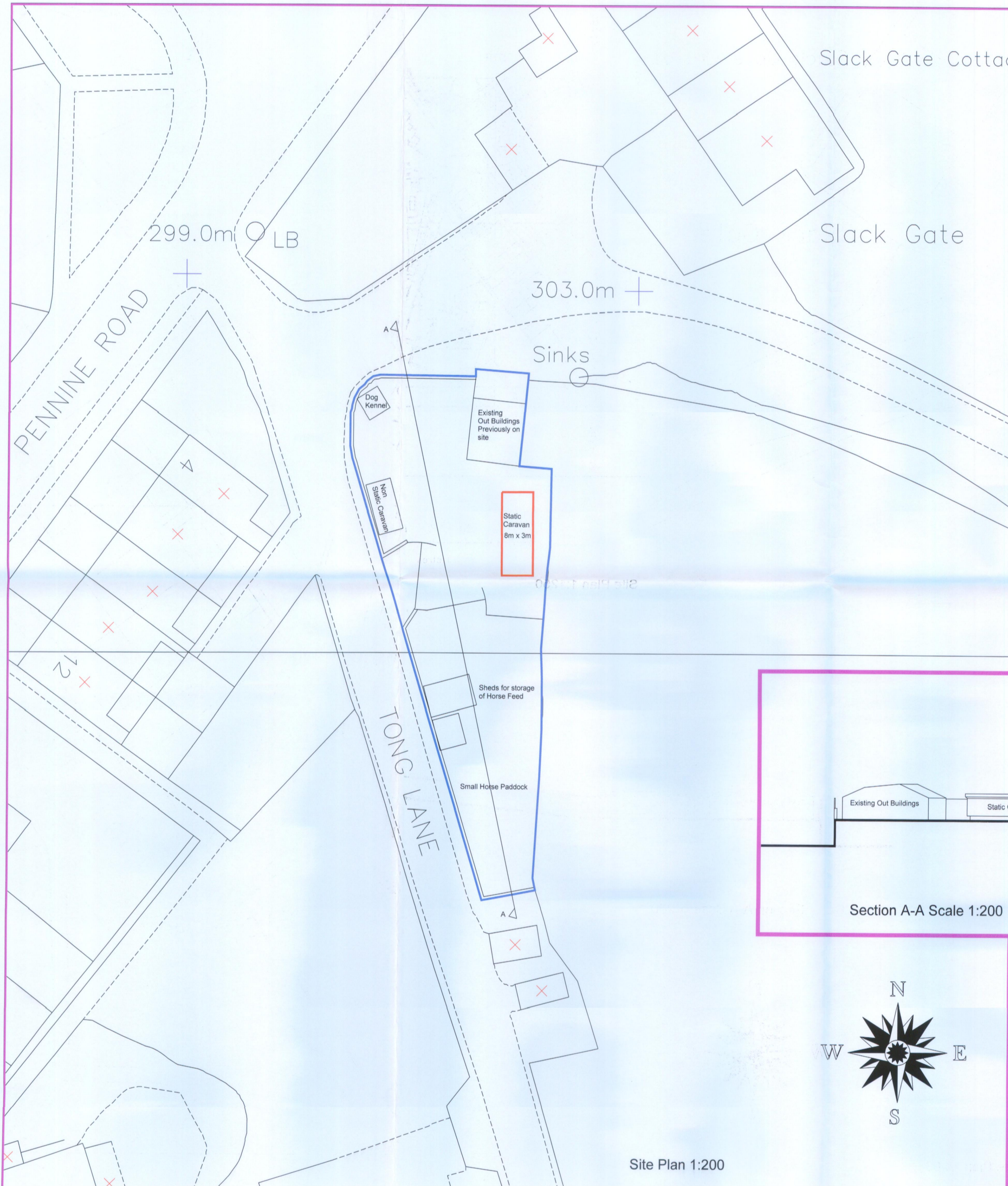
adopted Joint Lancashire Structure Plan and Saved Policy DC1 –
Development Criteria of the Rossendale District Local Plan.

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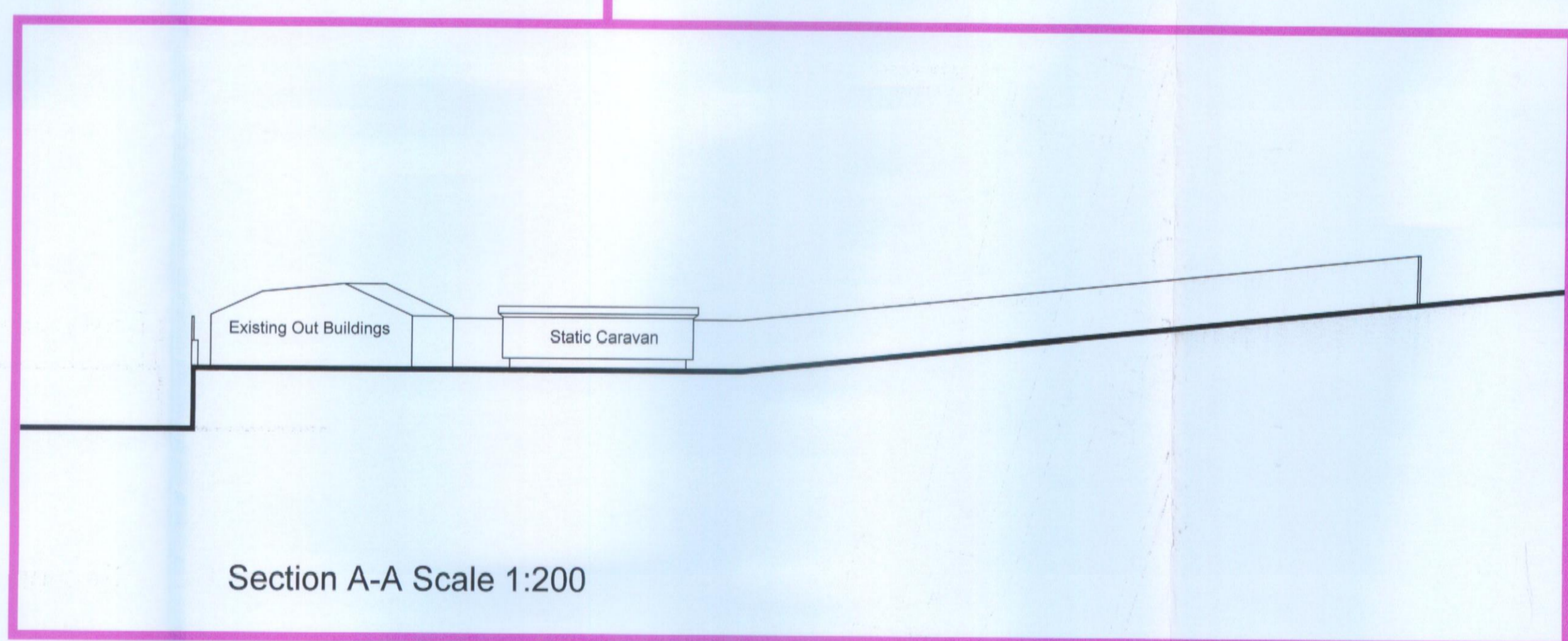
2008/0397 Sunnyside Lodge, Bacup



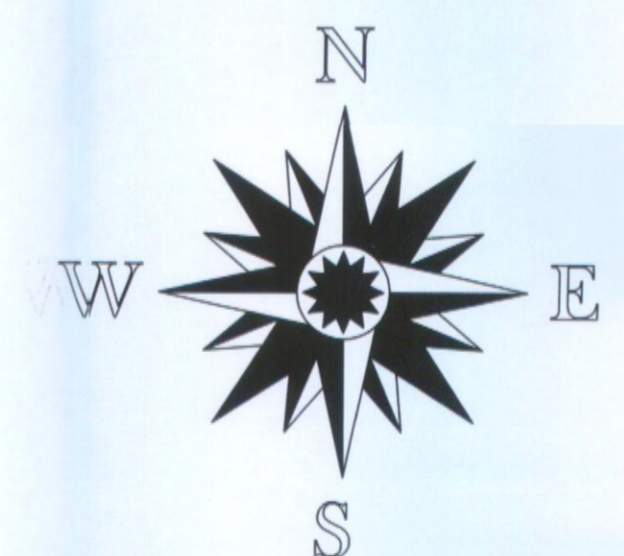
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Site Plan 1:1250



Section A-A Scale 1:200



Site Plan 1:200

GENERAL NOTES

NOTES

Rev	Date	Title

Client
Mr Colin Dugdale
2008/397

Project
Planning Application for Site to be used as dwelling land, and retaining of existing caravan, Sunnyside Lodge Tong Lane, Bacup

Job No.	Area	File Ref.
8500		

Title
Existing Site and Location Plan

	8500-01	rev.
Date		A
31.03.08	BE	as noted

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