

TITLE: PLANNING APPEAL RESULTS
Application 2004/554 – Height End Farm, Off Bacup Old Road, Deerplay, Bacup

TO/ON: DEVELOPMENT CONTROL COMMITTEE
06 September 2005.

BY: Diane Dungworth

STATUS: For Publication.

1. **PURPOSE OF THE REPORT**
To inform Committee members of the result of the appeals.
2. **RECOMMENDATIONS**
That the report be noted.
3. **CORPORATE AIMS**
Quality service, better housing , the environment, regeneration and economic development, confident communities.
4. **RISK**
n/a
5. **SERVICE DELIVERY/PERFORMANCE MANAGEMENT ISSUES**
The councils decision has been overruled.
6. **IMPLICATIONS ARISING FROM THE REPORT**

LA21/Environment	*	IT	
Human Rights Act 1998	*	Land and Property	*
Equalities Issues		Personnel	
Community Safety		Legal	
Financial		Partnership Working	

LA21/Environment implications are considered to be the effect of the proposals on the local environment. Representations received were under consideration whilst the application was being assessed.

Human Rights Act 1998 implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

The relevant **Land and Property** implications were considered in the Officer's Report.

7. WARDS AFFECTED
Greensclough

8. CONSULTATIONS
Local Plans, County Land Agency, County Highways, RBC Highways,
Environment Agency, County Planning Officer & RBC Contaminated Land
Officer

9. REPORT

2004/554 – This planning application was received by the Authority on 27 July 2004 and related to the conversion of a single dwelling into two separate dwellings. The application was refused on 07 September 2004 for the following reasons:-

1. The proposal is not justified in meeting an identified local need for employment, community services or housing, providing for farm diversification or assisting rural regeneration which is contrary to policies 1 and 5 of the Proposed Changes Deposit Joint Lancashire Structure Plan.
2. The application does not perform well from a sustainability point of view and would encourage car dependency. For these reasons the proposed development does not accord with Government guidance in the form of PPG3 and PPG13 and Policy 1b of the Proposed Changes Draft Joint Lancashire Structure Plan.
3. The application proposal is not required to meet housing provision requirements as set out in policy 12 of the Proposed Changes Deposit Joint Lancashire Structure Plan.
4. The proposed development is contrary to policy DS5 of the Rossendale District Local Plan and policy 1 of the Adopted Lancashire Structure Plan and the building is situated outside of the Urban Boundary and the new dwelling would not be required for the purposes of agriculture, forestry or another use appropriate to the rural area.

This resulted in an appeal being lodged and dealt with under the written representations method. The Inspectorate wrote informing the Council of its decision on the 26 July 2005. The appeal was dismissed. There are no cost implications in this particular case.

For further information on the details of this report, please contact: Mrs Diane Dungworth extension 134.