

<b>Application No:</b> 2008/0652	<b>Application Type:</b> Full
<b>Proposal:</b> Change of use from hotel and associated function room to single dwelling, and existing detached dwelling (the gate house) within the curtilage of the mansion to become an annex to Horncliffe House.	<b>Location:</b> Horncliffe Mansion, Bury Road, Rawtenstall
<b>Report of:</b> Director of Business	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 8 <sup>th</sup> December 2008
<b>Applicant:</b> Hartley Planning & Development Associates	<b>Determination Expiry Date:</b> 8 <sup>th</sup> December 2008

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Cllr Tony Swain

Reason for Call-In:

The benefits of full regeneration of the building should be an overriding consideration. The building in a dormant state does not enhance the area.

**3 or more objections received**

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**

- 1.1.1** Horncliffe Mansion is a Grade II Listed Building set within its own grounds and accessed from Bury Road, Rawtenstall. The building is in an elevated position relative to Bury Road, set back from the road by approximately 22 metres and screened by mature trees when traveling in either direction along Bury Road. Immediately adjacent to the site entrance is a two storey gate house. To the side of Horncliffe House is a single storey conservatory permitted under application 2003/329; to the rear of the building is a single storey function room, permitted under application 1998/329.
- 1.1.2** Horncliffe House was constructed in the 19<sup>th</sup> Century; initially a single dwelling it was changed into a Care Home for the elderly, and then subsequently converted to a restaurant and hotel with living accommodation above, under planning permission 1993/426.

### **2 Relevant Planning History**

1993/426	CHANGE OF USE FROM NURSING HOME TO RESTAURANT AND HOTEL WITH LIVING ACCOMMODATION OVER. PROPOSED NEW ACCESS CAR PARKING APPROVED
1998/329	CONSTRUCTION OF SINGLE STOREY DETACHED FUNCTION ROOM TOILETS AND SERVERY APPROVED
1997/112	RELOCATION OF EXISTING MARQUEE FOR A TEMPORARY PERIOD OF 5 YEARS REFUSED
2003/382	ERECTION OF CONSERVATORY TO SIDE OF PROPERTY APPROVED
2008/0174	CHANGE OF USE FROM HOTEL AND ASSOCIATED FUNCTION ROOM TO SINGLE DWELLING, AND EXISTING DETACHED DWELLING (THE GATE HOUSE) WITHIN THE CURTILAGE OF THE MANSION TO BECOME AN ANNEX TO HORNCLIFFE HOUSE. WITHDRAWN

### **3 The Proposal**

- 3.1.1** The current application seeks consent for the change of use from hotel and associated function room to single dwelling, and the existing detached dwelling (the gate house) within the curtilage of the mansion to become an annex to Horncliffe House. No alterations are proposed to the buildings to which the

application relates. The applicant has submitted drawings demonstrating proposed extensions and alterations, however, these are for illustrative purposes and cannot be given any weight when assessing this application.

#### **4 Policy Context**

##### National Planning Policies

PPS1 – Delivering Sustainable Development

PPG2 – Green Belts

PPS7 – Sustainable Development In Rural Areas

PPG15 – Planning and the Historic Environment

##### Regional Spatial Strategy for the North West

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 6 Marry Opportunity and Need

Policy DP 7 Promote Environmental Quality

Policy DP 8 Mainstreaming Rural Issues

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF4 – Green Belts

Policy DP6 - Marry Opportunity and Need

Policy W6 - Tourism and the Visitor Economy

##### Rossendale District Local Plan (Adopted 1995)

DS1 – The Urban Boundary

DC1 – Development Criteria

HP2 – Listed Buildings

J5 - Tourism

##### Other Material Considerations

Emerging Core Strategy

Rossendale Economic Strategy

#### **5 CONSULTATIONS**

##### **5.1 Consultation Responses**

RBC Conservation Officer – No objection.

The property can currently operate without the need for alterations which would require Listed Building Consent.

##### **5.2 Rossendale Civic Society - No objection to the change of use per-se.**

However, there is no explanation as to how it will work in context with the main house as one dwelling. The application as a whole is very amorphous giving no

indication as to how the end product is envisaged, or the justification for undertaking the project. It merges too many different things into one without addressing any its own context. The application on its own is by no means clear enough to explain the intentions towards a Listed Building and should really be only judged alongside the promised future applications for intended works which will be necessary for implementation.

**5.3** LCC(Archaeology) - No objection in principle.  
New interventions, internal alterations or removal of original fabric and any proposed extension should be kept to a minimum.

**5.4** LCC(Highways) - No objection.

## **6 REPRESENTATIONS**

**6.1** A site notice was posted on 15/10/2008. A press notice was published in the Rossendale Free Press on 17/10/2008 and 4 neighbours were notified by letter on 13/10/2008 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.

**6.2** One letter of support has been received from Cllr Swain who states that the benefits of regeneration of the building should be an overriding consideration. Leaving such a building dormant does not enhance the character of the area. Insisting on the retention of the building as a hotel or use as a commercial property is not an overriding consideration.

## **7 ASSESSMENT**

**7.1** The main issues with regards to this application are:

- 1) Green Belt Policy
- 2) Countryside Policy
- 3) Housing Policy
- 4) Heritage Interest/Townscape Impact
- 5) Residential Amenity
- 6) Highway Safety

### **Green Belt**

**7.1.1** The application would accord with the criteria contained within paragraph 3.8 of PPG2 Green Belts for the re-use of buildings. The openness of the Green Belt would not be unduly affected as no external changes are proposed and there would be no changes to the curtilage. Accordingly the application is considered acceptable in principal in terms of Green Belt Policy.

### **Countryside**

**7.1.2** Paragraph 17 of PPS7 states that it is the Governments Policy 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 location, and for some types of building.

- 7.1.3** Accordingly, there is a presumption against the change to a residential use unless it can be demonstrated that it would not be viable for the continuing/re-use for economic development purposes. Subsequent to this it must also be demonstrated that there is a need to preserve, or that there is desirability for preserving the building.
- 7.1.4** The above issues have been highlighted to the applicant/agent who was asked to demonstrate why its re-use for these purposes would not be appropriate.
- The applicant has put forward evidence to demonstrate that commercial uses would not be viable from 3 estate agents/surveyors; It is claimed that the previous owners marketed the site for 2 years, however, no evidence of this has been provided, despite requests from the case officer.
  - The applicant has not demonstrated that the hotel was not running profitably, nor have they demonstrated that there is no prospect of getting it back up and running, despite requests from the case officer.
  - The applicant has not demonstrated in what ways the property would need to be restored to run as a business.
  - The applicant has not looked into obtaining grant assistance, despite requests from the case officer.
- 7.1.5** As stated in PPS7 the provision of essential facilities for tourist visitors is vital for the development of the tourism industry in rural areas. The re-use of buildings should be given priority. Saved Policy J5-Tourism of the Rossendale District Local Plan states that, the Borough's tourism industry is currently underdeveloped, there are a limited number of attractions and the development of such facilities offers opportunities for new employment and attracting spending from wider markets. More specifically it is also stated that "The bed and breakfast, self-catering and hotel sector is currently underdeveloped in the Borough. The Council will encourage the development of additional facilities for tourist accommodation.."
- 7.1.6** Currently there are only a limited number of hotels within Rossendale. A search on the Rossendale Online website reveals only 5 active hotels. The application site would be appropriate for a hotel, it would make use of an existing building, has car parking and turning facilities and its re-instatement as a hotel, or another tourism related use would promote and enhance tourism in Rossendale. The loss of an existing tourism related use would further compound the lack of tourism facilities in Rossendale and would be contrary to Policy J5 of the Rossendale District Local Plan.
- 7.1.7** The application therefore does not comply with PPS7.

### **Housing Policy**

- 7.1.8** The Council's Interim Housing Policy July 2008 states that the Council will permit new residential development outside the urban boundary of settlements in Rossendale where:
1. Proposals are for solely affordable and/or special needs housing as defined

in the Glossary; or

2. It is accommodation for agricultural or forestry workers, subject to an assessment of the need for the unit.

**7.1.9** The change of use of Horncliffe House would not comply with the above criteria. The Case Officer does not agree that as the owners of the hotel also lived at the hotel that there would be no increase in housing numbers – as stated by the agent. The Case Officer can find no evidence to suggest that the gatehouse which is stated as being a separate planning unit to Horncliffe House is a separate dwelling from Horncliffe House. Taking all of the above into consideration the application would result in the creation of one additional dwelling in the Green Belt. The application, therefore, would not conform with the criteria contained within the Council’s Interim Housing Policy Statement July 2008.

### **Heritage Impact**

**7.1.10** Paragraph 3.8 of PPG15: “Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority of uses this must mean economically viable uses if they are to survive. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question”.

**7.1.11** Paragraph 3.9: Where a particular compatible use is to be preferred but restoration for that use is unlikely to be economically viable, grant assistance from the authority, English Heritage or other sources may need to be considered.

**7.1.12** Paragraph 3.10: The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. But not all original uses will now be viable or even necessarily appropriate.

**7.1.13** The change of use from a hotel to a dwelling would not require works, either externally or internally, that would harm the historic fabric or character of the Listed Building. The original use, therefore, would be viable and would not be inappropriate to the House. If it can be demonstrated that the existing use is not viable, and that there are no other commercial uses that would be economically viable then the change of use to a dwelling would be acceptable.

**7.1.14** Drawings have been submitted demonstrating works that the applicant intends to do the building if planning permission for the change of use is approved, however, these drawings are for illustrative purposes only, and would not form part of the decision on this application.

**7.1.15** The change of use to a dwelling would not harm the character or vitality of the Listed Building and is still as compatible with the building as when first constructed. The use as a dwelling would be viable, however, approval of the application would not guarantee that the property would become in active use and would not, therefore, secure the buildings future. There is no doubt that

there is a need to preserve, and desirability to preserve the building, however, the applicant has not demonstrated that the building could not be preserved by its continued use as a hotel, or another economic use; a range of which would be appropriate for the building and in that area

### **Visual Amenity**

**7.1.16** The visual amenities of the Green Belt would not be injured by the proposal as there are no external alterations proposed and no changes to the curtilage of the building. Similarly, the character of the area would not be unduly affected for the above reasons.

### **Neighbour Amenity**

**7.1.17** There are no neighbours within close proximity to Horncliffe House. The proposed use would be less intensive in terms of noise and traffic. The scheme, therefore, would not result in a loss of amenity to neighbours.

### **Highway Safety**

**7.1.18** The existing access to the property would remain. No changes are proposed to the parking arrangements and traffic flow would likely decrease as a result of the proposed use. The scheme is considered acceptable in terms of highway safety.

### **Conclusion**

**7.1.19** An on balance view has to be made. It is considered in light of all of the above, that as the application conflicts with both national, regional and local policies, and the applicant has not adequately demonstrated that the residential use would be the only means of preserving the Listed Building, the application is considered unacceptable.

## **8 Recommendation**

That permission be refused.

## **9 Reasons for Refusal**

- 1)** The applicant has not demonstrated to the satisfaction of the Local Planning Authority that the property has been marketed for either its current or other business use and as such has not proved that the building is no longer suited to an employment generating use. The scheme would also result in the loss of a tourism related use in Rossendale which is currently underdeveloped in that industry and which is a target area for economic development in the borough until 2021. The application would, therefore, be contrary to the criteria contained within PPS7, and saved Policies DC1 Development Criteria and J5 – Tourism of the Rossendale District Local Plan and the Rossendale Core Strategy.
- 2)** The proposal does not meet any of the criteria laid down in the Council's Interim Housing Position Statement (July 2008), which sets out the housing policy for Rossendale. It is considered that the development is not required to

meet the housing requirements of the Borough. The proposal is therefore contrary to the provisions of PPS3, the Regional Spatial Strategy for the Northwest of England, and Rossendale Council's Interim Housing Position Statement (July 2008).

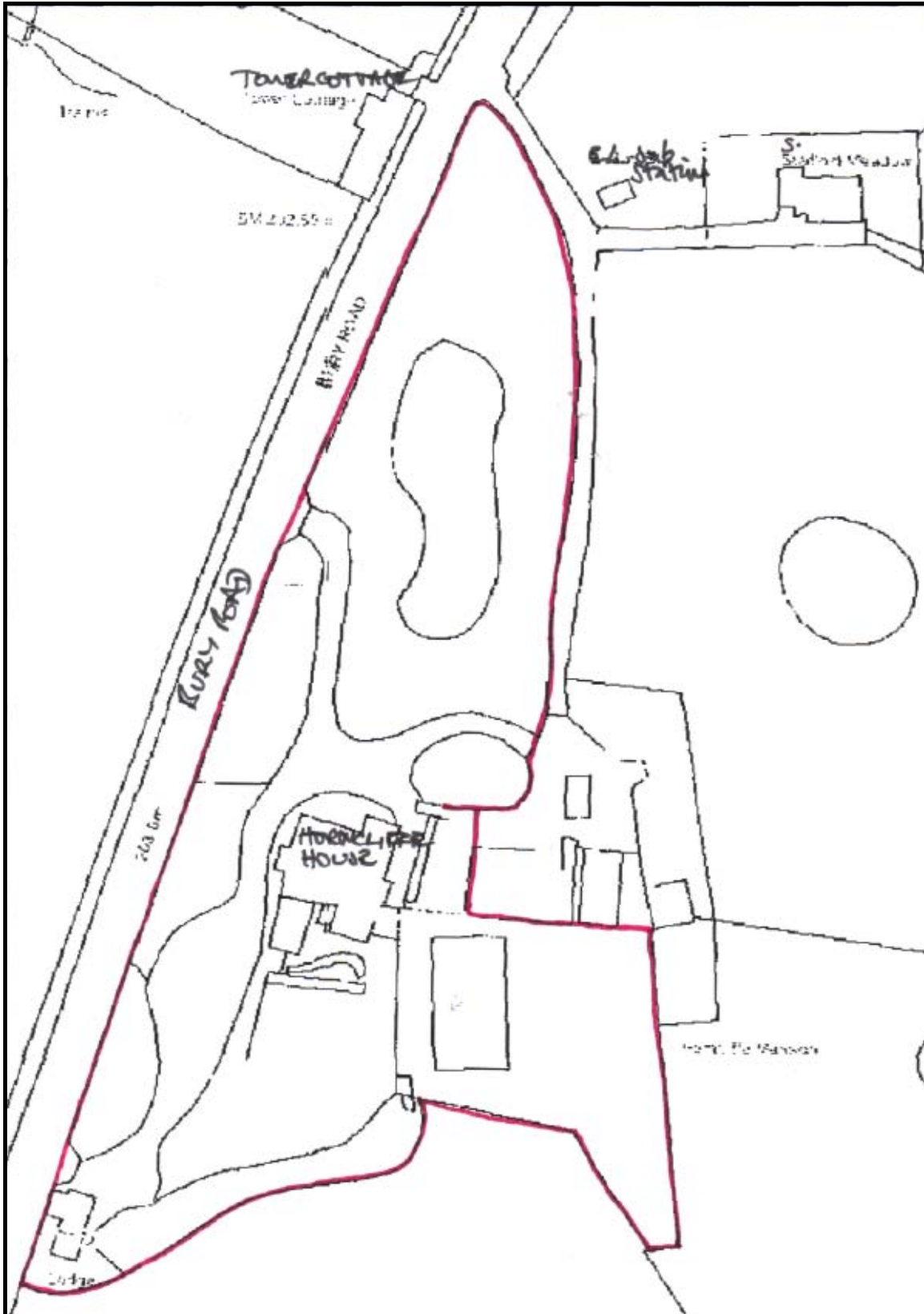
<b>Contact Officer</b>	
Name	Richard Elliott
Position	Planning Officer
Service / Team	Development Control
Telephone	01706-238639
Email address	Planning@rossendalebc.gov.uk



## Location Plan

**Address and proposal: Change of Use: Former hotel to private dwelling at  
Horncliffe House, Bury Rd, Rawtenstall, Rossendale, Lancashire BB4 6JS**





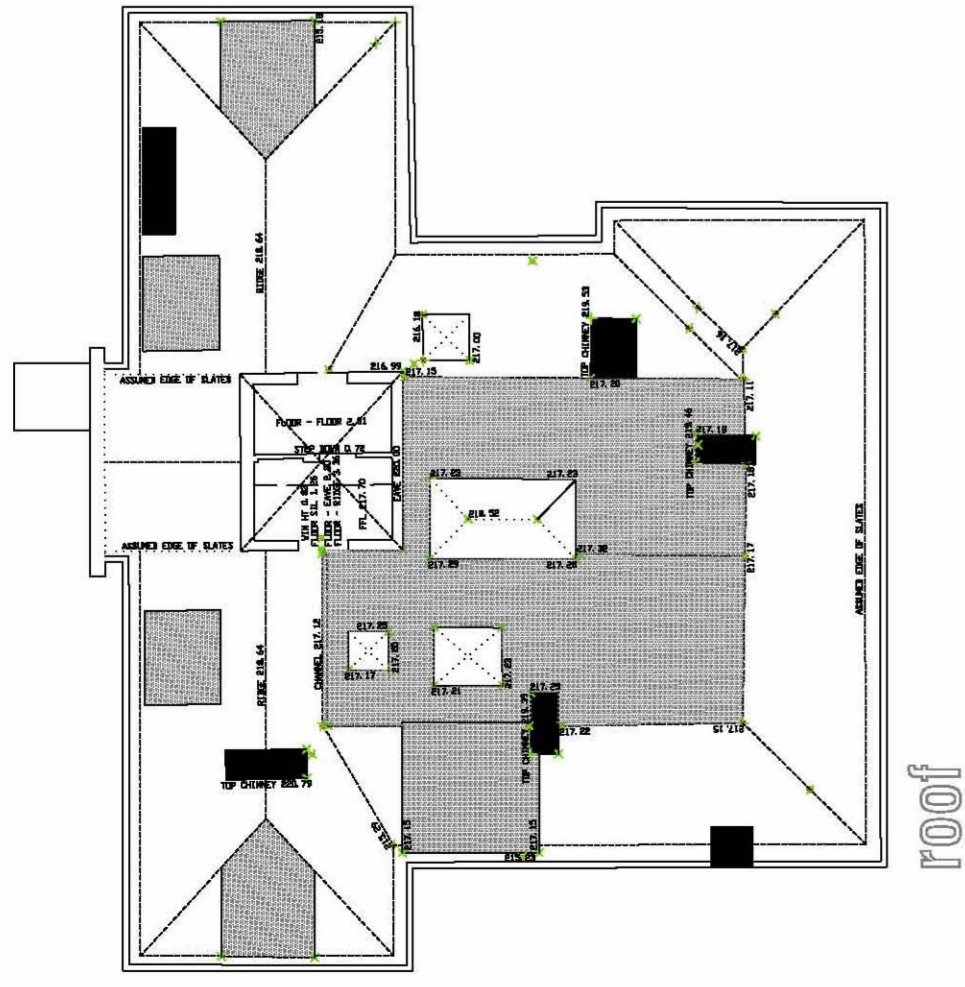
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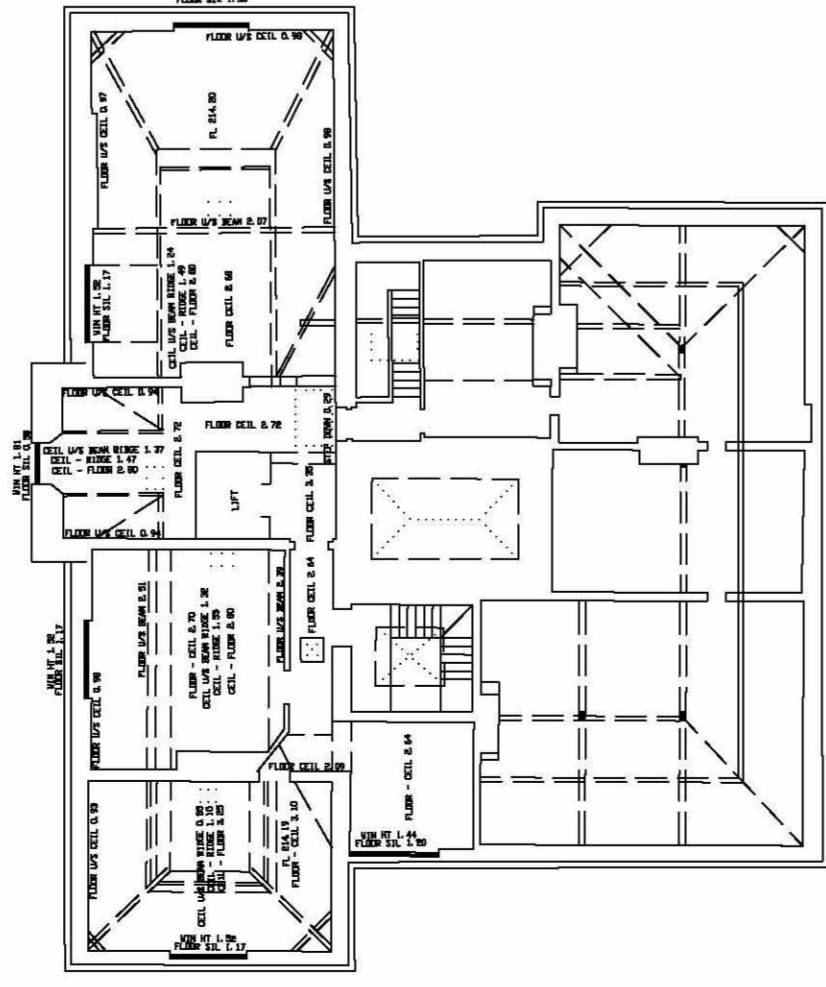
**Sept 2008**

**Prepared by Hartley Planning and Development Associates Ltd**

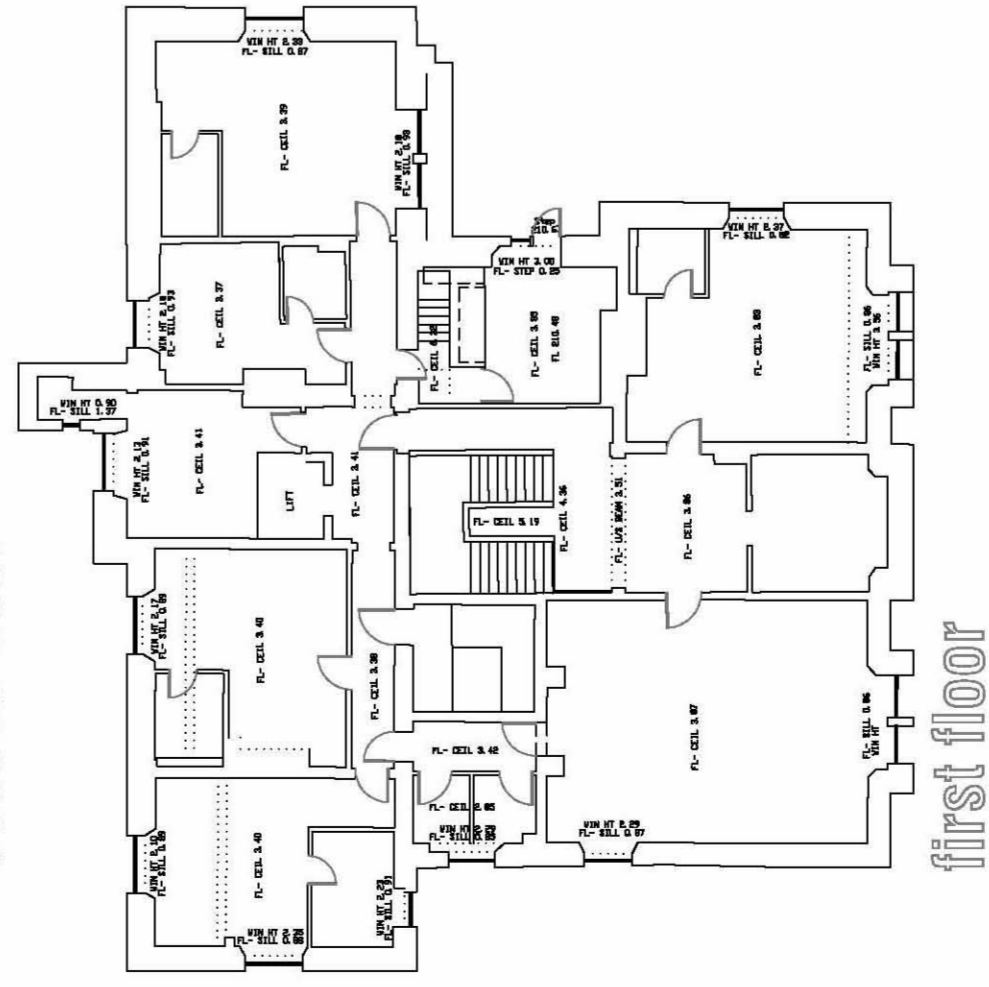




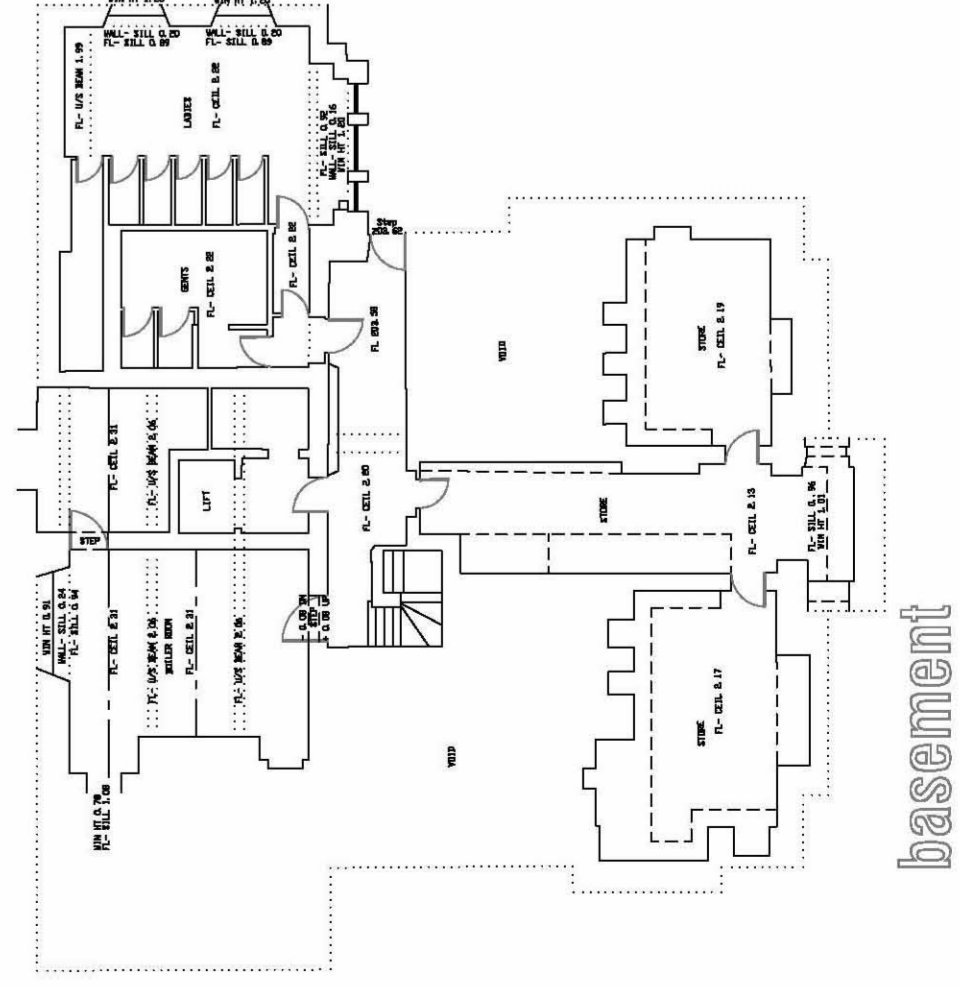
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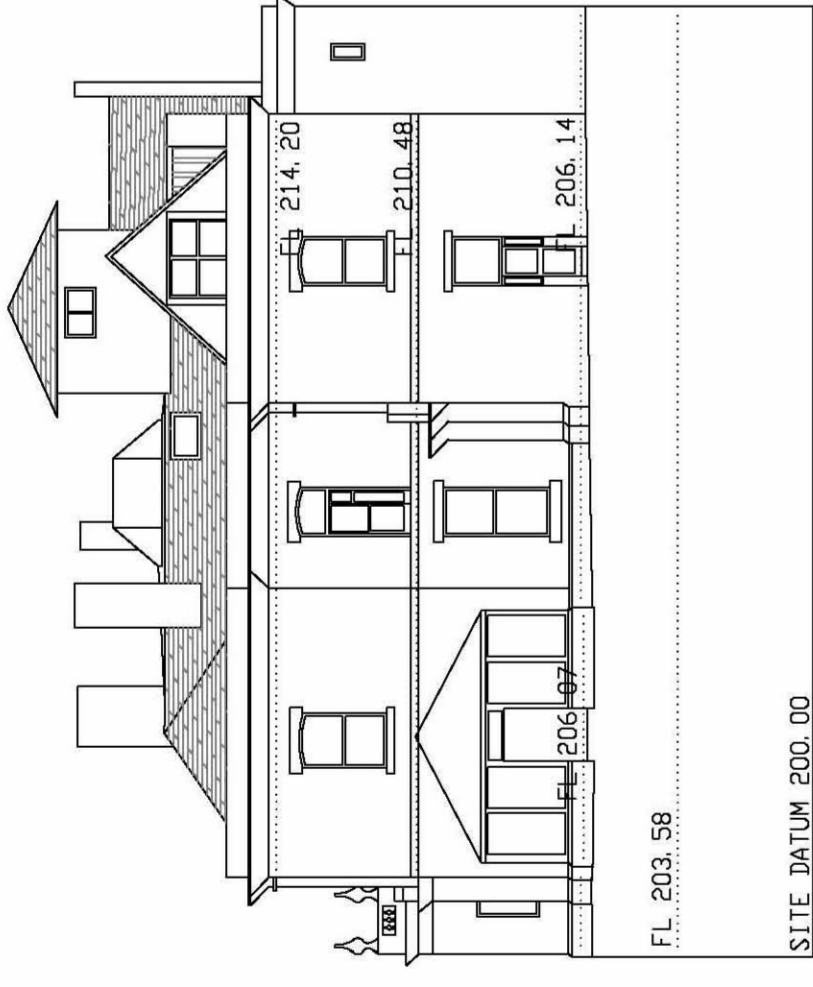
second floor



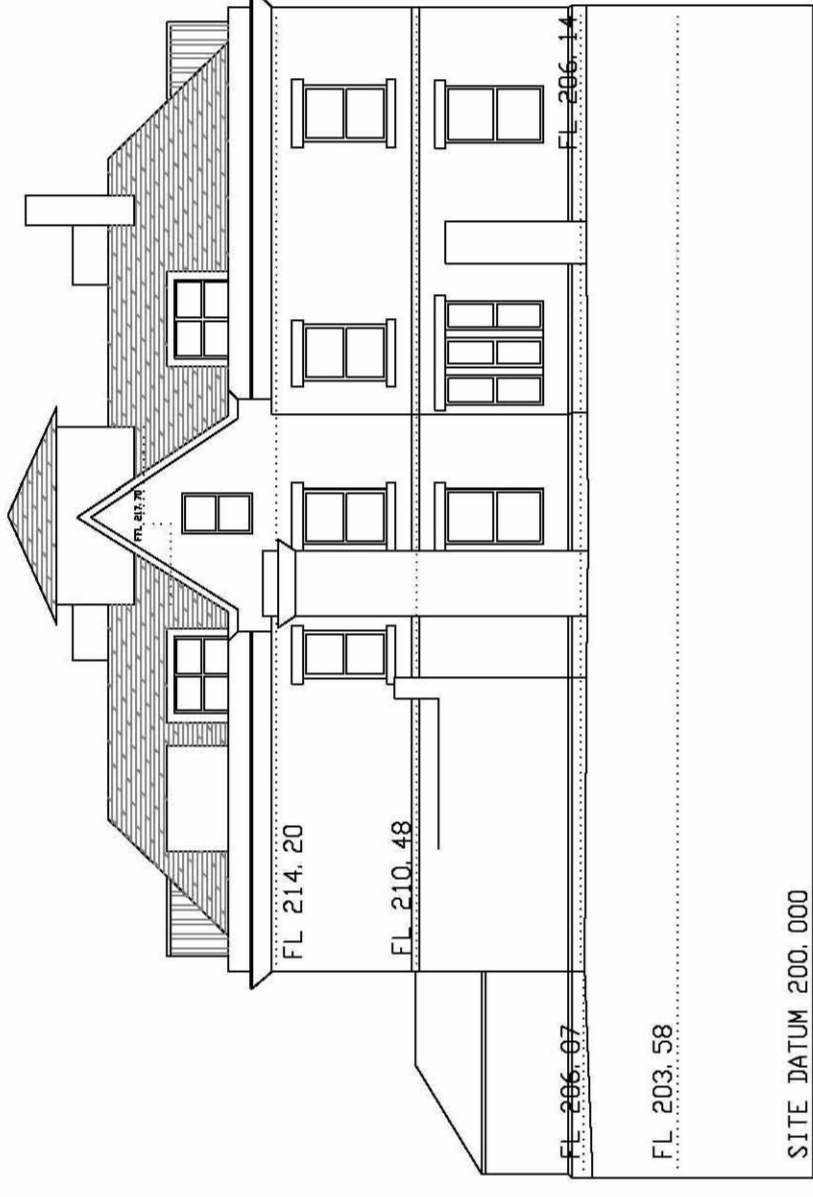
first floor



basement



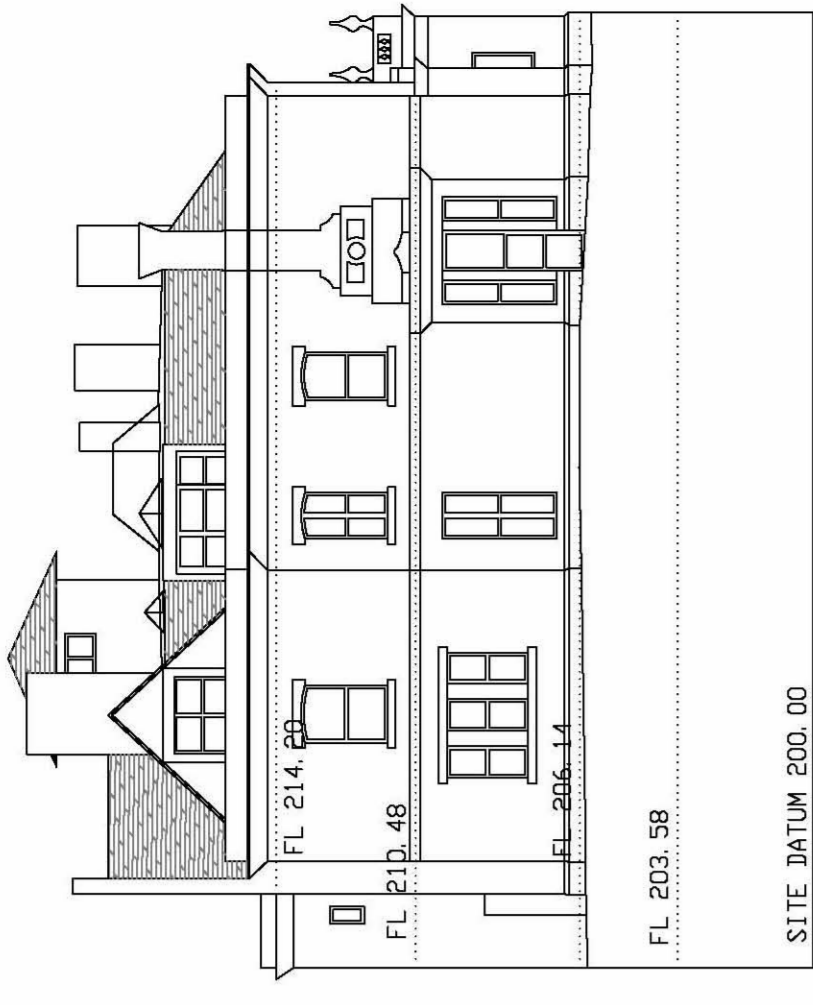
south facing



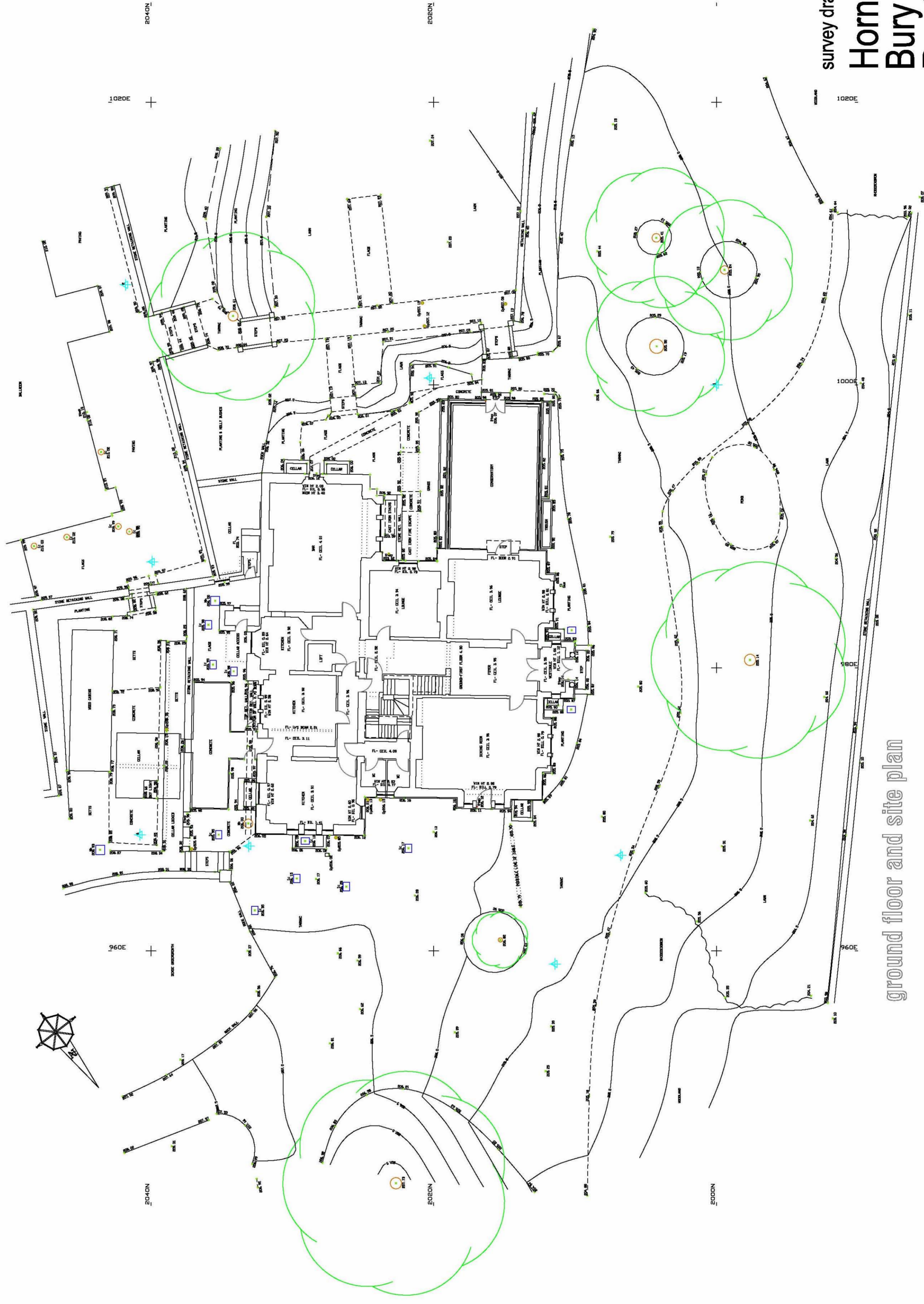
east facing



west facing



north facing



ground floor and site plan

survey drawing may 2008

**Horncliffe Mansion**  
**Bury Road**  
**Rawtenstall**

scale 1:200 @ A1  
 0m 10m 20m  
 1:200 linear scale

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as existing august 2008