

Application No: 2009/0040	Application Type:
Proposal: Change of use of land from agriculture to storage of 148 leisure vehicles (mainly caravans)	Location: Land off Blackburn Road, Edenfield
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 16 March 2009
Applicant: Mr R Nuttall	Determination Expiry Date: 04/05/2009
Agent: Mr B Edmondson	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input checked="" type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input checked="" type="checkbox"/>
More than 3 objections received	<input checked="" type="checkbox"/>
Other (please state)	MAJOR APPLICATION

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 application relates to an irregular shaped parcel of land adjacent to Blackburn Road to the north, with Hardsough Lane to the south east, and fields to the south and west. The majority of the site is relatively flat, however, it rises steeply to the east. The land falls away to the west. Currently the land has a number of storage containers sited upon it and is in an untidy state with piles of rubble and hardcore scattered within. Planning permission has recently been granted for the existing site entrance to be repositioned further to the east to allow for better visibility splays.
- 1.2. The site is located within the Green Belt as designated in the Rossendale District Local Plan.

2. Relevant Planning History

- 2.1 2008/0550 - Construction of new access road into existing site and closure of existing access. Approved

3. The Current Proposal

- 3.1 The applicant seeks permission to change the use of the land from agricultural to the storage of 148 leisure vehicles (mainly caravans). The existing access would be closed and a new access created further to the west. The site would be enclosed by 2 metre high palisade fencing. The proposed new access already benefits from planning approval under application 2008/0550. The proposed fencing was approved under condition 4 of the same approval. The applicant asserts that the land already benefits from hardstanding and therefore there would be no operational development on the land i.e. the laying down of hardcore to form a new surface.
- 3.2 The vehicle plots would be 8 metres in length with a gap of one metre between each. They would be laid out in rows with 10 metre spacings to allow access to park and manoeuvre.

4. Policy Context

National

PPS1 - Sustainable Development
PPG2 - Green Belt
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport

Development Plan

Regional Spatial Strategy for the North West (2008)

Policy DP1-9 Spatial Principles

Policy EM1 Enhancement and Protection of the Region's Environmental Assets

Policy RDF1-4 –Spatial Priorities

Saved Policies of the Rossendale District Local Plan (1995)

DS3 - Green Belt

DC1 - Development Control

DC4 - Materials

Other Material Considerations

LCC Parking Standards

5. CONSULTATIONS

5.1.1 LCC Highways – Awaiting Comments

5.1.2 RBC Regeneration Team -

Whilst we encourage and support entrepreneurship across the borough, and understand the rationale behind the concept of caravan storage, we would agree with the planning policies that are currently in place that look at the renewal of previously developed land over Green Belt land.

Part of the Regeneration Teams' programme is to look at development and reuse of previously developed land across the borough of which we have at least 40 hectares of redundant; derelict and vacant sites that could be utilised for economic development. An example of previously developed land within close proximity of this site would be the Ashenbottom site (formerly Mayfield Chicks) located on Manchester Road, which comprises 1.17 hectares, of concrete hardstanding etc. We also identified a further two previously developed sites within the Haslingden and Helmshore areas that would be suitable for caravan storage.

On further examination the applicant identifies a turn over of revenue generation but yet no job creation as part of the development which we would see as fundamental criteria to the loss of Green Belt land particularly when there are acceptable, previously developed sites in close proximity to this site. While the rationale and concept of a caravan storage site is a laudable idea the location and scale suggested is an issue.

5.1.3 RBC Land Drainage Officer -

1. An ordinary watercourse flows in culvert through the site. The culvert should be surveyed to determine the exact line, level and structural condition. The strength of the culvert should be determined to assess the ability to carry the proposed dead, live and traffic loadings and any remedial works implemented. A copy of the survey report, including photographs or video of the internal condition, must be submitted to the Development Control section for consideration. The Council advises against the construction of any building above or adjacent to the culvert as this would be

poor engineering practice and could create future problems. The route should be shown on the drawings. Any diversion, alteration or culverting of a watercourse will require the formal consent of the Environment Agency under the terms of the Land Drainage Act 1991. Full details of any such works, together with details of any proposed new surface water outfalls, which should not intrude into the channel, must be submitted to the Development Control section for consideration together with the Environment Agency's formal consent of the works. The responsibility for the repair and maintenance of the bed, banks and any structure forming the watercourse, including culverts, rests with the riparian landowner.

CONDITION:

Before any development is commenced, details of a scheme for the diversion of any culvert and for dealing with any other land drainage structure or issue shall be submitted to and approved by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans.

REASON:

To ensure a satisfactory form of development and in the interests of land drainage.

2. The developer is encouraged to implement Sustainable Urban Drainage Systems (SUDS) techniques in consultation with the Planning Authority, the Environment Agency and United Utilities. SUDS are effective in reducing the impact of surface water discharges. PPS25, National SUDS Working Group (2004), BRE 365, CIRIA Report C522 for SUDS, CIRIA Report C523 (SUDS Best Practice Manual) and CIRIA Report C697 (the SUDS Manual) offer guidance on this subject.

If it is proposed to discharge surface water from any development of the site to any watercourse it will be necessary for the rate of discharge to be restricted to that discharging from the existing site conditions via some form of on-site attenuation system. The limiting discharge for the site is 8 litres/second/hectare from existing contributing/previous areas. Details and calculations will be required for the Council's approval.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6. REPRESENTATIONS

- 6.1 Two site notices were posted on 19/02/2009 and 7 letters were sent to neighbours on 12/09/2009.

One letter of support has been received from a local resident raising the following points:

- The site has been subject to fly tipping. There have also been problems with travellers trespassing on the land. Would be pleased to see the perimeter of the land screened with trees as this would improve the outlook from our house. Hope the scheme gets approved as it would create a more permanent presence on the site which would be a benefit to us as neighbours.

6.2 Councillor Darryl Smith has written in voicing his and Councillor Cheetham's support of the application on the following grounds:

- The pocket of land has been somewhat redundant and lacking a purposeful use for some time. Given the difficulties associated with other potential usage (housing etc) the proposed new caravan storage would seem a good use of the land as there are no other comparable facilities available elsewhere in Rossendale to our knowledge.
- The proposed facility could be a valuable asset not only in the local area but Rossendale and surrounding area wide. At a time of economic difficulties we believe there is a real possibility to allow a local farm to diversify and secure its long term future and also possibly create employment opportunities locally.

7. ASSESSMENT

The main considerations of the application are the principle of the development within the Green Belt, the impact on visual amenity, residential amenity, as well as highway safety.

7.1 Principle

7.1.1 The application site lies within the Green Belt.

7.1.2 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans.

7.1.3 There are five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.1.5 There is a general presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 7.1.6 The carrying out of engineering operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.
- 7.1.7 The applicant has acknowledged within their supporting information that proposed development constitutes inappropriate development within the Green Belt. Currently the site has no buildings or permanent structures on the site. The site is relatively flat and can be seen from Blackburn Road, Hardsough Lane, and the houses along Hardsough Lane. In allowing the scheme approval would be given to store 148 caravans on the land at all times of the year on a permanent basis. The case officer considers that this would have a significantly greater impact on the openness of the Green Belt than the current use of the land to a detrimental extent. In addition, although opening hours have not been put forward, it is considered that additional features and security measures such as external lighting equipment and security cameras which could be necessary during later hours of the day and in winter months could also detract from the openness of the Green Belt to a detrimental extent.
- 7.1.8 The site is considered Greenfield due to its lawful use for agriculture. The development of a Greenfield site outside of the urban boundary would not conform with both national and local objectives of a sequential approach to site selection, i.e. promoting the use of brownfield sites within urban areas. This would not assist in urban regeneration, and in addition would result in encroachment into the countryside. Accordingly it is considered that the development would conflict with the purposes of including land within the Green Belt (see paragraph 7.1.3).
- 7.1.9 As the land is considered to be detrimental to the openness of the Green Belt and would conflict with the purposes of land within it the scheme is considered inappropriate development, and therefore unacceptable in principle.
- 7.1.10 Accordingly, there is a general presumption against this development. The applicants have sought to justify the proposed inappropriate development by providing what they consider to be 'very special circumstances'. In accordance with PPG2 such 'very special circumstances' will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.1.11 The circumstances put forward by the applicant are included in full and assessed below in turn.
- 7.1.11.1 *"The site to be developed is located in the Pinfold Area of the village of Edenfield that has been identified in the saved policies as excluded from the restrictions on development in Green Belt. The exclusion is limited to development inside the urban boundary as shown on the proposal map, although part of Pinfold that includes the development site lies just outside the defined urban boundary. It would be unfair to apply a rigid interpretation of The Edenfield Urban Boundary to exclude the site from the exemption"*
- 7.1.11.2 **Case Officer Response** - The entire site is located in the Green Belt and therefore Green Belt designation policies apply in full as per PPG2: Green

Belts. Proximity to urban areas defined on the Proposals Map does not constitute an exemption to National designation as, amongst other things, the purpose of Green Belt is to prevent urban sprawl. All applications within the Green Belt are determined against PPG2 and the Development Plan, regardless of their proximity to surrounding uses and Urban Areas.

- 7.1.11.3 *“The development site lies almost in the centre of a trio of exempted villages namely Edenfield, Irwell Vale and Ewood Bridge, and the latter does have industrial developments in close proximity to the development site on Blackburn Road.”*
- 7.1.11.4 **Case Officer Response** - The entire site is located within the Green Belt and the area is not included in any exclusion or exception policy within the Adopted Local Plan. Adjacent or surrounding uses of an Urban/Industrial nature does not override the fact that the site is designated as Green Belt and therefore the development is inappropriate in principle.
- 7.1.11.5 *“The development site is the only piece of land in the area. identified as scrubland by The Ordnance Survey Office”*
- 7.1.11.6 **Case Officer Response** - The case officer considers that this clearly is not the only piece of land in the area. Regardless of how it is identified by the Ordnance Survey Office this does not override the fact that the land is designated as Green Belt. Therefore Green Belt Policies should be strictly applied as detailed previously within this report. This is not considered to be a very special circumstance.
- 7.1.11.7 *“The development site has a history of non-agricultural use having been used by a major contractor for the storage of material during the construction of the A56 Edenfield By-Pass.”*
- 7.1.11.8 **Case Officer Response** - It is acknowledged that the site has been intermittently used in the past for non agricultural uses, however, the lawful use of the site is considered to be agricultural. The application has been put forward by the applicants on the basis of a change of use from agriculture and the applicants have sought to justify their application on the basis of, amongst other things, agricultural diversification. Reference is made within the applicant’s supporting statements of the use of the land for agriculture. It is considered, therefore, that this is not a very special circumstance to overcome the inappropriateness of the development in the Green Belt.
- 7.1.11.9 *“The site is still used by Lancashire County Council for the storage of material when they are working in the area.”*
- 7.1.11.10 **Case Officer Response** - Again the lawful use of the site, as put forward by the applicants is agricultural. The application is being considered on this basis. Occasional use of the land for another purpose is considered not to have the degree of permanence and impact on the openness of the Green Belt as the scheme put forward. It should be noted that the site is also considered to be a Greenfield site. This justification is considered not to be a very special circumstance.

- 7.1.11.11 *“A terrace of houses overlooks the site, and the occupants have no objections to the proposal.”*
- 7.1.11.12 **Case Officer Response** - The development is considered by the case officer and the applicant to be inappropriate development within the Green Belt. The fact that no objections have been received does not override this, and therefore cannot be considered a very special circumstance.
- 7.1.11.13 *“A large water treatments works that has an adverse impact on the visible amenity dominates the land to the west of the site.”*
- 7.1.11.14 **Case Officer Response** - The codification of Green Belt policy and its extension to areas other than London only came in 1955 with an historic circular inviting local planning authorities to consider the establishment of Green Belts. The Works that the applicant refers to were in situ long before this time and certainly long before the designation of Green Belts in Rossendale. In any case, as indicated previously in the report the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development. Accordingly, even if other developments in the area are considered inappropriate to Green Belts this does not provide a green light for other developments which are considered inappropriate. Accordingly this reason is considered not to be a very special circumstance.
- 7.1.11.15 *“The argument that the development would have an adverse effect on the openness of the Green Belt has been devalued by larger and more unsightly developments.”*
- 7.1.11.16 **Case Officer Response** - The comments previously made by the Case Officer largely apply to this assumption. If the development is considered to have a detrimental impact on the openness of the Green Belt then very special circumstances relating to this development must be provided. The applicant has failed to do this. Accordingly this reason is considered not to be a very special circumstance.
- 7.1.11.17 *“If successful the site will provide an excellent purpose made storage facility for the residents of Rossendale.”*
- 7.1.11.18 **Case Officer Response** - The applicant has not demonstrated to the satisfaction to the Local Planning Authority that there are no other suitable sites within the Borough which could accommodate the application. Regeneration and Strategic Housing have been consulted on this application and have confirmed that there are a number of other sites within the Urban Boundary of settlements in Borough which may be suitable – there is at least 40 hectares of redundant, derelict and vacant sites that could be utilized for economic development. The proposed quality of the storage facility is considered not to be a very special circumstance for justifying the development in the Green Belt.
- 7.10 The applicant has referenced a judgment made by Mr Justice Sullivan in relation to an appeal decision within the Green Belt in which he stated that a

combination of circumstances is capable of being described as 'very special' rather than it being necessary to demonstrate that each and every factor in itself is special. Whilst this may be the case, the Case Officer considers that the reasons above do not provide any significant material considerations, either on their own, or cumulatively that would constitute very special circumstance.

7.11 The applicant has also provided additional information supporting the application:

1) The Demand for Secure Storage

It is stated that there is a constant growth in the caravan leisure market that places great demand for storage and the proprietor already has a waiting list for clients seeking storage.

It is considered that whilst there may be a constant growth in the demand for caravan storage (although this has not been demonstrated) this does not override the inappropriateness of the development within the Green Belt. Other sites in more appropriate locations have not been explored. In addition no information has been put forward to demonstrate that the proprietor has a waiting list for clients seeking storage.

2) The Need for Secure Storage

An analysis of the theft of 630 caravans has been put forward indicating that secure storage is a major factor in reducing crime. Although no information as to the origin of the analysis has been put forward the case officer acknowledges that providing secure storage would help to reduce crime. Again however, this is not considered to be a very special circumstance, particularly as it has not been demonstrated that there has been any amount of crime relating to caravans within Edenfield, or Rossendale and that the need for caravan storage in Edenfield, or Rossendale has not been demonstrated.

3) Farm Diversification

It is stated that the Government recognizes the important and carried roles of agriculture including the maintenance and management of the countryside and most of our valued landscapes. This point is accepted by the Case Officer and it is considered that it is often necessary to promote agricultural diversification, however this should not be promoted if the proposed diversification is contrary to both national and local planning policy. This stance is supported within PPS7 in which it is stated that planning authorities, "where relevant, should give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it." It is acknowledged that the need of the applicant to diversify his farming enterprise could contribute to a very special circumstance, however, this need has not been adequately demonstrated in this case.

4) Crime and Disorder

The applicant states that a secure caravan storage area would reduce crime and disorder. The Case Officer would not dispute this in a general sense, but would point out that no crime figures have been included within the application that relates to caravans within the Borough.

5) Policies within the Rossendale District Local Plan

The applicant seeks to justify further the scheme on the basis that it conforms with policies contained within the Rossendale Distinct Local Plan.

Of the policies referenced by the applicant: Policies C4 and C5 have not been saved and therefore can be afforded little weight, Policy H.3 relates to housing figures, Policy DS.4 has already been discussed previously and policy DC1 indicates, amongst other things that all applications must be considered against: the location and nature of the proposed development, including its relationship to existing and other land uses. This has already been discussed in relation to Green Belt policy with which it failed to accord.

6) Highway Safety Issues

This will be discussed in section 7.3 of this report.

7.2 Residential Amenity

7.2.5 Due to its siting at a lower level than any residential properties in the locality and the distance away from these properties it is considered that the proposed development would not cause undue detriment to the light, privacy and outlook that these neighbours could reasonably expect to enjoy. In addition it is considered that the proposed use would not generate a significant amount of noise over and above that caused by Blackburn Road that would cause undue detriment to nearby residents. The scheme is therefore considered acceptable in terms of residential amenity.

7.3 Highway Safety

7.3.5 The development would result in a significant increase in the number of vehicles entering and exiting the site on a daily basis. The proposed access has recently been approved under a separate application in which it was concluded that the access would provide an improvement to visibility splays when exiting the site. The approval, however, was based on the access alone, and taking into account the existing use of the site, and not the use currently proposed. The Highways Authority have been consulted on the current application. Their comments are awaited.

8. Conclusion

- 8.1 In conclusion it is considered that the application is unacceptable in principle by reason of its inappropriateness, and no very special circumstances have been put forward to outweigh the finding of inappropriateness.

9. RECOMMENDATION

- 9.1 That planning permission be refused.

10. Reason for Refusal

The proposed scheme would constitute inappropriate development within the Green Belt which is unacceptable in principle, and the applicant has failed to demonstrate very special circumstances to outweigh this finding of inappropriateness. The application would therefore be contrary to the criteria of PPG2 (Green Belts) and Policies DP1-9 (Spatial Principles), Policy EM1 (Enhancement and Protection of the Region's Environmental Assets and Policy) RDF1-4 – (Spatial Priorities) of the Regional Spatial Strategy, Adopted 2008 and Saved Policies DS3 (Green Belt), DC1 (Development Control) and DC4 (Materials) of the Adopted Rossendale District Local Plan (1995).

Contact Officer	
Name	Richard Elliott
Position	Planning Assistant
Service / Team	Development Control
Telephone	01706-238649
Email address	planning@rossendalebc.gov.uk