

<b>Application No:</b> 2009/180	<b>Application Type:</b>
<b>Proposal:</b> Change of use of derelict land to storage of 148 leisure vehicles (mainly caravans)	<b>Location:</b> Land off Blackburn Road, Edenfield
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 6 July 2009
<b>Applicant:</b> Mr R Nuttall	<b>Determination Expiry Date:</b> 28 July 2009
<b>Agent:</b> 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) .....	<b>DEPARTURE &amp; MAJOR</b>

**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**

The application relates to an irregularly-shaped parcel of land, of approximately 1.3 hectares in area, located to the west side of Blackburn Road (B6527) and Hardsough Lane. The latter road serves 6 properties and is a Public Footpath.

The majority of the site is relatively flat and at a level lower than the main road from which it takes access, and it is largely screened from it by a high hedges/trees. 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.

The site is located within the countryside between the settlements of Edenfield and Irwell Vale that has been designated as Green Belt in the Rossendale District Local Plan.

### **2. Relevant Planning History**

2008/550 - Construction of a new vehicular access to Blackburn Road into the site and closure of the existing access

Approved as the new access to this busy stretch of road would possess improved visibility splays and, having regard to closure of the existing access with planting of a hedge, its formation would not unduly affect the openness of the Green Belt.

A Note for Applicant on the Decision Notice stated that this permission did not confer or imply permission for any use of the land. Work on implementation of this permission has begun.

2009/40 - Change of use of agricultural land to storage of 148 leisure vehicles (mainly caravans)

In accordance with Officer recommendation, Refused by Committee in March 2009. In short, the reason for refusal was that for the proposed scheme constituted inappropriate development within the Green Belt, which is unacceptable in principle, and the applicant had failed to demonstrate the very special circumstances to outweigh this finding of inappropriateness. The proposal was therefore contrary to Government guidance in PPG2 and Policies of both the RSS and the Rossendale District Local Plan.

### **3. The Current Proposal**

This application is very similar to the previously refused scheme in terms of what is proposed for the site. The existing access would be closed and the site served by a new access in the form permitted by Planning Permission 2008/550. The site would be enclosed by 2m high palisade fencing. The applicant asserts that the land already benefits from hardstanding and, therefore, there would be no operational development on the land. The submitted drawings shows bays for the parking-up of leisure vehicles (mainly caravans) of 3.5m x 8m, arranged in a series of rows with 10m wide aisles between.

The principle difference between the current application and the previous application is the justification being advanced for it - most particularly what is now said to be the lawful

use of the site and the policy context in which the proposal should be considered. These matters are addressed in the Assessment below.

The applicant has provided a letter indicating that should planning permission be granted then all the caravans that are currently stored within his established haulage yard on Market Street, Edenfield will be removed voluntarily at the earliest convenience to the Blackburn Road site.

Two additional plans have been sent to the case officer as possible discussion points. These plans indicate two alternate methods of planting and screening. One of which would result in a reduction in the number of plots on the site to 106 as it proposes planting in between some of the plots.

#### **4. Policy Context**

##### **National**

PPS1 Delivering Sustainable Development  
PPG2 Green Belt  
PPS7 Rural Areas  
PPG13 Transport

##### **Development Plan**

##### **Regional Spatial Strategy for the North West (2008)**

DP1-9 Spatial Principles  
RDF1 Spatial Priorities  
RDF2 Rural Areas  
RDF4 Green Belts  
EM1 Enhancement and Protection of the Region's Environmental Assets  
RT2 Managing Travel Demand  
RT4 Management of the Highway Network

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

DS3 Green Belt  
DC1 Development Control

##### **Other Material Considerations**

LCC Landscape Strategy for Lancashire  
LCC Parking Standards

#### **5. CONSULTATIONS**

##### **LCC (Strategic Planning)**

"I note that the submitted Planning, Design and Access Statement accepts that the proposed development constitutes inappropriate development in the Green Belt. I agree.

"It is argued in the Planning, Design and Access Statement that 'special circumstances' exist to justify inappropriate development. Having regard to Paragraph 3.2 of PPG2, I do not consider that the considerations put forward to justify the development outweigh the presumption against inappropriate development.

“The quality of the landscape is not relevant to the inclusion of land within Green Belt or to its continued protection. The most important attribute of Green Belts is their openness and this should be protected from inappropriate development. The proposed development would reduce the openness of the Green Belt.

“I consider that the proposed development is contrary to Policy DS3 of the adopted Rossendale District Local Plan which has been saved by the Secretary of State.

“I consider that the proposed development would only be a departure from the development plan if your Council is minded to approve the planning application. If the planning application is refused by your Council it would not be a departure from the development plan.”

#### LCC (Highways)

No comments received with regards to this application. However, it did not object to Application 2009/40.

#### RBC (Regeneration)

In respect of Application 2009/40 it commented that :

- 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.
- The applicant identifies a turnover 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.

#### RBC (Drainage)

In respect of Application 2009/40 it commented that :

- An ordinary watercourse flows in culvert through the site. The culvert should be surveyed to determine its exact line, level and structural condition. The strength of the culvert should be determined to assess its ability to carry the proposed dead, live and traffic loadings and any necessary remedial works. A condition should be attached to any permission requiring full details of any such works to be submitted to and approved by the Council and subsequently undertaken. These works would also require the Environment Agency’s formal consent, as too would diversion of the culvert.

- The developer is encouraged to implement Sustainable Urban Drainage Systems (SUDS) techniques. A condition should be attached to any permission requiring full details to be submitted to and approved by the Council if it is proposed to discharge surface-water from any development of the site to any watercourse, in order that the rate of discharge is regulated.

## 6. REPRESENTATIONS

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notices, site notices posted on 10 June 2009 and letters sent to 9 neighbours on 8 May 2009.

Three letters of objection have been received, making the following points :

- The site is only in its present state due to previous companies being allowed to tip on the site
- Disagree that there has been extensive fly-tipping on the site
- There is a caravan site at Gas Street, in Haslingden, only two miles away
- There is already a caravan storage site in Edenfield; it is an eyesore, despite being better screened than the site now proposed. The hedges to the front of this site would be largely without foliage for significant part of the year.
- Can see no benefit to the area or the village of Edenfield
- Increased traffic
- Inadequate access too close to a bend on a de-restricted road where accidents have occurred.
- Theft and vandalism
- Vehicles towing caravans would cause a major obstruction for vehicles travelling in either direction along the road.
- The road is used by children attending the local primary school in Edenfield and Haslingden High School.

Irwell Vale Residents Association objects on the grounds that:

1. The submission is misleading - the current application seeks to mislead in that it refers to the land now being derelict, when the recent application referred to its use being agricultural. The term "derelict" refers to land which is neglected, abandoned or deserted. This land has been used for a range of purposes and, whilst not visually pleasant, is not derelict.
2. The site is too close to a designated Conservation Area - the site is approximately 850ft from Irwell Vale Conservation Area, thereby placing a significant visual and physical development close to an area of historical importance.
3. The proposal contravenes LCC's Landscape Strategy for Lancashire and Rossendale's Core Strategy, and is in direct opposition to the already well-planned work to enhance the tourist attraction of this part of Rossendale - the proposal will result in a series of white blocks stretching across the valley side, contrary to the recommendations of the LCC document that development reflect 'local identity'. Whilst Rossendale's Core Strategy refers to areas around Edenfield and Helmshore (including Irwell Vale) being used to promote tourism, and thereby

secure employment for the Valley's residents, this proposal will have a severe and detrimental impact on the landscape and for the nearby Irwell Sculpture Trail and planned work of Remade to enhance the Lumb Mill Greenway for the benefit of walkers/cyclists/horse-riders and users of the East Lancashire Railway.

Councillor Darryl Smith has written-in expressing his and Councillor Cheetham's support of the application. Cllr Smith has previously commented that :

- 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 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 the surrounding area. 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.

A letter of support has been received from Janet Anderson MP. She asks that sympathetic consideration be given to the proposal as *"the site in question has been long considered a brownfield site.... I am told that Mr Nuttall has for some considerable time allowed this site to be used by Lancashire County Council for their own purposes without charge.... I would ask the committee to take into consideration that there is an unmet demand for storage sites for caravans and campers. If this is something we could accommodate in Rossendale, most especially given our need to support and encourage tourism as an economic generator, then surely we should be welcoming such a development. In addition, the proposed development could be accommodated on the proposed site without any adverse consequences on environmental grounds. I do hope, therefore, that the committee will feel able to approve this application."*

Eleven letters of support have been received supporting the application on the grounds of:

- The site would be a safer location than that on Market Street, Edenfield
- It would affect much fewer school children and access would not have the hazard of parked cars nearby
- The site would be appropriate for people wishing to store caravans
- The derelict land would be put to good use and will be developed by a local resident who has every respect for the village and community
- There are no proper facilities that I am aware of in Waterfoot , Stacksteads, Bacup Area and I am looking for a suitable site to store my caravan
- The site if appropriately secured and screened would be an asset to caravan owners and local residents and a benefit to the street scene.
- The site would look a lot better than what may happen to the site if the application is refused
- The use would be appropriate for the site and would benefit the village
- The area is badly in need of secure storage and the development would have minimal impact on the surrounding area

- The development would create two jobs which is vital to the local economy
- The current economic climate is such that more people are turning to holidays within the UK, investing in caravans/camper vans etc. Relevant storage facilities are therefore vital.

One letter has been received stating that they have no objection to the application providing that it is safe and secure and as long as nobody resides on the site. Feel it would be a vast improvement on the one which already exists on Market Street.

## 7. ASSESSMENT

### Context

When Application 2009/40 was first submitted the applicant indicated that the use of this site to be agricultural - most particularly, agricultural storage in connection with his farming enterprise - which I had no reason to contest. Between completion of the Officer report and its consideration at Development Control Committee in March 2009, the applicant submitted information relating to : a) the past use of the site as a refuse tip; b) its subsequent use by LCC (Highways) for the storage of plant and materials whilst undertaking highway works in the area; and c) a letter dated 2005 from Brian Sheasby, former Team Manager of Development Control, stating that the land would be likely to be classified as 'brownfield' if it has been the subject of previous landfill operations. In the Update Report I advised that I did not dispute that the site has been used in the past as a Tip and, from time to time, was subsequently used as a Highways Depot. However, I further advised that as both these uses had ceased and, as the applicant stated on the submitted application forms (and in other supporting documentation) the current use to be agricultural storage, the site must be looked upon as 'greenfield'. This was because Government guidance contained within PPS3 states explicitly that agricultural buildings and agricultural land should be looked upon as 'greenfield', not 'brownfield'/previously-developed land.

The applicant now seeks permission to change the use of the land from derelict land to the storage of 148 leisure vehicles (mainly caravans). As 'derelict land' is not a land use the applicant was asked what they considered the lawful use of the land to be. They have indicated that they now consider it to be as a storage compound for storage of building materials. The applicant states that : *"The site is rarely used, but when it is, it is used for minor storage of construction materials used for other projects. The piece of land is not, and has never been used as part of the farm, in fact the land is of no use for grazing livestock, nor can it be used to grow crops of any substance."*

For use of land (other than for agriculture) to become lawful without planning permission being obtained the land would have to be used continually as such for a period of ten years. The applicant now asserts that the land has lawful use as a storage compound for the storage of building materials. However, the application also states (within the Design and Access Statement) that "the site currently lies derelict, except for occasional storage of small amounts of building materials". Application 2008/550 for the construction of a new access to the site also included information on the use of the land. The application forms stated that the existing use of the land was for "storage of farm, and building materials, hardcore etc" and further information within the application stated "The use of the land will not change, and will be used for the storage of Farm Materials, and also for

storing materials for building use, and also for use by Lancashire County Council Highways to store materials for re-surfacing roads in the area.”

An aerial photograph dated 2001 shows the land to be largely covered with grass/greened over, although there appears to be some small areas that could be hardstanding. Application 2009/40, previously refused by Committee also contained information stating that the site “has been used by the farm as storage for agricultural machinery/equipment/stone and other building materials. There are also several storage containers on the site used for storage of wooden stoops/poles for fencing.”

The use of the site as a highway depot appears to have ceased and its use for agricultural storage has subsequently occurred. This being the case, government guidance indicates the land must be looked upon as ‘greenfield’ and not ‘brownfield’/previously-developed land. For the use to change for the storage of materials/machinery not associated with agriculture, then ten years unbroken use would need to have passed. However, ten years has not passed since the 2001 aerial photograph and the applicant has not provided evidence of unbroken use for 10 years for non-agricultural storage. Accordingly, it is considered not unreasonable to assert that the lawful use of the land is agricultural. If the applicant considers they have the evidence to prove otherwise the most appropriate course of action would be for them to submit a Certificate of Lawfulness application. I remain of the view that the current proposal should be looked upon as one relating to ‘greenfield’, and not ‘brownfield’, land.

### **Considerations**

The main issues for consideration in the determination of this application are : 1) the principle of the development proposed in an area of Countryside designated as Green Belt; 2) its impact on the openness of Green Belt; 3) its impact on the visual amenities of the Green Belt / Countryside; 4) its impact on neighbour amenity & highway safety; & 6) any benefits that would weigh against the foregoing harm.

### **Principle**

PPG2 advises that 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.

Paragraph 3.2 of PPG2 states that : “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 such circumstances”.

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. Amongst the purposes of including land in Green Belts are :

- to assist in safeguarding the countryside from encroachment;
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.



Due to the size of the site (approximately 1.3 hectares) and the scale of the development proposed it is considered that the openness of the Green Belt would be harmed to a significant extent. The most important attribute of Green Belts is their openness and this should be protected. This is a fundamental aim of Green Belt Policy. Although no buildings are being proposed on the land the number of caravans/leisure vehicles proposed to be stored would be such that the openness of the land would be eroded to a significant extent. Accordingly, I consider the proposal to be for inappropriate development within the Green Belt. LCC (Planning) concurs with this view.

Paragraph 3.15 of PPG2 goes on to state that : “The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design”. This matter will be considered in the section below.

#### Impact on Visual Amenities

PPS7 states that “All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.” The character and visual appearance of the countryside should be protected “*for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all*”.

The size and scale of the development proposed has previously been highlighted. 148 caravans/leisure vehicles of different shapes and sizes, predominantly white in colour, would occupy a site of over a hectare in area. Such an expanse of caravans/leisure vehicles is not a feature considered appropriate to a Green Belt / Countryside area and would be unduly detrimental to the visual amenities of the Green Belt / Countryside. Due to the size of the site and its proximity to Blackburn Road, and Hardsough Lane it is not considered that a planting scheme would be sufficient to overcome the harm to visual amenity. Since the last Committee meeting the potential to introduce more planting in /bounding the site has been discussed with the applicant and they have indicated that they are willing to do so. However, the ability to mitigate landscape impact by further boundary planting is limited such is the topography of the area and the existing boundary planting. Equally, I have concerns about whether the ground conditions will allow planting introduced within the site to establish and grow, and thereby break views of the ranks of caravans/leisure vehicles.

Irwell Vale Residents Association has objected to the application on the grounds of harm to the character and appearance of the Irwell Vale Conservation Area, Irwell Sculpture Trail and Lumb Mill Greenway. I do not consider the harm of the proposed development to them would be so great as to warrant reasons for refusal in their own right, but do contribute to a degree to harm to the visual amenities of the Green Belt / Countryside.

Accordingly, I consider the size of the site, and the nature/scale of the development proposed for it, to be such that significant harm to the character and appearance of the area will be caused.

#### Neighbour Amenity

It is considered that the proposed development would not cause undue detriment to the amenities neighbours could reasonably expect to enjoy, having regard most particularly to

the distance the site is from residential properties and its lower level to those which are nearest.

### Highway Safety

The development will not add to the traffic on the local highway network significantly and, subject to formation of the new access to Blackburn Road, will not unduly detract from highway safety. There is no objection from the Highway Authority.

### Benefits to Weigh Against the Foregoing Harm

The above sections of the report have provided information as to why I consider considers the development to be inappropriate in principle and would cause significant harm the visual amenities of the Green Belt / Countryside. In accordance with Paragraph 3.2 of PPG2 the applicant must advance 'very special circumstances' that clearly outweigh these harms.

The applicant has provided a summary of what they consider to be very special circumstances:

- The site is considered a brownfield site within the Green Belt
- The land is existing derelict land
- The land is no other use to the applicant
- The land will remain derelict land unless developed
- The application has had total support from locals, councillors and the local MP
- There will be no impact on existing infrastructure
- The proposal would not change the look of the land, other than improving it
- The proposal involved the storing of movable objects and it is not proposed to build any permanent structure.
- The applicant has also indicated that the caravans sited in their yard immediately to the rear of properties fronting Market Street, Edenfield would be removed from that site if this application is approved.

Most of these points have already been addressed in the preceding sections of the report. With respect to the latter point, I would advise that the Planning Enforcement Section is presently investigating whether the storage of caravans on the Market Street site referred to is lawful or not.

In assessing whether the applicant has demonstrated the very special circumstances to tip the balance in favour of granting permission I have also had regard to PPS7 considerations in relation to diversification of the rural economy and the comments of RBC (Regeneration).

The Applicant has not indicated that the proposal will create any jobs. Nor will it draw any tourists into the borough to visit tourist attractions/spend money here in other ways. Whilst there may be unmet demand for storage sites for caravans and campers there are other, more appropriate sites within the borough for this.

It is considered that the applicant has not adequately demonstrated that there are no more suitable sites within the Borough on which to accommodate the proposed development. Regeneration Section consider that there are a number of other sites within the Urban Boundary of settlements in the Borough which may be suitable – there

are at least 40 hectares of redundant, derelict and vacant sites that could be utilised for economic development.

### **8. Conclusion**

I am firmly of the view that this application should be refused. The Applicant has not advanced the very special circumstances to outweigh the harm by reason of inappropriateness of the use to Green Belt / Countryside and the harm to the essentially open and rural character of the site and its surroundings.

Having regard to the scale of the site, and the nature/scale of the development proposed for it, if Committee was minded to grant a permission the application would have to be referred to the Government Office for the North West as being a Departure to the Development Plan.

### **9. Recommendation**

That planning permission be refused.

#### **Reason for Refusal**

The proposed scheme would constitute inappropriate development within a countryside area designated as Green Belt which is unacceptable in principle and would cause significant harm to the visual amenities of the Green Belt and the essentially open and rural character of this area of Countryside, and the applicant has failed to demonstrate very special circumstances to warrant the granting of permission in this instance. The proposal is, therefore, contrary to PPG2 / PPS7, Policies DP1-9 / RDF1-2 / W1 / EM1 of the Regional Spatial Strategy (2008), and Policies DS3 / DC1 of the adopted Rossendale District Local Plan (1995).

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