

<b>Application Number:</b>	2011/376	<b>Application Type:</b>	Full
<b>Proposal:</b>	Construction of Managers Dwelling, 3-bedroomed Bed & Breakfast , 10-bay Stables, Manege and altered Access Road	<b>Location:</b>	Fishermans Retreat, Off Bury Old Road, Shuttleworth
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	13 September 2011
<b>Applicant:</b>	Mrs S Robinson	<b>Determination Expiry Date:</b>	23 September 2011
<b>Agent:</b>	Tom Myerscough & Co		

<b>Contact Officer:</b>	Richard Elliott	<b>Telephone:</b>	01706-238639
<b>Email:</b>	Planning@rossendalebc.gov.uk		

**REASON FOR REPORTING**

Tick Box

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Councillor Anne Cheetham

Reason for Call-In:

The scheme would provide tourism for the Valley. The application is to improve the healthy lifestyle of people and the Fisherman's Retreat is a family business.

**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.

<b>RECOMMENDATION(S)</b>
Refuse for the reasons detailed in Section 8 of the report.

Version Number:	1	Page:	1 of 7
-----------------	---	-------	--------

---

## APPLICATION DETAILS

### 1. SITE

The application site forms part of the estate, of approximately 80 acres, in the dip in the land between Rochdale Road (A680) and Whalley Road (A56), comprising of Fishermans Retreat Restaurant, the adjacent fishing lakes, Twine Valley Farm and the surrounding farmland.

The application site itself measures approximately 0.7 hectares in area and is situated near to a confluence of narrow lanes close to the drive up to the large restaurant building. The land is predominantly level and largely free of vegetation on account of long ago having been tipped upon. There is a gated access into the site from Bury Old Road at its western end and it has a level approximately 5m lower than this lane at its eastern end. Due to this difference in levels and the mature boundary hedge/trees on its north side views into the site from the lane are very limited. To the east of the site the land falls steeply away and is well wooded, whilst to the south and west mature boundary hedge/trees go some way towards breaking views into it from the fields rising around it.

The site lies within a Countryside Area designated as Green Belt in the Rossendale District Local Plan. The Proposals Map of the Local Plan shows the application site also to form the western tip of an Important Wildlife Site that extends to the east and includes the chain of fishing lakes and Shuttleworth Brook.

### 2. RELEVANT PLANNING HISTORY

None.

### 3. THE PROPOSAL

The applicant seeks permission for the following :

- 1) Erection of a 4-bedroomed house to be used as a managers dwelling
- 2) Erection of a 3-bedroomed bed and breakfast building
- 3) Construction of a 10-bay stable block
- 4) Construction of a ménage.
- 5) Off-site works to improve traffic movements

The dwelling would have 4 bedrooms, be constructed in red-cedar timber boarding, under a slate roof, and would measure 15.5 metres wide with a depth of 11 metres with a height of approximately 8.5m.

The bed and breakfast building would sit to the side of the house, have a link to it and be constructed of similar facing materials. It will measure 9 metres wide with a depth of 6.8 metres plus an attached car port and log store projecting to the side by 3.1 metres.

The dwelling and bed and breakfast building would be set well back from Bury Old Road. However, the proposed stable block is to stand nearer to the lane, with its back to it.

The stable block would measure 27 metres wide with a depth of 15m and a height of 4.2 metres to the ridge-ridge. The external walls would be clad with vertical timber boards, the roof would be of box-profile sheeting.

The manege would sit towards the western boundary of the site and measure 20m x 40m.

Access to the site would be via the existing entrance towards the western end of the frontage and a newly created entrance towards the eastern end of the frontage. There would be 4 parking spaces for the managers dwelling, 4 parking spaces for the bed and breakfast, 10 spaces for the stables and 3 spaces for horse boxes.

The applicant's supporting information states that the applicant, who has been an integral part of the Fisherman's Retreat business for 19 years and lives in a caravan adjacent to the restaurant, wishes to establish this new business. There is a demand for tourist facilities and accommodation and it is essential that a full time worker is on site for the proper functioning of the facility.

A contaminated land report has been submitted with the application, which identifies no problems in developing the site as proposed.

#### 4. **POLICY CONTEXT**

##### **National**

PPS1 Sustainable Development  
PPG2 Green Belts  
PPS3 Housing  
PPS4 Economic Growth  
PPS7 Rural Areas  
PPG13 Transport  
PPG17 Open Space, Sport & Recreation  
PPS23 Pollution Control  
PPG24 Noise

##### **Development Plan**

###### **Regional Spatial Strategy for the NW of England (2008)**

DP1-9 Spatial Principles  
RDF1 Spatial Priorities  
RDF2 Rural Areas  
RDF4 Green Belt  
W1 Strengthening the Regional Economy  
W6 Tourism & the Visitor Economy  
RT2 Managing Travel Demand  
RT4 Management of the Highway Network  
EM1 Environmental Assets

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

DS3 Green Belts  
DC1 Development Criteria  
DC4 Materials  
E7 Contaminated Land  
J5 Tourism

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

Draft National Planning Policy Framework (2011)  
RBC Submitted Core Strategy DPD (2010)

## 5. CONSULTATION RESPONSES

### LCC (Highways)

No objection

### RBC (Environmental Health)

The Contaminated Land Report is unsuitable in respect of the submitted planning application. It would appear that the company that compiled the report were not aware that a residential development was included. It is therefore recommended that an appropriate Preliminary Risk Assessment condition is attached to any permission.

### RBC (Forward Planning)

Object

The new buildings constitute inappropriate development within the Green Belt.

The development of tourism and other related facilities are supported in the Submitted Core Strategy DPD (December 2010), as amended by the Proposed Changes (May and July 2011), specifically Policy 14 on Tourism and Policy 15 on Overnight Visitor Accommodation. However proposals should be “appropriate to their locality” and outside the Urban Boundary it is expected that “where appropriate to the type of establishment, use will be made of existing buildings”. Policy 1 notes that “Proposals outside the urban boundary will be determined in accordance with the relevant national and local planning guidance”. This includes PPG 2.

The Draft National Planning Policy Framework (NPPF) is currently out for consultation. Para 133 reaffirms “The Government attaches great importance to Green Belts”. Para 142 states “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Para 144 reiterates PPG2 stating that a local planning authority “should regard the construction of new buildings as inappropriate in the Green Belt” and lists several exceptions to this, which are very similar to those cited in Para 3.4 of PPG2:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- the replacement of a building, provided the new building is not materially larger than the one it replaces
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (excluding temporary buildings), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Although this proposal would contribute to improving Rossendale’s tourist facilities the overriding concern is that this development is deemed an inappropriate use for the Green Belt, which would affect the openness of the Green Belt, and cannot be supported.

## 6. REPRESENTATIONS

To accord with the General Development Procedure Order two site notices were posted on 11/08/11, a press notice was published on 05/08/11 and 12 neighbours were notified by letter on 03/08/11.

One comment has been received : the residents of Crossbank, a property located approximately 200 metres to the south east of the site, seeks clarification on whether the development would be screened by trees.

## 7. ASSESSMENT

The main issues to consider are: 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking.

### Principle

The application site lies within an area of Countryside designated as Green Belt. Government guidance in respect of Rural Areas in the form of PPS7 & PPS4, in short, seeks to strictly control economic development in open countryside away from existing settlements, supporting the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside and where appropriate support equine enterprises that maintain environmental quality and countryside character.

Accordingly, in respect of the stable block/ménage the development would be significant in size and certainly larger than would be expected if to be for hobby purposes. However, in this instance it is not intended for an individuals hobby-use, but for a horse-related business (as too is the manege). This being the case I consider this element of the proposed development to be broadly acceptable in respect of countryside policy; its acceptability in terms of visual impact will be considered in a later section of the report.

Newly constructed bed and breakfast accommodation would not accord with countryside policy which encourages conversion and re-use of existing buildings bed and breakfast, particularly where they are located outside of existing settlements.

With respect to the proposed dwelling, PPS7 states that isolated new housing in the countryside will require special justification for planning permission to be granted. Where the special justification relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice within Annex A.

Annex A of PPS7 states that it will often be as convenient and more sustainable to live in nearby towns and villages or suitable existing dwelling, so avoiding new and potentially intrusive development in the countryside. There will be some cases where the nature and demands of the work concerned make it essential, however, whether this is essential will in any particular case ***“depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.”***

The proposed dwelling would not fulfil the criteria within Annex A of PPS7. In particular, there is not a clearly established existing functional need; the activity concerned has not been established for at least three years; the applicant already resides in a property close to the site and it has not been demonstrated that there are no other suitable properties available; it has not been demonstrated that it is essential for a worker to be on site for security and welfare grounds; and it is considered that even if there was an established functional

requirement, the size of the dwelling proposed would not be commensurate with it.

PPG2 sets out Government guidance in respect of Green Belts. It states 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. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.”*

It sets out a general presumption against inappropriate development within the Green Belt. Paragraphs 3.1 and 3.2 state that such development should not be approved unless the applicant can demonstrate the very special circumstances to clearly outweigh the harm by reason of inappropriateness and any other harm. Additionally, Paragraph 3.15 states 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. The issue of appropriateness is addressed immediately below, whilst the impact of the proposal in terms of visual amenity is considered in the following Section of the report.

PPG2 states essential facilities for outdoor sport and outdoor recreation and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for example “small stables”, are not considered inappropriate. The proposed stables building cannot be said to be small scale. However, it is not necessarily of disproportionate size in relation to the 80-acre estate it lies within. It is also in its favour that it is intended for outdoor sport & outdoor recreation and will help diversify the rural economy.

The construction of a new dwelling and new bed and breakfast facility within the Green Belt constitute inappropriate development. This is accepted by the applicants.

Looked at in totality, therefore, the scheme is considered inappropriate development within the Green Belt. Accordingly the applicant would have to demonstrate very special circumstances to outweigh the finding of inappropriateness.

I am not persuaded by the argument that it is essential for a house (and not one of the size proposed) to be constructed on-site. In my opinion a full time worker would not be required constantly on site to look after 10 horses and manage 3 B&B rooms, particularly so on this occasion given that the applicant currently resides in a caravan approximately 250 metres away.

The development of tourism and other related facilities are supported in the Submitted Core Strategy DPD (December 2010) as amended by the Proposed Changes (May and July 2011). Policy 15 – Overnight Visitor Accommodation of the DPD states it will be expected that use will be made of existing buildings. Such developments should also not conflict with other Policies (eg. Green Belt Policy). To conclude, I am not satisfied that the house is necessary or essential for tourism in this instance. Whether the house and B&B building would cause unacceptable harm in terms of visual amenity is considered below.

Accordingly, the application is considered unacceptable in principle.

### Visual Amenity

The proposed buildings, most particularly the house and B&B building, are considered to be detrimental to the Countryside and Green Belt. The proposed house and bed and breakfast would not comply with Policy DC4 – Materials, where it is expected that natural stone be used in countryside areas and where the use of natural stone predominates. Furthermore, the degree to which they will impact on visual amenity and will erode the essentially open and rural character of the area is greater by reason of creation of the new vehicular access and which has not been shown to be necessary. Formation of this access would provide additional and elevated views into the site and of the proposed house and bed & breakfast, whereas the existing access point is at a lower level with existing trees that significantly reduce views into the site.

The off-site highway works to the north east do not unduly affect the openness or visual amenity of the Countryside/Green Belt.

Overall, however, the scheme is considered unacceptable in terms of countryside/green belt impact.

#### Neighbour Amenity

There are no neighbours in close proximity to the site. Accordingly, the development would not be detrimental to the light, privacy or outlook of neighbours and would not result in significant levels of noise. The scheme is considered acceptable in terms of neighbour amenity.

#### Contaminated Land

Subject to the condition the application is considered acceptable in this regard.

#### Wildlife Interest

Given the previous history and current conditions of the site it is considered that wildlife interest would not be unduly harmed by the development.

#### Access/Parking

The Highway Authority has not raised objection to the proposal. I have no reason to conclude that the proposed development would be detrimental to highway safety. As previously mentioned, however, the easterly access-point allows view into site and would also be quite steeply sloping which is considered both unnecessary and unacceptable.

## **8. RECOMMENDATION**

Refusal, for the following reasons

The proposed development is considered inappropriate development within the Green Belt and the applicant has not demonstrated very special circumstances that would outweigh this finding. In addition the scheme, most particularly by reason of the siting/size/design/facing materials of the proposed house and B&B building and with the formation of the easterly access point that will give views of them, would detract to an unacceptable and unnecessary extent from the essentially open and rural character of the Countryside and the Green Belt. Therefore, it is considered that the proposed development is contrary to the provision of PPS1 / PPG2 / PPG3 / PPS4 / PPS7, Policies DP1-9 / RDF1 / RDF2 / RDF4 / EM1 of the Regional Spatial Strategy for the NW of England (2008), and Policies DS3 /DC1/DC4 of the Rossendale District Local Plan (1995).

**UPDATE REPORT**

**FOR DEVELOPMENT CONTROL COMMITTEE  
MEETING OF 13 SEPTEMBER 2011**

**B1 2011/376 : Fisherman's Retreat, Shuttleworth**

Since completion of the Report appearing on the Agenda the Agent has commented upon the lack of objection to the application from the local community. Noting that the main point of contention for Officers is the managers dwelling, it is stated that if Members would prefer natural stone, rather than timber-boarding, could be used for its construction.

It has been indicated that as an alternative to the erection of the dwelling within the application site it could be sited on land to the east side of the Restaurant and displace the two caravans the Applicant currently lives in.

The application has not been formally amended in respect of the siting of the proposed house, nevertheless I would make the following comments upon this suggestion :

The proposed dwelling would still be located within the Green Belt and, as such, its erection would be contrary to policy unless very special circumstances could be advanced for it. Its siting nearer to the Restaurant may reduce the impact on the openness of the Green belt to a limited extent but the scheme would still cause harm to openness. However, the weight which can be given to the proposed dwelling being a replacement for the 2 caravans the applicant is presently living in is limited as they do not have the benefit of planning permission. Furthermore, that the applicant would accept replacing these caravans in their current location weakens their case that it is essential for a house next to the B&B and stables buildings.

The agent reiterates that, although the application site is within the Green Belt, it is fundamental to consideration of the application that the land is brownfield. They further comment that the recreation and tourist elements of the application are unique and of great importance to Rossendale. It is highlighted that RBC have identified a significant shortfall in the availability of recreation and tourism facilities in the Borough. In the current economic climate the agent considers that there will be very limited private investment coming forward for other new recreation and tourism facilities.

They consider the following to provide the very special circumstances to justify the grant of permission :

- That the site is a former landfill tip and should be considered brownfield land within the Green Belt;



- Recreation facilities are proposed that would encourage outdoor pursuits and activities and this is an accepted use within the Green Belt'
- A tourist facility is proposed that is intended to be used by visitors for such things as walking, horse riding and cycling that are available to both the applicant's land and the countryside. Objection to the bed & breakfast units and managers dwelling is unreasonable and does not afford sufficient recognition to the overall land and facilities that are proposed, and the significant tourism benefits;
- The applicant is the daughter of the owner of Fishermans Retreat and will operate the stables, bed & breakfast and managers dwelling. She has lived in the caravans with her family for over 3 years and has been an integral part of the business for 19 years.
- The Council should be supporting local businesses and diversification where is appropriate and viable
- A resident manager is important for both stabling and bed & breakfast as the users of these facilities and residents of the bed & breakfast will need to have confidence in the safety and welfare of their horses and will expect reasonable bed & breakfast dining facilities during their stay.
- Due to its topography and natural screening the site is perfect for the proposed use
- As part of the application improvement works are proposed that would improve access and safety for users of Bury Old Road.
- The client has a proven track record of running a successful business close to the application site and has proven he is willing and able to make long term investment in his business and the facilities that this provides to tourism and recreation in Rossendale.

Having regard to the role which can be played by horse-related developments in the diversification of the rural economy, and wish of the Council to promote tourism within the Borough, I remain of the view that there are elements of the proposed development which are consistent with policy and to be encouraged. However, the creation of B&B accommodation in the Countryside/Green Belt away from a settlement or through conversion of existing buildings is contrary to national and local policy. Likewise, the erection of such an isolated new-build house requires very special circumstances to outweigh the policy presumption against it and the harm it will cause to the openness and character of the area. In this instance I do not consider the case to have been made for a permanent dwelling.

Looking at the proposal as a whole, Officers remain of the view that permission should be refused for the reason set out at the end of the Report on the main Agenda.

**NEIL BIRTLES**  
**Principal Planning Officer**  
**9/9/11**