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| Application Number: | 2011/0618 | Application Type: | Full |
| Proposal: | Erection of 2-Storey Dwelling and Detached Double Garage | Location: | Land off Eden Lane, Edenfield |
| Report of: | Planning Unit Manager | Status: | For Publication |
| Report to: | Development Control Committee | Date: | 24 January 2012 |
| Applicant: | Mr Stephen Preston | Determination Expiry Date: | 09 February 2012 |
| Agent: | Edmondson Design Services | | |

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| Contact Officer: | Richard Elliott | Telephone: | 01706-238639 |
| Email: | Planning@rossendalebc.gov.uk | | |

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Cllr Darryl Smith

Reason for Call-In:

The site is a classic infill site and has in the past when an application to build been submitted received support from neighbouring properties and I understand that support still stands. The site has also been used for storage in the past but as far as I can see it would be much better used for residential development

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.

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| RECOMMENDATION(S) |
| Refuse for the reasons detailed in Section 8 of the Report. |

APPLICATION DETAILS

1. SITE

The application site is a relatively flat parcel of agricultural land accessed via a gated entrance from the narrow, Eden Lane. The land is bounded by a stone wall fronting Eden Lane, definitive footpath 111 runs along its length. A housing estate is on the opposite side and timber and wire fencing bound the other sides of the site. To the south is a two storey dwelling constructed in the 1950's.

Whilst the housing estate to the other side of Eden Lane is within the Urban Boundary of Edenfield, the application site forms part of the Green Belt land extending to the south of this settlement.

The land has a lorry back in the north-west corner. There was previously a number of caravans on part of the site, however, these were unlawfully sited on the land and have since been removed following enforcement investigations.

2. RELEVANT PLANNING HISTORY

- 2006/0121 Erection of Detached Dwelling (Outline)
Refused at DC Committee.
Subsequent appeal dismissed.
- 2008/0238 Certificate of Lawfulness for an Existing Use of a Hardstanding.
Refused
- 2008/0694 Erection of dwelling (Outline)
The dwelling was to have four bedrooms and a double garage.

The application was refused for the following reasons:

- 1) The proposed development would result in the provision of a dwelling outside of the main development locations and the Urban Boundary of the settlement of Edenfield, which will not support rural regeneration or has no identified local need, contrary to PPS1 / PPS3, Policies DP1-9 / RDF1 / RDF2 of the Regional Spatial Strategy for the NW of England (2008) and Policy DS1 of the adopted Rossendale District Local Plan (1995).
- 2) The proposed development would erode unacceptably the essentially open and rural character of the area, contrary to PPS1 / PPS7, Policies DP1-9 / RDF2 / EM1 of the Regional Spatial Strategy for the NW of England (2008) and the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995).
- 3) The application site is located within the Green Belt and the erection of a dwelling is therefore considered inappropriate development. The applicant has not put forward the very special circumstances to outweigh the finding of inappropriateness and other harm the proposal will cause. The proposal is therefore considered to be contrary to PPG2, Policy RDF4 of the Regional Spatial Strategy for the NW of England (2008) and saved Policy DS3 of the Rossendale District Local Plan (1995). Furthermore, the proposed development would erode unacceptably the essentially open and rural character of the area and undermine the purposes for having included this and the neighbouring land in

Green Belt.

- 4) The proposal does not meet any of the criteria laid down in the Council's Interim Housing Policy 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, Policies L2-4 of the Regional Spatial Strategy for the NW of England (2008), and Rossendale Borough Council's Interim Housing Policy Statement (July 2008).

3. THE PROPOSAL

Planning permission is again sought for a detached four bedroom dwelling on the land. The dwelling would measure 11m x 8m with a pitched roof to a height of 7.45m. There would be a porch to the front measuring 2.8m x 1.7m to a height of 3.5m. It is also proposed that the house have a detached double garage to measure 6m x 6m to a height of 4.1m. The house would be sited towards the southern end of the site with the gable facing Eden Lane approximately 8m away. The garage would be at right angles to the west of the house with the front facing Eden Lane. Access would be from Eden Lane at the north west corner of the site. The house would be constructed in stone under a stone tiled roof.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPG2 Green Belts
PPS3 Housing
PPS7 Rural Areas

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1 Spatial Principles
RDF1 Spatial Priorities
RDF2 Rural Areas
L4 Regional Housing Provision
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM1 Environmental Assets

RBC Core Strategy DPD (2011)

AVP3 Waterfoot, Lumb, Cowpe & Water Area Vision Policy
Policy 1 General Locations and Principles
Policy 2 Meeting Rossendale's Housing Requirement
Policy 3 Distribution of Additional Housing
Policy 8 Transport
Policy 9 Accessibility
Policy 21 Supporting the Rural Economy and its Communities
Policy 23 Promoting High Quality Designed Spaces
Policy 24 Planning Application Requirements

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)

5. CONSULTATION RESPONSES

LCC (Highways)

No objection

6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 30/12/2011 and 12 neighbours were notified by letter on 20/11/11.

Six objections have been received stating the following:

- It is obviously the intention for these plans to be passed and this will snowball into the other 19 dwellings to be erected on the said site.
- Does the applicant not have any concerns about the way he is trying to ruin and obliterate the landscape?
- The access road is only single track and would greatly impose on our privacy (No.106 Bury Road)
- The development will have a detrimental impact on what is a rural landscape within the village of Edenfield.
- As time marches on, these rare open spaces are becoming fewer and fewer and current legislation prevents the destruction of green field spaces.
- The recent Localism Bill also gives the "Locals" an input as to how they wish their communities to evolve. For the want of a single detached residence a much needed green space will be lost to the cost of the local wildlife.
- I and my neighbours have always felt that the local councils forward thinking on CO2 emissions was to allow the absorption of these harmful emissions from the M66 into this green space without detriment to the local residents. I would prefer to see more trees and shrubs planted in this space to encourage more wildlife and the absorption of CO2 emissions as the amount of vehicles increase.
- The council should reject this application on the grounds of previous application refusals and the destruction of the landscape which will otherwise occur.
- The applicant has had 2 refusals and one appeal dismissed for a house on the same site
- The site does not score well in the SHLAA, contrary to what is said in the supporting statement
- The surfaced road referred to in the application is covered with loose chippings rather than a metalled surface
- The Prime Minister has recently stated that the government is not changing the Green Belt.
- The applicant is also seeking to build a house on Gin Croft Lane which he wishes to live in. Presumably the house on Eden Lane is a commercial venture.
- The development is clearly contrary to Green Belt policy and would set a precedent.
- Agricultural land should not be sacrificed for economic gain.
- A proposed bus stop on Bury Road near to the entrance was recently withdrawn.

7. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity; 3) Neighbour

Amenity, 4) Highway Safety

Principle

The application site lies within the Green Belt, not within the Urban Boundary of Edenfield. In short, there has been no significant policy change since the previous refusals for a house on this site that would now warrant an approval.

PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- agriculture and forestry
- essential facilities for outdoor sport and outdoor recreation
- limited extension, alteration or replacement of existing dwellings
- limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3, or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.

The application does not fulfill any of the above criteria and, therefore, would result in inappropriate development within the Green Belt. No very special circumstances have been put forward to outweigh this finding.

In addition PPS7 seeks to strictly control new house building in the countryside and the proposal does not accord with Development Plan policies in respect of appropriate locations for new development. The Council's Core Strategy seeks to locate most new housing development on previously developed land within the Urban Boundary. A review of the existing Green Belt boundaries will be undertaken as part of the Site Allocations DPD, however, at the time of writing the application still lies within the Green Belt. Although the site is in a sustainable location and is stated as being suitable/deliverable and available within the SHLAA it has been downgraded due to its Green Belt location.

The proposal does not accord with national guidance, Policies of the Core Strategy and the corresponding policies of the RSS.

Visual Amenity

Notwithstanding the house to the south side, the application site forms part of a wider area of essentially open and rural land.

PPS1 states;

“New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside 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. “

PPG2 and PPS7 also seek to protect the green belt/countryside from development that is harmful to its essentially open and rural character. As stated in PPG2 “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.”

The erection of a house on this land would be clearly contrary to national guidance and development plan policy, as it would erode the open and rural character of the area and the intrinsic qualities of the countryside.

Neighbour Amenity

It is considered that the separation distances from the proposed site to existing dwelling is sufficient so as to not unduly detrimental to neighbours in terms of light, privacy or outlook.

Traffic/Parking

There has been no objection from the Highway Authority. The scheme is considered acceptable in terms of highway safety.

8. REASONS

1. The application relates to a site in an area of Countryside designated as Green Belt, wherein there is a presumption against the erection of a dwelling unless very special circumstances can be advanced for it. No very special circumstances have been advanced that would override the inappropriateness of the development. Accordingly, the application is considered unacceptable in principle in terms of national planning guidance and development plan policies in respect of Countryside and Green Belt and is also contrary to the Council's Housing Policy. The application therefore conflicts with PPS1/PPG2/PPS3/PPS7, Policies DP1/DP7/RDF2/RDF4 of the Regional Spatial Strategy for the North West of England and Policies 1/2/3/23/24 of the Council's Core Strategy DPD (November 2011).
2. The proposed development, by reason of its siting, scale and design, would be an unduly prominent and intrusive feature that would erode to an unacceptable extent the intrinsic character and appearance of the Countryside and the openness of the Green Belt. The scheme is therefore considered contrary to PPS1/PP3/PPS7, Policies DP1-9/ EM1 of the Regional Spatial Strategy for the North West of England and Policies 1/23/24 of the Council's Core Strategy DPD (November 2011).