

<b>Application Number:</b>	2012/485	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of dwelling	<b>Location:</b>	Land off Sowclough Road, Stacksteads, Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12 <sup>th</sup> February 2013
<b>Applicant:</b>	Mr W Pohrebienyk	<b>Determination Expiry Date:</b>	12 February 2013
<b>Agent:</b>	Edmondson Design Services Ltd		

<b>Contact Officer:</b>	Rebecca Taylor	<b>Telephone:</b>	01706-238640
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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input checked="" type="checkbox"/> <b>Part of site is council owned</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input checked="" type="checkbox"/> <b>Called in by Cllr Oakes to consider the benefits of the scheme to regenerate the site</b>
<b>3 or more objections received</b>	<input type="checkbox"/>
<b>Other (please state):</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.

## 1. RECOMMENDATION

That Permission be Refused for the Reasons set out in Section 9.

## 2. **SITE**

The application site is located to the north side of Sowclough Road, measures approximately 0.2ha in area and presently forms part of Sowclough Farm.

The site is located between 13 Sowclough Road, an end-terrace house, and the access track leading down to the farmhouse and stable buildings at Sowclough Farm. The track is bounded by a row of mature trees. To the opposite side of Sowclough Road are semi-detached houses that front to it and to Hill Crest.

The 40m frontage of the site to Sowclough Road is open, the land then sloping down quite steeply towards a ruinous barn towards the northern boundary of the site (whilst its stone-built front elevation appears largely intact as viewed from the highway, its roof, rear elevation and substantial parts of the gables are absent).

The track immediately to the rear of this ruinous building is at a slightly lower level and is a public footpath that runs westwards behind houses fronting Sowclough Road before passing through the application site and then eastwards to the front of the farmhouse at Sowclough Farm. Lying between this track and the northern boundary of the application site are a couple of flat-roofed 1-storey buildings used for stabling/incidental storage purposes.

Whilst the housing fronting Sowclough Road/Hill Crest lies within the Urban Boundary, the application site and Sowclough Farm lie within Countryside as designated in Policy 1 of the adopted Core Strategy DPD and illustrated on the Proposals Map 2011.

## 3. **RELEVANT PLANNING HISTORY**

1993/148     Conversion of derelict barn erection of a detached two storey dwelling  
Withdrawn

2001/323     Conversion of farmhouse and barn erection of a detached two storey dwelling  
Withdrawn

## 4. **PROPOSAL**

The applicant seeks permission for the erection of a detached dwelling. The submitted scheme proposes erection of the dwelling on the footprint of the ruinous barn and also entails the demolition of the flat-roofed buildings to the rear.

The proposed building would measure approximately 6.75m x 17.75m and would be 31.5m from Sowclough Road and 20m from No.13 Sowclough Road at the nearest point. It would be constructed of random stone under a stone slate roof, with a height of 5.25m to eaves and 7.5m to ridge. The building would have a large arched opening in the front elevation (to replicate the wagon opening of the ruinous barn) and no openings in the gable facing towards 13 Sowclough Road.

To serve the proposed house a new access would be created from Sowclough Road, which would cross the strip of Council owned land bounding the highway; the submitted drawing has indicated how the existing drive could be utilised to serve the proposed dwelling if agreement cannot be reached regarding the Council owned land. An area of hardstanding would be provided as parking where the flat-roofed buildings to the rear now stand.

The submitted drawings indicate that the front garden would be bounded by a 2m high timber fence, entailing removal of 2 Hawthorns. Felling is also proposed of a mature Sycamore which would otherwise be very close to the new house/have branches that oversail it and a further mature Sycamore midway down the row of trees bounding the existing drive to Sowclough Farm identified as having a major cavity with decay at the base.

A Plan is awaited from the Applicant to show how the proposed development can be undertaken without compromising the Public Footpath running through the site.

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 10 Climate Change
- Section 11 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

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

- Policy DP1-9 Spatial Principles
- Policy RDF1 Spatial Priorities
- Policy RDF2 Rural Areas
- Policy L 2 Understanding Housing Markets
- Policy L 3 Existing Housing Stock and Housing Renewal
- Policy L 4 Regional Housing Provision
- Policy RT2 Managing Travel Demand
- Policy RT4 Management of the Highway Network
- Policy EM1 Environmental Assets
- Policy EM2 Remediating Contaminated Land

#### **Rossendale Core Strategy DPD (2011)**

- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

### **Other Material Planning Considerations**

- RBC Alterations & Extensions to Residential Properties SPD (2008)

## 6. **CONSULTATION RESPONSES**

### **LCC (Highways)**

No Objection subject to the following conditions :

- The new vehicular access point should be constructed by LCC and the adjacent highway grass verge on the north side of Sowclough Road made-up to LCC footway specification.
- The new driveway should be of bound porous material
- Public Footpath 59 crosses the site and further advice should be sought from the Public Rights of Way Team at LCC to determine a suitable diversion route if so required

If Rossendale BC does not agree to the access directly onto Sowclough Road then the applicant should ensure that they secure a right of access for vehicles from the existing access track serving Sowclough Farm.

#### RBC (Property Services)

No objection in principle to formation of a new access over the Council-owned land; prior to commencing the development they will need to acquire such access rights from the Council.

#### United Utilities

No objection to the proposal provided that the following conditions are met: -

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

### **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order two site notices were posted on 08/01/13 and 23 letters were sent to neighbours on 02/01/13.

No neighbour comments have been received.

### **8. ASSESSMENT**

The main considerations of the application are :

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking.

#### Principle

The site lies within the Countryside, as designated within Policy 1 of the adopted Core Strategy DPD and illustrated on the Proposals Map 2011, and the scheme proposes erection of a new dwelling.

The National Planning Policy Framework section 6, paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. Likewise, the Regional Spatial Strategy and Core Strategy seek to protect the essentially open and rural character of the Countryside by precluding erection of new dwellings unless a particular case for doing so can be made (eg for an agricultural worker).

The scheme is therefore unacceptable in principle. That the proposed house will sit on the site of a ruinous barn does not warrant an exception to policy and the applicant has not advanced any special circumstances to warrant such an exception.

#### Visual Amenity

The scheme is not for the conversion or re-use of an existing building or part of an existing building on site. There is evidence on site that there used to be an agricultural barn although this is can no longer be described as a building with only the remains of one elevation on site.

The proposed house is of significant size and would form a prominent feature within the Countryside. It and its associated drive/parking area, fencing and any domestic paraphernalia in the garden would be visible to the public from a number of viewpoints, not least from the public footpath which runs through the site.

The proposed dwelling is of materials and incorporates design features to reflect the ruinous barn (eg a large arched opening in the front elevation). However, it is considered that the proposal in totality will serve to erode the essentially open and rural character to a significant extent. The garden would take up a sizeable area and the drive/parking area, fencing and domestic paraphernalia associated with the garden, would have an unduly 'urbanising' affect.

The scheme would involve the loss of four trees. The submitted Tree Report indicates three of these trees are of limited amenity value and are of poor health, and I do not have reason to doubt this assessment. The fourth tree is a mature Sycamore located very near to the ruinous barn. This tree is of visual amenity value and is visible to the public from Sowclough Road and is next to the public footpath. Its removal would be regrettable and it has not been made clear why the position of the proposed house could not be adjusted to enable its retention.

Accordingly, the proposal is considered to impact to an unacceptable extent upon the character and appearance of the Countryside.

#### Neighbour Amenity

The proposal would not result in an unacceptable loss of light, outlook or privacy for any neighbouring properties due to the siting and form of the new building and extensive grounds it will possess. There are no windows in the elevation facing towards No.13 Sowclough Road. The scheme is considered acceptable in terms of neighbour amenity.

#### Access / Parking

LCC Highways has no objection subject to the access to serve the dwelling being suitably constructed/surfaced and the grass verge fronting the site made into a footway. It does not consider the proposed development will of necessity obstruct the Public Footpath running through the site (although residents of the proposed houses might wish it relocated to a position its use is less likely to impinge on their amenities.

## **9. RECOMMENDATION**

That Permission be refused

## **REASONS FOR REFUSAL**

The application site is located within the Countryside, as defined by the Council's adopted Core Strategy DPD, wherein National and Development Plan policies set out the framework for development restraint. The applicant has not advanced a case to adequately demonstrate why the erection of a dwelling should be permitted outside the Urban Boundary. Furthermore, the proposed building and its associated drive/parking area, fencing and any domestic paraphernalia in the sizeable garden intended would be visible to the public from a number of viewpoints, not least from the public footpath which runs through the site, unacceptably and unnecessarily eroding the essentially open and rural character of the area, and also involving the removal of an attractive and healthy tree. The proposal is therefore considered to be contrary to Section 6 and Section 11 of the National Planning Policy Framework, Policy RDF2 / EM1 of the Regional Spatial Strategy for the North West of England (2008), and Policy 1 / 3 / 18 / 23 / 24 of the adopted Core Strategy DPD (2012).