

<b>Application Number:</b>	2014/0416	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of bungalow to replace mobile home used as a permanent residence	<b>Location:</b>	Cowpe Bottom Farm Cowpe Road Cowpe
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	24 February 2015
<b>Applicant:</b>	Mr K Kempson	<b>Determination Expiry Date:</b>	23 March 2015
<b>Agent:</b>	Hartley Planning & Development Associates Ltd		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	
<b>Other (please state):</b>	<b>Applicant is a Councillor</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 Granted subject to the Conditions set out in Section 10.**

### 2. The Site

Cowpe Bottom Farm is a working farm that is situated in the Countryside to the south of the Urban Boundary of Waterfoot, extending over 272ha and possessing 100 beef cattle & 1,700 sheep. Its extensive complex of buildings/yards lie to the south side of a ribbon of built-development fronting Cowpe Road.

The red-edged site of the application measures 25m x 40m and forms part of the complex of buildings/yards of Cowpe Bottom Farm, visible to the public to a limited degree from the private roadway running to its west side (which is a Bridleway). Though most of this area forms part of a service yard, its northern corner is occupied by a somewhat dilapidated mobile home.

This mobile home measures 9.6m x 12.2m x 2.2m to eaves & 3.5m to ridge, with porch attached to its south side. It presents a short side to the private roadway/bridleway to west side, elevated above it but screened from public view to a degree by fencing to its north and west sides. The agricultural buildings to its south and east are of greater height/bulk and more prominent in views from the private roadway/bridleway.

### **3. RELEVANT PLANNING HISTORY**

#### **1984/430**

In December 1984 Outline Permission was granted for the erection of a dwelling at Cowpe Bottom Farm, subject to the following Condition :

*“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290 of the town and country Planning Act, 1971 (as amended) or in forestry, or as a dependant of such a person residing with him or her or a widow or widower of such a person.”*

#### **2013/471**

In December 2013 Permission was granted to construct a 1-bedroomed annex ancillary to the main dwelling for occupation by the applicant, thereby enabling a son employed on the farm (and his family) to occupy the main dwelling. It would stand a short distance from the main dwelling, measure 8m x 8m x 3.5m to eaves & 6.2m to ridge, and is constructed of stone/slate matching the house, thereby matching in siting/size/facing materials a previously-permitted but un-built domestic store/garage intended to serve the main dwelling. Permission was granted subject to a condition to ensure that the converted building only be occupied as an annex to the main dwelling.

#### **2014/126**

In June 2014 a Certificate of Lawfulness for an Existing Use was issued, the applicant having submitted the evidence to substantiate their claim that a mobile home was first brought onto this site in December 2001 and has been a person’s permanent place of residence since January 2002.

### **4. PROPOSAL**

Permission is sought to remove the mobile home and erect in its place a 2-bedroomed bungalow of stone/slate construction.

The proposed bungalow will have the same footprint as the mobile home it is to replace and an eaves height of 2.1m (0.1m lower than that of the mobile home) and a ridge height of 4.1m (0.6m higher).

The Planning Statement accompanying the application states that :

- The intention is still that the applicant and his wife occupy the annex with one of their sons (and family) moving into the adjoining house. There is however a second son, John (aged 26), who also works full time in the family farming business. The current application is made to provide him and his partner with the replacement agricultural dwelling.

- The application site has the benefit of a Certificate of Lawfulness with regard to residential use of the mobile home which has been on the site since 2001.
- The proposed permanent dwelling will be sited on the exact site of the mobile home and will have the same length and width, internal arrangements and virtually the same window and door arrangement. It's massing will be very comparable.
- In visual terms a rather dilapidated structure will be replaced by something of better quality, with the same dimensions and virtually the same mass and built from materials which are more appropriate in its rural setting - natural coursed stone and natural blue slate.
- No changes are proposed with regard to the land within the red edge (apart from the construction of the permanent dwelling) which will remain as part of the farm yard. The red edge will not be defined by any new physical element such as fencing or hedging.
- Both the mobile home and the proposed permanent dwelling will have a lesser height than the adjoining agricultural buildings
- The farm unit is very large in Rossendale terms and the occupant of the proposed dwelling will be employed full time in agriculture. The applicant will be prepared to accept an agricultural tie (where there is no such tie with regard to the lawful residential mobile home)
- Agricultural methods have changed on the farm making it necessary for lambing to take place indoors (North West Water will not allow lambing on its leased catchment land). It has meant that the lambing season is now extended over 4 months and there is a need for a constant presence during this time, 24 hours per day. This requires a rota system, operated by the applicant and his two sons. The team needs to be readily available in times of emergency in a way which would be far more difficult if any of them lived off site
- There is a fall-back position whereby the applicant could convert part of his buildings under the new GPDO prior approval process. While this would not be a preferred option it is one which would be given serious consideration if the current application does not find favour. In such circumstances the lawful residential mobile home, with no agricultural tie, would also remain. This is a material planning consideration.
- There is a second fall-back position which would be to replace the mobile home with a much larger one, permitted without the need to obtain planning permission.
- The third alternative is for the current arrangements to continue – though with poor accommodation and a somewhat dilapidated building - to the unnecessary detriment of all concerned.
- There are considerable similarities with the appeal allowed at Willows Stables, Goodshaw Lane, where permission was allowed to replace a mobile home (with a Certificate of Lawfulness) with a permanent dwelling, the Inspector being satisfied that its cattery/kennels had an essential need for a rural worker to live permanently at or near their place of work in the countryside, the proposed dwelling not significantly larger but providing a better standard of accommodation, and its facing materials in-keeping with the local vernacular.

## **5. POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework**

- Section 1 Building a Strong, Competitive Economy
- Section 3 Supporting a Prosperous Rural Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design
- Section 11 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **RBC Core Strategy (2011)**

- AVP3 Area Vision for Waterfoot, Lumb, Cowpe & Water
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport
- Policy 18 Biodiversity, Geodiversity & Landscape Conservation
- Policy 21 Supporting the Rural Economy & Its Communities
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

## **6. CONSULTATION RESPONSES**

### **RBC Environmental Health**

No objection.

There are no noise or contaminated land issues.

### **LCC (Highways)**

No objection to the proposal.

The proposed two bedroom dwelling will replace like for like the existing two bedroom mobile home, which provides accommodation for a full time farm worker.

There will be no increase in traffic as result of the proposal and therefore no detriment to highway safety as a result.

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order the application has been publicised by way of a site notices posted on 3/2/15 and letters sent to the relevant neighbours on 26/1/15.

No comments have been received to date. Should any be received in what remains of the consultation period they will be reported to the meeting of Committee by way of the Update Report or verbally.

## **8. ASSESSMENT**

The main considerations of the application are :

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

### **Principle**

The application site lies within Countryside. Policy 1 of the Council's adopted Core Strategy states that proposals in the Countryside will be determined in accordance with national and local planning guidance.

Para 55 of the NPPF, relating to Housing, states :

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

In this instance it has been said that the farming enterprise at Cowpe Bottom Farm has an essential need for the proposed dwelling. Whilst I do not have reason to doubt that the proposed bungalow would be occupied (at least initially) by the applicant's son, who is employed full-time in the farming enterprise at Cowpe Bottom Farm, it is questionable whether the enterprise creates the need for a further dwelling to be erected on the site to deal with any emergencies/out-of-hours livestock needs.

However, the proposed dwelling is intended to replace a mobile home that is lawfully presently on the site and, though coming to the end of its effective life, can be replaced without the need for an application for planning permission to first be submitted and approved. Accordingly, I consider that it would be appropriate to permit the erection of the proposed bungalow as a replacement for the mobile home so long as it will not erode the essentially open and rural character of the countryside to a greater degree; this matter is considered under Visual Amenity.

#### Visual Amenity

The proposed bungalow will have the same siting/footprint as the mobile home and will not differ in terms of its height/bulk to a significant extent.

Replacement of a mobile home located in an isolated position with a 'proper' building of more permanent appearance can erode the essentially open and rural character of the countryside to a greater degree even when it is of no greater size. However, the proposed bungalow is not to be located in an isolated position, but form part of a substantial complex of buildings. The agricultural buildings it will be nearest to are of substantially greater height/bulk. The use of stone/slate to construct the building is appropriate having regard to the facing materials of the existing house at Cowpe Bottom Farm and other nearby houses.

Accordingly, I am satisfied that the proposed bungalow will not erode the essentially open and rural character of the countryside to a greater degree than does the mobile home it will replace.

#### Neighbour Amenity

The proposed dwelling is located well away from neighbouring residential properties and will not detract from the light/outlook/privacy their occupiers current enjoy. Having regard to Full Permission having been granted for 13 family houses in November 2007, and the current Outline application proposing the same number of houses and accompanied by a Design & Access Statement proposing a scheme broadly in accordance with the scheme then permitted, I am in no doubt that the resulting houses will provide their occupiers with the amenities/parking they could reasonably expect to enjoy.

The applicant has said that land within the red edge immediately fronting the new dwelling will remain as part of the farm yard. Having regard to the relationship of the proposed bungalow to the existing agricultural buildings, and its associated yards, I consider it appropriate to restrict those who may occupy it to people associated with enterprise. The Agent has indicated that they would have no objection to Permission being granted with a Condition restricting occupancy similarly to the existing dwelling.

#### Access / Parking

The means by which the proposed bungalow will be accessed is the same as for the mobile home it is to replace and is no more likely to result in the parking of cars that obstruct/inconvenience users of the adjacent bridleway or local highway network.

### **9. SUMMARY REASON FOR APPROVAL**

The proposed dwelling will replace a mobile home that is lawfully presently on the site and will not erode the essentially open and rural character of the Countryside to a greater degree.

Consideration has been given most particularly to Sections 3 & 6 of the National Planning Policy Framework (2012) and Policies 1 / 2 / 3 / 8 / 18 / 21 / 23 / 24 of the Rossendale Core Strategy (2011).

### **10. RECOMMENDATION**

Approval

#### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason : To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be undertaken in accordance with the submitted drawings, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.  
Reason : For the avoidance of doubt.
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.  
Reason : Section 6 of the National Planning Policy Framework (2012) and Policies 1 / 2 / 3 / 21 / 24 of the Rossendale Core Strategy (2011) seek to restrict housing development in the

Countryside and the occupiers of the proposed dwelling would not enjoy the amenities that they could reasonably expect due to its relationship with the existing agricultural buildings and its associated yards.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extension or outbuilding shall be constructed without first applying for and obtaining planning permission.

Reason : Section 6 of the National Planning Policy Framework (2012) and Policies 1 / 2 / 3 / 21 / 24 of the Rossendale Core Strategy (2011) seek to restrict housing development in the Countryside and ensure that it does not detract from the character & appearance of the area.

5. The dwelling hereby permitted shall be constructed with natural coursed stone and natural blue slate, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.

6. Prior to commencement of construction of the dwellings hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority in respect of treatment of the western and northern boundaries of the application site. Walls/fences/gates forming part of the approved scheme shall be completed prior to first occupation of the dwelling and any planting shall be undertaken in the planting season thereafter, unless a variation is first agreed in writing by the Local Planning Authority. Any planting removed, dying or becoming seriously damaged or diseased within 2 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.