

TITLE: PLANNING APPEAL RESULT
PAIR OF SEMI DETACHED DORMER BUNGALOWS
WITH SINGLE GARAGES (OUTLINE)
LAND TO REAR OF 1 GREAVE TERRACE, BACUP

TO/ON: DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY 05 APRIL 2006

BY: DIANE DUNGWORTH

LEAD MEMBER: COUNCILLOR CHALLINOR

1. PURPOSE OF THE REPORT

- 1.1. To inform Committee members of the result of the appeals

2. RECOMMENDATIONS

- 2.1 That the report be noted

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 2005/014– This planning application was received on 10 January 2005 and related to the erection of one pair of semi detached dormer bungalows with single garages
- 3.2 The application was refused on 07 March 2005 for the following reasons:

The proposed development is not required to meet the housing provision, and therefore does not comply with Policy 43 of the Lancashire Structure Plan 1991 – 2006 and Policy 12 of the Replacement Joint Structure Plan (Pre Adoption Composite Edition)

This resulted in an appeal being lodged and being dealt with by the written procedure. The appeal was dismissed for the reasons given in the decision letter of the Planning Inspectorate, a copy of which is appended to this report.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1. FINANCE AND RISK MANAGEMENT

- 4.1.1. Quality service, better housing, the environment, regeneration and economic development, confident communities.

4.2. **MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS**

4.2.1. N/A

4.3. **HUMAN RESOURCES**

4.3.1 **Human Rights Act 1998** implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

5. **ANY OTHER RELEVANT CORPORATE PRIORITIES**

5.1. N/A

6. **RISK**

6.1. N/A

7. **LEGAL IMPLICATIONS ARISING FROM THE REPORT**

7.1. N/A

8. **EQUALITIES ISSUES ARISING FROM THE REPORT**

8.1 N/A

9. **WARDS AFFECTED**

9.1 Greensclough

10. **CONSULTATIONS**

10.1 The appeal was advertised by individual letters to all parties that were consulted on the planning application.

11. **Background documents:**

11.1 The appeal decision letter

11.2 For further information on the details of this report, please contact: Helen Longworth on 01706 244578



Appeal Decision

Site visit made on 7 February 2006

by **Susan Heywood** BSc(Hons) MCD MRTPI

an Inspector appointed by the First Secretary of State

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Date
24 FEB 2006

Appeal Ref: APP/B2355/A/05/1188319

Land to the rear of Greave Terrace, Bacup, Lancashire OL13 9HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Agnes Hoyle against the decision of Rossendale Borough Council.
- The undated application Ref 2005/014, was refused by notice dated 7 March 2005.
- The development proposed is one pair of semi-detached dormer bungalows with single garages.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appeal relates to an outline application with siting and means of access to be determined at this stage. The appeal site is located to the rear of No. 1 Greave Terrace.

Main Issue

2. I consider the main issue in relation to this appeal to be whether the proposed erection of two dwellings is acceptable having regard to local and national policy relating to housing development.

Planning Policy and Reasons

3. The development plan includes the adopted Joint Lancashire Structure Plan 2005 (aJLSP) and the Rossendale District Local Plan. Policy 12 of the aJLSP sets out the number of new dwellings required within Rossendale between 2001 and 2016. On the basis of completions and planning permissions up to 2004 Lancashire County Council have concluded that there is no need to grant planning permission for further dwellings in the borough.
 4. Planning Policy Guidance Note (PPG) 3 'Housing' sets out the Government's objective of promoting more sustainable patterns of development and making better use of previously developed land within urban areas. Rossendale Borough Council has stated that the land is previously developed, but no reasoning for reaching this conclusion has been given. The appellant has stated that the land was previously occupied by garages. PPG3 gives a definition of previously developed land and excludes from that definition "*land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time*". At the time of my site visit, the site was covered with shrubs and there were felled trees and shrubs covering much of the ground area. There was no visible evidence that the site had previously been built upon. I therefore consider that the remains of any structures that may have been present on the site in the past have now blended into the landscape. On this basis, I conclude that the appeal site does not constitute previously developed land. Both policy 12 of the aJLSP and PPG3 state that previously
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developed sites should be developed before greenfield sites. As such, even if I were to consider that further housing land was required to meet the development plan requirement, the appeal site would not be an acceptable site for that additional housing, unless it could be shown that there were no brownfield sites available for development.

5. I conclude that the proposed development would be contrary to both local and national policy in relation to housing land.

Other matters

6. I accept that planning permission was granted for this site in 1990. Since that time both local and national planning policy in relation to housing has changed, with the publication of PPG3 in 2000 and the aJLSP in 2005. The proposed development does not comply with this updated guidance.
7. I note the appellant's evidence relating to the planning permission granted for a large housing scheme within the borough. I do not know the background to that case and in any case it is a well-established planning principle that each development should be treated on its own merits having regard to the development plan and national policy guidance.

Conclusions

8. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

9. I dismiss the appeal.



INSPECTOR