

Application Number:	2016/0002	Application Type:	Full
Proposal:	Erection of extension to existing restaurant and bar to form a 10 No. bedroom overnight accommodation, including car parking, alterations to access road and landscaping.	Location:	The Fisherman's Retreat, Riding Head Lane, Bury, BL0 0HH
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	19 July 2016
Applicant:	Mr H. Magnall	Determination Expiry Date:	29 July 2016
Agent:	Mr James Eccles		

Contact Officer:	Tom Parkinson (Urban Vision)	Telephone:	01706 252 432
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Called in by Councillor Cheetham for the Committee's consideration despite the expected neighbour objections due to the fact the current scheme is smaller than the previously refused application, would use local materials and would provide a needed source of overnight accommodation.
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.

1. **RECOMMENDATION**

That Committee refuse planning permission for the reasons set out in Section 10.

2. **SITE**

The Fisherman's Retreat is located in the Green Belt to the south-east of Edenfield. Originally constructed as a small angler's clubhouse within the Twine Valley, it has expanded significantly over the years through numerous incremental extensions and alterations, and is now a substantial stone and slate building comprising of a function room, restaurant and bar, with associated kitchens, preparation areas, toilets etc. and has most recently expanded its business operating as a wedding venue. The building was originally single storey and built into the hillside which slopes upwards to the east. The building as extended now projects outwards to the west over 2/3 storeys (the function room/restaurant).

The site has its main car parking areas to its eastern side, accessed from the south and a further car park to the north of the building. Between the access road to the main car park and the south side of the building is a row of trees, a brook, and a rectangular parcel of land where implementation had begun on the construction of a meat refrigeration unit; however it is understood construction stopped as the building is no longer required. To the side of the access road is a row of mature conifers.

The site is located immediately off Riding Head Lane which connects to Bury Old Road. It can be accessed via Whalley Road (the A56) and Bye Road which are within the jurisdiction of Bury MBC and located to the west. Bye Road is characterised by heavy on-street parking by residents as they have no alternative parking provision. Bury Old Road and Riding Head Lane form a narrow, single lane access to the site and other properties off it. Access can also be taken from Rochdale Road and Bury Old Road to the north. Bury Old Road is an un-adopted road which also serves Bleakholt Animal Sanctuary and other isolated properties.

There are a number of public footpaths and bridleways in the area and the existing building can be seen from a number of both public and private vantage points, including public footpath No 185 (Riding Head Lane), Turn Village, Bury old Road, Bleakholt Road and associated properties, as well as Bridleway No 183, in addition to various scattered farm houses in and around the valley.

The site has an extensive planning history as can be seen below.

3. **RELEVANT PLANNING HISTORY**

1990/130: Erection of Anglers Clubhouse (190sqm). Approved.

1992/053: Retention of Partially Constructed Angler's Retreat with Reduced Floor Space (171 square metres) and elevation changes. Approved.

1992/216: Extension and window alterations (Retrospective).

1995/384: Erection of Extension to Form Kitchen with Food Store Under. Refused

1997/266: Retention of Patio and Construction of First Floor Balcony. Refused

1997/453: Retention of Ground Floor Patio (230 square metres). Approved

1999/239: Erection of building to accommodate fish hatchery and generator housing. Approved.

2000/335: Erection of 40 Bed Hotel/150 person conference suit/leisure facilities/visitor centre and erection of 6 self-catering units (Outline). Refused by GONW following call-in.

The Secretary of State agreed with the Inspector that:

- Whilst there may be a need for tourist facilities and jobs in the Rossendale area, no functional need has been demonstrated for this development to be located in the Twine Valley;
- The presence of the pub/restaurant does not justify the development proposed. It must be looked at on its own merits;
- Unless the proposed development can also be justified as meeting the needs of recreational users of the Twine Valley, the existence of The Retreat does not represent a very special circumstance justifying the proposed development in the Green Belt;
- The proposed development would detract from the visual amenities of the Green Belt and even when the landscaping had fully matured the buildings would still constitute inappropriate development and impact on the openness of the Green Belt, and;
- The remoteness of the site relative to public transport is contrary to national planning policy for transport.

2004/849: Replacement of Marquee Extension with 1-Storey Function Room. Approved.

2005/26: Change of Use of Part of Building from Fish Hatchery to Shop (Class A1) with associated Storage and Offices. Refused

2005/375: Extension to form Staff Room and Farm Shop. Refused.

2006/023: Erection of 1 Storey Extension to Contain Shop & Staff Facilities. Approved.

2006/439: Erection of 2 Storey Restaurant/Function Suite Extension. Withdrawn

2007/166: Two Storey Restaurant and Function Suite. Refused.

2008/538: Erection of One and Half Storey Extension to Create New Restaurant Area and Function Suite. Approved.

2008/815: Erection of a detached meat refrigeration unit. Approved.

2010/612: Erection of a Two Storey Extension to Provide Function Room and Restaurant Accommodation (Retrospective). Approved.

2011/0590: Construction of timber framed managers dwelling and 3 bed roomed bed & breakfast, 10 bay stables, menage and altered access road. The site in respect of this application is located along Bury Old Road to the west of the Fisherman's Retreat and within the Twine Valley. At the time of the application (November 2011), the land was within the ownership of the applicant. Members voted to approve the application contrary to Officer's recommendation.

2014/0334: Erection of stone building to provide 19 No. rooms for short stay/overnight accommodation, and associated car parking and landscaping. Refused by Development Control Committee. Appeal dismissed by the Planning Inspectorate.

4. **PROPOSAL**

The applicant proposes to erect an extension on sloping land to the south of the existing building, with the structure being partly built into land as it rises to the east so that it would appear a single storey when viewed from this direction. The extension would have a footprint of 23.12m x 15.1m and would have a floor space of 322 square metres. It would have 2 parallel dual pitched roofs with a maximum eaves height of 5.2m and a maximum ridge height of 7m, these being lower than matching elements of the main building.

The extension would accommodate 10 No. en-suite bedrooms at first floor level accessed from a central corridor, with the first floor element connected to the main property via the latter's 'Nuttall' suite. At ground floor the extension would have 2 distinct elements, towards the southern end accommodating 8 No. car parking spaces and a cycle storage area, whilst the separate northern ground floor element (closest to the main building) would comprise of a void accommodating Shuttleworth brook which flows immediately to the south of the main building. A stairway adjoining the extension's south (gable) elevation would provide external access to/from the first floor. The development would introduce west and east facing first floor bedroom windows, whilst at ground floor it would introduce a west facing parking level vehicle opening and a further west facing opening to facilitate the outflow of Shuttleworth Brook. External materials would match those of the original building, using reclaimed materials where possible with stone walls and slate roofs. The extension would in part occupy the same location as a partly built detached meat store building. The proposal would entail an amendment to the site's current internal access road with this being moved 8m to the south.

The development would require the removal of several evergreen trees to allow for the amended road layout, however the applicant proposes to plant replacement deciduous trees alongside the repositioned road.

The applicant contends that the proposed development would allow the Fisherman's Retreat to offer overnight accommodation for wedding and other function guests, as well as for overnight/short stay visitors to the local area.

The applicant expects the extension would result in an additional 2 full-time staff/5 additional part-time staff.

Previously Refused Scheme

Members will note that planning permission was refused at this site for a detached building (although there was a proposed raised walkway attached to the main building) at this site in 2014 (2014/0334) which was proposed to accommodate 19 bedrooms and parking.

The previous scheme was refused by Development Control Committee and dismissed on appeal (reference APP/B2355/W/15/3003809) for the following reasons:

- The proposed development, despite being attached via the proposed raised walkway, would nevertheless amount to a new building within the Green Belt which would not satisfy the relevant Framework requirements. The proposal would also fail to satisfy the Framework's Green Belt requirements even if classified as an extension as it would represent a 79.8% increase of the volume of the built development on site (the original development size is unknown). The proposal is therefore inappropriate development

which is by definition harmful to the Green Belt and should only be approved in very special circumstances.

- Whilst it is accepted that the site's topography would in part screen the development from view, and therefore the development would have an acceptable landscape visual impact, nevertheless due to the site's Green Belt location the Framework expects new development to not have a material impact on Green Belt openness. Openness does not equate to visual impact; it refers to the lack of development both in terms of physical structures and any associated activity – new development should seek to retain the open, rural character of the Green Belt. The restaurant/function activity is not an essentially rural activity and, in the context of the purpose of the Green Belt, the proposed hotel would be incompatible with the need to maintain openness. Furthermore the proposed realignment of the internal access road and creation of additional parking spaces would significantly intensify the level of development and associated activity on the site, together with the activity of traffic passing to and from the property. This would result in an encroachment into the countryside which would significantly erode the openness of the Green Belt contrary to the Framework.
- Negative highways impact – although this is not considered to be a conclusive objection.
- No very special circumstances given to justify the above noted harm to the Green Belt. The proposal would help the business however no evidence has been provided that not allowing the proposal would make the business unprofitable/that it would be forced to close.

Applicant's Supporting Statement

- The application site is a well established restaurant and function venue being a popular visitor and tourist facility which attracts a great number of visitors to the Borough each year for leisure and recreational purposes. The site facilities comprise of a restaurant, function suites, whiskey shop and coarse fishing.
- The site is in the Green Belt at an important gateway to the surrounding open countryside with access to local walks, bridleway and bike tracks.
- Following recent expansion to create wedding and function suites the applicant needs to further expand the existing business to provide on-site high quality accommodation to serve the Fisherman's Retreat and the wider Rossendale valley.
- The proposed 10 bedrooms would help to cater for the site's wedding function needs whilst also being flexible to accommodate overnight/short stay visitors to the Rossendale valley.
- The extension would be to the south of the building complex with the existing access road re-routed to the south.
- The development would entail the removal of a row of mature conifers to accommodate the re-routed access road, however it is proposed to plant native trees alongside the amended route to provide screening. Further landscaping will be carried out if required to ensure the development blends into the surrounding landscape.
- The proposed development would reduce the number of vehicle movements into and out of the site especially at unsociable hours during functions and events as more guests will be able to sleep on-site.
- The proposal would comply with Rossendale's Core Strategy and other policies including Core Strategy Policies 5, 10, 14, 15 and 21. It would also comply with Core Strategy AVP Policy 5 relating to tourism, and the Sustainable Community Strategy Objective 10 'more people visiting Rossendale.'
- The application seeks to balance the following issues:
 - i) The site's proven need to provide overnight guest accommodation;
 - ii) National and local planning policy requirements including Green Belt protection; and

iii) The Council's chronic lack of tourist accommodation and the Council's ambition for investment and improved facilities.

The applicant contends the proposed development can meet all of these objectives.

- The applicant's business intends to increase its facilities to aid in its provision of wedding, bed and breakfast and general tourism services, thereby improving business viability.
- There is a proven need for overnight accommodation at the Fisherman's Retreat. Allowing the proposed development would benefit the business and would also help to address the dire need for additional overnight visitor accommodation within the Borough.
- In designing the current proposal the applicant has carefully considered the comments of the Planning Department and the Planning Inspector when assessing the previously refused scheme.

Green Belt Impact

- Careful consideration has been given to the size, scale, siting and appearance of the proposed extension to ensure it complements the existing buildings and in order to minimise the overall impact on the general openness of the Green Belt. The extension will be positioned immediately adjacent to the existing complex to ensure the buildings are closely grouped together and therefore reduce the development's visual impact on Green Belt openness. The roof level would be lower than the main building to ensure it is subservient. Local topography would ensure the extension would nestle well into the hillside, for example with its east elevation being single storey due to the difference in ground levels thereby helping to limit the proposal's visual impact on Green Belt openness.
- When assessing impact on Green Belt openness due consideration should be had for the fact the extension would be largely built over an approved and partly built meat refrigeration unit, therefore the position and form of a building at this location is already established, although it is admitted that the current proposal would extend 8.3m further to the south compared to the meat refrigeration unit.
- With reference to NPPF Green Belt policy which states that extensions or alterations to buildings within the GB are inappropriate unless they do not result in a disproportionate addition over and above the size of the original building, the proposed development would satisfy this requirement because the proposed 10 bedroom extension is classified as 'small scale visitor accommodation' as per Core Strategy Policy 15, the extension would be fully integrated to the existing facility, guests using the extension will use the current dining etc. facilities on site with no need for further additions, the building is designed to complement and be subservient to the original building in terms of its massing/ridge/eaves heights/materials, and the extension would be located at a point which is largely hidden from view due to on and off-site topography, with suitable screening vegetation installed. It would be partly built over the part constructed meat storage unit.

Meeting a Demonstrated Need

- The extension is required to meet the needs of existing and future customers, to ensure the continued development and improvement of the business. Furthermore there is a proven need and stated ambition of Rossendale Borough Council to provide further overnight visitor accommodation within the Borough. This need is supported by the Rossendale Tourism Study which was commissioned as part of the Core Strategy evidence base.

- There is an absence of alternative sites within the Borough for overnight visitor accommodation.

Existing Business/Contribution to Local Economy/Tourism

- The Fisherman's Retreat is a successful family owned business which provides local employment. The current proposals are the next logical step to expand the business to provide a full hotel service, which would result in substantial investment
- The extension would help to provide much needed tourism/visitor facilities.

Conclusion

The proposed development would not result in inappropriate development within the Green Belt with any impact limited, and these impacts would in any case be outweighed by the following 'very special circumstances':

- i) There is clear Core Strategy/NPPF support for proposals for tourist related facilities and overnight visitor accommodation. The Borough has an identified need for improved tourist facilities as per the Tourism Study (2010). Since Hornccliffe Mansion (11 rooms) closed in 2009 there is now only one hotel in Rossendale, The Sykeside (8 rooms). The other visitor accommodation comprises of smaller B&Bs and holiday lets. If not here then where? No other facilities are being proposed. The proposal will increase visitor footfall and tourism spend, boost income and trade, give tourists the facility to allow them to stay longer in Rossendale, and provide accommodation for business visitors. The proposal would meet Rossendale's Core Strategy Sustainable Community Strategy Objective 10: 'More people visiting Rossendale';
- ii) There is a clear and identified need for overnight visitor accommodation in the Borough as detailed in the Rossendale Tourism Study;
- iii) A review of alternative sites has indicated there are no suitable alternative sites, and the identified need is for on-site accommodation in any case;
- iv) The extension would aid an established tourist/visitor destination in terms of diversification of this rural business, whose success has created a demand for increased on-site accommodation;
- v) The development would help to retain associated spending within Rossendale rather than Bury;
- vi) The development would provide the business with a sustainable future, result in investment in the Twine Valley, secure current employment and provide future job opportunities including through the local supply chain;
- vii) The proposed design would be sensitive and not visually intrusive;
- viii) The applicant is a responsible steward of the Twine Valley and has a record of improving the local environment;
- ix) The success of the applicant's business has encouraged visits to the Twine Valley and the wider Borough. The Fisherman's Retreat is a hub and stop-off point for visitors engaging in healthy outdoor pursuits. It is also a social venue for local residents.

The applicant has also forwarded the following points in support of the proposals.

The proposal will:

- Increase visitor footfall and tourism spend
- The benefits of tourists staying at the Fishermans Retreat will bring income and trade to the local community and Rossendale Borough. Using industry criteria and assuming each room is occupied by 2 visitors 300 days per year, and each visitor contributes cc £140 to the local economy; this facility could generate £840,000 of income per annum to the wider Rossendale economy.

- Rossendale has among the lowest rate of tourism beds per head of population in the UK, the lowest percentage of visitor numbers and lowest total economic impact from tourism. This is holding Rossendale back and is acting as a critical barrier to the ability of Rossendale's superb heritage, tourism, environmental, sporting and cultural assets to reach their full potential.
- The provision of adequate visitor accommodation is important in supporting and stimulating Tourists to stay in the Borough and to then go and visit Rossendale Tourist attractions.
- Helmshore Mill, Ski Rossendale, ELR, Adrenaline Centre, and Whitaker have all identified that the lack of accommodation is a barrier to the uptake and development of their activities, particularly when it comes to promoting packages of activity.
- Over the last 24 years The Fishermans Retreat has built up a locally sourced supply chain that contributes to the income, employment and viability of other local businesses.
- Use of local labour in both the running of the visitor rooms and its construction
- At present Rossendale has a lack of places for business visitors to stay. This can be a key consideration in siting new businesses.
- The only Hotel in Rossendale is the Sykeside, Haslingden (8 rooms). This presents an issue for local communities wishing to have visits from family and friends, where they end up staying outside Rossendale, and residents travel outside Rossendale to meet them
- At present there is only one other venue in Rossendale (The Sykeside) where families can hold key family milestones, marriages, christenings, wakes, big birthdays, and celebrate with the ability to stay on site for key/travelling guests.
- Our proposal has been carefully designed so that it is an extension of the existing buildings, has the same eaves and ridge heights, uses the same stone & slate building materials, is located in an existing hollow and is screened from view.
- Rossendale's Countryside provides a great opportunity for outdoor activities and the Fishermans Retreat is ideally located to give people a base to enjoy and explore walking, cycling, horse riding and fishing

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 1: Building a Strong Competitive Economy;

Section 3: Supporting a Prosperous Rural Economy;

Section 4: Promoting Sustainable Transport;

Section 7: Requiring Good Design;

Section 8: Promoting Healthy Communities;

Section 9: Protecting Green Belt Land;

Section 10: Meeting the Challenges of Climate Change, Flooding, etc.;

Section 11: Conserving and Enhancing the Natural Environment.

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 5: South West;

Policy 1: General Development Locations and Principles;

Policy 8: Transport;

Policy 9: Accessibility;

Policy 10: Provision for Employment;

Policy 14: Tourism;
Policy 15: Overnight Visitor Accommodation;
Policy 17: Rossendale's Green Infrastructure;
Policy 18: Biodiversity and Landscape Conservation;
Policy 21: Supporting the Rural Economy and its Communities;
Policy 23: Promoting High Quality Design & Spaces;
Policy 24: Planning Application Requirements.

6. **CONSULTATION RESPONSES**

LCC Highways: Object to the proposals as set out fully within the assessment section of the report.

Lead Local Flood Authority: No objection to the proposed development subject to the inclusion of conditions.

LCC Rights of Way: No comment received.

Tree Officer: No comment received.

RBC Operations: No comment received.

RBC Environmental Health: No comment.

Environment Agency: No objection to the proposed development subject to the inclusion of a condition.

Bury MBC: No objection.

Bury MBC Highways: No objection.

Greater Manchester Ecology Unit: Raised concerns about possible shading impacts

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a Site Notice was displayed and 194 letters were issued.

4 letters of objection and 2 letters of support have been received.

The letters of objection raise the following issues:

- The application site is located in the Green Belt and therefore a further extension would constitute inappropriate development, which would require 'very special circumstances' to justify. Evidence of very special circumstances has not been provided.
- The existing building has already been extended once and now the applicant is proposing to extend it by a further 40%.
- The applicant has not provided evidence of demand for the proposed extension.
- The application site is primarily a wedding venue and when used as such is commonly closed to members of the public. To pretend this site is a public house for locals, walkers and cyclists, and could play a role in aiding tourism within the Borough is nonsense.

- The site has been developed on an incremental basis over time.
- The development would increase the site's current negative amenity impact on neighbouring properties in term of noise and light pollution. The applicant should consider soundproofing the current property and any further extensions.
- The extension would result in increased traffic to and from the site which would have to utilise the current unsuitable single track road. The proposed development would maintain this unsatisfactory access road.

The letters of support raise the following issues:

- The site is an amenity for the local area and provides local employment. The proposed development would provide further jobs.
- Approving the proposed development would reduce local traffic as guests would have greater scope to stay overnight on site.

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Neighbour Amenity; 3) Highway Safety; 4) Ecological Impacts, and 5) Flooding.

Principle

The site is located within the Green Belt. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

*89. A local planning authority should regard the **construction of new buildings as inappropriate** in Green Belt. **Exceptions** to this [include]: 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 erection of an extension to the existing building will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the extension does not result in disproportionate additions over and above the size of the original building.

Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.

The applicant has submitted volume calculations with the application which state that the original building on site had a volume of 2,309 cubic metres, whilst an interim extension (not including the un-built meat store) totalled 1,762 cubic metres, and the current proposal would have a volume of 1,221 cubic metres. Therefore the current proposal together with the interim extension would result in a volume increase of 2,983 cubic metres representing an increase of 129.2% above the original building.

It is noted in assessing the previous application at appeal (appeal reference APP/B2355/W/15/3003809) the Planning Inspector stated that the original building had a volume of only 934.5 cubic metres. Should this latter figure be used then the cumulative volume of the current proposal and previous extension would amount to a 319.38% volume increase over the original building.

Whichever figure is used for the original building it is clear that the proposed extension would amount to a disproportionate addition over and above the size of the original building.

Whilst it is accepted that the proposed scheme would partly occupy the previously permitted and partly built meat refrigeration building, nevertheless the hotel extension element would not be in the same use as this building and would be materially larger (the meat refrigeration building would have had a total volume of 499 cubic metres if built). It is noted that the Inspector in the previous scheme's appeal assessment discounted this partially built element using the same reasoning.

As noted above the proposed extension, together with previous extensions to the original building, would amount to a significant volume increase over the original building. In addition to the extension the development would entail the re-siting of an internal access road. The extension would project southwards from side of the existing building by 23m with the southern edge of the re-sited internal access road being located a further 7m to the south. Therefore the proposed development would result in a further extension of the site's developed area.

The proposed development would therefore result in a disproportionate addition over and above the original building which would unacceptably undermine Green Belt openness at this point. As such it is concluded that the scheme would amount to inappropriate development within the Green Belt with reference to Paragraphs 87 and 89 of the Framework, which is by definition harmful to the Green Belt. In this case 'very special circumstances' need to be demonstrated which outweigh the harm the development will cause to the Green Belt.

Visual Impact

It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In Heath & Hampsted Society v LB of Camden [2007] EWHC 977, the difference between openness and visual impact was explained as follows:

21. [PPG2] Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue...

The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.

22. The loss of openness (i.e. unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances.

When interpreting paragraph 89 of the Framework the Judge in Timmins v Gedling BC and Westerleigh Group Limited [2014] analysed the relationship between openness and visual impact. He held inter alia:

74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building this is camouflaged or rendered unobtrusive by felicitous landscaping.

In this case the Judge concluded that:

78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is therefore wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.

As noted above the Local Planning Authority considers the proposed development will have an unacceptable impact on Green Belt openness. As such the proposal's landscape/visual impact is a key material consideration in terms of the overall balance as to whether there is harm, and this factor can amount to a 'very special circumstance' in its favour.

In this regard it is noted that the design of the proposed extension respects the character and appearance of existing building on site with roof ridges and eaves lines set lower than those on the main building, and its prominence within the landscape being reduced in part by utilising the changes in land levels which, for example, would mean the new structure would appear as single storey from the rear, and would limit the extent of the area from which it might be seen. The proposed extension would nevertheless still be visible, despite proposed landscaping, especially in terms of views from the west and south, and this visual impact would be more than what is currently in place, i.e. a partly built meat store, the proposed extension being materially larger and more prominent.

As such the development would have a visual impact within the Green Belt and whilst this would be an improvement compared to the previously refused scheme, it would nevertheless be a larger and prominent extension to the existing building and result in the incursion of further built development into the Green countryside contrary to one of the 5 Green Belt purposes

What Constitutes Very Special Circumstances (VSCs)

Firstly the answer to the question will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker, in this case the Planning Committee, acting within the “Wednesbury Principles”. This stage will often be divided into two steps.

The first is to determine whether any individual factor taken by itself outweighs the harm and the second is to determine whether some or all of the factors in combination outweigh the harm. There is case law that says that a number of factors, none of them “very special” when considered in isolation, may when combined together amount to very special circumstances and goes on to say that “there is no reason why a number or factors ordinary in themselves cannot combine to create something very special.”

The weight to be given to any particular factor will be very much a matter of degree and planning judgement and something for the decision-taker. There cannot be a formula for providing a ready answer to any development control question on the green belt. Neither is there any categorical way of deciding whether any particular factor is a ‘very special circumstance’ and the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.

The Applicant’s ‘Very Special Circumstances’

The applicant has provided a list of what they deem to be ‘very special circumstances’ which they contend would outweigh any potential harm to the Green Belt.

These are:

- i) There is clear Core Strategy/NPPF support for proposals for tourist related facilities and overnight visitor accommodation. The Borough has an identified need for improved tourist facilities as per the Tourism Study (2010). Since Horncliffe Mansion (11 rooms) closed in 2009 there is now only one hotel in Rossendale, The Sykeside (8 rooms). The other visitor accommodation comprises of smaller B&Bs and holiday lets. If not here then where? No other facilities are being proposed. The proposal will increase visitor footfall and tourism spend, boost income and trade, give tourists the facility to allow them to stay longer in Rossendale, and provide accommodation for business visitors.

The proposal would meet Rossendale's Core Strategy Sustainable Community Strategy Objective 10: 'More people visiting Rossendale';

- ii) There is a clear and identified need for overnight visitor accommodation in the Borough as detailed in the Rossendale Tourism Study;
- iii) A review of alternative sites has indicated there are no suitable alternative sites, and the identified need is for on-site accommodation in any case;
- iv) The extension would aid an established tourist/visitor destination in terms of diversification of this rural business, whose success has created a demand for increased on-site accommodation;
- v) The development would help to retain associated spending within Rossendale rather than Bury;
- vi) The development would provide the business with a sustainable future, result in investment in the Twine Valley, secure current employment and provide future job opportunities including through the local supply chain;
- vii) The proposed design would be sensitive and not visually intrusive;
- viii) The applicant is a responsible steward of the Twine Valley and has a record of improving the local environment;
- ix) The success of the applicant's business has encouraged visits to the Twine Valley and the wider Borough. The Fisherman's Retreat is a hub and stop-off point for visitors engaging in healthy outdoor pursuits. It is also a social venue for local residents.

In the case of the proposed development there are two pertinent Policies within the Core Strategy which are applicable as follows:

Policy 14: Tourism

Tourism, and in particular the active sports industry, is important to Rossendale, and is a key opportunity for the whole Borough. Tourism growth will capitalise on leisure pursuits and the unique sense of place within the Valley, including its heritage assets, giving particular emphasis to the east of the Borough.

Tourism throughout the Borough will be promoted by:

- *Ensuring through the Allocations Document that key sites are identified for tourism in general and specifically to support the "Adrenaline Gateway".*
- *The development, extension and upgrading of footpaths, cycle ways and bridleways (specifically the Rossendale Way, Irwell Sculpture Trail and Mary Towneley Loop, and more generally the Public Rights of Way network), and supported by appropriate signage, interpretation and public art.*
- *Support for the clustering of tourism related activities.*
- *Events promotion.*
- *Taking a positive approach to development of complementary accommodation and hospitality facilities.*

Rossendale has a strong cultural offer, and proposals for the enhancement of existing facilities and activities as well as the development of new facilities and activities will be considered favourably. This will also include any supporting necessary infrastructure requirements, such as enhanced access through car parking, bike racks, public realm and public transport improvements. The use of existing buildings will be encouraged, particularly where located outside the urban boundary.

New development outside the urban boundary will be considered acceptable where it is essential for the proposed facility, no sites within the urban boundary are suitable, and there are no unacceptable impacts affecting:

- ***Landscape character, or***
- ***Visual quality (including light pollution), or***
- ***Amenity to neighbours (including noise pollution), or***
- ***Nature conservation assets.***

The Council will seek to minimise any negative effects on the transport network brought about by increased tourism development, and will seek developer contributions as appropriate in line with policy 22. The Council will also work with partners, including neighbouring authorities, to encourage joint bus-rail services and ticketing.

Planning proposals for the expansion and enhancement of creative industries such as artist studios and the theatres in Bacup and Waterfoot will be given positive consideration.

The countryside and features of local heritage interest will be protected and enhanced for their own value, their value to local residents and for their tourism value. Key biodiversity sites and landscape assets will be conserved and where possible enhanced alongside the development of the local tourist industry, in particular within the designated West Pennine Moors area and the moorland of the South Pennines.

Access to tourism specific training will, through cross-sector partnership, be actively supported, in line with Policy 6.

Policy 15: Overnight Visitor Accommodation

The Council will take a positive approach to new, small-scale, high quality visitor accommodation. This includes hotels, bed and breakfast establishments, self-catering facilities, bed and tack, camping barns, and sites to be used for camping and caravanning. Proposals will be supported particularly where use is made of existing buildings.

Proposals will be supported at locations both within and outside of the urban boundary where:

- *They are appropriate to their locality (including in terms of size, amenity to neighbouring uses), and*
- *They are complementary to existing tourism facilities, and*
- *Access is good by a variety of modes (with no adverse effects on the local road network), and*
- *The capacity of existing infrastructure is adequate, and*
- *There are no harmful effects on visual amenity, landscape, or nature conservation assets, and*
- *The development will not reduce the amount of land in use for the purposes of open space or recreation, and*
- *Where need can be demonstrated.*

In addition for areas outside the urban boundary it will be expected that, where it is appropriate to the type of establishment (for example, a hotel), use will be made of existing buildings.

All ancillary facilities should be designed (in terms of style and materials) to take account of their functions and blend into their settings.

Ancillary facilities such as cycle storage or horse paddocks will be encouraged in locations such as along bridleways or the cycle network.

Any large scale hotel proposals (40 bedrooms or over) should be located in or adjacent to the town centres of Rawtenstall or Bacup. Outside of these centres, large scale hotel proposals will only be supported where they form part of a wider regeneration scheme, can demonstrate a wider community benefit and access to the site can be provided by a variety of modes.

Whilst acknowledging that there is a need for overnight accommodation within Rossendale and that the promotion of tourism is necessary, it is considered that Core Strategy Policies 14 (Tourism) and 15 (Overnight Visitor Accommodation) do not support the proposed scheme.

As noted above it is considered that the proposed development would impact Green Belt openness and would result in the incursion of visually prominent built development into the Green Belt. In addition it is not considered that the site benefits from a good access by a variety of transport modes (see Highways section below). Whilst it is accepted that there is a need for an improved offer of overnight visitor facilities within the Borough, there is no reason why this should be provided at this sensitive Green Belt location where such a provision would amount to inappropriate development. It is furthermore not considered that there is a specific need for such overnight accommodation at this site. The applicant for example has not provided evidence that without this proposed accommodation the viability of the Fisherman's Retreat as a business would be under threat. As such the proposed development does not comply with Core Strategy Policies 14 and 15.

The applicant contends that they have undertaken a detailed search of the surrounding area which has indicated that there are no suitable alternative sites which would meet the identified need for overnight visitor accommodation. Whilst it is accepted that there are no other hotel developments currently within the Borough (although it is noted that there have been relatively recent grants of planning permission relating to small scale holiday let accommodation linked to horse riding) this fact cannot be considered to amount to a very special circumstance which would outweigh the proposal's unacceptable Green Belt impact.

With the information provided demonstrating continued and projected growth of the existing business, most particularly in relation to wedding functions it is not considered that there is an essential need for the expansion of the business in the manner proposed. The applicant's submission indicates that the existing business is performing well, and there is no reason to consider that it will not continue to do so without such accommodation. The applicant has not provided any evidence to suggest that the business requires the proposed development to remain viable. It is a well-established planning principle (as outlined in Samuel Smith Old Brewery (Tadcaster) v Selby DC [2003]) that the applicant's desire to expand their business does not in itself amount to very special circumstances.

Furthermore, the fact that a business exists is not considered to constitute a very special circumstance. Such an approach could be applied to any such application. This also applies in respect of job creation. Whilst the creation of jobs weighs positively in favour of the proposal, the creation of jobs in this instance is not considered to outweigh the harms identified.

It is a well-established principle that for economic need to amount to a very special circumstance it would have to be demonstrated that the proposal would address a

compelling national or regional economic need or provide other strategic benefits, which is clearly not the case in this instance.

Due to the site's location on the border with Bury it is somewhat cut off from the remainder of the Borough. As such it does not follow that Rossendale will derive all of the economic benefits from the proposal and the main purpose of the additional accommodation appears to relate to the wedding elements of the business which does not correlate to enhance the tourism offer in Rossendale.

Green Belt Conclusion

The Local Planning Authority does not consider that the above factors either individually or combined have sufficient weight to represent the very special circumstances that would overcome the harm to Green Belt openness.

In conclusion, the proposal would have a materially harmful effect upon Green Belt openness and the applicant has not supplied any evidence of 'very special circumstances' which either individually or collectively would outweigh this harm. Therefore the proposed development would be unacceptable in principle.

Neighbour Amenity

The proposed extension would not have an unacceptable amenity or privacy impact being a substantial distance from the closest residential property. There has been no objection from the Council's Environmental Health Officer. Whilst it is noted that neighbours have raised concerns regarding the property's current noise amenity due to the playing of loud music and patron noise, these are ongoing issues and not part of the proposal. It is not considered that that current scheme, amounting to bedrooms and car parking, would result in an unacceptable neighbour amenity impact.

Highways/Access

It is noted that the LCC Highways consultee has objected to the proposal. The Highway Engineer objects to the proposed development on the grounds that it would result in intensification of a development in an isolated countryside location far removed from the highway network and public transport services. The Highway Engineer has commented that no improvements to the network to mitigate the effects of the increased level of traffic on the surrounding residents, particularly those on Bye Road are proposed and has raised concerns that there will be an overall increase in the number of vehicles attending the site during Friday, Saturday and Sundays to the wedding parties and during the weekdays for other customers staying at the hotel whilst visiting the area.

The Engineer has commented that it is anticipated that the large majority of the visitors would use the access point off Whalley Road A56 and Bye Road which are within the jurisdiction of Bury MBC. The access point off Whalley Road A56 is the most accessible to visitors from outside the area as it is easily accessible from the M66 to the south and M56 bypass to the M65 to the north. This access point would also be used by construction traffic due to its access to the wider strategic network. The Highway Engineer anticipates that the secondary access point off Rochdale Road A680 would be utilised by a small number of visitors who are visiting from the local areas of Edenfield and Norden.

The applicant considers that the proposed accommodation would directly reduce the number of vehicle movements into and out of the site, particularly during functions/events

and specifically at unsociable hours. This is due to a large number of guests attending functions not having to travel off site after such events to seek off-site accommodation, and their need to return the next day to pick up their cars.

However the Highway Engineer considers that the proposed accommodation would increase the number of vehicle movements along the highway network and along long sections of unmade and unlit access lanes. There is a reliance on the private car due to the remote location of development which is significant for the proposed additional staff which will be employed if the development is approved.

The Local Planning Authority accepts the Engineer's concerns and considers the proposed development would not be in a sustainable location which would be accessible by non-car modes, for example being set away from bus routes and also at an elevated position making it unsuitable for some to access on foot. It is noted also that the roads leading to the site do not benefit from any footpaths and are narrow.

The proposed 8 dedicated parking spaces for the scheme's 10 bedrooms and expected 2 full-time/5 part-time staff would be acceptable with reference to the scheme's 8 ground floor parking spaces and the ample parking provision elsewhere on site.

Notwithstanding the concerns set out above the Engineer has provided some suggested conditions (including a construction method statement, pre/post development road survey, directional signage and public footpath conditions) if Members consider the scheme to be acceptable. However it is considered that the proposed development would not be acceptable in Highways/Access terms.

Additionally the Highway Engineer at Bury Council has commented that previously they had raised concerns regarding the potential increase in traffic using routes in Bury to access the site, in particular Bye Road, due to existing, historic parking and access problems in the area. The Engineer has commented that as the proposal is for a development of a smaller scale than that proposed previously, they do not raise any objections to the proposals.

Ecological Impacts

The proposed development would entail a first floor link extension over Shuttleworth Brook and changes to the site layout including the replacement of several trees. The Council's Ecological Advisor, Greater Manchester Ecology Unit, has raised concerns regarding the proposal's potential ecological impacts in terms of the extension's shading impact on Shuttleworth Brook through the potential culverting or tunnelling of the impacted section. Other wider ecological impacts are not considered significant. Should planning permission be granted this consultee recommends the applicant provides details of the landform changes needed to accommodate the Brook corridor, together with an explanation of how the shading impact on the Brook could be mitigated, which could be conditioned.

Flooding/ Drainage

The proposed extension includes the construction of an open passage way over the open watercourse, Shuttleworth Brook. It is noted that the Lancashire County Council (LCC) as the Lead Local Flood Authority has not objected to the development subject to several conditions and informatives.

LCC have confirmed, however, that under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), the applicant will need consent from the Lead Local

Flood Authority if you want to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water. LCC have confirmed that the Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse as per Environment Agency guidance. Land Drainage Consent is separate to planning permission and the grant of planning permission does not mean that land drainage consent will be given. Notwithstanding these comments LCC raises no objection to the proposed development and the applicant will be advised of the separate requirements on any positive recommendation.

Conclusion

The proposed development would constitute inappropriate development within this Green Belt location in that it would amount to a disproportionate addition in terms of volume over and above the size of the original building and involve the incursion of further built development into the Green Belt.

It is accepted that there will be a greater impact on openness in respect of the proposal because the development by its very nature harms the openness of the site and the green belt and as such "very special circumstances" need to be demonstrated to outweigh the implicit harm from inappropriate development in the green belt.

The Framework offers a model policy for sustainable development with the key test being whether there is significant harm that outweighs the benefits as follows:

"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether: a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and those contained in the Core Strategy; or b) specific policies in the Framework and Core Strategy indicate that development should be restricted."

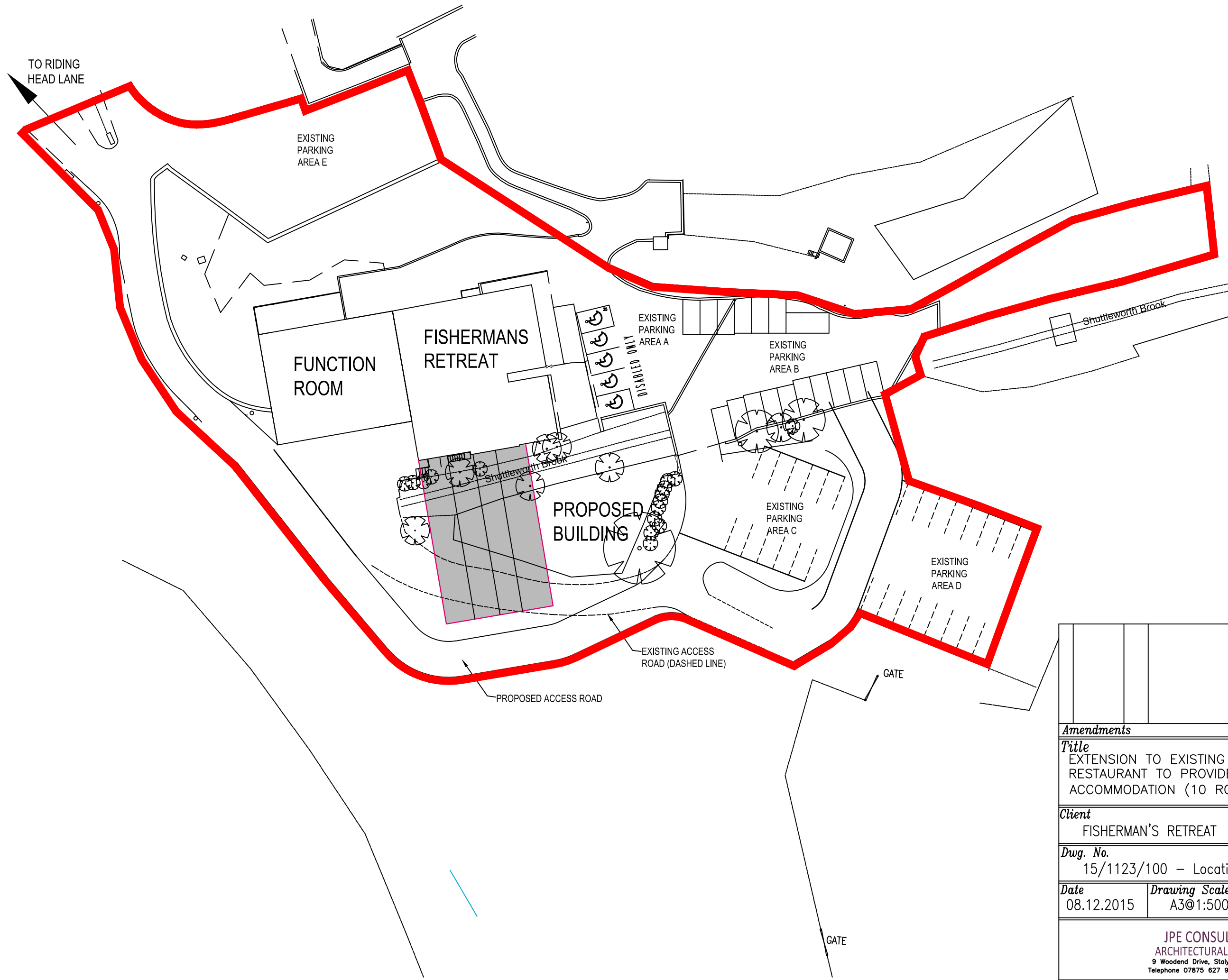
Transferring this test to the Green Belt scenario then the benefits and 'very special circumstances' must be demonstrated to outweigh the harm to the green belt that is inherent in its development.

As set out above officers do not consider that the applicant's arguments amount to 'very special circumstances' which would outweigh the harm to the Green Belt. This is considered to be a finely balanced decision in that whether the proposed development has a greater impact on openness is a subjective judgment. Members are advised that officers consider that this is a finely balanced judgement and Members are asked to consider whether the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is outweighed by other considerations.

9. **RECOMMENDATION:** Refuse.

10. **REASON**

The proposed development would result in a disproportionate addition over and above the size of the original building and therefore would amount to inappropriate development, which is by definition harmful to the Green Belt. Additionally the development would result in the incursion of further built form into the Green Belt contrary to one of the five Green Belt purposes. It is not considered that the circumstances submitted by the applicant amount to the 'very special circumstances' required by Framework which outweigh the harm created to the Green Belt. The proposed development would be located within an unsustainable location with the main access route comprising of an unsatisfactory single lane track. The scheme is therefore considered to be contrary to guidance contained within the Framework and Rossendale's Adopted Core Strategy Policies 1, 9, 10, 14, 15, 18, 21, 23 and 24.



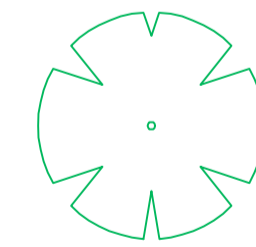

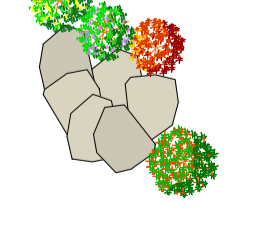
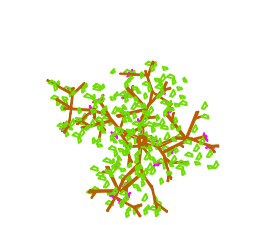
Amendments			
Title EXTENSION TO EXISTING FISHERMAN'S RETREAT RESTAURANT TO PROVIDE SMALL SCALE VISITOR ACCOMMODATION (10 ROOMS) ~			
Client FISHERMAN'S RETREAT			
Dwg. No. 15/1123/100 - Location plan			
Date 08.12.2015	Drawing Scale A3@1:500	Drawn by JPE	Status ISSUE
JPE CONSULTANCY LIMITED ARCHITECTURAL DESIGN & PLANNING 9 Woodend Drive, Stalybridge, Cheshire, SK15 2SF Telephone 07875 627 988 jim@jpeconsultancy.co.uk			



LINE OF EXISTING ACCESS ROAD

PROPOSED ROCKERY WITH NATIVE SHRUBS & HEDGING

KEY TO LANDSCAPING~

-  Existing trees to be retained. T6, T7, are Silver Birch to be retained. T8 is an Oak to be retained. G2 is a group of conifers to be retained.
-  Existing trees to be removed; (refer to existing site plan ref:15/1123/104) T1, T2, T3, T4, T5. G1 is a group of conifers to be removed.
-  Proposed rockery with native shrubs and hedging and flowers (30cm to 1.0metre in height).
-  Proposed Wild Cherry planting along southerly edge of amended access.

LINE OF NEW ACCESS ROAD

PROPOSED WILD CHERRY PLANTING



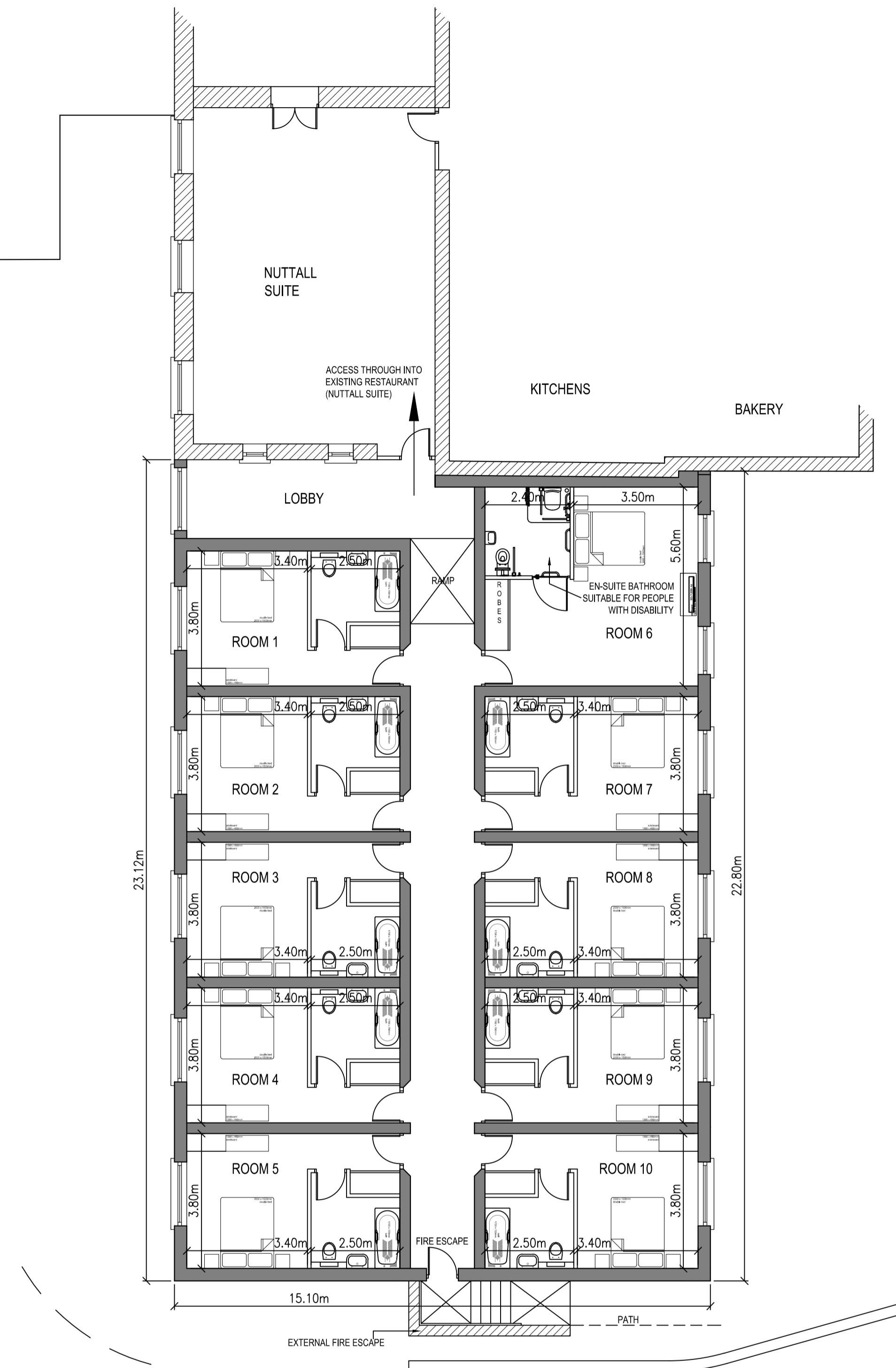
Levels are related to TBM Value 50.00m Situated on Threshold of building indicated on plan by arrow. Coordinates are related to Local Grid

Amendments			
Title EXTENSION TO EXISTING FISHERMAN'S RETREAT RESTAURANT TO PROVIDE SMALL SCALE VISITOR ACCOMMODATION (10 ROOMS) ~			
Client FISHERMAN'S RETREAT			
Dwg. No. 15/1123/200 - PROPOSED SITE PLAN			
Date 08.12.2015	Drawing Scale A1@1:200	Drawn by JPE	Status ISSUE

EXTENSION TO EXISTING FISHERMAN'S RETREAT RESTAURANT TO PROVIDE SMALL SCALE VISITOR ACCOMMODATION (10 ROOMS) ~



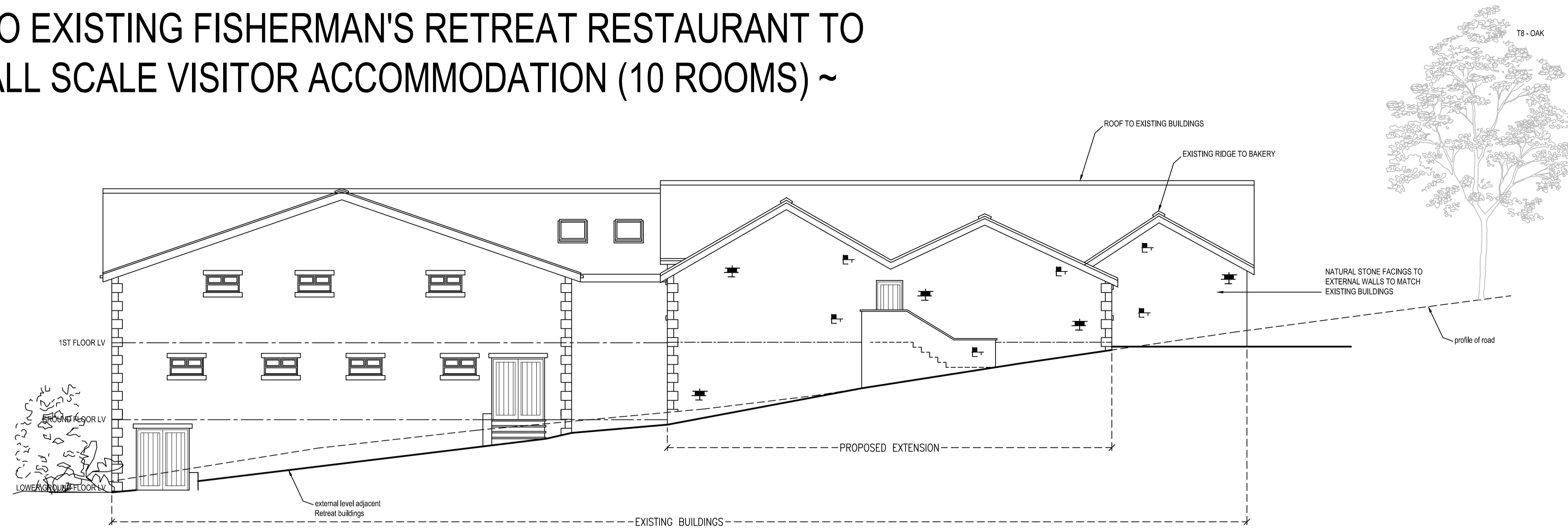
LOWER PARKING AREA (1:100)



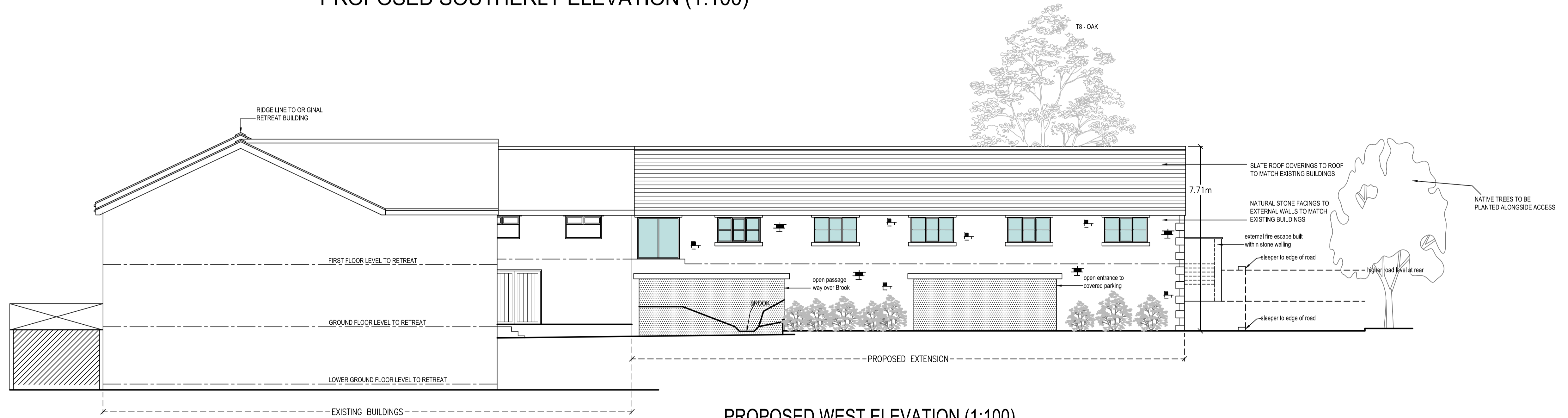
FLOOR LAYOUT PLAN (1:100)

Amendments		Title	
		EXTENSION TO EXISTING FISHERMAN'S RETREAT RESTAURANT TO PROVIDE SMALL SCALE VISITOR ACCOMMODATION (10 ROOMS) ~	
		Client FISHERMAN'S RETREAT	
		Dwg. No. 15/1123/201 - Proposed Plans	
Date	Drawing Scale	Drawn by	Status
08.12.2015	A1@1:100	JPE	ISSUE
JPE CONSULTANCY LIMITED ARCHITECTURAL DESIGN & PLANNING 9 Woodend Drive, Stalybridge, Cheshire, SK15 2SF Telephone 07875 627 988 jim@jpeconsultancy.co.uk			

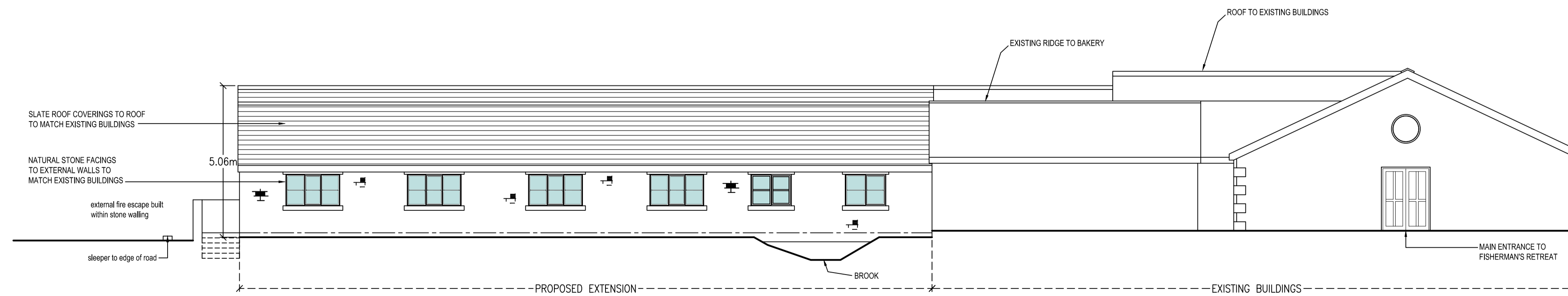
EXTENSION TO EXISTING FISHERMAN'S RETREAT RESTAURANT TO PROVIDE SMALL SCALE VISITOR ACCOMMODATION (10 ROOMS) ~



PROPOSED SOUTHERLY ELEVATION (1:100)



PROPOSED WEST ELEVATION (1:100)



PROPOSED EAST ELEVATION (1:100)

Amendments			
Title EXTENSION TO EXISTING FISHERMAN'S RETREAT RESTAURANT TO PROVIDE SMALL SCALE VISITOR ACCOMMODATION (10 ROOMS) ~			
Client FISHERMAN'S RETREAT			
Dwg. No. 15/1123/202 - Proposed Elevations			
Date 08.12.2015	Drawing Scale A1@1:100	Drawn by JPE	Status ISSUE
JPE CONSULTANCY LIMITED ARCHITECTURAL DESIGN & PLANNING 9 Woodend Drive, Stalybridge, Cheshire, SK15 2SF Telephone 07875 627 988 jim@jpeconsultancy.co.uk			