

<b>Application Number:</b>	2017/0523	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of a five-bedroom dwelling and double garage, with associated access and landscaping works.	<b>Location:</b>	Land At Eden Lane, Edenfield, BL0 0EU
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12 <sup>th</sup> December 2017
<b>Applicant:</b>	Mr Stephen Preston	<b>Determination Expiry Date:</b>	18 <sup>th</sup> December 2017
<b>Agent:</b>	Mr Steven Hartley		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b>	✓
Name of Member:	Cllr Johnson
Reason for Call-In:	Previous application on site was refused
<b>3 or more objections received</b>	✓
<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

Refuse planning permission.

## APPLICATION DETAILS

### 2. SITE

The application site is a relatively flat parcel of agricultural land accessed via a gated entrance from Eden Lane. The land is bounded by a stone wall fronting Eden Lane, with Public Footpath

No. 111 running along its length. The rest of the site is bounded by timber post and wire fencing. To the north and west of Eden Lane there is a housing estate and to the south is a two storey dwelling.

Whilst the housing estate to the opposite side of Eden Lane is within the urban boundary, the application site is in an area of countryside designated as Green Belt. The land to the south and east of the site is a wider area of Green Belt.

A green lorry back is sited in the north-west corner of the site and there is a green metal storage container in the north east corner.

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

2006/0121 - Outline application for the erection one detached dwelling (Refused)

2008/0238 - Certificate of Lawfulness for an Existing Use of Hardstanding (Refused)

2008/0694 - Outline planning permission for the erection of new dwelling to land off Eden Lane (Refused)

2011/0618 - Erection of two storey dwelling and detached double garage (Refused and Dismissed on Appeal)

### **4. PROPOSAL**

Planning permission is again sought for a detached four bedroom dwelling on the land. The dwelling would measure 11m x 8m with a pitched roof to a height of 7.45m. There would be a porch to the front measuring 2.8m x 1.7m to a height of 3.5m. It is also proposed that the house have a detached double garage to measure 6m x 6m to a height of 4.1m.

The house would be sited towards the southern end of the site with the gable facing Eden Lane approximately 8m away. The garage would be at right angles to the west of the house with the front facing Eden Lane. Access would be from Eden Lane at the north west corner of the site. The house would be constructed in natural stone under a stone slab roof.

A planning application for an identical scheme as now proposed was refused by the Council in 2011 (ref: 2011/0618), and subsequently dismissed on appeal (ref: APP/B2355/A/12/2178789).

The applicant has submitted a statement asserting that circumstances have changed in the following ways since the refusal of the previous application, and that the application should therefore be reconsidered:

- 1. Planning application 2012/0020 on land to the east of the application site was approved by the Council on the 18th of April, 2012 for a dwelling. At least part of the approval site is within the Green Belt. The approval raises the issue of consistency and the Courts have held that such an issue is a material consideration. In addition, the approval makes the current application site more of an infill within the village of Edenfield – which would constitute an exception to new buildings being regarded as inappropriate development within the Green Belt under paragraph 89 of the Framework.*

2. *The Council cannot currently demonstrate a five-year housing land supply, and this amounts to very special circumstances which would justify the approval of the scheme having regard to paragraph 87 of the Framework.*
3. *The Council carried out an exercise in 2015 concerning a review of Green Belt boundaries, in which the Council noted that the exclusion of the site from the Green Belt would reduce the openness distances within the settlement but not the wider purposes of Green Belt.*

## 5. POLICY CONTEXT

### **National**

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

Section 1	Building a Strong Competitive Economy
Section 4	Promoting Sustainable Transport
Section 6	Delivering a Wide Choice of High Quality Homes
Section 7	Requiring Good Design
Section 8	Promoting Healthy Communities
Section 9	Protecting Green Belt Land
Section 11	Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

AVP 5	South West Rossendale
Policy 1	General Development Locations and Principles
Policy 9	Accessibility
Policy 18	Biodiversity and Landscape Conservation
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

### **Other Material Planning Considerations**

Planning Practice Guidance  
RBC Alterations and Extensions to Residential Properties SPD

## 6. CONSULTATION RESPONSES

<b>Consultee</b>	<b>Comment</b>
United Utilities	No objection
Land Contamination	No objection subject to conditions
LCC Highways	No objection
LCC Public Rights of Way	No comments have been received
Ecology	No comments have been received

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 01/11/2017 and 13 neighbour letters were sent out on 01/11/2017.

Three letters of objection and one other representation in support have been received. The following concerns have been raised:

- Inappropriate development in the Green Belt.
- Not infill development.
- Not affordable housing.
- Impacts on openness
- Impacts on biodiversity
- Unsuitable access
- Loss of agricultural land

## 8. ASSESSMENT

### Principle

1. The site is located in an area of countryside designated as Green Belt.
2. It is not considered that circumstances have changed since the dismissal at appeal of the previous identical application (ref: APP/B2355/A/12/2178789) to a degree that would make the proposed scheme acceptable in principle.
3. Paragraph 89 of the Framework states:

*“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

4. In this case, the submitted planning statement indicates that the applicant believes that the proposed scheme fulfils both of the above criteria.

5. In order to engage with the first of the above exceptions (limited infilling in villages) the development must:

a) Constitute limited infilling - Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage. The site in question is not a small gap in an otherwise built-up street frontage; it is part of a large swathe of open countryside. As such it is not considered that the scheme constitutes limited infilling.

b) Be in a village. The site is not located within a village – it is located to the east of Eden Lane which clearly delineates the urban boundary of Edenfield. The site is within an area of open countryside to the east of Edenfield.

In order to engage with the second of the exceptions (*limited infilling or the partial or complete redevelopment of previously developed sites*), the site must be on previously developed land. In this case, the site is a green field site and does not constitute previously developed land.

6. As such, it is not considered that the proposed scheme is an exception to restricting development within this Green Belt location in accordance with paragraph 89 of the Framework, and it is therefore considered inappropriate development within the Green Belt. In this case paragraph 88 of the Framework is engaged which requires the submission of Very Special Circumstances.

### **Very Special Circumstances**

7. Paragraph 87 of the Framework states:

“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.”

8. As listed above three reasons why the agent for the application considers it should be approved have been forwarded in support of the application as follows:

**1) The previous approval to the east of the application site.** The application on the site to the east of this application (110 Bury Road Edenfield) was mainly within the urban boundary with the new built development sited wholly within the urban boundary on previously developed land with just the garden within the Green Belt. In the case of the current proposal the site is wholly within the Green Belt resulting in new built development which is inappropriate and as such, by definition, harmful to the Green Belt. There is no issue of inconsistency as the two schemes are materially different.

**2) Lack of a five-year housing land supply.** Paragraph 49 of the Framework states:

“*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*”

The presumption in favour of sustainable development referred to in the above paragraph is set out in full by paragraph 14 of the Framework, which states specifically that:

“*Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*”

In this case, the site is within Green Belt and specific policies within section 9 of the Framework restrict development on such land.

The lack of a five-year housing land supply does not amount to 'very special circumstances' to justify approval of development within the Green Belt.

The proposed scheme is considered to be inappropriate development within the Green Belt and as such would be harmful to the Green Belt in accordance with the guidance contained within the Framework.

### **3) Assessment of the site contained within the Green Belt Review**

As part of the evidence base for the Council's emerging Local Plan, the site was reviewed in terms of its suitability for release from the Green Belt as part of the wider swathe of Green Belt to the south and east (Land Parcel Ref: 49). The land scored a 'strong' rating in terms of its role in preventing neighbouring towns merging into one another, with the review stating:

*"The western extent of this parcel is located between the settlements of Stubbins and Edenfield. The settlements are within very close proximity at this point (within 0.5km) and have partly merged to the northwest of the parcel. The parcel along with P50 forms part of a gap between the settlements which is of critical importance. Any new urban development within the west of the parcel may lead to further erosion of the visual and physical gap between settlements and the perception of merging."*

The land scored a 'moderate' rating in terms of its role in checking the unrestricted sprawl of large built up areas, with the review stating:

*"This parcel is adjacent to Edenfield which forms part of the large built up area of Ramsbottom/Bury. There are few urbanising features within the parcel, apart from a detached property in the north and a derelict historic mill (Edenwood Mill) in the south. The influence of these urbanising features is limited with the parcel displaying a sense of openness, although this is compromised by the A56 dual-carriageway which dissects east to west through the parcel."*

In any case, the emerging Local Plan is still some way from adoption and any Green Belt release will need to be considered in full at the Local Plan Examination, in accordance with guidance contained within the Framework. The potential release of land from the Green Belt as part of a Local Plan Review does not constitute a very special circumstance.

### **Green Belt Conclusion**

9. The development constitutes inappropriate development within the Green Belt with insufficient very special circumstances to overcome the harm the development will have on the Green Belt. The proposed development as such is contrary to guidance contained within the Framework and is unacceptable in principle.

## **Visual Amenity and Countryside Impact**

10. In the appeal decision on the previous application (ref: APP/B2355/A/12/2178789), the Inspector stated the following:

*“The appeal site, together with adjacent land to the north, east and south, is self-evidently open, in marked contrast to the built-up area to the west. This sense of openness continues eastwards and is strongly emphasized by the view towards the hillsides beyond Rochdale Road. The proposed house would be a sizeable building in a large plot and as such it would inevitably significantly diminish that sense of openness which is of central importance to the Green Belt.*

*The land is also essentially rural in character, falling towards a watercourse on the valley floor before rising again towards Bury Road. The proposed house and garage would extend beyond the urban boundary in an ad hoc manner, making the open surroundings of Edenfield markedly less attractive, especially as seen from the public right of way along Eden Lane. I conclude on the second main issue that it would cause a significant loss of openness to the Green Belt and harm to the character and appearance of the surrounding landscape, contrary to the aims of the NPPF and CS Policies 1 and 23.”*

11. Nothing has changed since the previous appeal decision that would lead to any other conclusion than one in which the proposed scheme would cause unacceptable harm to the essentially open and rural character of the countryside in this location. Such a conclusion has already been tested and dismissed at appeal for an identical scheme.
12. In addition, it is considered that the formation of a domestic curtilage associated with the proposed dwelling is likely to introduce domestic paraphernalia (such as washing lines, domestic structures, etc.) into the landscape, which would have an urbanising impact and cause further harm to the character of the site and the surrounding area.
13. The applicant has not in any way addressed the concerns of the Inspector in the previous appeal decision, and has submitted an identical scheme.
14. The scheme is considered unacceptable in terms of visual amenity and countryside impact.

## **Neighbour Amenity**

15. It is considered that the separation distances from the proposed dwelling to surrounding properties are sufficient so as to not unduly detrimental to neighbours in terms of light, privacy or outlook.
16. Given the proximity of neighbouring residential properties to the site, it is considered appropriate to include a condition requiring the submission and approval of a construction method statement (including details of working hours) prior to any development taking place on the site.
17. Subject to the above condition, the scheme is considered acceptable in terms of neighbour amenity.

## **Access, Parking and Highway Safety**

18. The Local Highway Authority has no objection to the proposed scheme, and it is not considered that the construction of a single dwelling would necessarily cause any harm to the existing access arrangements along Eden Lane.
19. The scheme is considered acceptable in terms of access, parking and highway safety.

## **9. RECOMMENDATION**

Refuse planning permission.

## **10. REASONS FOR REFUSAL**

1. The proposed development constitutes inappropriate development within the Green Belt, and no very special circumstances have been demonstrated which would outweigh the harm to the openness of the Green Belt. As such, the scheme is contrary to Section 9 of the National Planning Policy Framework and Policy 1 of the Core Strategy DPD.
2. The proposed development would result in unacceptable harm to the visual amenity of the area and the character of the wider countryside, contrary to Section 7 and the Core Planning Principles of the National Planning Policy Framework and Policies 1, 18, 23 and 24 of the adopted Core Strategy.

## **11. INFORMATIVES**

1. Standard refusal informative.