

Application Number:	2018/0374	Application Type:	Full
Proposal:	Two storey dwelling, detached double garage and alterations to access	Location:	Land at Eden Lane, Edenfield, Bury Lancs
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	6 th November 2018
Applicant:	Mr Stephen Preston	Determination Expiry Date:	12 th November 2018
Agent:	Mr Steven Hartley, HPDA Associates		

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REASON FOR REPORTING	Member Call-in
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Cllr Janice Johnson The provision of a new dwelling; no detrimental impact on highway safety; no harmful effect upon visual amenity; Good design of the dwelling.
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

Refuse Planning permission for the following reasons:

- The scheme would be inappropriate development within the Green Belt, which is by definition harmful. No very special circumstances have been demonstrated that would override the inappropriateness of the development. Accordingly, the application is considered unacceptable in principle having regard to the National Planning Policy Framework (2018) and Policy 1 of the Council's Core Strategy DPD.

2. The proposed development, by reason of its siting, scale and design, would be an unduly prominent and intrusive feature in the rural landscape that would erode to an unacceptable extent the intrinsic character and appearance of the countryside and the openness of the Green Belt. The scheme is therefore considered unacceptable having regard to the National Planning Policy Framework (2018) and Policies 1, 18, 21, 23 and 24 of the Council's Core Strategy DPD.

APPLICATION DETAILS

2. SITE

Located wholly within the Green Belt in a rural location outside of the settlement limits of Edenfield, the site consists of a relatively flat parcel of agricultural land accessed via a field gate entrance from the narrow Eden Lane. The land is bounded by a low stone wall fronting Eden Lane and the definitive footpath 111 runs along its length. Timber and wire fencing bound the other sides of the site. A housing estate is located on the opposite side of the lane and to the south is a two storey dwelling constructed in the 1950's prior to the establishment of the Green Belt within the Area. Whilst the housing estate to the other side of Eden Lane is within the Urban Boundary of Edenfield, the application site is rural land outside of this this and forms part of the Green Belt land extending to the south of the settlement.

3. RELEVANT PLANNING HISTORY

2006/0121 Erection of Detached Dwelling (Outline) Refused at DC Committee.
Subsequent appeal dismissed.

2008/0238 Certificate of Lawfulness for an Existing Use of a Hardstanding. Refused

2008/0694 Erection of dwelling (Outline) The dwelling was to have four bedrooms and a double garage. Refused

2011/0618 Erection of a two story dwelling and separate garage – refused (31/01/2012) and dismissed on appeal on 4th December 2012 ((APP/B2355/A/12/2178789).

Two further applications for residential development on this site were withdrawn (2017/0523 & 2018/0081)

4. PROPOSAL

Planning permission is again being sought for the erection of a detached four bedroom dwelling on the land with a detached garage. The dwelling would be of a conventional design with double pitched roof measuring 11m in width and 8.3m deep x 8m with heights of 5.17m to the eaves and 7.46 to the apex of the gabled roof. A centrally positioned gabled porch would be positioned to the front of the dwelling 1.8m deep by 2.7m deep with a height to its apex of 3.34m.

It is also proposed that the house have a detached double garage with gabled roof to measure 6m x 6m to a height of 4.1m positioned forward of and some 4m to the east of the site. Vehicular access would be provided from the north western corner of the site bordering onto Eden Lane serving a vehicular turning and parking area constructed of a permeable hardcore to the front of the house.

External finishes to the house and garage would consist of walls of natural coursed stone; stone slab roofing, upvc windows and doors with a painted metal up and over garage door.

Boundaries would be demarcated by the retention of existing field enclosures onto Eden Lane and post and rail timber fencing on the other boundaries.

5. POLICY CONTEXT

National

National Planning Policy Framework (2018)

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 13	Protecting Green Belt Land
Section 15	Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy (2011)

Policy 1	General Development Locations and Principles
Policy 16	Preserving and Enhancing the Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 21	Supporting the Rural Economy and its Communities
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Comment
United Utilities - Drainage	No objection subject to conditions.
Highways	No objection subject to conditions.
Ecology	No objection subject to conditions.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 26th September 2018, and neighbour letters were sent out.

Correspondence and emails have been received from nine (9) local residents and the issues raised can be summarised as follows:

- Poor accessibility of the site along a narrow lane;
- Detriment to residential amenity of residents by reason of noise and dust during the construction period.
- Loss of Privacy
- Loss of aspect;
- Detriment to local ecology
- The house would be locate wholly in and be constructed entirely within the Green Belt

- In conflict with the policies of the local plan and the NPPF (2018)
- Over-development
- Location of a metal storage container on the land.

8. REPORT

The main considerations of the application are:

- Green Belt - Criteria as laid down in Council and National Policy
- Assessment of the Suitability of the Proposed Development within the Greenbelt
- Five Year housing Land Supply;
- Visual amenity
- Access,
- Parking and Highway Safety
- Ecology

Principle – Development within the Green Belt

1. Green Belt - Criteria as laid down in Council and National Policy

Chapter 13 of the National Planning Policy Framework 2018 (NPPF) recognises that the 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.

When defining Green Belt boundaries, the NPPF advises that plans should:

- ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and

- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

In respect of proposals affecting the Green Belt, paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application the NPPF advises Local Planning Authorities of their responsibility to ensure that substantial weight is given to any harm to the Green Belt. LPA's are further advised that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As such (para145), a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Exceptions to this are:

- buildings for agriculture and forestry;
- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- 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 replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages; limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and;
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy 1 of the Core Strategy advises that proposals for development outside of the urban boundary will be determined in accordance with relevant national and local planning guidance. In respect of a review of Rossendale's Green Belt borough wide this is currently being undertaken in respect of the emerging borough Local Plan but, to date, the application site has not been proposed for removal from the Green Belt.

2. Assessment of the Suitability of the Proposed Development within the Greenbelt

Appropriateness of the Development

As already indicated above, the site and adjacent land is not considered in the emerging local plan review process for removal from the Green Belt and for the purposes of this application, the site is considered to be wholly within the Greenbelt. The boundary of the urban area is defined by Eden Lane and this is clearly defined with residential estate development on the other (western) side of the lane. The existing dwelling to the south of the site was erected in the 1950's prior to the designation of the Greenbelt in the locality of Edenfield.

The applicant has cited as precedent a planning permission approved 18/04/2012 (2012/0020) for the erection of a dwelling on garden land to the side and rear of 110 Bury Lane some 200m

to the east of the application site across open Green Belt land. This site was however formed primarily from garden curtilage to 110 Bury Road with only a small element of the site included within the Green Belt. The dwelling subsequently approved was located wholly within the urban area of Edenfield with only a small area of garden remaining unchanged within the Greenbelt.

This was considered appropriate at the time as this small encroachment did not have any material impact upon the openness or integrity of the Green Belt. As such, this example is materially different from the application site which seeks to locate development entirely within a Greenfield site which would have a material impact upon the character and openness of the Green Belt. Another application cited by the applicant in support of this application pertains to 2011/0618. This was in fact refused planning permission for reasons related to the site being in an area of Countryside designated as Green Belt, wherein there is a presumption against the erection of a dwelling unless very special circumstances can be advanced for it. No very special circumstances had been advanced that would have overridden the inappropriateness of the development.

Similarly, this proposal does not meet any of the exceptions criteria laid down in paragraph 145 of the NPPF (2018) and, given that substantial weight is given to any harm to the Green Belt, the NPPF advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

This application is unable to provide for any exception that would justify development of this land within the greenbelt, and no very special circumstances have been demonstrated. In this respect, the development is inappropriate development within the Green Belt – which is by definition harmful to the Green Belt.

The proposed scheme is unacceptable in principle.

3. Five Year Housing Land Supply

As the Council cannot presently demonstrate an up to date five year housing land supply based on Full Objectively Assessed Need (FOAN) the policies in the Council's Core Strategy relating to housing are considered to be out of date and should be afforded only limited weight. However, consideration of the current application needs to have regard to Paragraph 11 of the National Planning Policy Framework (NPPF), which states that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.”

In this case, the application site is located wholly within an area of particular importance as defined by the NPPF; namely, the Green Belt.

Accordingly, there is an objection in principle to the erection of a dwelling and curtilage building within the application site. The development would impact significantly upon the character and the openness of the Green Belt and therefore demonstrably outweigh the benefits of the

provision of an additional dwelling on this land, when assessed against the policies in the National Planning Policy Framework (2012) already indicated above.

4. Visual Amenity

The buildings proposed on this site consist of a two storey dwelling 7.46m high ridge height with a footprint of some 70sqm and a detached garage forward and to the side of the main dwelling with a footprint of 36sqm and a height to the ridge of 4.13m.

Currently there is no other permanent structure on this field facing onto adjacent open land and onward towards the rural hinterland surrounding Edenfield. The applicant maintains that the proposed dwelling would amount to a visual improvement citing the use of a conservative design and natural materials in its construction. However, the large detached dwelling would have a significant and discordant visual presence within the wider landscape particularly when viewed by nearby residents and users of Eden Lane.

The site currently has an essentially open and rural character, forming part of a wider tract of open countryside. The proposed scheme would significantly reduce the sense of openness on the site and would be fundamentally harmful to the site's rural character.

Accordingly, the proposed dwelling would significantly harm the openness of the local landscape and substantially reduce the openness of the Green belt.

As such, the scheme is considered unacceptable in terms of visual amenity.

5. Neighbour Amenity

The proposed dwelling will stand sufficiently far from neighbouring occupied buildings, and is unlikely to result in unacceptable detriment for any neighbours in terms of light, outlook, privacy or overbearing.

6. Access, Parking and Highway Safety

It is intended to provide occupiers of the proposed dwelling with a double garage and overall, including the hardstanding area, sufficient off-street parking for up to 3 – 4 motor vehicles and, also to provide for sufficient manoeuvring turning area to allow for vehicles to leave the site in a forward gear. The Local Highway Authority has raised no objection to this proposal subject to conditions being imposed on any approval requiring a scheme for the construction of the site access to be submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

7. Ecology

No significant ecological constraints were identified by the developer in their ecological appraisal that accompanied the application. Issues relating to amphibians, nesting birds, invasive species as well as landscaping can be resolved by condition should planning permission be granted.

Conclusion

The proposal does not meet any of the exceptions criteria laid down in paragraph 145 of the NPPF (2018) and represents inappropriate development in the Green Belt. Given that substantial weight is given to any harm to the Green Belt, the NPPF advises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. No very special circumstances have been demonstrated in this case, and the development is considered unacceptable in principle. The development would also cause unacceptable harm to visual amenity and to the essentially open and rural character of the countryside.