

TITLE: CHANGE OF USE OF A FORMER AGRICULTURAL BUILDING TO A DWELLING AT HIGHER TUNSTEAD FARM. TUNSTEAD LANE, BACUP

APPLICATION NO: 2006/248

TO/ON: DEVELOPMENT CONTROL COMMITTEE 27TH JUNE 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

STATUS: FOR PUBLICATION

PORTFOLIO HOLDER: CABINET MEMBER FOR REGENERATION

APPLICANT: MR A ALDERSON

DETERMINATION EXPIRY DATE: 7TH JULY 2006

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.

Site and Proposal

The applicant seeks permission for the change of use of a former agricultural building to a dwelling. The proposed development is located within the green belt and will not involve any external alterations.

A Councillor has requested that this application be heard by Committee.

Relevant Planning History

1994/336 - Erection of agricultural storage building. The development may affect the setting of Footpath No. 19 at land at Higher Tunstead, Tunstead Lane, Bacup.
APPROVED

Notification Responses

Site notices were posted and to date no responses have been received.

The applicant has submitted the following comments in support of the application:

- The building is no longer required for its present use in connection with the farm and as most of the land and animals have been sold off, there is no chance of the building being used for this related purpose in the future.
- An alternative use needs to be found for the building, so it does not become an eyesore. Its use for employment purposes unrelated to the farm may cause problems. The access and egress is not ideal and its use for offices or similar will generate more traffic than will a dwelling. In 19965 a application for a building within the farm complex was granted permission for use as an office and workshop for a period of 18months. The reason for this was “ the use which is the subject of this permission is located within an area wherein established planning policy would not normally permit the provision of such a use on a permanent or long term basis”.
- The proposed development accords with the policies contained within PPS7
- It meets the criteria in PPG3 as it is sustainable and close to bus stops, Stacksteads District Centre and secondary and primary schools.
- It meets the requirements of green belt policy where the problem of leaving such buildings vacant and prone to vandalism is recognise and where use for housing is seen as a pragmatic solution in circumstances such as these.
- Its conversion will not prejudice the openness of the greenbelt.
- It meets local plan policy in that it is structurally sound and capable of conversion without major reconstruction.
- There are no contamination issues
- The site is not at risk of flooding and the land is stable
- The scheme would not harm any interests of acknowledged importance
- There is no longer a farmstead and the land has been sold off to other farmers; farm buildings have been converted to dwellings
- The Council has previously stated that employment uses on a permanent bass are not acceptable in this location; the only reasonable beneficial use of the building is a s a dwelling house

Consultation Responses

County Highways

No objections.

County Land Agent

“The applicant's reason for submission is because he no longer has a need for the building as it is stated he has ceased farming the land. In addition reference is also made to the fact that the applicant has scaled down the size of the unit to 12 acres, which is not considered to be a full time unit.

I am aware of your Council's Local Plan Policy C6 concerningthe re-use of rural buildings and criteria B of the policy advises that ‘the building must be genuinely surplus to the present and foreseeable needs of agriculture’. With reference to this criteria I have a number of comments to make.

1. Whilst I was unable to discuss the circumstances surrounding the submission of the application directly with the applicant I have reservations from my

observations on site that the building has ever been utilised for the agricultural purposes it was applied for.

2. I do not feel that the applicant will have a foreseeable agricultural need for the building given his health and that his retained land is let off.
3. I feel from experience of similar size units that the need for a general purpose agricultural use building could not be ruled out in the future to serve the 12 acres of land. I feel the design and size of the application building would be appropriate for this purpose even though that it is not conducive to modern agricultural style buildings.
4. If you are minded to approve the application then I feel you may want to consider withdrawing agricultural permitted development rights, although I expect you will need to identify all the agriculture in the applicant's control given the application site is separated from the land".

RBC Forward Planning

It is acknowledged that the proposed development will comply with PPG2, although the proposed development will contribute towards the oversupply of housing within the borough.

Development Plan Policies

Rossendale District Local Plan

Policy DS3
Policy C6
Policy DC1
Policy DC4

Joint Lancashire Structure Plan

Policy 1
Policy 6
Policy 12
Parking standards

Other Material Planning Considerations

PPS 1
PPG 2
PPG 3
PPG13
Housing Position Statement

Planning Issues

The main issues to consider when determining the application relate to the principle of the development, highway issues, housing supply, residential amenity, agricultural need and whether circumstances exist to warrant an exception to housing policy.

Principle

The proposed development is located within the green belt and it is considered that the proposed development will enable the re-use of an existing building within the green belt and will not prejudice the openness of the green belt. Therefore, the proposed development is in accordance with Policy DS3 of the Rossendale District Local Plan, Policy 6 of the Joint Lancashire Structure Plan and national guidance in the form of paragraph 3.8 of PPG 2.

Highway Issues

The proposed development is an existing building and it is considered that the proposed access is suitable and will not have an adverse impact upon highway safety. There is space within the curtilage to accommodate off-road parking for the dwelling and the highways authority have no objections to the proposed scheme. Therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

Residential Amenity

There are no external alterations proposed as part of the conversion of the former agricultural building to a dwelling. The proposed development will not result in the potential for overlooking into the nearby neighbouring gardens. The proposed development will be 29 metres away from the nearest residential property and the proposed development will be screened from view by the trees between the properties. The proposed development will not look out of place within the locality. Therefore, it is considered that the proposed development will not impact adversely upon the amenity of the neighbouring residents and is in accordance with Policies DC1 and DC4 of the Rossendale District Local Plan.

Housing Supply

One major issue associated with this application, is one of housing supply. The level of supply is calculated by deducting the total number of completions (992 identified in Housing Land Position Report) from the number of dwellings identified in the Structure Plan (i.e. of 1920), equating to a remaining provision of 928. The number of dwellings with planning permission equates to 1268. Therefore, the number of dwellings with planning permission, in addition to the number of dwellings lost, equates to an oversupply of 255 dwellings. Therefore, it is considered that there are sufficient residential planning permissions to meet Rossendale Borough Council's housing requirement to 2016 and that the proposed development would be contrary to Policy 12 of the Joint Lancashire Structure Plan (2001-2016).

Agricultural Need

It is considered that the former agricultural building will not be required for use within the agricultural unit in the foreseeable future, although the need for a general purpose agricultural building in the future cannot be ruled out. Therefore, it is considered that there are no objections to the proposed development, subject to the inclusion of a condition relating to the removal of permitted development rights. Therefore, the proposed development is in accordance with Policy C6 of the Rossendale District Local Plan.

Conclusion

In conclusion, it is considered that on balance the proposed development will add to the oversupply of housing within the borough. The special circumstances and justification for the proposal as put forward by the applicant are not considered to outweigh this significant material consideration and therefore, a recommendation of refusal is given.

Recommendation

That planning permission should be refused for the following reasons:

Conditions and Reasons

1. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of Policy 12 of the Joint Lancashire Structure Plan 2001 – 2016 and the Housing Policy Position Statement.

Development Plan Policies

Local Plan Policies

Policy DS3
Policy DC1
Policy DC4

Structure Plan Policies

Policy 1
Policy 6
Policy 12

