

TITLE:	PLANNING APPEAL RESULT – Land at Hill End Lane, Rawtenstall
TO/ON:	DEVELOPMENT CONTROL COMMITTEE Tuesday 27 June 2006
BY:	DIANE DUNGWORTH
LEAD MEMBER:	Councillor Challinor
STATUS:	PUBLICATION

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATIONS

- 2.1 That the report be noted

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 2005/093 – This planning application was received on 10 February 2005 and related to the Erection of 4 Town Houses.

- 3.2 The planning application was refused on 04 July 2005 for the following reasons:-

The proposed development is not required to meet the identified housing provision for the Borough, and therefore does not comply with Policy 12 of the Adopted Joint Lancashire Structure Plan 2001 – 2016.

The proposed residential development would be contrary to Policy J3 of The Rossendale District Local Plan in that the site is designated for employment purposes and the proposed development would result in the loss of employment land to an inappropriate form of development.

This resulted in an appeal being lodged and being dealt with by written procedure. The appeal was dismissed on 15 May 2006 for the reasons given in the decision letter of the Planning Inspectorate, a copy of which is appended to this report.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1. FINANCE AND RISK MANAGEMENT

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

4.2. MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2.1. N/A

4.3. HUMAN RESOURCES

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

5. ANY OTHER RELEVANT CORPORATE PRIORITIES

5.1. N/A

6. RISK

6.1. N/A

7. LEGAL IMPLICATIONS ARISING FROM THE REPORT

7.1. N/A

8. EQUALITIES ISSUES ARISING FROM THE REPORT

8.1 N/A

9. WARDS AFFECTED

Hareholme

10. CONSULTATIONS

Public consultation was undertaken by the means of site notices. Six letters of representation were received.

11. Background documents:

11.1 The appeal decision letter

For further information on the details of this report, please contact: Mr P Talbot on 01706 238637.

Appeal Decision

Site visit made on 27 March 2006

by **Elizabeth C Ord LLB(Hons) LLM MA DipTUS**

an Inspector appointed by the First Secretary of State

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Date
15 MAY 2006

Appeal Ref: APP/B2355/A/05/1194432

Land off Hill End Lane, Cloughfold, Rossendale

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs A Walsh against the decision of Rossendale Borough Council.
- The application Ref 2005/093, dated 13 October 2004, was refused by notice dated 4 July 2005.
- The development proposed is 4 No. Townhouses.

Summary of Decision: The appeal is dismissed.

Main Issues

1. The main issues are:-

- The effect of the proposal on the Council's managed supply of housing;
- Whether the proposed loss of employment land would be acceptable.

Planning Policy

2. The development plan includes the Joint Lancashire Structure Plan (JLSP) 2005. Policy 12 seeks to ensure an appropriate rate of housing supply by setting the level of housing provision for each of its constituent districts over the plan period 2001-2016. It states that where there is a significant oversupply of housing permissions, planning applications for further residential development may not be approved unless they make an essential contribution to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project. A district will move to a position of under supply, requiring more planning permissions, when the expected annual number of completions from existing planning permissions is below the stated requirement.
 3. The Rossendale District Local Plan (RDLP) 1995 is also part of the development plan although it significantly predates the JLSP and does not reflect Policy 12. In this respect the latter prevails.
 4. Policy J.3 of the RDLP states that in existing and proposed employment areas the needs of industry and commerce will usually be given priority over housing, specifically in the determination of planning applications.
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Reasons

Housing supply

5. The JLSP states that in Rossendale 1,920 new dwellings, excluding clearance replacements, should be provided over the plan period. This breaks down to an annual average rate of 220 for the period 2001-2006, and 80 for the period 2006-2016. Between March 2001 and April 2004 there were 546 completions and, as of 1 April 2004, there were 1,168 existing planning permissions for dwellings. Whilst I accept that not all of these sites may come forward for development, there are likely to be sufficient completions to provide an adequate supply of housing for several years to come.
6. The appellants argue that the JLSP figures do not accord with those of the Regional Spatial Strategy (previously known as Regional Planning Guidance 13 for the North West), and that the latter should take priority. However, they do not expand upon this assertion and accordingly I give it limited weight. They also say that four dwellings would not have a material impact on supply. However, if permitted on the basis of the proposal's small scale, this would make it difficult for the Council to resist other such applications, leading cumulatively to a significant overprovision of windfall sites.
7. Planning Policy Guidance Note 3 "Housing" (PPG3) requires the Council to plan, monitor and manage housing supply based on a clear set of policy objectives, which for Rossendale are based on the JLSP. Currently the average annual number of completions from existing planning permissions is not expected to fall below the stated requirement. In fact, there appears to be a significant oversupply of housing permissions, justifying the refusal of further open market housing.
8. Consequently, unless a proposal would add to the supply of affordable or special needs housing or form a key element within a mixed use regeneration project, I take the view that strict control of housing delivered through windfall sites must be exercised at the present time. The proposal would unacceptably contribute to an excess of housing provision in Rossendale and would conflict with the objectives of the strategic housing supply framework contained within Policy 12 of the JLSP.

Loss of employment land

9. The site is allocated as an employment area and the appellants say that it is currently used as a builders' yard to store materials. Accordingly, it has an existing commercial use which should take priority over housing. Nothing in the appellants' submissions causes me to think that an exception should be made in this instance. The proposal would lead to the unacceptable loss of employment land contrary to Policy J.3 of the RDLP.

Other Matters

10. Although the appellants say that the proposed dwellings would be offered for rent where there is a rental market shortage, they provide no evidence of this. In any event, this would not outweigh the requirement of complying with the above stated development plan policies.

11. Whilst I accept that the site meets several PPG3 requirements by virtue of its brownfield status and its sustainable, urban location, it nonetheless fails to meet others. PPG3 states that assessments of housing need should be made in the light of local circumstances. Therefore, it is only when there is a housing need that development should be allowed at all. There is currently no such need for the proposed type of dwelling.
12. The appellants complain that the Council has not undertaken an Urban Capacity Study of the type suggested by PPG3 thereby bringing into question the rate at which brownfield sites come forward for development. Regardless of this, such a study would not alter the overriding position in relation to housing oversupply.
13. Whilst the site may be unsightly and dangerous, attracting vandalism, theft and truant school children, this does not justify allowing a proposal which conflicts with the development plan. The proposal's architectural features would not alter this.
14. Regardless of neighbour support and lack of Environment Agency objections, this cannot override the harm which, I find, the proposal would cause.

Conclusions

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

Formal Decision

16. I dismiss the appeal.



INSPECTOR