



ROMAN SUMMER



PLANNING STATEMENT

FORMER GIB HILL STABLES, GOODSHAW LANE, CRAWSHAWBOOTH, ROSSENDALE, BB4 8TN

JULY 2022

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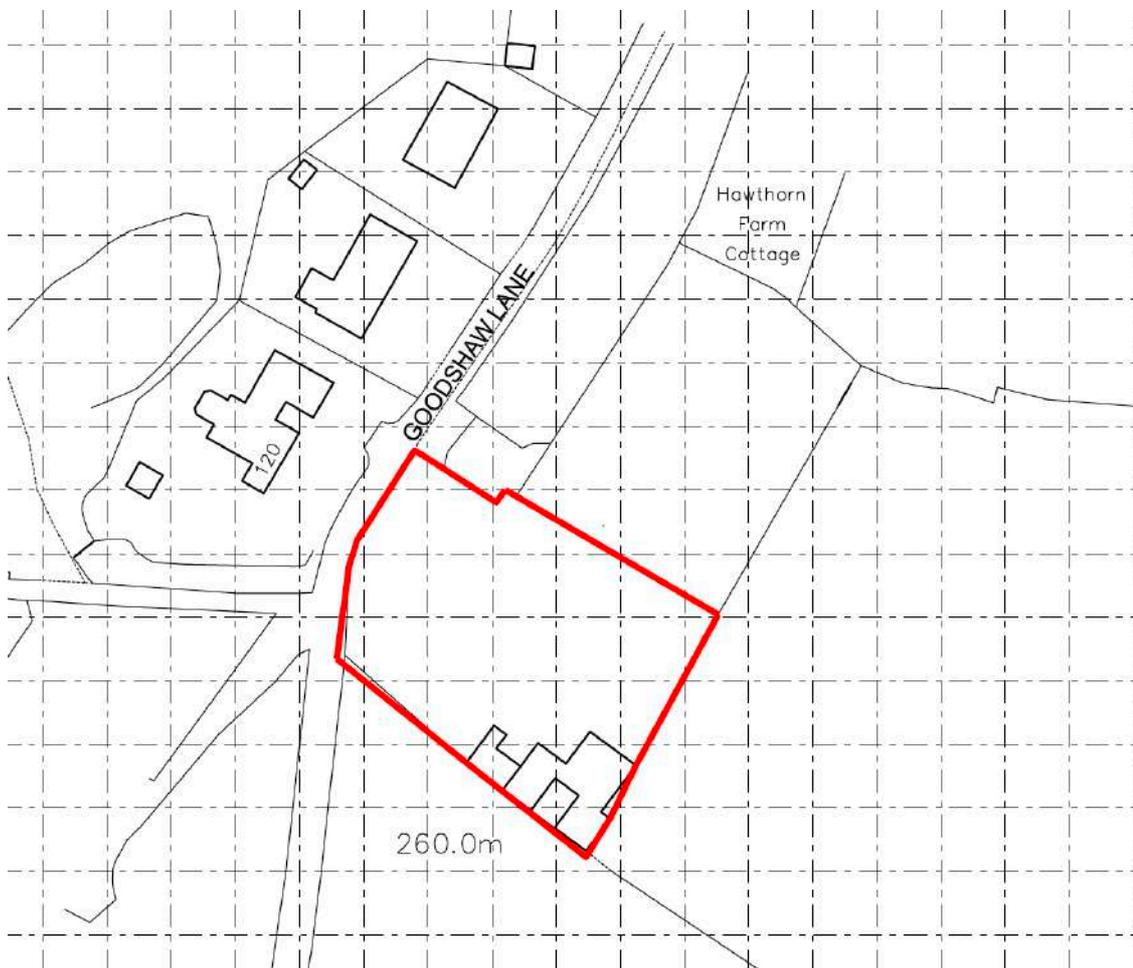
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1.0 Introduction

- 1.1 This Planning Statement supports a full planning application submitted by *Mr. Jason Smith* that seeks full planning permission on land known as the former Gib Hill Stables, Goodshaw Lane, Crawshawbooth for a single storey self-build Passivhaus with associated garage, parking and manoeuvring space, refuse storage, garden area, hard and soft landscaping, to be accessed (by vehicles and pedestrians) via Goodshaw Lane (application site boundary marked red below).



- 1.2 While the site falls within the countryside, it is a relatively discrete and contained parcel of land that has historically (and continues to) accommodate structure, albeit those are of predominantly timber construction and in poor condition. The site offers a somewhat unkempt appearance. That is not of the Appellant's doing. Indeed, since purchasing the site, he has engaged positively and cooperatively with the Council's Enforcement team in carrying out tidying works and improvements, and is continuing to engage helpfully with the LPA in that

process. Nonetheless, it is something of a scruffy 'eyesore' site on the fringe of Crawshawbooth as a sustainable settlement.

- I.3 It is also arguably previously developed (brownfield) land (PDL), in that it was historically used as a quarry, which we understand was subsequently partially filled, and subsequently for the purposes of stabling. Neither of those uses was agricultural, and hence our intention that this is PDL. Irrespective of that, the site is unprepossessing (as is recognised by the LPA) and hardly intrinsically characterful or beautiful countryside.
- I.4 It is therefore our case that the site represents a logical and sustainable location to create a quality new self-build, high sustainability (Passivhaus) home for the applicant and his family (and those who he and his wife care for – see Section 3.0).
- I.5 The Council can demonstrate that it has in place a sufficient supply of housing land, in that the new Local Plan has recently been adopted, which allocates housing land to accommodate future needs. However, Rossendale has suffered over recent years through insufficient levels and delivery of housing. The Council's most recent *Housing Delivery Test and 5 Year Housing Land Supply Note (May 2022)* confirms that until delivery increases to a minimum of 75% of housing requirement, the Council will be required to apply NPPF §11d to the decision making process of relevant planning applications.
- I.6 The §11d test is clear and simple. It states that, where policies which are most important for determining the application are out-of-date (as in this case given the above scenario), the LPA 'must' grant 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.
- I.7 We contend that neither part (i) or (ii) apply in this case. We explain why later in this Statement.
- I.8 Having said that, even in the event that delivery of housing in Rossendale increases beyond the minimum level and the §11d test falls away, we contend that this application ought to be

approved in any event in view of its genuinely exemplar quality and the enhancements it will deliver to the application site and context (again as explained elsewhere).

- I.9 We explain in this Planning Statement why we consider the proposal to be sustainable, delivering economic, social and environmental benefits. Those benefits are inevitably limited as a consequence of the small scale nature of the proposal, but they are real and positive. While we acknowledge a very small degree of arguable inconsistency with the development plan (in respect of policies relating to development in the countryside), we consider that the circumstances and benefits of the scheme greatly outweigh that. Considering the wording of NPPF §11d's test, the adverse impacts of approving this application will clearly not 'significantly and demonstrably' outweigh the benefits.
- I.10 In formulating this application, regard has been given to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, which confirms that planning decisions should be taken on the basis of policies of the development plan, unless other material considerations dictate otherwise. In this Planning Statement we explain why we consider the application is consistent with the principal policies of the development plan.
- I.11 We also explain how it is consistent with the NPPF as an important material consideration.
- I.12 The proposal has been formulated to respect the local context and the wider setting of this site, including the surrounding countryside and the settlement of Crawshawbooth, and to respond to the undoubted need for self-build homes housing in Rossendale. In its new Local Plan, the Council pledges support for those wishing to build their own houses. Indeed, it goes so far as to include a dedicated policy. Policy HS16 (Self Build and Custom Built Houses) states that :
- 'The Council will support individuals who wish to commission or build their own dwelling by identifying suitable serviced plots of land.'
- I.13 The policy then identifies three allocated sites for the purpose. Those combined will accommodate 23 self build homes (none of which in Crawshawbooth), but by its own admission that is clearly insufficient, given that §170 of the policy's supporting text acknowledges that, as of 31st March 2021, there were 33 individuals registered for such housing. It is odd that the Local Plan was formulated and adopted when it is demonstrably

apparent that insufficient self-build plots were proposed to be allocated to accommodate obvious demand.

- I.14 However, those residents of Rossendale wishing to construct their own home in Rossendale (the Applicant being a case in point) can take comfort from the following statement under §170 :

'in order to supplement this, the Council will also encourage developers to make plots available for these purposes.'

- I.15 In this regard, it is worth highlighting that the Applicant has been registered on the Council's Self-Build Register for 4 years, and in spite of regular approaches to the LPA on the topic, on no occasion has any site been presented to him. This application is an attempt to move matters forward proactively and rectify the situation.

- I.16 This Planning Statement summarises the content of the planning application and the proposals in a clear and informative way. It assesses the merits of the planning application against prevailing planning policies at both the national and local level, and sets out other material considerations that call to be factored into the planning balance. It brings together the supporting information that accompanies the planning application.

Application Content

- I.17 A comprehensive set of drawings and documents are submitted to support the application, reflecting the helpful pre-application advice provided by the LPA. These should be considered alongside one another to provide a rounded, informed and comprehensive assessment of the proposal. The application as a whole comprises:

- Application form (completed by Roman Summer Associates Ltd);
- This Planning Statement (Roman Summer Associates Ltd);
- Design & Access Statement (Hawthorn Design Partnership);
- Landscape & Visual Impact Assessment (Penny Bennett Landscape Architect);

- Drawing ref: 475/02 Rev B – Landscape Layout (Penny Bennett Landscape Architect);
- Drawing ref: 475/03 Rev A – Planting Schedules (Penny Bennett Landscape Architect);
- Transport Statement (DTPC);
- Preliminary Ecological Appraisal (Pennine Ecology);
- Biodiversity Net Gain Assessment with separate BNG calculation (Pennine Ecology)
- Map 2 'Baseline Map' (Pennine Ecology);
- Passivhaus Standard, Energy Systems and Mechanical And Electrical Engineering Services Feasibility Report (Parker Wilson);
- Sustainability Report (Hawthorn Design Partnership);
- Ground Investigations Report (Worms Eye);
- Drawings as listed in the submitted Drawing Register (Hawthorn Design Partnership).

I.18 The remainder of this Planning Statement is structured as below :

- Section 2.0 sets out the site's recent planning history and two sets of pre-application feedback that has resulted in this application;
- Section 3.0 describes the site, surroundings, background and proposed development, and summarises the LPA's pre-application feedback letters (which are reproduced in full at Appendices 1 and 2);
- Section 4.0 summarises national and local planning policies relevant to the application;
- Section 5.0 assesses the proposed development against planning policy and addresses other material considerations and the planning balance;
- Section 6.0 sets out our conclusions.

2.0 Planning History and Pre-Application Feedback

2.1 Well before the Applicant purchased the site, the previous owner submitted application 1974/362. This was submitted in outline, and proposed the erection of one dwelling and access. No details of this application are available on the Council's Portal. This application was apparently refused, but again the details are not available online.

2.2 After that, in November 2019, application 2019/0430 was refused for 4 self-build houses, for the following reason :

'The development would result in the encroachment of urban development beyond the urban boundary into an area of undeveloped open countryside, which would be at odds with the essentially open and rural character of the site and its wider surroundings. The harm that would be caused to the character and appearance of the countryside would significantly and demonstrably outweigh the benefits of the scheme (in terms of its modest contribution towards the Borough's housing supply). As such, the development would not accord with the National Planning Policy Framework, and would conflict with Policies AVP4, 1, 18, 21, 23 and 24 of the Core Strategy DPD.'

2.3 The site layout that accompanied that application is reproduced below.



2.4 That refusal was appealed (APP/B2355/W/19/3243911) and dismissed in June 2020. We reproduce below what we consider to be the principal comments of the Inspector (all direct quotes from the appeal decision, but with our emphasis **in bold**). In reading the following, we remind the reader that this appeal decision was based on a scheme that was promoting 4 sizeable houses (a far cry from the scheme promoted by our client's planning application) :

§4

The main issue is the effect of the proposal on the character and appearance of the surrounding area.

§6

a semi-rural character, forming part of a transitional landscape. Although containing some dilapidated buildings, the appeal site makes a positive contribution to this landscape as a **predominantly open field**. [we beg to differ with the Inspector. This is not a 'positive' site, and the LPA concurs with us on this point – refer to pre-application correspondence]

§7

Although only the principle is sought, the proposal would inevitably lead to a significant change in the character and appearance of the appeal site, from an open field with low-key structures, of a type and form in keeping with the countryside, to residential built form.

§8

When viewed from the public right of ways to the south and east, the appeal site is prominently located in an elevated point in the landscape. From these footpaths the housing to the west of the Lane is not prominent due to the change in ground level and tree coverage. Development of the appeal site would therefore be seen from these footpaths, more in combination with the existing, sporadic built form on the east side of the Lane, than the housing to the west.

§9

My attention has been drawn to an appeal which was allowed for a dwelling near No 121 Goodshaw Lane (No 121). The proposal would be seen, on a higher ground level, in combination with the approved dwelling, if built, and No 121. Although there would be a gap, the proposal would significantly reduce the more sporadic nature of the built form, that characterises this side of the Lane.

§10

Even below the maximum of 4 dwellings proposed, development on this prominent site would result in an incremental erosion of the semi-rural landscape. This would be evident from, and harmful to, both close views along the Lane and views from the public right of way network to the south and east.

§11

I recognise that the appeal site is not major development and is not located to the west of Burnley Road, where development is restricted by Policy AVP4 of the Council's Core Strategy Development Plan Document (CS) (adopted 2011). However, this policy also stipulates that the natural environment will be protected and enhanced in line with policies 17 and 18 of the CS. To this end, I find that there would be significant harm to the character and appearance of the surrounding area.

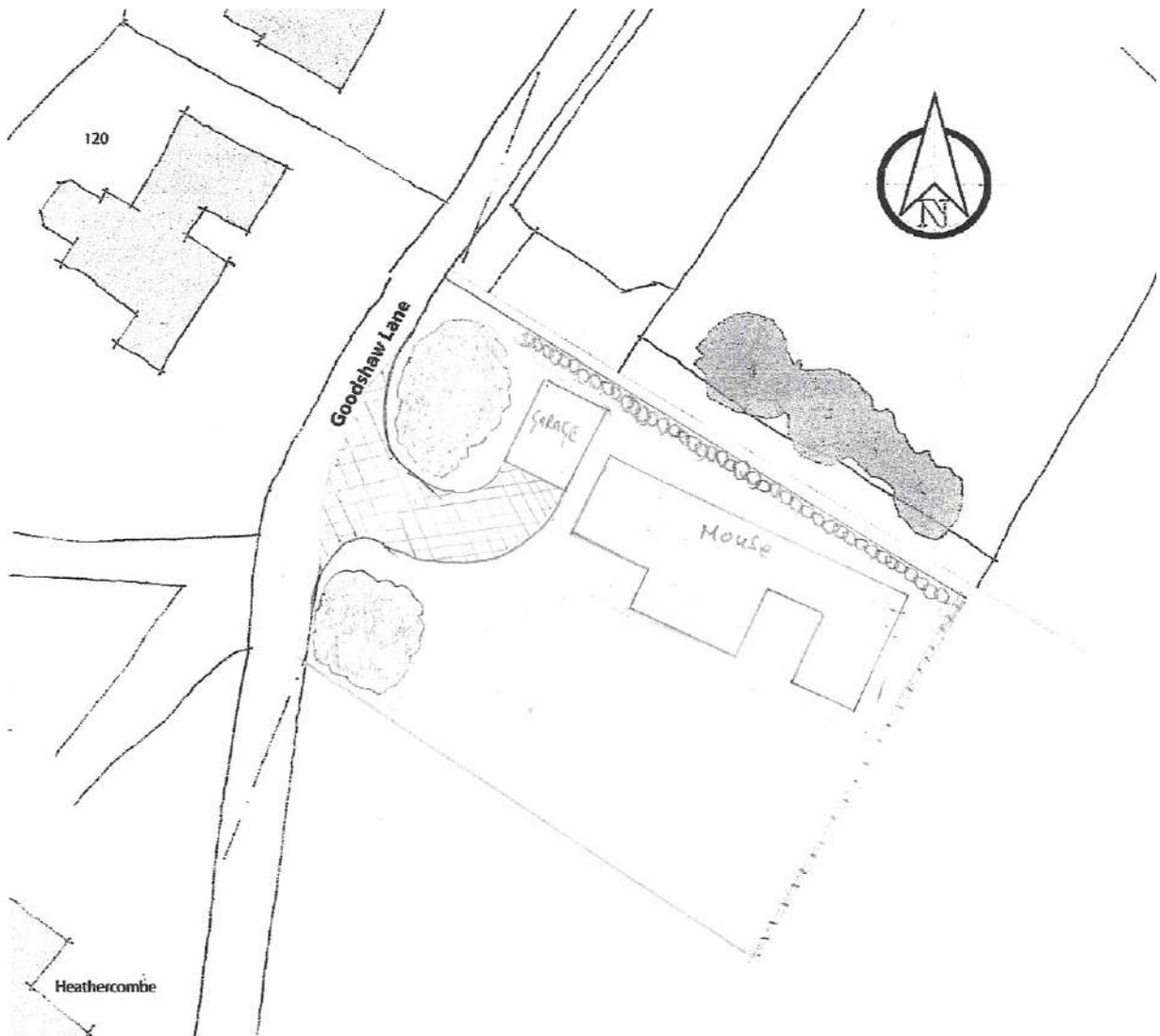
§12

As such, the proposal would conflict with the requirements of Policies AVP4, 1, 18, 21, 23 and 24 of the CS. These policies seek, amongst other things, high quality design that responds to local context, distinctiveness and character. The proposal would also conflict with the requirements of paragraph 127 and 170 of the National Planning Policy Framework (the Framework). These seek, amongst other things, that decisions contribute to, and enhance, the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

§16

In addition to the appeal allowed near No 121, my attention has been drawn to an application which was approved by the Council for a dwelling on land at Folly House. However, **my concerns do not relate to the principle of development outside of the settlement limits, but to the extent of the effect of the proposal on the character and appearance of the surrounding area.** Although it is to the east of the Lane, the character of that site contrasts with the appeal site, being on a lower ground level in a less prominent position on land that appears, in part, garden land.

2.5 Following the outcome of that appeal, our client (the Applicant) purchased the land. Before our involvement, he sought pre-application advice for a proposal for 1 house (ref: 2021/0006/PREAPP) in May 2021. That pre-application proposal was shown to be located indicatively on the north eastern boundary, as per the plan below.



2.6 The LPA's pre-application comments set out a broadly positive (arguably encouraging) position, albeit it was caveated. The following are direct quotes from that pre-application letter :

'the dwelling would be on one level and have three bedrooms. There would also be a separate annex with living accommodation and one bedroom.'

‘Materials would include local stone cladding and cedar cladding board walls above with a timber / grass roof. The supporting statement states that the intention is to build **an environmentally low-impact home which would blend into the landscape as much as possible**. Landscaping would include native planting.’

‘Whilst this site is within the Countryside it is **quite sustainably located and cannot reasonably be considered remote or isolated**.’

‘the proposal will make a small, but useful, contribution towards meeting the housing requirement of the Borough. This would be ‘in line’ with the aims of Section 5 of the Framework, which states that small/medium sites such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.’

‘the application relates to a ‘greenfield’ rather than ‘brownfield’ site, the buildings upon it having been erected for agricultural purposes.’ *[nb we do not consider this statement to be correct, in that we understand that the site has never been used for agricultural purposes. It was historically a quarry, and then used for stabling purposes, which is not an agricultural use. That said, we contend that this is brownfield land]*

‘Notwithstanding that some of the buildings on the site are falling-down, as viewed from beyond its boundaries and from within, the site appears to be agricultural and to blend into its countryside setting. Goodshaw Lane marks the rural-urban interface in this area’

‘it is noted that an appeal was recently allowed for a detached dwelling at 121 Goodshaw Lane (Appeal Ref: APP/B2355/W/19/3232309) and that **there are similarities between both schemes**.’

‘it is considered that this site is quite sustainably located, that its **development for residential purposes could have some social and economic benefits to Crawshawbooth, and that such development would contribute towards meeting housing need**.’

'However, any application would need to clearly demonstrate that the benefits of the development clearly outweigh the harm caused by its encroachment into designated countryside to justify the residential development of this site'

'The proposed buildings are sited close to the north east corner of the site however **it may be more appropriate to site them closer to Goodshaw Lane** and to the more southern area of the site which is at a lower elevation to minimise its impact on the countryside. The buildings are also relatively large in scale and **should be reduced in size to minimise its impact on the open and rural character of the site**. Its design would need to be high quality and it is considered that a traditional pitched roof would harmonise better with nearby dwellings. The design and materials would need to be high quality and traditional materials including stone/slate are preferred.'

'Retaining walls, should these prove necessary, should also be constructed of natural stone. Timber fencing should only be used in secluded positions where it is not readily visible from public vantage points i.e. to enclose rear gardens. Hedges should be planted behind the site boundary walls where appropriate to further 'soften' the impact of the development'

'Careful consideration should be given to the materials used for the surfacing of the associated roadways and parking areas'

'Conclusion

The site lies outside of the defined Urban Boundary in an area designated as Countryside where Policy I of the Core Strategy DPD seeks to resist urban development of this type. **However**, this site is considered to be relatively sustainably located, its development for residential purposes could have some social and economic benefits to Crawshawbooth, and such development would make some contribution towards meeting housing need.

With this in mind, **if you are able to satisfactorily demonstrate that the benefits of the development clearly outweigh the harm caused by its encroachment into designated countryside, it is considered that you may be able to justify the residential development** of at least part of this site in pure planning policy terms.

In the above circumstances it is considered that the scale of development would need to be **limited to minimised to limit its impact** on the surrounding countryside.

The new buildings would need to be **carefully designed and positioned** in the interests of both visual, design and heritage impacts and residential amenity and to protect the open and rural character of the site and its wider surroundings. Care would also need to be taken to safeguard trees and to meet LCC Highway's requirements. Full consideration will also need to be given to ecological, drainage and land contamination issues.

Several recommendations have been made above as to how you may wish to ensure the scheme is designed in line with national and local planning policy requirements.

Officers would **welcome the opportunity** to comment on revised plans, prior to the submission of a planning application.'

- 2.7 In spite of what appeared to be broadly positive advice from the LPA – clearly based on a low key, single storey proposal – we are unclear why, at that stage in the process, our client's previous agent advised that an application for a very different proposal ought to have been pursued. The subsequent planning application (ref: 2021/0628) promoted the 2 storey contemporary house shown below, which was **markedly different** from the scheme that had been presented at pre-application stage.



- 2.8 Given the obvious ‘disconnect’ between the submitted scheme and that described in and assessed by the pre-application request, it is unsurprising that the application was not warmly received by the LPA. When the Applicant realised that the application was unlikely to be supported, he withdrew the application. At this stage he sought our advice and appointed an entirely new team to move forward with the project.
- 2.9 We recommended that a radically different and far more sensitive / contextual approach is called for. We approached the LPA and sought a second round of pre-application advice – based again on a high quality, single storey proposition, to be informed by detailed landscaping information. A meeting was held with the LPA in April 2022, with the follow up letter issued on 20th April 2022. That letter set out rather more ‘guarded’ feedback than the original pre-application letter.
- 2.10 It noted that the Borough is not in a position to demonstrate that it is achieving the required level of housing delivery. As such, this triggers NPPF paragraph (d), which contains a presumption in favour of sustainable development, and as such ‘a key consideration in this case is whether the proposed scheme represents sustainable development or not.’
- 2.11 The letter then suggests that, given the position of the site on the east side of Goodshaw Lane (an area characterised by open fields), the development would inevitably result in encroachment of built development into an undeveloped area of countryside, and it is considered that such encroachment would fundamentally alter the undeveloped, open and rural character of the site in a harmful manner, and adversely affect views into and across the countryside.
- 2.12 The letter commented positively on the new design solution, stating that it was a considerable improvement over that which was considered under 2021/0628 in visual terms, relating to its greater sympathy with the site’s context and its obvious design cues taken from the site constraints. It noted that steps had been taken to reduce its prominence in the landscape, and to soften the impact of the development, and that - on its own :

‘the proposals demonstrate that a high quality design is capable of being developed in more detail at application stage.’

2.13 However, it is ultimately considered that the development would still unavoidably introduce an unacceptable element of domestic / suburban development into an area of wider open countryside, which lacks any permanent domesticating development currently.

2.14 The letter suggested that development would likely result in further urbanisation / domestication of the site through the introduction of the trappings of a domestic situation – such as parked cars, garden structures, formal landscaping, washing lines, etc. Such items would further erode the essentially open and rural character of the countryside in this location.

2.15 In overall conclusion, the letter acknowledged that the new proposal (presented at that stage as a sketch) ‘are undoubtedly an improvement ... in terms of their appropriateness to the context of the site and the way in which they respond to its constraints’, but took the view that :

‘it is considered that the harm that would result from the development in terms of the encroachment of inappropriate urban / domestic development into an area of open countryside, and in terms of the visual impact of the development on the character of that countryside, would still significantly and demonstrably outweigh the very limited benefits of the development (in terms of its extremely limited contribution to housing supply and to the local economy).

As such, in line with Paragraph 11 of the Framework, it is considered that planning permission should be refused.’

2.16 We are grateful for the above advice (also the original pre-application letter), and - while there are elements we may not quite agree with - we have taken that advice very seriously and as a ‘blueprint challenge’ to respond to, and have worked up what we consider to be an exemplary scheme that addresses the chief concerns expressed in the pre-application advice.

2.17 In respect of 'encroachment', we are also mindful of the comments of the Inspector in dismissing appeal APP/B2355/W/19/3243911 for 4 houses in June 2020. In his decision, he made it very clear that his concern was not about the principle of building beyond the Urban Boundary, but about how that particular form of development would manifest itself and the associated visual impacts. He wrote :

'my concerns do not relate to the principle of development outside of the settlement limits, but to the extent of the effect of the proposal on the character and appearance of the surrounding area.'

2.18 We suggest that this is a very important point. Given that the Inspector took no issue with the principle of development, we have formulated this proposal with that firmly in mind, and the design team has focused very carefully on how the proposal will manifest itself 'on the character and appearance of the surrounding area.'

3.0 Description of the Site and Proposal

The Site and Surroundings

- 3.1 The application site is 0.2047 hectares.
- 3.2 It is located immediately off Goodshaw Lane, on the edge of the sustainable settlement of Crawshawbooth.
- 3.3 The land is occupied by a series of somewhat ramshackle former stable / storage buildings, and in what we consider to be a generally unprepossessing state.
- 3.4 The site was historically used as a quarry and has since been used for the purposes of stabling. It is our understanding that the site has never been used formally for any agricultural purpose, and as such we contend that it is arguably previously developed land.
- 3.5 Views into / towards the site from surrounding roads and public areas are generally quite limited / filtered. However, the most distinct and obvious view is from up close on Goodshaw Lane, albeit the existing structures – at the far end of the site away from the Lane - are also visible from the surrounding countryside and PROW network (refer to Design & Access Statement and LVIA).
- 3.6 There are no specific ecological designations that affect the site.
- 3.7 The site is not a “valued landscape” in NPPF terms and it is not designated as part of any particularly important or valuable landscape designation in the recently adopted Local Plan.
- 3.8 The site is not located in or close to a Conservation Area. Nor does it contain a listed building, and while there are listed buildings in the locality, those are not sufficiently proximate that the redevelopment of the site for a single storey house could possibly have any material impact or bearing on their settings.
- 3.9 The site is located within Flood Zone 1, and as such is not at serious risk of flooding.

The Proposal

- 3.10 The application is submitted in full detail.
- 3.11 It promotes the erection of a single storey family ‘Passivhaus’ with associated garage, parking, refuse storage, garden areas, hard and soft landscaping, to be accessed (by vehicles and pedestrians) via Goodshaw Lane.
- 3.12 The proposal (if approved) will be a self build project for the applicant and his family, who have been registered on the Council’s list for the past 4 years, but have regrettably been presented with no opportunities until they took control of the situation and purchased the application site for the specific purpose of achieving their life-long ambition to build their own home.
- 3.13 The Applicant has lived in Rossendale throughout his life. By way of background and context, he and his wife have been involved in social care throughout their working lives, and in 2010 established ‘Charter House Resource Centre’, a not-for-profit disability day care facility, supporting people throughout Burnley, Pendle and Rossendale who have disabilities or dementia. Their work was recognised by BBC Radio Lancashire’s Community heroes “Carer of the Year Award” in 2018. In June 2020, the applicant received a ‘Special Contribution’ award from Anthony Higginbotham MP for his voluntary work during the pandemic, helping to supply over 35,000 free meals to vulnerable people. He also received the Mayor of Burnley’s award for services during the virus, and Charter House Resource Centre has recently been nominated for the Queen’s Award.
- 3.14 Leading from the above, and of more direct relevance to this application, for the last eight years the Applicant and his wife have welcomed people with learning disabilities into their current home in Crawshawbooth to live as part of their family in conjunction with Lancashire County Council’s ‘Shared Lives Scheme’. This is akin to fostering, but rather than the fostering of young children, the programme is aimed at adults with special needs. This voluntary initiative is limited at all times to just two people, who may potentially live with the family for many years, and others for a short time, always to be treated as a family member. Having sufficient space to support people with these needs is crucial to maintaining family harmony and balance, and to enable their ‘guests’ to enjoy a certain amount of personal privacy and space (and, likewise, the applicant’s host family).

- 3.15 By supporting such vulnerable people in their caring home environment, plus caring for the Applicant's elderly mother (who also lives with him), in many respects he is contributing to the borough's housing supply four-fold.
- 3.16 Having set out the above – and to avoid any possible doubt - we have explained the above not to claim special circumstances (albeit we suggest those are arguably special) or to 'justify' a house on this site on that basis, but rather to provide the context and rationale for this proposal. This is not a proposal by a speculative developer, but rather a considered and proportionate scheme by a person who has resided in Rossendale throughout his life; who has long desired to build his own home (but has been provided with no opportunities by the Council throughout 4 years of registration); and who wishes to continue to offer a highly valuable 'service' that caters for some of the most vulnerable people in the community.
- 3.17 That set of personal circumstances is not, however, being presented as justification for the proposal, but as a backdrop to weigh into the balance. We contend that this is a superb and appropriate proposal in its own right, irrespective of the Applicant's personal circumstances or who will ultimately reside in the home.
- 3.18 The Applicant's brief has been to deliver a home of charm, beauty and sensitivity, set neatly and respectfully within the context, anchored and softened by verdant, landscaped grounds. It will be a house of high sustainability rating that has been scrutinised and assessed to achieve Passivhaus accreditation. It will be a house of exemplary design quality, far superior to many of the other new houses approved in the local area in recent times, in keeping with the rural context. It is a scheme that will exceed the emerging 10% biodiversity net gain target by a very considerable margin, setting an impressive benchmark for other housing developments in Rossendale and beyond.
- 3.19 The evolution, design and layout of the proposed house is described in detail in the accompanying Design and Access Statement.
- 3.20 The home achieves and surpasses the National Space Standards. The internal access arrangements are designed to meet Pt.M (i) (Accessibility) and Pt.B (Fire for escape distances).
- 3.21 The proposed dwelling utilises the fall in the topography and the depression in the centre of the site (which has arisen from the previous quarry use), focusing the the main visible structure away from the prominent corner of the site most visible from the countryside beyond (which
-

- is currently occupied by structures), sunken down below the road level to minimise its visibility.
- 3.22 The proposed dwelling is single storey, designed to offer the appearance of a converted agricultural / stable building, cut into the site to reduce the perceived impact still further when viewed from Goodshaw Lane.
- 3.23 Crucially – when considering impact on countryside – the proposed house will not be at all visible when viewed from the open countryside to the east and south. It will only be visible when viewed from Goodshaw Lane itself (refer to separate LVIA for further details).
- 3.24 The architectural vernacular of the proposed dwelling has been informed by the character, style, materials and detailing of the rural context and historical use of the site for the purposes of stabling (some structures of which remain on the site today).
- 3.25 Reflecting local distinctiveness, a quality architectural language of stone with stone quoins and a natural slate roof will form the main structure, combined with a verdigris coloured standing seam and low mono-pitch roof to the garage, creating a traditional courtyard arrangement.
- 3.26 The gateway into the development - facing the entrance onto Goodshaw Lane - is reflective of a stable entrance, leading into a second ‘secret’ courtyard. Here (not visible from any public vantage point) will be a small contemporary element, reflective of a kitchen garden structure backed and surrounded by natural dry stone walls.
- 3.27 The higher part of the site will be enhanced with lush native ecology and kitchen gardens, while the more domestic amenity area is at lower ground level, again largely invisible from public vantage points so as not to domesticise the agricultural setting and to ‘hide’ all domestic paraphernalia (such as bins).
- 3.28 The dwelling will be served by 4 car parking spaces (and an electric charging point), which are again concealed from public view. Secure cycle store (in garage) and accessible bin stores are also accommodated. These too are hidden from public view.

- 3.29 In terms of scale, we suggest that the proposal is discrete and proportionate. While it is accepted that some (albeit not all) of the structures have been removed, it is worth noting that, compared to historic evidence of what occupied the site until fairly recently, the proposal represents an overall reduction of 30% built volume (refer to Design and Access Statement and associated drawings for details).
- 3.30 The site access has been designed having regard to the advice of DTPC, and is informed by a traffic speed survey to ensure that the correct lines of visibility are achieved. Refuse vehicles can collect waste safely and efficiently.
- 3.31 In terms of trees, there are no trees currently on or adjacent to the site that will be affected by the development. A small number of small, poor quality, self-seeded trees have been removed during the course of tidying the site (working in conjunction with the Council's enforcement officers). While the extent of trees is now slightly different to the position when the previously withdrawn application was being considered, it is worth reproducing the comments of the Council's arboricultural officer at the time, as below :

'I have no objection in principle.

The site has various structures/sheds over the south end and in the south east corner which are mostly in a dilapidated state and **detrimental to local amenity**. Also, the road frontage boundary is of dry stone wall and post and wire fence which are also in poor condition.

The development of this site could result in an improvement to the location.

There are several young and/or semi-mature trees on the site particularly along the frontage at the point where the access is proposed and in the south east corner these will therefore have to be removed. These trees however, are self-seeded and of low amenity value and their removal is acceptable.

There are three early mature trees on site comprising one Willow, one Sycamore and one Ash.

The Willow is typically multi-stemmed and is of low amenity value with some of the stems having partially collapsed.

Similarly, the Sycamore is multi-stemmed with acute basal unions and included bark and basal wounds and is also of low amenity value.

Finally, the Ash is set slightly further back into the site and is of poor form and is likely to be affected by Chalara Ash dieback but at this time of year it is not so easy to confirm.

On balance, although some trees will have to be removed to facilitate this proposal, there can be **a net gain by the removal of dilapidated buildings and replanting.** To this end, I suggest a condition requiring a detailed planting scheme and specification to be submitted for approval and full implementation.'

- 3.32 In terms of hard and soft landscaping, these details are presented in full detail by Penny Bennett Landscape Architect. New native screening, using birch trees, along the slightly higher southern boundary and eastern boundary will keep any visual impact to a minimum and reinforce the local green infrastructure. The existing drystone walls will be retained and repaired, retaining the typical enclosure pattern characteristic of the locality. Along the western boundary to Goodshaw Lane, the drystone wall will be reinstated and new tree planting (native bird cherry) will be introduced along the frontage. This will be underplanted with a mix of native bulbs, including bluebell and wild garlic, early flowering snowdrop, celandine and shade tolerant and evergreen native wood sedge.
- 3.33 The existing screen of birch and beech trees along the northern boundary will be retained to screen views from the north, although the eastern spine of the development would be tucked into the ground, and the visibility of this section would be minimal.
- 3.34 A large part of the new grounds to the dwelling would be reinstated as meadow grassland. The area to the north and east of the development will be sown with a mix incorporating typical local meadow flora, and this will be managed as meadow grassland to enhance biodiversity and provide appropriate plants for pollinators.
- 3.35 Differential mowing – where paths are cut through meadow grassland in summer – will be used to give easy access. The upper meadow area, immediately north of the proposed development would be planted with heritage apple trees and other fruit to create a small orchard, providing for pollinators and birds. Native daffodils would be planted beneath the apples to give interest and colour in early Spring.
-

- 3.36 Beehives will be established in a sheltered area between two new low walls, and climbing plants like ivy and honeysuckle would help to provide a long season of nectar. The edges of this meadow area, where it meets the existing tree screen, and the edge of the proposed native shrub planting to the eastern and part of the southern boundaries, would be sown with a hedgerow mix of flora, to give visual interest particularly in Spring and enhancing the biodiversity. The skylights for the partly buried bedroom wing are visible at this upper level, and a new herb garden area using drought tolerant sun loving herbs such as sage and thyme varieties would be developed in shallow planters between the skylights, these along wild marjoram are excellent food plants for pollinators.
- 3.37 Immediately south of the single storey spine incorporating the bedroom wing and conservatory, would be a more formal area of lawn associated with a small terrace area which the bedrooms would open on to. The planting immediately south of the lawn would be more ornamental in character, although would incorporate native trees, primarily birch, but with oak to give long term structure. This area would be tucked away below the southern boundary and would not be visible in the wider landscape.
- 3.38 Ornamental planting is proposed within the enclosed courtyard space near the entrance, which would have limited visibility from Goodshaw Lane.
- 3.39 Gritstone setts are proposed for the drive area immediately off Goodshaw Lane, which would complement the reinstated and new stone walls, and the stone of the proposed building. This would be used in conjunction with sandstone flags immediately adjacent to the new stone building incorporating the kitchen and living spaces. A more contemporary porcelain tile would be used within the inner courtyard and to the rear, north facing part of the building where its non slip character would be a more practical paving solution.
- 3.40 Ultimately, the new building and landscape proposals will replace a dilapidated and un-used stable block - an eyesore widely visible from the south and east and currently offering little biodiversity value. The new landscape proposals will introduce new native tree and shrub planting enhancing wildlife corridors, and a rich resource for pollinators such as bees, hoverflies and moths. The new proposals would be appropriate in this Settle Valley setting and will greatly improve the view of the site from Goodshaw Lane, and the reinstatement of the lane side boundary walls would contribute to enhancing the local character.

3.41 Finally, the LPA will welcome the contribution this scheme will deliver to biodiversity. The submitted Biodiversity Net Gain (BNG) calculation confirms that the habitat enhancement and creation proposals for this scheme will result in an impressive **32.42% net gain**. That is a quite unique achievement and we speculate that it surpasses by some margin the extent of BNG being presented by most (if not all) development projects being considered by Rossendale BC. We anticipate (hope) that the LPA will attach considerable weight to this BNG benefit in the overall planning balance.

4.0 Overview of Planning Policy

4.1 This section summarises the planning policy context against which the application falls to be considered. These policy strands will then be considered further in Section 4.0 of this Statement. Before consideration of Development Plan policies, we first summarise the strategic policies set out at national level.

4.2 The NPPF was first published in 2012. It was revised in 2019, and again in July 2021.

Achieving Sustainable Development

4.3 Paragraph 8 explains that achieving ‘sustainable development’ means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

4.4 Paragraph 10 reinforces this by confirming that, at the heart of the Framework, is a presumption in favour of sustainable development, while paragraph 11 states that LPAs should apply this presumption. 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:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - 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.

- 4.5 Footnote 8 confirms that the above ‘out of date’ reference includes - for applications involving the provision of housing (such as this application) - situations – as is currently the case in Rossendale - where the Housing Delivery Test indicates that the delivery of housing is substantially below (less than 75% of) the housing requirement over the previous three years.
- 4.6 Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Decision Making

- 4.7 Paragraph 38 states that local planning authorities should approach decisions on proposed development ‘in a positive and creative way’.

Delivering a Sufficient Supply of Homes

- 4.8 Chapter 5 is dedicated to ‘delivering a sufficient supply of homes’. Paragraph 60 echoes the former NPPF in stating that :

‘To support the Government’s objective of **significantly boosting** the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that **the needs of groups with specific housing requirements are addressed ...**’

- 4.9 One such ‘group with specific housing requirements’ are those wishing to build their own homes. The NPPF defines such housing (‘self-build and custom-build housing’) as :

‘Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.’

- 4.10 The above is important because this application is proposing a self-build home for an individual who has been on the Council's Self-Build register for 4 years, and whose 'housing requirements' have not been met.
- 4.11 §79 states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
- 4.12 §69 states that small and medium sized sites (such as the one subject of this application) can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should, *inter alia* support the development of windfall sites through their policies and decisions – giving 'great weight' to the benefits of using suitable sites within existing settlements for homes.

Promoting Sustainable Transport

- 4.13 §110 states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 4.14 §111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be "severe".

4.15 §112 states that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Making Efficient Use of Land and Achieving Appropriate Densities

4.16 §119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.17 §120 states that planning decisions should, *inter alia*, encourage multiple benefits from both urban and rural land, including through taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation.

4.18 §124 states that planning decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;

- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Achieving Well Designed Places

4.19 §126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.20 §130 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.21 §131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments.
- 4.22 §132 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.
- 4.23 §134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 4.24 §152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 4.25 §159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Conserving and Enhancing the Natural Environment

4.26 §174 states that planning decisions should contribute to and enhance the natural and local environment by, *inter alia* :

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

4.27 The July 2021 version of the Framework introduced changes to the former §175, which is now §180. This states that, when determining planning applications, local planning authorities should apply, *inter alia*, the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

4.28 The amendment to former para 175(d) (now para 180(d) of the NPPF 2021) now requires opportunities to incorporate biodiversity improvements in and around development, rather than simply making it optional.

Ground Conditions and Pollution

- 4.29 §183 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 4.30 §185 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Conserving and Enhancing the Historic Environment

- 4.31 Part 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 194 requires :
- “an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”.
- 4.32 §201 states that, where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 4.33 §202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Planning Practice Guidance (PPG)

- 4.34 PPG provides a web-based resource, to support the policies of the NPPF. The section ‘Rural Housing - How should local authorities support sustainable rural communities?’ (Paragraph: 001 Reference ID: 50-001-20160519) states that :

It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

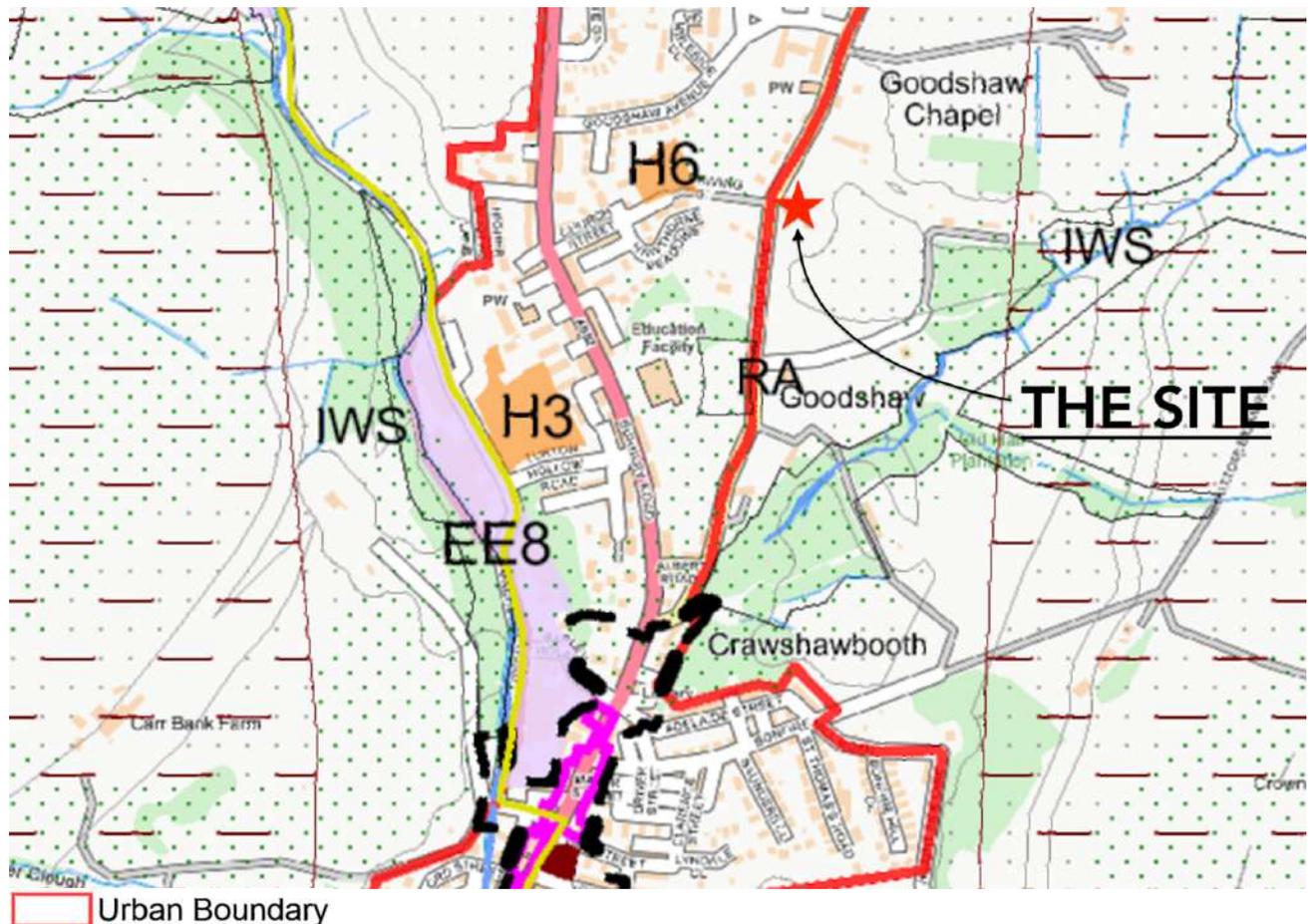
- 4.35 In relation to design, paragraphs 001 Reference ID: 26-002-20191001 provides further clarification on Section 12 of the NPPF with the introduction of the National Design Code and expectations for good design to have regard to 10 characteristics.

National Design Guide

- 4.36 The National Design Guide was published in October 2019, and revised in January 2021.
- 4.37 It explains (at §8) that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.
- 4.38 §21 suggests that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 4.39 §39 states that well-designed places are based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively; and responsive to local history, culture and heritage.
- 4.40 §42 reiterates that well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design, as well as constraints upon it. It suggests that this should be proportionate to the nature, size and sensitivity of the site and proposal.
- 4.41 §44 states that :
- ‘... well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.’

The Development Plan

- 4.42 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 4.43 For the purposes of this planning application, the adopted development plan comprises the Rossendale Local Plan 2019 to 2036 (adopted 15th December 2021) and the Joint Lancashire Minerals and Waste Local Plan.
- 4.44 The extract below from the Rossendale Local Plan Policies Map shows the site's location just outside the defined 'Urban Boundary', such that the land falls to be classed as part of the open countryside.



4.45 The Plan's 'Spatial Portrait' confirms that :

'The Rossendale Local Plan seeks to promote sustainable housing and employment growth while protecting and enhancing the special valley and moorland setting of the Borough.'

4.46 §9 explains the various land constraints faced by Rossendale, meaning that development sites can be far more challenging to identify than in other areas :

'Development choices in Rossendale are constrained by the topography of the area. This means that the supply of flat, available land is limited. There are also other physical constraints, notably flood risk and geology, as well as a road network that is operating close to capacity in some key locations and limited bus-based public transport. Brownfield sites, where available, often have issues that require resolution before the site can come forward. Large, easy to develop sites are in short supply. In addition Green Belt covers over 20% of the Borough while there are also extensive areas of moorland.'

4.47 §12 sets out the Local Plan's 'Objectives', one of which is :

'Improving housing choice and meeting housing needs for all groups, including specialist and affordable housing.'

4.48 §22 confirms that Crawshawbooth is one of three 'Urban Local Service Centres', which benefit from good transport connections to services in the nearby towns as well as having a range of facilities such as schools, parades of shops and community facilities.

4.49 In terms of housing delivery, §28 makes it clear that the ultimate supply will rely in part on windfall sites, suggesting that a higher percentage of such sites will be brownfield. Our case is that this site is a brownfield windfall site that will contribute (in a small way) to the Council's housing supply.

4.50 **Policy Strategic Policy SS: Spatial Strategy** states that the Council will focus growth and investment in and around the Key Service Centres, with development supported in other areas taking account of the suitability of the site, its sustainability and the needs of the local area, whilst protecting the landscape and existing built form and the character of rural areas.

4.51 Whilst we do not consider the site to be greenfield (for reasons explained elsewhere), it is of interest that this policy acknowledges that **'greenfield development will be required within and on the fringes of the urban boundary to meet housing and employment needs'**.

4.52 The same policy also confirms that :

'A level of growth and investment appropriate to the settlement size will be encouraged at the Urban Local Service Centres [which includes Crawshawbooth] to help meet housing, employment and service needs.'

4.53 **Strategic Policy SD1: Presumption in Favour of Sustainable Development** reflects the NPPF in confirming that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development :

'The Council will always work proactively with applicants to jointly 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.'

4.54 The policy also sets out its position on NPPF §11d, which we have highlighted elsewhere.

4.55 **Strategic Policy SD2: Urban Boundary and Green Belt** states that all new development in the Borough will take place within the Urban Boundaries, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area. The explanatory text (§48) for the policy notes that :

'Development in the countryside will be supported where it is for a use that needs to be located in this location. Examples would include farm diversification or certain types of tourism uses, as well as rural affordable housing to be delivered on rural exception sites.'

4.56 **Strategic Policy HSI: Meeting Rossendale's Housing Requirement** sets out how the net housing requirement for the period 2019 - 2036 will be achieved. Explanatory §64 notes that:

'The SHMA particularly highlights a need for larger, aspirational property types in Rossendale to rebalance the stock away from small terraced properties and reduce the high levels of out-migration to adjoining areas to satisfy the demand for suitable house types. It also evidences the need for more good quality, specialist accommodation designed

specifically for the growing elderly population and also identifies a need for single level accommodation.'

4.57 **Policy HS5: Housing Standards** states that, in accordance with the national regime of optional technical standards for housing, the Council will adopt the following local standards for new housing developments of five dwellings or more, in line with the National Planning Practice Guidance: at least 20% of any new housing provided on a site should be specifically tailored to meet the needs of elderly or disabled residents, or be easily adaptable in line with the Optional Standards M4(2) of the Building Regulations.

4.58 **Policy HS8 : Private Outdoor Amenity Space** states that all new residential development should provide adequate private outdoor amenity space. This should be in the form of gardens, and amenity space for individual dwellings should be useable and have an adequate level of privacy. All boundary treatments should be appropriate to the character of the area.

4.59 **Policy HSI6 : Self Build and Custom Built Houses** states that the Council will support individuals who wish to commission or build their own dwelling by identifying suitable serviced plots of land. To ensure a variety of housing provision developers of schemes comprising of 50 dwellings or over will be encouraged, where possible, to make at least 10% of plots available for sale to small builders or individuals or groups who wish to custom build their own homes. This will be subject to the Council's self-build register and site viability. The following housing sites allocated under Policy HS2 are identified specifically for self-build and custom build housing:

- H5 - Land south of 1293 Burnley Road, Loveclough - 5 units
- H56 - Hareholme - 9 units
- H53 - Lea Bank - 9 units

4.60 Explanatory §170 notes that :

'The Government is committed to increasing the supply of self-build and custom build homes and wants to make this form of housing a mainstream housing option. Evidence from the SHMA indicates that the level of demand for plots is currently low in Rossendale however this policy seeks to support individuals who would like to build or commission their own home by making plots available for them. The Council maintains a self-build and custom build housing register and, as of 31st March 2021, there are 33 individuals registered and no Associations on the Self-

build Register. In order to meet this demand a number of Council owned sites have been made available. **However, in order to supplement this, the Council will also encourage developers to make plots available for these purposes.**

4.61 **Strategic Policy ENVI: High Quality Development in the Borough** states that all proposals for new development in the Borough will be expected to take account of the character and appearance of the local area. It includes a long list of typical 'development control' criteria to be considered, as below :

- a) Siting, layout, massing, scale, design, materials, lighting, building to plot ratio and landscaping;
- b) Safeguarding and enhancing the built and historic environment;
- c) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area;
- d) The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;-nor should it be adversely affected by neighbouring uses and vice versa;
- e) Link in with surrounding movement patterns, encourage permeability and reflect the principles of "Manual for Streets";
- f) Not prejudice the development of neighbouring land, including the creation of landlocked sites;
- g) Demonstration of how the new development will connect to the wider area via public transport, walking and cycling;
- h) Minimising opportunity for crime and malicious threats, and maximising natural surveillance and personal and public safety;
- i) Providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, appropriate boundary treatments and enhancing the public realm;
- j) Including public art in appropriate circumstances;
- k) There is no adverse impact to the natural environment, biodiversity and green infrastructure unless suitable mitigation measures are proposed and the Council will seek biodiversity net gain consistent with the current national policy;

- l) That proposals do not increase the risk of flooding on the site or elsewhere, where possible reducing the risk of flooding overall, having regard to the surface water drainage hierarchy;
- m) A Development Brief or Design Code (as appropriate) will be required to support major new development and smaller proposals as appropriate (this document will be proportionate to the size of the scheme). Such documents should set out the design principles, the appropriateness of the development in the context of the area and consideration of innovative design;
- n) Where appropriate applications shall be accompanied by an independent Design Stage Review;
- o) Making provision for the needs of special groups in the community such as the elderly and those with disabilities;
- p) Consideration of Health impacts, including through a Health Impact Assessment for major developments, looking particularly at effects on vulnerable groups, and identification of how these may be mitigated;
- q) Designs that will be adaptable to climate change, incorporate energy efficiency principles and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and
- r) Ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate investigation, remediation and mitigation measures.

4.62 **Policy ENV3: Landscape Character and Quality** states that the distinctive landscape character of Rossendale, including large scale sweeping moorlands, pastures enclosed by dry stone walls, and stone built settlements contained in narrow valleys, will be protected and enhanced. The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions.

4.63 This policy sets out a number of criteria that call to be considered when assessing the likely impact on development on the landscape, including that proposals should, where appropriate:

- Respond positively to the visual inter-relationship between the settlements and the surrounding hillsides and follow the contours of the site;
- Be built to a density which respects the character of the surrounding area with only low density development likely to be acceptable in areas abutting the Enclosed Upland or Moorland Fringe Landscape Character Areas;
- Retain existing watercourses, trees and green infrastructure features that make a positive contribution to the character of the area;
- Incorporate native screen planting as a buffer to soften the edge of the building line in valley side locations;
- Take into account views into and from the site and surrounding area, retaining and, where possible, enhancing key views; and
- Retain and restore dry stone walls, vaccary stone flag walls and other boundary treatments which are particularly characteristic of Rossendale.

4.64 The policy adds that development proposals should incorporate a high quality of landscape design, implementation and management as an integral part of the new development. Landscaping schemes should provide an appropriate landscape setting for the development and respect the character and distinctiveness of the local landscape.

4.65 **Policy ENV4: Biodiversity, Geodiversity and Ecological Networks** states that development proposals should protect areas of biodiversity and protected species; areas of geodiversity and ecological networks, and where possible enhance sites and linkages. The design and layout of new development should retain and enhance existing features of biodiversity or geodiversity value within and immediately adjacent to the site. Ecological networks should be conserved, enhanced and expanded. Development proposals will be expected to demonstrate how ecological networks are incorporated within the scheme. Where appropriate, development should incorporate habitat features of value to wildlife, especially priority species, within the development (including within building design).

- 4.66 **Policy ENV6: Environmental Protection** states that development which has the potential, either individually or cumulatively, to result in pollution that has an unacceptable impact on health, amenity, biodiversity (including designated sites), air or water quality, will only be permitted if the risk of pollution is effectively prevented or reduced and mitigated to an acceptable level.
- 4.67 **Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality** states that all development proposals will be required to consider and address flood risk from all sources.
- 4.68 **Policy ENVI0: Trees and Hedgerows** states that development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value.
- 4.69 **Policy TR4: Parking** states that all proposals for new development will be required to meet the parking standards set out within Appendix 1, which requires 2 spaces for 2-3 bedroom houses, and 3 spaces for 4 + bedrooms houses. The policy also states that each new house should be provided with an electric car charger.

5.0 Planning Assessment

5.1 The key planning policy issues arising in this case are summarised in Section 4.0. The purpose of this section is to consider these further and to present the level of compliance with those policies and the benefits likely to accrue from the development. Each of the key issues will be addressed in turn, namely:

- Housing Land Supply / Need;
- Compliance with the Development Plan;
- Sustainable Development;
- Compliance with the NPPF;
- Design and Landscaping Quality.

HOUSING LAND SUPPLY / NEED

5.2 In February 2017, the Government published its Housing White Paper titled *'Fixing Our Broken Housing Market'*. This made it clear that more houses need to be built to help drive towards a more affordable housing market. The Paper emphasised that the pace of development is too slow, and there is a need "to build homes faster" and to "help people now". The White Paper also put important emphasis on housebuilding as a mechanism to achieve wider economic growth.

'Britain's broken housing market hurts all of us. Sky high property prices stop people moving to where the jobs are. That's bad news for people who can't find work, and bad news for successful companies that can't attract the skilled workforce they need to grow, which is bad news for the whole economy.

Low levels of house building means less work for everyone involved in the construction industry – architects, builders, decorators and manufacturers of everything from bricks to kitchen sinks. If people must spend more and more to keep a roof over their head they'll inevitably cut back elsewhere – meaning less money gets spent in the wider economy. High rents are bad news for all taxpayers including those who own their own home. If rents are too high, then private renters struggle to pay - and the taxpayer has to foot the bill with more

Housing Benefit. That's money that could be spent on schools, hospitals and other frontline services.

If we fail to build more homes, it will get harder for ordinary working people to afford a roof over their head, and the damage to the wider economy will get worse.'

5.3 On 6th August 2020, the Government published its Planning White Paper, which set out radical reforms to the planning system, with the aim of creating a 'significantly simpler, faster and more predictable system.'

5.4 The reforms are being brought forward in the context of the Government's aspiration to build 300,000 homes per year - a target which has yet to be delivered. Just 241,000 new homes were built in 2019, and in its 'Housing supply: Indicators of new supply, England Statistical Release' (published 30 September 2020), the MHCLG unsurprisingly (due to Covid) predicted a downturn in the rate of delivery in 2020 (as below).

'The number of dwellings where - according to building control figures - building work has started on site was 15,930 in April to June 2020. This is a 52 per cent decrease when compared to last quarter and this steep fall in activity reflects UK government COVID-19 lockdown measures. It follows a recent trend of a slowdown in growth with six of the last six quarters showing a decrease.

There has been a sustained decrease in starts and more recently a steep fall in starts and completions reflecting UK government COVID-19 lockdown measures.'

5.5 The White Paper acknowledges that the result of long-term and persisting undersupply is that housing is becoming increasingly expensive, and that through overhauling the planning system there is an opportunity to better streamline the planning process, accelerate the delivery of new homes, and address the issue of affordability.

5.6 The White Paper makes clear however that 'we are cutting red tape, but not standards', highlighting that as important as it is to boost housing, it is equally vital that good design and high quality of development in the right place is secured.

- 5.7 This premise reflects the interim report prepared by the *Building Better, Building Beautiful Commission*, which strongly advocates that the housing industry achieves beautiful design and good place-making.
- 5.8 We acknowledge that the Council can demonstrate that it has in place a sufficient supply of housing land, in that the new Local Plan has recently been adopted. That allocates housing land to accommodate future needs, and so it can hardly be maintained that it does not have a sufficient land supply.
- 5.9 However, allocating housing sites is just one part of the solution. The challenge beyond that is for developers to guide those sites through the sometimes tortuous planning process; obtain permission; discharge conditions; and then build them. That does not happen overnight, and particularly when it involves the delivery of large sites of ‘strategic’ scale which tend to be notoriously challenging to deliver. Here we note that Rossendale’s Local Plan is heavily reliant on the delivery of a number of very sizeable ‘strategic’ sites, and in most cases – at the point of writing this Statement – planning applications have not even been submitted for those sites. As such, it is likely to be a considerable period of time before houses start to appear on those sites.
- 5.10 It is fair to say that Rossendale has suffered over recent years through insufficient levels of housing. The Council’s most recent *Housing Delivery Test and 5 Year Housing Land Supply Note (May 2022)* confirms that, irrespective of the fact that the Council can demonstrate a theoretical 5 year housing land supply position of 8.20 years (at 31st March 2021), until the actual ‘on the ground’ delivery of houses increases to at least 75% of the housing requirement, the Council is required to apply NPPF Para 11d to the decision making process of relevant planning applications.
- 5.11 We have explained elsewhere that the §11d test is clear and simple. It states that, where the policies which are most important for determining the application are out-of-date (as in this case given the above scenario), the LPA must grant 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.
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5.12 Neither part (i) or (ii) apply in this case. In terms of part (i), the site is located in the countryside, but nowhere in the NPPF is there any suggestion that there is an absolute 'bar' on development in the countryside. The requirement is that regard is paid to the intrinsic character and beauty of the countryside. But more fundamental than that, Footnote 7 of NPPF confirms that part (i) relates to the following 'areas and assets', none of which apply to this site :

Footnote 7

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

5.13 In terms of part (ii), we set out elsewhere why the application ought to be approved and the sustainability benefits it will deliver. We contend that there are no 'adverse impacts' arising from the proposal. Quite the reverse. Even in the event that the LPA disagrees, the NPPF test goes much further in confirming that any such impacts must be of sufficient extent that they would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies in this Framework taken as a whole. We cannot accept that – even if the decision maker (be that the LPA or an Inspector at appeal) considers that a degree of 'adverse impact' will arise – that can sensibly be adjudged to 'significantly and demonstrably' outweigh the benefits.

5.14 Having said that, even in the event that, during the course of this application or any subsequent appeal, delivery of housing in Rossendale increases beyond the minimum level and the §11d falls away, we contend that this application ought to be approved in any event, in view of its genuinely exemplar quality and the enhancements it will deliver to the application site and context.

COMPLIANCE WITH THE DEVELOPMENT PLAN

- 5.15 In determining this application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan.
- 5.16 As explained in Section 4.0 that the adopted development plan comprises the Rossendale Local Plan 2019 to 2036 (adopted 15th December 2021) and the Joint Lancashire Minerals and Waste Local Plan.
- 5.17 Before turning to assess the scheme against specific / relevant policies, we acknowledge as a starting point that the site is not allocated for housing or for any use / development. It sits just outside the defined settlement boundary, and as such is located in the countryside. In turn, we accept that the proposal might be arguably (by some) be adjudged to conflict with policies that seek to protect the countryside from development (we comment further on this below).
- 5.18 Even if that stance is adopted, set against it (as explained above) is that the ‘tilted balance’ (paragraph 11d of the NPPF) is engaged, meaning that sustainable development should be approved unless it would result in harm that would ‘**significantly and demonstrably**’ outweigh the benefits of the proposed development. In short, this application must be approved unless there it would demonstrably result in harm which would outweigh the benefits.
- 5.19 We acknowledge that the primacy of the Local Plan is not removed through the presumption in favour of sustainable development and application of the ‘tilted balance’. The planning balance requires the decision maker to weigh any conflict with the relevant policies of the Local Plan against the objectives and policies of national planning policy. We therefore consider the extent of compliance with the relevant policies below.
- 5.20 As noted, the site’s location is just outside the defined ‘Urban Boundary’, such that the land falls to be classed as part of the open countryside.

5.21 While it is not in itself a policy, there is clearly no conflict with the Plan's 'Spatial Portrait' which confirms that :

‘The Rossendale Local Plan seeks to promote sustainable housing and employment growth while protecting and enhancing the special valley and moorland setting of the Borough.’

5.22 This application is proposing a sustainable form of development which will assist (in a small way) housing growth, whilst at the same time protecting and enhancing the landscape setting.

5.23 The proposal also responds to §9 of the Plan, which explains the various land constraints faced by Rossendale, confirming that development sites can be far more challenging to identify than in other areas. It tells us that development choices in Rossendale are constrained by the topography of the area, and that the supply of flat, available land is limited. It points to other physical constraints, notably flood risk and geology, as well as a road network that is operating close to capacity in some key locations and limited bus-based public transport. It confirms that brownfield sites, where available, often have issues that require resolution before the site can come forward, and that large, easy to develop sites are in short supply. In addition Green Belt covers over 20% of the Borough. Given those constraints and the inevitable delays associated with bringing forward large housing allocations, combined with the fact that windfall sites (such as this one) are an important contributor to Rossendale's supply, we see no conflict with this part of the Local Plan. This house will play a small part in 'boosting significantly' supply.

5.24 The proposal is also consistent with the following Local Plan 'Objective' :

‘Improving housing choice and meeting housing needs for all groups, including specialist and affordable housing.’

5.25 The proposed house will meet an obvious 'housing need', namely the need of the Applicant to build a self-build home. He has waited patiently for 4 years on the Council's self-build register, but no opportunity has been presented to him.

5.26 The LPA has acknowledged in two pre-application letters that the site is sustainably located. That aligns with the commentary in §22 of the Local Plan that confirms that Crawshawbooth is one of three 'Urban Local Service Centres', which benefit from good transport connections

to services in the nearby towns as well as having a range of facilities such as schools, parades of shops and community facilities.

- 5.27 In terms of housing delivery, §28 makes it clear that the ultimate supply will rely in part on windfall sites, suggesting that a higher percentage of such sites will be brownfield. Our case is that this site is a brownfield windfall site that will contribute (in a small way) to the Council's housing supply. But even if it is deemed to be greenfield, it is still a windfall site.
- 5.28 Turning to specific policies, there is no conflict with **Policy Strategic Policy SS: Spatial Strategy**. This states that, while the Council will focus growth and investment in and around the Key Service Centres, it will also support development in other areas taking account of the suitability of the site, its sustainability and the needs of the local area, whilst protecting the landscape and existing built form and the character of rural areas.
- 5.29 Whilst we do not accept that the site is greenfield (given its historic quarry and stabling uses, neither of which equate to agriculture, it is nevertheless of interest that this policy acknowledges that 'greenfield development will be required within and on the fringes of the urban boundary to meet housing and employment needs'. This appears to accept that – even if sites are greenfield – there will be a need for an extent of development on the fringes of the urban boundary to meet housing needs. This site is of course on the very edge of the Urban Boundary, and as such we suggest falls to be considered against that policy backdrop.
- 5.30 The same policy also confirms that :
- 'A level of growth and investment appropriate to the settlement size **will be encouraged** at the Urban Local Service Centres to help meet housing, employment and service needs.'
- 5.31 Again, Crawshawbooth is an Urban Local Centre, so this policy would seem to 'encourage' appropriate growth where that assists in meeting housing needs. There is therefore no conflict with Policy SS.
- 5.32 We summarise later why we consider the proposal to be sustainable development, and as such suggest that there is no conflict with **Strategic Policy SD I: Presumption in Favour of Sustainable Development**. This policy reflects the NPPF in confirming that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development. It confirms that the Council will 'always

work proactively with applicants to jointly find solutions’ to secure development that improves the economic, social and environmental conditions in the area. The policy also sets out its position on NPPF §11d, which we have dealt with elsewhere. That said, we see no conflict with this policy.

- 5.33 Arguably the most important policy to consider is **Strategic Policy SD2: Urban Boundary and Green Belt**. This states that all new development in the Borough will take place within the Urban Boundaries, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area. The explanatory text (§48) for the policy notes that :

‘Development in the countryside will be supported where it is for a use that needs to be located in this location. Examples would include farm diversification or certain types of tourism uses, as well as rural affordable housing to be delivered on rural exception sites.’

- 5.34 As a starting point, the policy is clearly incorrect in the statement that all new development will take place within the Urban Boundary, in that NPPF §11d currently applies. This means that where sustainable development comes forward – including locations outwith the Urban Boundary – those must be approved provided the side tests of §11d are satisfied.
- 5.35 In terms of the ‘need to be located’ in the countryside, we have explained that our client has waited 4 years (and counting) to be presented with a self-build opportunity by the Council, but nothing has been forthcoming. The Council has spent some years preparing its new Local Plan in the knowledge that the Applicant (and others) have registered interest in self-build, and while the new policy (considered below) has made limited allocations for self-build, the policy itself acknowledges that those allocations are insufficient to cater for demand. Importantly, none of those are in Crawshawbooth, where the Applicant has resided for many years and wishes to continue to reside, close to friends and family. In that set of circumstances, and in the absence of any other self-build opportunities, we would argue that this proposal does ‘need’ to be located in the countryside. Put simply, there are no other self-build sites in Crawshawbooth.

5.36 It is also important to highlight the comments in the NPPF concerning rural housing. §79 states that, to promote sustainable development in rural areas, ‘housing should be located where it will enhance or maintain the vitality of rural communities.’ It states that planning policies should ‘identify opportunities for villages to grow and thrive’, especially where this will support local services.

5.37 The above is reinforced in the National Planning Policy Guidance. The section ‘Rural Housing - How should local authorities support sustainable rural communities?’ (Paragraph: 001 Reference ID: 50-001-20160519) states that :

‘It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and **the role of housing in supporting the broader sustainability of villages and smaller settlements.** This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. **Rural housing is essential** to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, **all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided** unless their use can be supported by robust evidence.

The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.’

5.38 As such, while we acknowledge that some might seek to argue a degree of inconsistency with Policy SD4, the tilted balance clearly applies and this proposal calls to be considered against the above context, which in term influences the weight to be attached to policies (such as

Policy SD4) that have the effect of restricting the delivery of housing at a time when Rossendale is not delivering sufficient housing.

- 5.39 We would also remind the LPA about the comments of the Inspector in dismissing appeal APP/B2355/W/19/3243911 for 4 houses on the application site in June 2020. In his decision, he made it very clear that his concern was not about the principle of building beyond the Urban Boundary, but rather how that particular form of development (4 houses) would manifest itself and the associated visual impacts. He wrote :

'my concerns do not relate to the principle of development outside of the settlement limits, but to the extent of the effect of the proposal on the character and appearance of the surrounding area.'

- 5.40 We suggest that this is a very important point. Given that the Inspector took no issue with the principle of development beyond the Urban Boundary, we suggest that the focus of this application ought to be on how the proposal will manifest itself **'on the character and appearance of the surrounding area.'**

- 5.41 In further consideration of Policy SD4, it is worth comparing examples of houses approved either by Rossendale BC or at appeal in the recent past. We summarise a few of these examples at *Appendix 3* and highlight certain headline points below, but we start that acknowledging that most of these were approved under the auspices of the now-revoked Core Strategy. However, it must be said that the principal policy that governed building in the countryside in the former Core Strategy is, to all intents and purposes, identical to new policy SD4. That former policy was *Policy 1: General Development Locations and Principles*, which stated that:

'Development within Rossendale should take place within the defined urban boundary unless it has to be located in the countryside.'

- 5.42 That wording is identical to the new Local Plan policy, and as such, while the following houses were approved under the auspices of the old Core Strategy, they were assessed on the basis of identical policy wording that is in place today under the new Local Plan.

- 5.43 We invite the reader to consider the examples in *Appendix 3*, but would raise the following points at this stage.
- 5.44 'EXAMPLE A' (121 Goodshaw Lane, Crawshawbooth) is of interest in that it is located just 100 metres to the north of the application site, and this house was approved at appeal. In his decision the Inspector opined that the appeal site was in a suitable location, having regard to its proximity to facilities and services.
- 5.45 He noted the general topography of the locality and suggested that that site could be considered to have 'a fringe / edge of settlement character'.
- 5.46 He acknowledged that that proposal would be experienced from 'a handful of residential properties, the lane, and the PRow network' and that 'distant and glimpsed views from the Rossendale Hills PRow network may occur', but that :
- 'these would be in the context of other dwellings.'
- 5.47 He concluded that :
- 'the dwelling would not unduly encroach into the countryside. Further planting along the site's western boundary would help mitigate any localised views. A planning condition could secure this. Dwellings in the area do not have the same footprint. Hence, some variance is acceptable, especially given the use of a pitched roof which would harmonise with nearby dwellings. Moreover, when viewed from the east, the proposal's design would mean that it would be an uncomplicated addition to the landscape.
- Accordingly, I conclude in relation to this issue that the proposed development would, subject to the imposition of planning conditions, be acceptable insofar as its effect on the visual amenity of the area.'
- 5.48 Whilst we acknowledge that caution must be paid when comparing different planning cases, there are obvious comparables between that appeal scheme and that promoted by this application. The two are within 100 metres distant. Both on the same side of the same road, and both sitting just outside the Urban Boundary in the open countryside. While the precise details of each site and each house design is inevitably different, the two schemes were / are

designed to be largely 'hidden' within the topography of the site, thereby minimising public views.

- 5.49 The Inspector recognised that there would be certain impacts of the appeal scheme from the wider context, but he clearly considered those to be acceptable and seen in the context of other houses. Ultimately he argued that :

'the dwelling would not unduly encroach into the countryside'

- 5.50 We contend that the proposal presented by this application ought to be assessed on the same basis as that appeal scheme, which – like the appeal scheme – has been carefully designed so as not to **'unduly encroach into the countryside'**. And we again remind the LPA that the Inspector in dismissing appeal APP/B2355/W/19/3243911 for 4 houses on the application site in June 2020 confirmed that :

'my concerns do not relate to the principle of development outside of the settlement limits, but to the extent of the effect of the proposal on the character and appearance of the surrounding area'

- 5.51 'EXAMPLE B' (Appendix 3) is also of interest. This is a more recent approval by the Council in January 2021. The proposal (application 2020/0462) was to erect a self-built Passivhaus home – ie. essentially the same form of development promoted in this case. The site of that approval is an entirely greenfield, unspoilt 'virgin' open field adjacent to The Vicarage, Goodshawfold, Loveclough. Like our client's site, it is located in the open countryside, outside the Urban Boundary. Unlike our client's land, it is also located in a Conservation Area.

- 5.52 The rationale for approving that development – which shares many similarities with our client's proposal was clear and simple. The Committee Report highlighted that that site was open countryside, and pointed out that (former) Policy I seeks to locate new development primarily within the Urban Boundary of settlements. However, the Report then justified that approval by pointing out that that site :

'is immediately adjacent to the Urban Boundary. A dwelling constructed here will not be isolated or remote.'

5.53 Precisely the same argument applies in the case of our client's site on Goodshaw Lane.

5.54 The Committee report continued by explaining that that site was considered to be :

'in a sustainable location and that the proposal would make a small, but useful, contribution towards meeting the housing needs of the Borough, and that for the duration of construction it will add to local employment/economic activity. Accordingly, there is considered to be no objection in principle to the proposal.'

5.55 Again, precisely the same points apply to our client's proposal.

5.56 The Committee Report continued by explaining that :

'Government guidance in the NPPF and Core Strategy policies seek to protect the character and appearance of open countryside. In this instance, though taking a 'bite' out of the corner of a field, the proposed dwelling will appear as a continuation of the ribbon of residential properties presently terminating at The Vicarage.'

5.57 And :

'In this instance the proposal is not considered to be contrary to policies in the Framework that protect areas or assets of particular importance such that there is a clear reason for refusing the development proposed.'

5.58 We again acknowledge that care must be taken when comparing cases, but there are clear and obvious similarities between the above approved case and our client's proposal. Both Passivhaus homes. Both outside the Urban Boundary and in the open countryside. Both recognised sustainable locations. In fact, while we are not at all critical of the above consent, it is very evident that that site was a quite pleasant 'virgin' greenfield site, as compared to our client's far less 'virgin', somewhat unprepossessing brownfield land. The Applicant in this case ponders why, if that scheme at Goodshawfold was deemed acceptable, his proposal on Goodshaw Lane would be deemed otherwise, and especially in view of what we contend is the superior quality design and landscaping promoted by this application. Our client's proposal will be materially less prominent within the landscape than the house approved at Goodshawfold.

- 5.59 'EXAMPLE C' (Appendix 3) is also of interest. This related to land at Folly Clough, off Goodshaw Lane, Crawshawbooth. Like our client's application, this promoted the erection of one Passivhaus family dwelling, garage and garden.
- 5.60 That application was identical to an earlier one refused by the Council (ref: 2018/0286) and subsequently dismissed at appeal on 2nd May 2019 (ref: APP/B2355/W/18/3213102). The Inspector agreed with the Appellant on every key point, but dismissed the appeal on a precautionary basis given that GMEU had not commented on the topic of badgers (hardly surprising given that the LPA had not provided GMEU with the badger information at the time).
- 5.61 The subsequent resubmitted application was approved by the LPA.
- 5.62 It is worth noted certain of the Inspector's comments concerning the principle of that proposal. She noted that the site lies in an area designated as open countryside, 750m from the centre of Crawshawbooth, and that there was a public footpath (No 341) running through it. She noted that the site was clearly previously developed, yet it has been left for so long that vegetation and trees have grown around and through the remains such that it has a derelict, wild and rugged appearance that forms part of the character of the countryside and landscape. Apart from the building remains on site, the rest of the site comprises a wooded area and grassed patches of land along with standing water to the east upper side of Folly Clough.
- 5.63 She drew attention to former Policy 21 of the Rossendale Core Strategy that (like the policies of the new Local Plan) set out that the rural environment will be protected and enhanced by restricting development to existing rural settlement boundaries. Outside these areas, proposals should demonstrate the social and/or economic needs/benefits for the local rural community.
- 5.64 Additionally, she noted that Policy 1 of the former CS sought to ensure development takes place within the defined urban boundary unless it has to be located in the countryside.
- 5.65 However, she recognised that the proposal would make use of a previously developed site, was in a suitable location for housing, and would modestly contribute towards the undersupply
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of housing in the Borough. In this respect, she suggested that there would be compliance with the aims of Policies 1 and 21 of the CS, and that it would also accord with the Framework which seeks to promote sustainable development in rural areas, locating housing where it will enhance or maintain the vitality of rural communities.

5.66 Ultimately, she concluded that :

‘the effect upon the character and appearance of the area would be significant. However, this significant impact would not necessarily equate to the harm that the Council and other interested parties assert, as change does not necessarily have to be harmful.’

5.67 We suggest that that last statement is telling. Change is not always bad. In that case, the Inspector noted the quite poor state of that site, and recognised the excellent design and landscaping (which coincidentally was designed by the same architect and landscape architect that have designed our client’s scheme at Gib Stables) and the benefits of that scheme. We suggest that - while the sites and proposals are inevitably different – similar principles call to be applied in our client’s case. A plot of similarly unprepossessing land, outside the Urban Boundary, in the open countryside is being promoted for a single Passivhaus home of excellent quality design and landscaping. As in that appeal, we put it to the LPA that :

‘impact would not necessarily equate to the harm that the Council and other interested parties assert, as change does not necessarily have to be harmful.’

5.68 Turning to other policies of the Local Plan, there is no conflict with **Strategic Policy HSI: Meeting Rossendale’s Housing Requirement**, which sets out how the net housing requirement for the period 2019 - 2036 will be achieved. Explanatory §64 is important because it highlights that:

‘The SHMA particularly highlights a need for larger, aspirational property types in Rossendale to rebalance the stock away from small terraced properties and reduce the high levels of out-migration to adjoining areas to satisfy the demand for suitable house types. It also evidences the need for more good quality, specialist accommodation designed specifically for the growing elderly population and also identifies a need for single level accommodation.’

- 5.69 This proposal addresses the above. It will deliver a bespoke, unique, aspirational home of exemplar quality, and one that has been designed over a single level and to high accessibility and Passivhaus standards.
- 5.70 While the following policy does not apply to this application (because it relates to proposals of 5 or more homes), it is worth pointing out that the proposal is consistent with **Policy HS5: Housing Standards**, which states that at least 20% of any new housing provided on a site should be specifically tailored to meet the needs of elderly or disabled residents, or be easily adaptable in line with the Optional Standards M4(2) of the Building Regulations. In this case, the proposed home achieves and surpasses the National Space Standards, and its internal access arrangements are designed to meet Pt.M (i) (Accessibility) and Pt.B (Fire for escape distances).
- 5.71 Nor is there conflict with **Policy HS8 : Private Outdoor Amenity Space**, which requires all new residential development to provide adequate private outdoor amenity space.
- 5.72 The proposal is consistent with **Policy HSI6 : Self Build and Custom Built Houses**, which is a very important policy in this case. The policy states that the Council will ‘support individuals who wish to commission or build their own dwelling by identifying suitable serviced plots of land.’ It pledges to ‘encourage’ a variety of housing provision developers of schemes comprising of 50 dwellings or over to ‘where possible’ make at least 10% of plots available for sale to small builders or individuals or groups who wish to custom build their own homes. The words ‘encourage’ and ‘where possible’ are not entirely convincing, because they do not compel developers to provide self-build plots.
- 5.73 The policy also makes reference to the Council’s self-build register and allocates the following sites (under Policy HS2) specifically for self-build and custom build housing:
- H5 - Land south of 1293 Burnley Road, Loveclough - 5 units
 - H56 - Hareholme - 9 units
 - H53 - Lea Bank - 9 units

5.74 It is important to highlight that none of those sites are in Crawshawbooth, such that any person wishing to build a self build house in Crawshawbooth has been presented with no opportunity whatsoever to do so. This of course applies to the Applicant, who has sat patiently for 4 years with his name on the Council's self-build register, consistently expressing an interest in building himself a home in Crawshawbooth, but with apparently no attempt to provide him with a suitable plot.

5.75 The policy's explanatory §170 notes that :

'The Government is committed to increasing the supply of self-build and custom build homes and wants to make this form of housing a mainstream housing option. Evidence from the SHMA indicates that the level of demand for plots is currently low in Rossendale however **this policy seeks to support individuals who would like to build or commission their own home by making plots available for them. The Council maintains a self-build and custom build housing register and, as of 31st March 2021, there are 33 individuals registered and no Associations on the Self-build Register. In order to meet this demand a number of Council owned sites have been made available. **However, in order to supplement this, the Council will also encourage developers to make plots available for these purposes.'****

5.76 There is mixed news in the above for the Applicant and others in Rossendale wishing to build their own home. First, it is peculiar that the LPA declared a waiting list of 33 people, and yet opted to allocate only 23 plots in the new Local Plan. Where will those 10 people build their homes? As noted earlier, none of those sites are in Crawshawbooth, where the Applicant currently resides, with strong local connections, and where he and his family wish to continue to reside, familiar with their environs and close to their friends and wider family.

5.77 However, on a positive note, the Applicant is delighted to read that the Council (like the Government) will be supportive of those wishing to build their own homes. The policy is very clear that it will :

'support individuals who wish to commission or build their own dwelling'

5.78 We respectfully suggest that this is an ideal opportunity for the LPA to exercise that pledge / commitment by supporting the Applicant to build his own home, and particularly given that the Local Plan acknowledges that it has not allocated sufficient self build plots to cater for demand,

and appears to have made no attempt to identify any plots in Crawshawbooth (in spite of being aware of demand in that location over the past 4 years).

- 5.79 There can be no suggestion that the proposal is not consistent with **Strategic Policy ENVI: High Quality Development in the Borough**. This is a long policy that sets out ‘development control’ criteria that must be considered by all development proposals. Fundamentally it seeks high quality development, and for reasons explained elsewhere we contend that this proposal is of exemplar quality that will set a new benchmark for Rossendale, not just in architectural terms, but in respect of landscape design, sustainability and the deliverance of biodiversity net gain.
- 5.80 It presents appropriate siting, layout, massing, scale, design, materials, lighting, building to plot ratio and landscaping.
- 5.81 It will have no bearing on the historic environment.
- 5.82 It is sympathetic to surrounding land uses and occupiers, and will result in no harm to the amenities of the local area.
- 5.83 It is low key and sensitive, and far from the type of over-bearing and oppressive development this policy seeks to prevent.
- 5.84 It provides high quality landscaping designed as an integral part of the development.
- 5.85 It protects existing landscape features, introduces new habitat, with a positive impact on the natural environment, biodiversity and green infrastructure.
- 5.86 As a Passivhaus, it has been designed to be adaptable to climate change, incorporate energy efficiency principles, and will adopt principles of sustainable construction including Sustainable Drainage Systems (SuDS) (the details of which can be conditioned).
- 5.87 For similar reasons, and as explained in detail in the accompanying LVIA prepared by Penny Bennet Landscape Architect, the proposal complies with **Policy ENV3: Landscape Character and Quality**. This policy seeks to protect and enhance the distinctive landscape character of Rossendale, and expects development proposals to conserve and, where possible, enhance the

natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions.

5.88 This policy is addressed in the work of Penny Bennett, which addresses the specifics of the policy by :

- Responding positively to the visual inter-relationship between the settlement and the adjacent countryside, and follow the contours / topography of the site;
- Proposing a density which respects the character of the site and surrounding area. The policy states that low density development (such as that proposed) is only likely to be acceptable in areas abutting the Enclosed Upland or Moorland Fringe Landscape Character Areas (as in this case);
- Retaining trees that make a positive contribution to the character of the area;
- Incorporating native screen planting as a buffer to soften the edge of the building line in valley side locations;
- Taking into account views into and from the site and surrounding area, retaining and, where possible, enhancing key views; and
- Retaining and restoring dry stone walls, vaccary stone flag walls and other boundary treatments which are particularly characteristic of Rossendale.

5.89 The proposal achieves all of the above, incorporating a high quality landscape design, appropriate to the landscape setting and showing utmost respect the character and distinctiveness of the local landscape.

5.90 The application is also consistent with **Policy ENV4: Biodiversity, Geodiversity and Ecological Networks** . This seeks to protect areas of biodiversity and protected species; areas of geodiversity and ecological networks, and where possible enhance sites and linkages. The application is supported by a *Preliminary Ecological Appraisal* prepared by Pennine Ecology. This confirms that the site has no statutory or local designations. It suggests that the proposal will directly affect small areas of tall ruderal herb, bare ground and a number of farm shed buildings. Collectively the habitats affected are of 'site' ecological value, with impacts not extending beyond the land directly affected by the proposals.

- 5.91 The report confirms that the ‘sheds’ offer ‘negligible’ potential for roosting and nesting barn owl and for use by roosting bats. No evidence of badger activity was found in the wider site area during the survey; therefore the species is absent on site. There are no ponds on site. A pond is located 216m east of the site, but potential impacts to GCN have been discounted due to the lack of terrestrial connectivity between the site and the pond, and an abundance of optimal terrestrial GCN habitat surrounding the pond.
- 5.92 The report outlines certain mitigation / precautions required in respect of the survey findings. In terms of vegetation/habitats, it is recorded that no significant habitats are affected by the proposal and no further surveys or provisions are recommended.
- 5.93 In terms of birds, it is recommended that the removal of the sheds is undertaken outside of the nesting season between 1st September and 28th February inclusive, to ensure that nesting birds are not adversely affected. If removal/demolition is not possible at that time and works are scheduled during 1st March and 31st August, then checks by a suitably experienced ecologist are required to confirm that nesting birds are absent from the site before clearance can take place.
- 5.94 In terms of bats, the report concludes that the site does not provide any suitability for roosting bats and no further surveys or provisions are recommended. Because badger are absent on site and adjacent to the site, it is suggested that no further surveys or precautions are necessary.
- 5.95 In respect of Great Crested Newt no further surveys or precautions are recommended.
- 5.96 The application is also supported by a *Biodiversity Net Gain Assessment* (prepared by Pennine Ecology). This is based on the Natural England Biodiversity Metric (version 3.1) tool to assess habitat gains / loss on site. In addition, an assessment of the proposed biodiversity enhancements for fauna has also been completed. The assessment has been completed using standard methodologies and there has been no deviation from the recognised guidance.
- 5.97 This explains that site is currently disused stables with areas of bare ground and tall ruderal herb surrounding the stables. In total, the surveyed baseline habitats had a calculated size of 0.241ha and a total habitat value of 0.55 habitat units.

- 5.98 The habitat enhancement and creation proposals for the development would result in 0.85 habitat units being delivered. This equates to a **32.42% net gain**.
- 5.99 We suggest that a BNG of such extent is very impressive and should carry significant weight in the overall planning balance. The Council is aware that, in the near future, it is the Government's intention to introduce a requirement that all developments achieve a 10% BNG. Set against that, a gain of 32.42% must surely be seen as exemplary, and we venture can be lauded by Rossendale BC as an excellent example of how developments such as this can achieve far more than the likely 10% standard.
- 5.100 All of that said, there is clearly no conflict with Policy ENV4.
- 5.101 Nor is there conflict with **Policy ENV6: Environmental Protection**. This states that development which has the potential to result in pollution that has an unacceptable impact on health, amenity, biodiversity, air or water quality, will only be permitted if the risk of pollution is effectively prevented or reduced and mitigated to an acceptable level. We suggest that no such harm will arise from the proposal. A single house is promoted on a site that was historically used as a quarry and subsequently for stabling. We suggest that both of those uses were intrinsically 'clean' operations, but we defer to the more informed comments in the Ground Conditions report (Worms Eye View) that supports the application. This draws attention to potential contamination and recommends that, in common with nearly every development site, an intrusive investigation will ultimately be required, consisting of boreholes/trial holes and tests to confirm the presence/absence and extent of contamination on the site. We anticipate – in the event of approval – that such investigations will be conditioned.
- 5.102 We suggest that there is no conflict at this stage with **Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality**. The site occupies an elevated position in Flood Zone I, and as such we suggest there is no reasonable prospect of flood events arising. In terms of drainage, such details have not yet been prepared and will presumably be the subject of a condition in the event of approval. However, as a starting point, submitted drawing ref 07D 'Proposed Site Plan Technical' (Hawthorn Design Partnership) presents indicative drainage details.

- 5.103 The application is also consistent with **Policy ENV10: Trees and Hedgerows**. This states that development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value. We have previously noted that the proposal will not result in the loss of any trees, and have reproduced the comments of the Council's tree officer in Section 3.0 of this Statement. The Planting Schedule presented by Penny Bennett Landscape Architect confirms that the extent of new planting will be impressive, including 35 new trees and an extensive variety of shrubs and other planting.
- 5.104 Finally, there is no conflict with **Policy TR4: Parking**, which requires 2 spaces for 2-3 bedroom houses and an electric car charger. The proposal provides for 4 car spaces, plenty of room for cycle parking, and an electric charging point.
- 5.105 We have assessed above what we consider to be the extent of compliance with relevant policies. We have concluded that the proposal is fully compliant and should be approved accordingly, irrespective of the housing land supply / delivery.
- 5.106 However, in the event that the LPA adopts the position that there is conflict with any policies, the 'tilted balance' (paragraph 11d of the NPPF) is engaged, meaning that sustainable development should be approved unless it would result in harm that would '**significantly and demonstrably**' outweigh the benefits of the proposed development. We consider – bearing in mind the assessment above and elsewhere in this Statement and in the remainder of the application documentation – that this scheme represents sustainable development and that any 'harm' that might arise will not demonstrably result in 'harm' which would '**significantly**' outweigh the benefits of the proposal.

SUSTAINABLE DEVELOPMENT

- 5.107 The promotion and encouragement of sustainable development goes to the heart of the NPPF.
- 5.108 In this case, a viable, bespoke, high quality development scheme is being promoted on a brownfield windfall site, at time of ongoing economic uncertainties arising from Covid, Brexit,

the ongoing conflict in Ukraine, rising inflation, rising construction costs, and what many economic forecasters see as a gloomy outlook.

5.109 This is also a time that, while the Council can demonstrate an adequate supply of housing, it is not delivering sufficient housing and is in turn failing to 'boost significantly' its supply.

5.110 The NPPF explains that achieving 'sustainable development' means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

5.111 Paragraph 10 states that, at the heart of the Framework, is a presumption in favour of sustainable development, while (as noted earlier) paragraph 11 states that LPAs should apply this presumption. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay (which we contend is applicable in this case); 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:
 - 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
 - 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.

5.112 We explained above the extent to which we consider the proposal complies with the adopted development plan, but it is also important to demonstrate that the proposal is sustainable.

5.113 As noted above, the NPPF confirms that there are three core strands / roles relating to sustainable development : **economic, social and environmental**. We consider each in turn below.

Economic Benefits

- 5.114 In terms of its **economic** role, the proposal will assist in supporting sustainable economic growth, through the provision of a quality new self-build home and contributing in a small way to the sustainable, balanced growth and evolution of this part of Crawshawbooth, and will in turn assist in sustaining the rural economy.
- 5.115 The proposed development – set in the context of poor delivery of housing - presents an opportunity to provide small scale growth in an appropriate location. The scheme will also bring various economic benefits, including a boost to the local economy, and sustained local jobs through the construction phase.
- 5.116 The proposal will therefore contribute to the growth objectives for Crawshawbooth as a sustainable settlement, and its overall vitality and viability.
- 5.117 The economic context is set out (in part) in the Government’s *‘Housing supply: Indicators of new supply, England Statistical Release’* (published 30 September 2020), in which the MHCLG unsurprisingly (due to Covid) predicted a downturn in the rate of delivery in 2020 (as below).

‘The number of dwellings where - according to building control figures - building work has started on site was 15,930 in April to June 2020. This is a 52 per cent decrease when compared to last quarter and this steep fall in activity reflects UK government COVID-19 lockdown measures. It follows a recent trend of a slowdown in growth with six of the last six quarters showing a decrease.

There has been a sustained decrease in starts and more recently a steep fall in starts and completions reflecting UK government COVID-19 lockdown measures.’

- 5.118 It is against that economic context that this planning application calls to be considered. It is a given that, to match and accommodate Rossendale’s growth aspirations and unlock the economic potential of the borough, workers, business leaders, entrepreneurs and employees generally need homes to live in. We have already pointed to the inadequate housing land delivery in the borough, and the lack of any self-build plots in Crawshawbooth.

- 5.119 The application scheme will draw upon local labour for the construction of the new home. Some of those jobs will be located on the site itself, whilst others will be based in the wider area, with some further afield within the construction supply chain. The jobs will vary in type, from elementary occupations (e.g. site labourers) to professional and higher skilled technical occupations (e.g. project managers and site surveyors).
- 5.120 Furthermore, it is reasonable to assume that there would be benefits to the suppliers and fitters of fixtures and fittings for the new home.
- 5.121 On the above basis, there can be no question that this scheme will deliver positive economic benefits to the borough. Those may be small (reflecting the scale of the proposal), but are nonetheless real and positive economic benefits.

Social Benefits

- 5.122 **Socially**, the proposal will address the need for deliver or more housing in the borough and assist (in a small way) in ‘boosting significantly’ its supply.
- 5.123 The development will make a contribution towards the social objectives of sustainable development. Primarily, the proposal will deliver a house to contribute towards the need and desire for self-build housing, given that – by its own admission – the Local Plan policy governing this does not allocate sufficient sites, and none at all in Crawshawbooth. The provision of sufficient good quality housing – to serve the needs and aspirations of everybody, and in the right place - goes to the heart of a good and strong society, and is undoubtedly an important social benefit.
- 5.124 The NPPF makes it clear that planning should be a proactive process to deliver the homes the country needs. Paragraph 38 states that local planning authorities should approach decisions on proposed development ‘in a positive and creative way’, while paragraph 60 states that :

‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward **where it is needed**, that **the needs of groups with specific housing requirements are addressed ...**’

- 5.125 Of relevance to this application, paragraph 69 highlights that small and medium sized sites (such as this) can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 5.126 To promote the development of a good mix of sites local planning authorities, §69 advises that LPAs should, *inter alia* :
- ‘support the development of windfall sites through their policies and decisions – giving **great weight** to the benefits of using suitable sites within existing settlements for homes.’
- 5.127 This site is of course a windfall site, and we suggest a brownfield windfall site. We trust that the LPA will give it ‘**great weight**’.
- 5.128 The social dimension (and associated benefits) of striving to deliver the right type and mix of homes, in the right locations where people wish to live, is self evident. We highlighted this at the outset of this section of our Statement. We drew attention to Local Plan Policy **HS16 ‘Self Build and Custom Built Houses’**, which states that the Council will ‘**support individuals who wish to commission or build their own dwelling by identifying suitable serviced plots of land.**’
- 5.129 In that regard, we again highlight that none of the allocated sites are in Crawshawbooth, such that any person wishing to build a self build house in Crawshawbooth has been presented with no opportunity to do so. This of course applies to the Applicant, who has sat patiently for 4 years with his name on the Council’s self-build register, consistently expressing an interest in building himself a home in Crawshawbooth, but with no obvious attempt to assist and provide him with a suitable plot.
- 5.130 Notwithstanding that, the Applicant is pleased that the Council (like the Government) will be supportive of those wishing to build their own homes. This is an obvious opportunity for the LPA to exercise that pledge / commitment by supporting the Applicant to build his own home, in turn addressing what is a clear social need for such housing.
- 5.131 It is therefore evident that, not only does the borough need to build more houses generally and ‘**boost significantly**’ its housing supply at a time of economic uncertainty, but there is an

imperative to provide more homes of the correct type, in the right places, where people wish to live.

- 5.132 While the application site falls in the countryside, it is on the very edge of the Urban Boundary, similar to examples where numerous other houses (most inferior in quality to that presented by this application) in the recent past. It represents a clear, obvious and sustainable opportunity to accommodate an element of the borough's self-build housing needs.
- 5.133 There are further social benefits that link with our commentary on environmental benefits below. There is an obvious social dimension in removing an eyesore site, delivering a well designed, highly sustainable building, introducing high quality landscaping, and delivering net biodiversity benefits.

Environmental Benefits

- 5.134 In considering **environmental** benefits, the NPPF confirms that, to achieve sustainable development, economic, social and environmental “objectives” should be sought :

‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).’

- 5.135 This requires ‘net gains’ across each objective, and as such it is important to explain the ‘net gain’ in environmental terms.
- 5.136 During the formulation of the scheme design and layout, due regard has been paid to the site's context and appearance, and the policies in place that emphasise the need to deliver good quality urban design and architecture.
- 5.137 Such issues, together with an explanation of the rationale behind the layout is contained in the Design and Access Statement and LVIA.

- 5.138 In visual terms, in spite of its countryside location, the site calls to be sustainably and efficiently used, given its edge of settlement location and the need to provide more homes (specifically self-build homes for which there is a clear and demonstrable need in this case) in the Borough.
- 5.139 There will be environmental benefits delivered by this proposal. A home of excellent and sensitive design quality will be created, adding to the mix of architectural styles and house types in the locality. New trees and other planting will be introduced, selected not only for its visual 'softening' appearance, but also to enhance its contribution to biodiversity (based on ecological advice).
- 5.140 The intention is that the new home will contribute to local character, adding visual interest and reflecting local distinctiveness. In these regards, the proposal has been designed to reflect and respond to well to the townscape / streetscape, and will present an appropriate, thoughtful and respectful design solution in terms of its composition, low height, scale, siting, massing, and its relationship with the existing settlement and countryside beyond.
- 5.141 The 'hard' elements of the scheme (house and garages) will also reflect ecological advice (see separate report), including provision for bat and bird boxes, while trees and other species will be selected to maximise their contribution towards biodiversity and greening the environment.
- 5.142 In terms of the 'soft' elements, the submitted Landscape Masterplan and separate Planting Schedule include a considerable amount of new planting, including trees, new mixed native hedgerow and shrub mixes and ground cover plants.
- 5.143 In biodiversity terms, the July 2021 NPPF revision introduces the requirement to demonstrate net gains. Whilst the Government's secondary legislation on the topic of biodiversity net gain (BNG) is awaited (predicted to require 10% across all developments), the matter has been investigated by the applicant's ecological team, and the submitted Assessment demonstrates that this scheme will deliver a very impressive (exemplar) BNG of 32.42%.
- 5.144 Furthermore, one of the principal drivers for the new home is our client's desire to deliver a highly sustainable 'home for life'. The house has been designed to respond to Passivhaus standards, providing a high level of occupant comfort while using very little energy for heating
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and cooling. Passivhaus buildings are built with meticulous attention to detail, and rigorous construction according to principles developed by the Passivhaus Institute in Germany.

5.145 Ultimately, this will be a very efficient, low energy dwelling, employing good solar orientation for maximum passive solar gain, highly insulated walls and windows to minimise energy loss, and carefully detailed construction junctions to minimise cold bridging and associated air loss. We anticipate that the LPA will welcome a project that will assist in raising the bar in terms of its sustainability credentials.

5.146 Overall, therefore, we contend that the proposal represents sustainable development, which will contribute ***economically, socially and environmentally***.

5.147 We therefore hope that this application will be welcomed by the Council in respect of its deliverance of sustainable development and a much needed self-build home with quality landscaping and significant biodiversity net gain. It is brownfield, accessible, edge of settlement windfall sites such as this, capable of building the community in a small scale, balanced, cohesive and sustainable manner, that the Council should be embracing at a time that it urgently needs new housing to keep pace with demand.

COMPLIANCE WITH NPPF

5.148 The NPPF is an important material consideration, and particularly at a time when parts of the development plan are out of date (in this case arising from poor delivery of housing).

5.149 Fundamentally, the NPPF promotes sustainable development. As previously noted, it seeks to '**significantly boost**' housing supply, and recognises how important small and medium sized windfall sites (such as this) are in delivering this.

5.150 We addressed the sustainability credentials of the scheme earlier, and concluded that the proposal represents sustainable development in economic, social and environmental terms. We will therefore say nothing further in respect of the sustainability support provided for this application by the NPPF.

5.151 The application is also consistent with the remainder of the NPPF. It will create an excellent quality house on an accessible, sustainably located site. The proposal reflects policies designed to build communities, delivering a much needed self-build home and high quality, landscaped areas. This will have positive implications for the social, cultural and economic well-being of the area.

5.152 The proposed development will help to deliver the housing objectives set out in the NPPF, which confirms that a key aim of the Government is to ensure that everybody has the opportunity of living in a decent home, which they can afford, in a community where they want to live. This of course includes those wishing to build their own homes.

5.153 The NPPF also promotes good design and beautiful environments, and suggests this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective and efficient use of land and existing infrastructure.

5.154 As noted earlier, Paragraph 69 notes that small and medium sized sites – such as this - can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites, NPPF encourages local planning authorities to :

‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.’

5.155 The application site is of course a windfall site, and such sites are an important contributor to the borough’s housing supply. While it is not ‘within’ an existing settlement, it is on the very edge and will represent a discrete, well planned development to replace what is currently an unprepossessing and arguably ‘eyesore’ site.

5.156 §174 of the Framework states that planning decisions should contribute to and enhance the natural and local environment by, *inter alia* :

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

5.157 The application site does not form part of a 'valued landscape' in NPPF terms.

5.158 The proposal is consistent with §79 of the Framework, which promotes sustainable development in rural areas, and states that housing should be located where it will enhance or maintain the vitality of rural communities.

5.159 There is no conflict with §104. Transport issues have been carefully considered, including opportunities to in an accessible, sustainable location which offers a genuine choice of transport modes. The site access point (for vehicles and pedestrians / cyclists (including those reliant on wheelchairs and pushing prams) will provide safe and convenient access to all users, reflecting §110.

5.160 §111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe'. The Transport Statement demonstrates that the impacts will not be severe.

5.161 For the reasons stated above, there is no conflict with §112. The scheme has been designed insofar as possible to give priority first to pedestrian and cycle movements, and the open space provision has been formulated to address the needs of people with disabilities and reduced mobility. The scheme will create a safe, secure and attractive environment, which looks to minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character. It will allow for the efficient delivery of goods, and access by service and emergency vehicles, and will enable charging of plug-in and other ultra-low emission vehicles.

- 5.162 In respect of ‘Making Efficient Use of Land and Achieving Appropriate Densities’, the scheme has been formulated having regard to the requirement of §119, which states that promotes the effective use of land in meeting the need for homes, while balanced against the safeguarding of the environment.
- 5.163 The application is consistent with §120 in that it responds to the opportunity to achieve net environmental gains, including new habitat creation.
- 5.164 The application responds to §124 by taking into account the need for different types of housing, the desirability of maintaining an area’s prevailing character and setting, and the importance of securing a well-designed, attractive and healthy place.
- 5.165 Under the heading ‘Achieving Well Designed Places’, §126 seeks the creation of high quality, beautiful and sustainable buildings and places, and suggests that this is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.166 The application seeks to respond to this. The Design and Access Statement explains the design philosophy and rationale, and we have been mindful of Framework §132, which states that design quality should be considered throughout the evolution and assessment of individual proposals. It responds positively to §130, which looks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting. In this regard, we note that the NPPF does not seek to prevent or discourage ‘appropriate innovation or change’ and that the National Design Guide states:

‘... well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.’

- 5.167 The scheme is also consistent with §131. The Appellant recognises the landscape sensitivity. All of the trees and hedgerow will be retained, and a considerable extent of new trees and other native planting will be introduced.
- 5.168 There is consistency with §159, which states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The application site falls within Flood Zone 1 and is not susceptible to flooding.
- 5.169 In respect of 'Conserving and Enhancing the Natural Environment', the application is consistent with §174, which requires proposals to contribute to and enhance the natural and local environment. As noted previously, the site is not a 'valued landscape' in NPPF terms. Nor is it a site of particular biodiversity or geological value.
- 5.170 In terms of the requirement to 'recognise' the intrinsic character and beauty of the countryside, this has been recognised. On no account could the site currently be described as intrinsically beautiful or characteristic. This is recognised in the LPA's pre-application comments, and we would also refer the reader to the comments of the Council's tree officer in commenting on the previous withdrawn application (reproduced in Section 3.0). The site will be transformed by a low key house of excellent and sympathetic design, barely perceptible from the wider countryside. We contend that this proposal will in fact enhance the intrinsic character and beauty of the countryside.
- 5.171 We have also noted that the July 2021 version of the Framework introduced changes to what is now §180. This states that, if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 5.172 The application promotes a considerable amount of new planting, including trees, new mixed native hedgerow and shrub mixes and ground cover plants. It will achieve an impressive biodiversity net gain of 32.42%.
- 5.173 There is therefore no inconsistency with §180 of the Framework.
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5.174 Having regard to the above assessment, this application is consistent with all of the Framework's key policy aims and objectives. That level of compliance should carry considerable weight, and lends further support to approval of the application.

DESIGN AND LANDSCAPING QUALITY

5.175 The Design & Access Statement (produced Hawthorn Design Partnership) reinforces the extent of attention that has been paid to design and layout.

5.176 The scheme details have been formulated to reflect local character and distinctiveness, but at the same time introduce new layering and add to diversity and overall quality. The **National Design Guide**. This explains that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. It suggests that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

5.177 It states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

5.172 It reiterates that well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design, as well as constraints upon it, and states that:

‘... well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.’

5.173 We see no conflict with any of the above policy objectives of the design guide. The local area contains a variety of house types, sizes, styles, ages, heights and materials, and an array of boundary treatments. The design details have been influenced by that mixed context and design-related guidance at both national and local levels. As evidenced by this Planning Statement, the DAS and application drawings, the scheme is based on a sound understanding of the features of the site and the surrounding context, including a proportionate baseline assessment that formed the design starting point and has helped to influence the indicative design and layout.

5.174 However, the National Design Guide also makes it clear that applicants and their architects do not need to copy their surroundings in every way, and that it is perfectly appropriate to introduce elements that reflect how we live today, innovation and change.

5.175 We suggest that weight ought to be attached to the scheme’s excellent design quality in the assessment and determination of this application.

6.0 Overall Planning Balance and Conclusions

6.1 In this Planning Statement, we have explained how and why we consider that the proposal complies with the most important policies of the development plan and the NPPF.

6.2 Section 38(6) of the Planning and Compensation Act requires planning decisions to be in accordance with the development plan, unless material considerations indicate otherwise. The effect of the NPPF is that, in making such decisions, where the development plan is out of date, a 'tilted balance' is undertaken whereby the other material considerations (including the presumption in favour of sustainable development and the core planning policies of the NPPF) will be determinative.

6.3 Where the development plan is up to date, then the presumption in favour of sustainable development requires planning permission to be granted for developments where they accord with the development plan. Applications that conflict with an up to date development plan should be refused unless other material considerations indicate otherwise.

6.4 It is our contention that this application is fully in accordance with the Development Plan. However, in the event that the decision maker (be that the LPA or an Inspector at appeal) considers there to be inconsistency, Rossendale has suffered over recent years through insufficient levels of housing. The Council's most recent Housing Delivery Test and 5 Year Housing Land Supply Note (May 2022) confirms that, until delivery increases to a minimum of 75% of the housing requirement, the Council will be required to apply NPPF §11d to the decision making process of relevant planning applications.

6.5 The effect of that is to trigger the NPPF presumption in favour of sustainable development (§11d), which makes it clear that permission must be granted unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole” [Exception 1];
and/or

“specific policies in this Framework indicate that development should be restricted” [Exception 2].

- 6.6 In respect of Exception 1, the NPPF places an onus on the decision maker to determine that adverse impacts should “significantly and demonstrably outweigh” the benefits of a proposal.
- 6.7 It is consistent with the expectation in the NPPF that Local Planning Authorities should take a positive approach in fostering the delivery of sustainable development (para 10) and “should seek to approve applications for sustainable development where possible” (para 38).
- 6.8 In relation to Exception 2, Footnote 7 of the NPPF sets out the specific policies that might serve to restrict development. They are sites protected under the Birds and Habitats Directive requiring appropriate assessment, Sites of Special Scientific Interest (SSSIs), land designated as Green Belt, Local Green Space or an Area of Outstanding Natural Beauty, designated heritage assets and areas at risk of flooding.
- 6.9 The proposed site / development is not subject to any of those specific NPPF policies that might serve to restrict development. The site is not designated or protected (aside from its countryside location). It is not Green Belt, Local Green Space, Green Wedge or AONB, or at risk of flooding.
- 6.10 The effect of the NPPF presumption in favour of sustainable development therefore is that planning permission should be granted for the application proposals unless there are reasons which not only outweigh the benefits of the development, but which outweigh those benefits ‘significantly’.
- 6.11 This needs to be considered against the current economic context. In the Government’s *‘Housing supply: Indicators of new supply, England Statistical Release’* (published 30 September 2020), the MHCLG predicted a downturn in the rate of delivery in 2020 (as below).

‘The number of dwellings where - according to building control figures - building work has started on site was 15,930 in April to June 2020. This is a 52 per cent decrease when compared to last quarter and this steep fall in activity reflects UK government COVID-19 lockdown measures. It follows a recent trend of a slowdown in growth with six of the last six quarters showing a decrease.’

There has been a sustained decrease in starts and more recently a steep fall in starts and completions reflecting UK government COVID-19 lockdown measures.'

- 6.12 The application site falls within the countryside. The adopted Development Plan sets out a position that houses should not normally be built in the countryside, and - while the NPPF does not rule out housing in the countryside - it makes it clear that applicants and the LPA must 'recognise' its intrinsic character and beauty. In this case, the character and beauty of this site and the surrounding countryside has been 'recognised' and respected.
- 6.13 It is clear that Rossendale does not have significant resources of brownfield land within its settlement limits (or elsewhere). The new Local Plan openly acknowledges this and points to various constraints.
- 6.14 The proposal is consistent with the following Local Plan 'Objective' :
- 'Improving housing choice and meeting housing needs for all groups, including specialist and affordable housing.'
- 6.15 The proposed house will meet an obvious need, namely the need of the Applicant to build a self-build home. He has waited patiently for 4 years on the Council's self-build register, but no opportunity has been presented to him.
- 6.16 The LPA has acknowledged in two pre-application letters that the site is sustainably located. That aligns with the commentary in §22 of the Local Plan that confirms that Crawshawbooth is one of three 'Urban Local Service Centres', which benefit from good transport connections to services in the nearby towns as well as having a range of facilities such as schools, parades of shops and community facilities.
- 6.17 Whilst we do not accept that the site is greenfield (given its historic quarry and stabling uses, neither of which equate to agriculture), it is nevertheless of interest that **Local Plan Policy Strategic Policy SS: Spatial Strategy** acknowledges that 'greenfield development will be required within and on the fringes of the urban boundary to meet housing and employment needs'. This appears to accept that – even if sites are greenfield – there will be a need for an extent of development on the fringes of the urban boundary to meet housing needs. This site

is of course on the very edge of the Urban Boundary, and as such we suggest falls to be considered against this pragmatic policy backdrop.

6.18 The same policy also confirms that :

'A level of growth and investment appropriate to the settlement size will be encouraged at the Urban Local Service Centres to help meet housing, employment and service needs.'

6.19 Again, Crawshawbooth is an Urban Local Centre, so this policy '**encourages**' appropriate growth where that assists in meeting housing needs.

6.20 We have pointed to numerous recent comparable examples of one-off houses have been approved (by the LPA or at appeal) outside the Urban Boundary. In those cases (most of which were promoting inferior forms of development than that promoted by this application), it was accepted (by the LPA or Inspector) that the proposals were perfectly appropriate, in spite of their location beyond the Urban Boundary. The Applicant in this case expects a similarly fair, pragmatic and commensurate hearing for his application.

6.21 Furthermore, we would remind the LPA of the words of the Inspector who dismissed appeal APP/B2355/W/19/3243911 in June 2020. That related to a scheme to build 4 houses on the site (very different to what is now proposed. What is particularly telling about that appeal decision is that the Inspector made it clear that he had no concerns with the principle of development outside the Urban Boundary and in the open countryside. He said this in terms:

'my concerns do not relate to the principle of development outside of the settlement limits, but to the extent of the effect of the proposal on the character and appearance of the surrounding area.'

6.22 That position is important when considering this application. Mindful of the Inspector's words, we suggest that the focus of assessment should not be about the '**principle**', but rather how the proposal will manifest itself and affect the character and appearance of the surrounding area.

6.23 This planning application demonstrates that the application site is capable of accommodating a beautifully designed home in a sensitive manner, having careful regard to landscape impacts, which will help to meet the poor deliver of housing, including the demonstrable and need for

self build housing. Considering the Inspector's words above, it will not harm the character and appearance of the surrounding area. It will enhance it.

6.24 We are also mindful of the comments of the Inspector who presided over appeal APP/B2355/W/18/3213102 in May 2019. That related to land at Folly Clough, off Goodshaw Lane, Crawshawbooth. Like our client's application, it promoted the erection of one Passivhaus family dwelling, garage and garden beyond the Urban Boundary in the open countryside. The Inspector concluded that :

‘the effect upon the character and appearance of the area would be significant. However, this significant impact would not necessarily equate to the harm that the Council and other interested parties assert, as change does not necessarily have to be harmful.’

6.25 That last statement is telling. Change is not always bad, as in the case of our client's application.

6.26 We have highlighted that the ‘tilted balance’ described at Paragraph 11(d) of the Framework is engaged and - as demonstrated in the application documents – any alleged conflict with policies in place that seek to prevent development outside the settlement boundaries is demonstrably outweighed by the sustainability and benefits of the development, summarised below :

- It will deliver a much needed new, excellent quality, family, self build Passivhaus home in a community where people wish to live, in a suitable and recognised sustainable settlement.
- The above must be considered against the context that the Council is failing to delivery sufficient house, and is in turn failing to ‘boost significantly’ its supply, as it is required to do. This is particularly worrying at this uncertain time associated with the ongoing Covid situation and the economic implications of Brexit, conflict Ukraine, rising inflation and rising construction costs.
- Biodiversity of the site will be diversified and improved through new tree planting and other measures. The scheme will deliver an impressive (exemplary) 32.42% biodiversity net gain.
- The project will help to sustain and create local construction jobs..

- The scheme will generate a New Homes Bonus and Council Tax payment (both of which are economic benefits recognised by appeal Inspectors).
 - An eyesore brownfield windfall site will be transformed and enhanced, improving its appearance and the character of the countryside.
- 6.27 The application addresses all of the Framework's key policy aims and objectives: excellent quality and sensitive / respectful design; making efficient use of accessible site adjacent to a sustainable settlement; respect for context, local distinctiveness and landscape; utmost respect for biodiversity; and assisting in building the community in a sustainable, balanced fashion, the ambition being to create a beautifully designed self build home of exemplary sustainability (Passivhaus) standard.
- 6.28 We have argued in this Planning Statement that the proposal complies with those policies of the adopted development plan that can be relied upon; that there are no technical or environmental impacts that would 'significantly or demonstrably' outweigh the obvious benefits of the proposal; and that specific policies of the Framework and Development Plan do not indicate that development should be restricted.
- 6.29 We have also argued that, in accordance with the Framework, the development proposal represents 'sustainable development'. Accordingly, we anticipate that the Council will determine the application - in accordance with NPPF paragraph 38 - 'in a positive and creative way'.
- 6.30 That said, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and §11d of the NPPF, this planning application should be approved 'without delay'.

Appendix I

Pre-Application I Feedback



Jason Smith
j.smith162@yahoo.co.uk

Economic Development Directorate
Development Control
Futures Park, Bacup, OL13 0BB

This matter is being dealt with by:
Name: Sophie Anderson
Telephone: 01706 238625
Email: Sophieanderson@rossendalebc.gov.uk
Date: 26/05/2021
Our Ref: 2021/0006/PREAPP

Dear Mr Smith,

Pre-Application: Proposed erection of a dwelling, annex and detached garage

Site Location: Land at Goodshaw Lane, Crawshawbooth, Rossendale,

Further to your request for pre-application advice, please find below my assessment of the proposed development. I have carried out an appraisal of the proposed scheme in the context of what I consider to be the relevant planning policies and guidance. Please note that a full assessment of the proposal can only be made as part of a planning application. Comments made in this letter are for guidance only and are made without prejudice to the determination of any future planning application.

Site and Context

This application relates to a broadly rectangular plot of land, of just less than 0.2ha in area, which is to the east side of Goodshaw Lane, opposite Driving Gate.

The plot of land has a 34m frontage to Goodshaw Lane and a depth of approx. 50m. At this point neither side of the lane possesses a footway. The site is fronted by the remnants of a stone retaining wall topped by a post-&-wire fence. For the most part the land is overgrown/unkempt, although its south-east corner is occupied by 1-storey agricultural buildings (of no great age or architectural merit and now un-used) and in its south-west corner has a timber building which has long-since been un-used and is collapsing. There are a handful of mature trees on the land, most sited sufficiently near to Goodshaw Lane to have a presence in the street-scene.

The red-edged application site possesses no vehicular access to Goodshaw Lane, appearing to have utilized a grass-track that runs to its north side and gives access to the field to the rear. To the south side is further grazing land.

The Proposal Map accompanying the Core Strategy shows the land to the east side of Goodshaw Lane (including the application site) as Countryside, whilst the land to

the west side is urban in character and within the Urban Boundary. The emerging Local Plan proposes no change to the position of the Urban Boundary in the vicinity of the application site.

St Mary & All Saints Church and Goodshaw Baptist Chapel are Listed Buildings that front Goodshaw Lane, situated 100m and 250m to the north, respectively. There are no trees on the site with the protection of a Tree Preservation Order.

Relevant Planning History

2019/0430 – Permission in Principle – Erection of up to 4 no. self-build dwellings (Refused)

1974/362 - Outline - Erection of dwelling and access (Refused)

Policy Considerations

National

National Planning Policy Framework (2019)

- 2 - Achieving sustainable development
- 4 - Decision-making
- 5 - Delivering a sufficient supply of homes
- 6 - Building a strong, competitive economy
- 9 - Promoting sustainable transport
- 11 - Making effective use of land
- 12 - Achieving well-designed places
- 14 - Meeting the Challenge of Climate Change, Flooding & Coastal Change
- 15 - Conserving and Enhancing the Natural Environment
- 16 - Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP4 – Area Vision for Rawtenstall, Crawshawbooth, Goodshaw & Loveclough

Policy 1 – General Development Locations and Principles

Policy 2 – Meeting Rossendale’s Housing Requirement

Policy 3 – Distribution of Additional Housing

Policy 8 – Transport

Policy 9 – Accessibility

Policy 16 – Preserving and Enhancing Rossendale’s Built Environment

Policy 17 - Rossendale’s Green Infrastructure

Policy 18 - Biodiversity and Landscape Conservation

Policy 19 - Climate Change and Low & Zero Carbon Sources of Energy
Policy 21 - Supporting the Rural Economy & Its Communities
Policy 23 – Promoting High Quality Designed Spaces
Policy 24 – Planning Application Requirements

Other Material Considerations

National Design Guide
National Planning Practice Guidance
RBC Strategic Housing Land Availability Assessment (SHLAA) (2017)
RBC Emerging Local Plan

Proposed Development

Pre-application planning advice is sought on the acceptability of constructing a dwelling, annex and a detached garage on this land.

An indicative layout has been submitted showing how the site could be developed – it shows the dwelling, annex and garage sited on the north eastern boundary of the site, with the vehicular access off Goodshaw Lane.

The application is accompanied by a supporting statement which states that the dwelling would be on one level and have three bedrooms. There would also be a separate annex with living accommodation and one bedroom.

Materials would include local stone cladding and cedar cladding board walls above with a timber / grass roof. The supporting statement states that the intention is to build an environmentally low-impact home which would blend into the landscape as much as possible. Landscaping would include native planting.

ASSESSMENT

Decision-taking Framework

At the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework makes clear that for decision taking this means:

“c) Approve development proposals that accord with an up to date development plan without delay; or

d) 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.”*

The Council cannot currently demonstrate a five-year supply of deliverable housing sites. According to the latest 5 Year Housing Land Supply Report for 2020/21 to 2024/25, the Council can demonstrate 3.5 year supply, based on a requirement of 212 dwelling units per year as set out in the emerging Local Plan (2019 to 2034).

The most recently published Housing Delivery Test for 2020 (published by MHCLG January 2021) shows that Rossendale has delivered 64% of its housing requirement for the period 2017-18 through to 2019-20. Hence, the Council needs to prepare a Housing Action Plan, add a 20% buffer and in addition faces the Framework's presumption in favour of sustainable development.

As such, this triggers paragraph (d) above. The Framework clarifies that policies that are most important to an application are considered out of date where local authorities cannot demonstrate a five year supply of deliverable housing sites. The Council cannot demonstrate a 5 year housing land supply, and the 'most important' policies are therefore deemed out of date.

With regards to paragraph 11(d) (i) of the Framework, analysis later in this report demonstrates there are no protective policies within it which provide a clear reason for refusing the development proposed. Paragraph 11(d)(ii) is therefore engaged i.e. planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Principle

The site is located within the Countryside, as identified on the Proposals Map accompanying the Council's Core Strategy.

Paragraph 11 of the Framework contains a presumption in favour of sustainable development, and as such a key consideration in this case is whether the proposed

scheme represents sustainable development or not. Sections 2 & 9 of the Framework and Policies 1 & 9 of the Core Strategy both place emphasis upon securing sustainable forms of development.

Whilst this site is within the Countryside it is quite sustainably located and cannot reasonably be considered remote or isolated. The dwellings on the other side of Goodshaw Lane lie within the Urban Boundary and occupiers of the newly proposed dwelling could reasonably access bus services on Burnley Road (250m to the east), Crawshawbooth Primary School (a similar distance to the south-east) and Crawshawbooth neighbourhood Centre (650m to the south-southeast).

Furthermore, the proposal will make a small, but useful, contribution towards meeting the housing requirement of the Borough. This would be 'in line' with the aims of Section 5 of the Framework, which states that small/medium sites such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. It would also meet the aims of Policies 2 and 3 of the Core Strategy which respectively seek to demonstrate how the housing needs of the Borough will be met and where that housing should be located.

However, the application relates to a 'greenfield' rather than 'brownfield' site, the buildings upon it having been erected for agricultural purposes. Policy 1 of the Core Strategy opens by stating that "*The Council will seek to maintain Rossendale's distinctive environment...*", and do so by seeking to ensure the greatest amount of new development takes place within the Urban Boundary of Rawtenstall, with the majority of other development to take place within the Urban Boundaries of Bacup & Haslingden. That part Policy 1 relating to the 'Overall Development Approach' refers to various criteria which development proposals should meet, including to :

"Enhance and protect the countryside, geodiversity and biodiversity resources including habitats and species"

Notwithstanding that some of the buildings on the site are falling-down, as viewed from beyond its boundaries and from within, the site appears to be agricultural and to blend into its countryside setting. Goodshaw Lane marks the rural-urban interface in this area and is used on the Proposals Map accompanying the Core Strategy uses to differentiate between the Countryside and the Urban Boundary for a substantial part of its length; towards its north end the land to both sides is Countryside.

The application site is to the east side of this highway and the land to its other three sides is also essentially open and rural in character, consistent with its current designation as Countryside. The land to the opposite side of Goodshaw Lane is built-up and urban in character, consistent with being within the Urban Boundary.

A Permission in Principle application for the erection of up to 4 no. self build dwellings (Planning Ref: 2019/0430) has been recently refused on the application site for the following reasons:

“The development would result in the encroachment of urban development beyond the urban boundary into an area of undeveloped open countryside, which would be at odds with the essentially open and rural character of the site and its wider surroundings. The significant harm that would be caused to the character and appearance of the countryside would significantly and demonstrably outweigh the benefits of the scheme (in terms of its modest contribution towards the Borough’s housing supply). As such, the development would not accord with the National Planning Policy Framework, and would conflict with Policies AVP4, 1, 18, 21, 23 and 24 of the Core Strategy DPD.”

However, it is noted that an appeal was recently allowed for a detached dwelling at 121 Goodshaw Lane (Appeal Ref: APP/B2355/W/19/3232309) and that there are similarities between both schemes.

Conclusion on principle

In conclusion, it is considered that this site is quite sustainably located, that its development for residential purposes could have some social and economic benefits to Crawshawbooth, and that such development would contribute towards meeting housing need.

However, any application would need to clearly demonstrate that the benefits of the development clearly outweigh the harm caused by its encroachment into designated countryside to justify the residential development of this site in pure planning policy terms.

Visual Impact / Design / Heritage Impact

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving Listed Buildings, their settings or any features of special architectural or historic interest they possess.

Paragraph 131 of the Framework states:

“In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of*

heritage assets and putting them to viable uses consistent with their conservation;

- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

Policy 16 of the Council’s Core Strategy seeks to preserve and enhance Rossendale’s historic built environment by :

“Promoting the positive management of the Borough’s heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.

Ensuring that all development is:

- a. Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context;*
- b. Of a high standard of design, reinforcing the local distinctiveness of Rossendale.”*

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places to work and live and helps make development acceptable in communities as stated within paragraph 124 of the Framework.

The dwellings to the opposite side of Goodshaw Lane vary between ‘traditional’ stone/slate houses and dwellings of more recent design and facing materials (with tiled roofs and brick or rendered walls). The proposed dwelling would need to be mindful of the site’s location in relation to the listed Church and within the Countryside.

Sketch plans and a supporting statement have been provided showing the proposed layout, size, design and materials of the proposed dwelling, annex and garage. The proposed buildings are sited close to the north east corner of the site however it may be more appropriate to site them closer to Goodshaw Lane and to the more southern area of the site which is at a lower elevation to minimise its impact on the countryside. The buildings are also relatively large in scale and should be reduced in size to minimise its impact on the open and rural character of the site. Its design would need to be high quality and it is considered that a traditional pitched roof would harmonise better with nearby dwellings. The design and materials would need to be high quality and traditional materials including stone/slate are preferred.

Guidance in the Council's Supplementary Planning Documents on Alterations and Extensions to Residential Properties on supplementary family annexes requires annexes to be part of the original dwelling and meet a range of criteria.

Details of the finished ground floor levels of the new dwelling related to both existing and proposed ground levels, and cross sections of the site should be provided. These should clearly show how the new development will relate to its immediate surroundings

If an application was submitted, it would be appropriate to require a Heritage Impact Assessment to inform the Layout of the development (including the access-point) and the dimensions, design and facing materials of buildings.

Neighbour Amenity

Any residential development would need to be designed in accordance with the Alterations and Extensions to Residential Properties SPD, particularly in relation to ensuring that minimum separation distances are met.

Any application would need to demonstrate (through the use of section drawings, site plans and other evidence) that the development would accord fully with the separation distances specified in the SPD, taking into account any required increase in separation distances due to levels differences. Care must be taken to ensure not only that neighbouring windows are not shaded / overlooked, but also that private garden areas are also not shaded / overlooked. Similarly, the new dwellings must also not be unduly shaded / overlooked.

Occupant Amenity

The Framework requires all developments to provide a *high standard of amenity* for all future users.

In order to achieve this, it is important that any proposed dwelling is designed with internal floor areas to exceed the Nationally Described Space Standards (NDSS). The standards can be found here:

<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

Similarly, the dwelling should be provided with a commensurate amount of private outdoor garden areas, to provide adequate opportunities for private recreation.

Any application will need to comply with the above in order to be supported.

Landscaping and Ecology

Any application should be accompanied by a tree survey and assessment and boundary treatments. Any existing trees should be retained as far as possible and any that are required to be lost will need to be adequately compensated for within the site and shown within a proposed landscaping plan.

Any existing drystone/ natural stone boundary walls that enclose the site should be retained and replace other existing boundary treatment (timber fences etc) with matching stone walls. Retaining walls, should these prove necessary, should also be constructed of natural stone. Timber fencing should only be used in secluded positions where it is not readily visible from public vantage points i.e. to enclose rear gardens. Hedges should be planted behind the site boundary walls where appropriate to further 'soften' the impact of the development

Careful consideration should be given to the materials used for the surfacing of the associated roadways and parking areas in order to safeguard the setting of the development itself and the surrounding area

An application should also be accompanied by an ecology assessment which must include any additional survey work which has been identified as being required in relation to protected species. All survey work must be carried out by an appropriately qualified ecologists and following best practice guidelines. Appropriate ecological mitigation and compensation measures should also be detailed and should be integrated into the landscape scheme

Access and Highways

The site would be accessed off Goodshaw Lane.

A detached garage would be provided within the development site and an adequate level of 'off street' parking provision should be provided within the site to serve the new dwelling, in accordance with the Appendix 1 Parking Standards of the Core Strategy.

No consultation with the Local Highway Authority (Lancashire County Council) has been carried out on the proposed scheme, as it no longer provides comment to the Council on pre-application enquiries.

The Local Highway Authority does offer a separate pre-application advice service (for a fee), and it is strongly advised that the developer takes advantage of this

service prior to the submission of any planning application. In particular the proposal should demonstrate that:

1. the cars associated with the proposed dwelling will be able to park clear of the highway, and both enter & leave the Goodshaw Lane in forward gear;
2. the vehicular access-point with Goodshaw Lane is of sufficient width to enable cars to both enter and exit at the same time;
3. there is adequate inter-visibility for drivers of vehicles on both Goodshaw Lane and the proposed access, and a safe means for residents of the development to cross from the site to the other side of Goodshaw Lane.

If a planning application is subsequently submitted in future, the Local Highway Authority would be consulted and its comments will have implications for the determination of the application.

Drainage

Any application should be accompanied by a sustainable drainage strategy.

Land Contamination

Given the previous uses, there is potential for the land to be contaminated. Consequently you should submit a Phase 1 Desk Study Assessment Land Report with your application with a view to demonstrating the extent to which it is and, if so, the nature of that contamination. If contamination is shown to exist you will also need to submit:-

- a) a Phase II Site Investigation Report which identifies the nature, degree and distribution of that contamination and which outlines the measures for remediating the land, and
- b) a Verification Report which demonstrates that any necessary remediation measures have been carried out.

Conclusion

The site lies outside of the defined Urban Boundary in an area designated as Countryside where Policy 1 of the Core Strategy DPD seeks to resist urban development of this type. However, this site is considered to be relatively sustainably located, its development for residential purposes could have some social and economic benefits to Crawshawbooth, and such development would make some contribution towards meeting housing need.

With this in mind, if you are able to satisfactorily demonstrate that the benefits of the development clearly outweigh the harm caused by its encroachment into designated countryside, it is considered that you may be able to justify the residential development of at least part of this site in pure planning policy terms.

In the above circumstances it is considered that the scale of development would need to be limited to minimised to limit its impact on the surrounding countryside. The new buildings would need to be carefully designed and positioned in the interests of both visual, design and heritage impacts and residential amenity and to protect the open and rural character of the site and its wider surroundings. Care would also need to be taken to safeguard trees and to meet LCC Highway's requirements. Full consideration will also need to be given to ecological, drainage and land contamination issues.

Several recommendations have been made above as to how you may wish to ensure the scheme is designed in line with national and local planning policy requirements. Officers would welcome the opportunity to comment on revised plans, prior to the submission of a planning application. Should you wish to do so, this would be charged at the follow-up rate of 50%.

If you do wish to proceed with the proposed scheme, any application would need to be accompanied by a range of plans, documents and reports. In this regard, the enquirer's attention is drawn to the Council's Validation Checklist which can be found on the following website:

https://www.rossendale.gov.uk/downloads/file/13534/validation_checklist

In particular, any application will need to be accompanied by the following (this list is not exhaustive – the enquirer should ensure that all items required by the Validation Checklist document are provided):

- Tree survey and planting / transplanting method statement (Arboriculturalist).
- Landscaping and planting scheme (Landscape Architect).
- Full set of elevation, floor plan, site plan and section drawings.
- Site location plan.
- Design and access statement.
- Comparison chart of proposed floor space / room sizes with the Nationally Described Space Standards.
- Swept path analysis drawings showing how refuse wagons would service the site (further guidance should be obtained pre-application from Lancashire County Council Highways Department in this regard).
- Details of proposed bin storage arrangements.

- Heritage Impact Assessment.
- Ecology assessment.
- Drainage Strategy
- Full details of proposed external materials including materials for walls, roofs, window and door frame units (including colour, design and materials).
- Full details of any hard surfacing and road surfacing on the development.

The views and opinions expressed within this response are given in good faith, without prejudice to the formal consideration of the application. In addition, any subsequent alterations to local or national policy may affect the advice given, particularly if there is a significant time delay before formal submission of an application.

Yours sincerely,

Sophie Anderson

Sophie Anderson
Assistant Planning Officer - Development Management

Appendix 2

Pre-Application 2 Feedback



Mr Richard Gee
Roman Summer Associates Ltd
richard@romansummer.com

Economic Development Directorate
Development Control
Futures Park, Bacup, OL13 0BB

This matter is being dealt with by:
Name: James Dagleish
Telephone: 01706 238643
Email: jamesdagleish@rossendalebc.gov.uk
Date: 20/04/2022
Our Ref: 2022/0011/PREAPP

Dear Mr Gee,

Follow-up Pre-App to 2021/0006 - Construction of a Dwelling, Annex and Detached Garage

Site Location: Land at Goodshaw Lane, Crawshawbooth, Rossendale,

Further to your recent request for follow-up pre-application advice, please find below my assessment of the proposed development. I have carried out an appraisal of the proposed scheme in the context of what I consider to be the relevant planning policies and guidance. Please note that a full assessment of the proposal can only be made as part of a planning application. Comments made in this letter are for guidance only and are made without prejudice to the determination of any future planning application.

Site and Context

This application relates to a broadly rectangular plot of land located to the east side of Goodshaw Lane, opposite Driving Gate.

The plot of land has an approximately 34m frontage to Goodshaw Lane and a depth of approx. 50m. At this point neither side of the lane possesses a footway. The site is fronted by the remnants of a stone wall and some temporary metal fencing. The land appears to have been cleared relatively recently, and there are the remains of several trees which have been felled on the land along with plastic and other waste materials. The south-east corner of the site is occupied by 1-storey buildings which appear delapidated.

The land is surrounded on three sides by open countryside.

The Local Plan shows the land to the east side of Goodshaw Lane (including the application site) as Countryside, whilst the land to the west side is urban in character and within the Urban Boundary.

St Mary & All Saints Church and Goodshaw Baptist Chapel are Listed Buildings that front Goodshaw Lane, situated 100m and 250m to the north, respectively.

Relevant Planning History

2019/0430 – Permission in Principle – Erection of up to 4 no. self-build dwellings (Refused)

2021/0628 – Full: Demolition of redundant agricultural buildings and the proposed erection of 1 no. dwelling with annex and detached garage (Withdrawn)

2021/0006/preapp - Construction of a Dwelling, Annex and Detached Garage

Policy Considerations

National

National Planning Policy Framework

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 9 Promoting sustainable transport
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

Development Plan Policies

Local Plan

- Policy SS: Spatial Strategy
- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Urban Boundary and Green Belt
- Policy HS1: Meeting Rossendale's Housing Requirement
- Policy ENV1: High Quality Development in the Borough
- Policy ENV3: Landscape Character and Quality

Other Material Planning Considerations

- National Planning Practice Guidance
- National Design Guide

Alterations and Extensions to Residential Properties SPD

Proposed Development

Pre-application planning advice is sought on the acceptability of constructing a three-bedroom, single storey dwelling with attached garage on the site, following the withdrawal of planning application 2021/0628, and following earlier pre-application advice (ref: 2021/0006/PREAPP).

Indicative site plans, floor plans and elevation drawings have been submitted showing how the site could be developed – they show the dwelling sited around a semi-circular lower lawn area, with a higher, retained lawn area to the rear.

The existing buildings on site would all be removed, and a landscaped banking area would be incorporated into the eastern part of the site, with the dwelling set beneath it. Part of the site would be bounded by existing and re-built drystone walling.

A mixture of materials would be used on the building elevations and roof; though full details have not been provided at this stage. A large amount of glazing would be incorporated into the front elevations of the bedroom block, facing onto the lower lawn area.

ASSESSMENT

Presumption in Favour of Sustainable Development

At the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 of the Framework makes clear that for decision taking this means:

“c) Approve development proposals that accord with an up to date development plan without delay; or

d) 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.”

The Council can demonstrate a five-year supply of deliverable housing sites. However, the Borough is not in a position to demonstrate that it is achieving the required level of housing delivery.

As such, this triggers paragraph (d) above. As such the weight afforded to policies that are most important to an application is a matter for the decision maker.

Principle

The site is located within the Countryside, as identified within the adopted Local Plan. This is outside of the urban boundary, and is not a location where the Local Plan seeks to locate the majority of new housing development.

Paragraph 11 of the Framework contains a presumption in favour of sustainable development as set out above however, and as such a key consideration in this case is whether the proposed scheme represents sustainable development or not. Sections 2 and 9 of the Framework and Policy SD1 of the Local Plan all place emphasis upon securing sustainable forms of development.

Whilst this site is within the Countryside it is reasonably sustainably located and cannot realistically be considered remote or isolated. The dwellings on the other side of Goodshaw Lane lie within the Urban Boundary and occupiers of the newly proposed dwelling could reasonably access bus services on Burnley Road (250m to the east), Crawshawbooth Primary School (a similar distance to the south-east) and Crawshawbooth neighbourhood Centre (650m to the south-southeast).

As such, the site is considered to be reasonably sustainable in its location.

Visual Amenity, Heritage Impact and Countryside Impact

It is not considered that the proposed development would have any significant impact on the setting of nearby Listed Buildings giving its siting.

Paragraph 127 of the Framework states that planning decisions should ensure that developments:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Given the position of the site on the east side of Goodshaw Lane (an area characterised by open fields), the development would inevitably result in encroachment of built development into an undeveloped area of countryside, and it is considered that such encroachment would fundamentally alter the undeveloped, open and rural character of the site in a harmful manner, and adversely affect views into and across the countryside.

The design and appearance of the proposed dwelling would be a considerable improvement over that which was considered under 2021/0628 in visual terms, relating to its greater sympathy with the site's context and its obvious design cues taken from the site constraints. Steps have clearly been taken to reduce its prominence in the landscape, and to soften the impact of the development. On its own, the proposals demonstrate that a high quality design is capable of being developed in more detail at application stage.

Nevertheless, it is considered that the development would still unavoidably introduce an unacceptable element of domestic / suburban development into an area of wider open countryside, which lacks any permanent domesticating development currently.

Goodshaw Lane itself serves as a very strong physical and visual boundary between the fundamentally differing characters of the urban area to the west and the open countryside to the east. Domestic development on the land would set an undesirable precedent in this respect.

In addition, the proposed development would likely result in further urbanisation / domestication of the site through the introduction of the trappings of a domestic situation – such as parked cars, garden structures, formal landscaping, washing lines, etc. Such items would further erode the essentially open and rural character of the countryside in this location.

It is acknowledged that the appearance of the site is currently poor, with several neglected structures, waste and felled trees visible. However, this in itself does not serve as justification for the approval of a permanent development of an urban character on the site. The Council has separate powers available to it under S.215 of the Act to tackle sites which are causing harm to amenity.

Neighbour Amenity

Having regard to the proposed siting, orientation and design of the scheme, it is not considered that the proposed dwellings will have an unduly harmful impact on the privacy, outlook, daylight or other amenities enjoyed by residents of other nearby properties.

Occupant Amenity

The Framework requires all developments to provide a *high standard of amenity* for all future users.

In order to achieve this, it is important that any proposed dwelling is designed with internal floor areas to exceed the Nationally Described Space Standards (NDSS). The standards can be found here:

<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

From the provided information and plans, there is no doubt that the development is capable of complying with the above.

Landscaping and Ecology

Any application should be accompanied by an arboricultural impact assessment including tree survey and boundary treatments. Any existing trees should be retained as far as possible and any that are required to be lost will need to be adequately compensated for within the site and shown within a proposed landscaping plan. The applicant's attention is drawn to the Council's adopted Local Plan in relation to requirements concerning trees, biodiversity and landscaping.

The indicative landscaping and planting proposals shown on the submitted sketch plans are positive, and it is considered that through the production of a full hard and soft landscaping / planting strategy by a qualified landscape architect, a high quality scheme of landscaping could be secured for the development which would go some way to mitigating the impact of the development.

Paragraph 174 of the Framework states that planning decisions should "*contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity*".

Policy ENV1 of the Local Plan requires that developments demonstrate that:

"There is no adverse impact to the natural environment, biodiversity and green infrastructure unless suitable mitigation measures are proposed and the Council will seek biodiversity net gain consistent with the current national policy."

Any planning application would need to comply with the above in full, and would need to demonstrate (as part of the planning application) that a suitable net gain in biodiversity value will be achieved through the development (and how it will be achieved, funded and managed for the lifetime of the development).

Access, Parking and Highway Safety

No consultation with the Local Highway Authority (Lancashire County Council) has been carried out on the proposed scheme, as it no longer provides comment to the Council on pre-application enquiries.

The Local Highway Authority does offer a separate pre-application advice service (for a fee), and it is strongly advised that the developer takes advantage of this service prior to the submission of any further planning applications.

If a planning application is subsequently submitted in future, the Local Highway Authority would be consulted and its comments will have implications for the determination of the application.

Drainage

Any application should be accompanied by a sustainable drainage strategy.

Land Contamination

You should submit a Phase 1 Desk Study Assessment Land Report with any planning application with a view to demonstrating the extent to which it is contaminated and, if so, the nature of that contamination. If contamination is shown to exist, you will also need to submit a Phase II Site Investigation Report, which identifies the nature, degree and distribution of that contamination and which outlines the proposed measures for remediating the land.

Conclusion

The proposals shown on the submitted follow-up sketch plans are undoubtedly an improvement on the previously submitted scheme in terms of their appropriateness to the context of the site and the way in which they respond to its constraints.

However, it is considered that the harm that would result from the development in terms of the encroachment of inappropriate urban / domestic development into an area of open countryside, and in terms of the visual impact of the development on the character of that countryside, would still significantly and demonstrably outweigh the very limited benefits of the development (in terms of its extremely limited contribution to housing supply and to the local economy).

As such, in line with Paragraph 11 of the Framework, it is considered that planning permission should be refused.

If you do wish to proceed with the proposals, any application would need to be accompanied by a range of plans, documents and reports. In this regard, the enquirer's attention is drawn to the Council's Validation Checklist which can be found on the following website:

https://www.rossendale.gov.uk/downloads/file/13534/validation_checklist

The views and opinions expressed within this response are given in good faith, without prejudice to the formal consideration of the application. In addition, any subsequent alterations to local or national policy may affect the advice given, particularly if there is a significant time delay before formal submission of an application.

Yours sincerely,

James Dalglish

James Dalglish
Senior Planning Officer

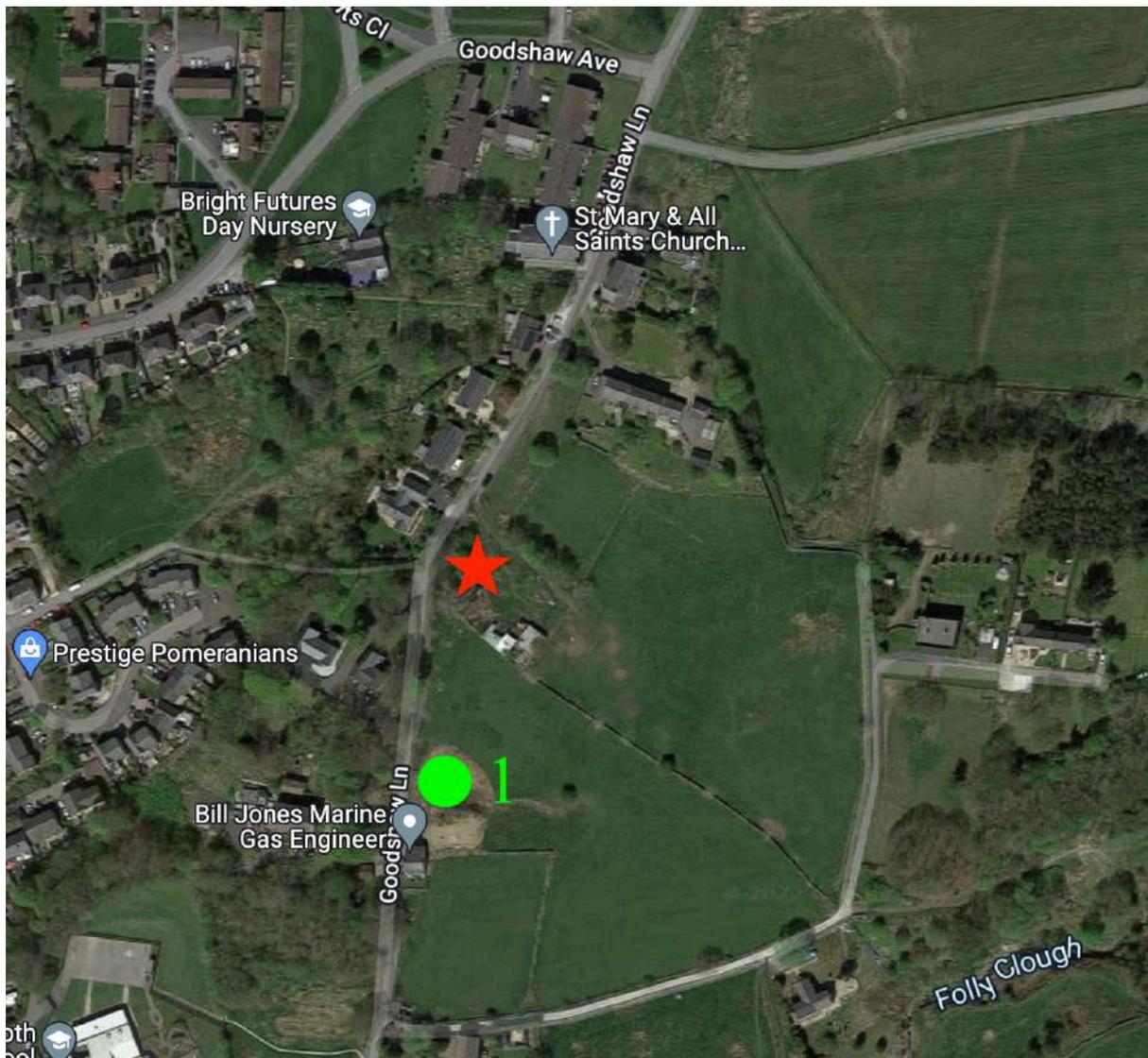
Appendix 3

Recent examples of approvals of single dwellings in close proximity to site

EXAMPLE A

121 Goodshaw Lane, Crawshawbooth

That site is identified in green below, and the red asterisk marks our client's application site circa 100 metre to the north.



The above site was subject of Application Number: 2019/0067, which was refused in April 2019 on basis of :

1. The proposed scheme is unacceptable in principle as it would not represent sustainable development and would lead to the unacceptable encroachment of development into the countryside. The proposal is therefore considered to be contrary to the provisions of Policies 1, 18, 23 and 24 of the Council's adopted Core Strategy DPD (2011) and Sections 12 and 15 of the National Planning Policy Framework.

2. The proposed dwelling, by reason of its overall scale and prominence, would unduly detract from the visual amenity of the area. The proposal is therefore considered to be contrary to the provisions of Policies AVP4, 1, 18, 23 and 24 of the adopted Core Strategy and Sections 12 and 15 of the National Planning Policy Framework.

The subsequent appeal (ref: APP/B2355/W/19/3232309) was allowed in September 2019.

The following are direct quotes from the appeal decision :

§7

A dwelling of the scale proposed would not result in the development of a new isolated home in the countryside. Hence, I conclude on this issue that the site is in a suitable location for the proposed development, having regard to its proximity to facilities and services.

§10

The site abuts and rises above the lane. A high dry stone wall, which is characteristic of the locality, retains the largely open landform of the site. Open pastoral fields are to the east, while there is intermittent residential development to the north, south and west. Ground levels generally rise fairly steeply to the north and east of the site. Tree cover can be found on the site, but these appear to be self-seeded. More established tree cover is along the lane and next to Folly Clough to the east. Having regard to these features, I agree with the LVA that the site could be considered to have a fringe / edge of settlement character.

§11

Based on my own observations, I do not disagree with the LVA in terms of where the proposed development could be experienced from. These include a handful of residential properties, the lane, and the PRow network. Distant and glimpsed views from the Rossendale Hills PRow network may occur, but these would be in the context of other dwellings.

§12

To make best use of the site's ground levels, the proposed dwelling would be set into the ground. This would lessen its visibility, but views from the lane, nearby residential dwellings and the PRow that wraps around the eastern side of the site would remain. The proposed elongated design would be particularly clear from the lane in front of the site and from the east. The effect, as the LVA recognises, would be most evident around the time of the proposal's construction with a minor / adverse largely felt.

§13

That said, the dwelling would not unduly encroach into the countryside. Further planting along the site's western boundary would help mitigate any localised views. A planning condition could secure this. Dwellings in the area do not have the same footprint. Hence, some variance is acceptable, especially given the use of a pitched roof which would harmonise with nearby dwellings. Moreover, when viewed from the east, the proposal's design would mean that it would be an uncomplicated addition to the landscape.

§14

Dark coloured timber is proposed for the dwelling's elevations. This would depart from the traditional use of materials found locally, but Core Strategy Policy 23 does call for the use of locally sourced sustainable, high quality and innovative materials appropriate for the development and its surroundings. In tandem with further landscaping, the timber has the potential, over time, to blend with the site and its surroundings. The precise finish of the external materials could be subject of a planning condition to ensure that the dwelling appears as an appropriate addition in the landscape.

§15

I note the Council's concerns about the potential impacts of future extensions and outbuildings. While such changes could affect the local landscape, this is not protected, and I am not aware of similar restrictions to nearby dwellings. The suggested blanket restriction would not be reasonable or necessary. However, there is merit in restricting additions to the roof and incidental buildings given that these would be likely to be, in light of the proposed layout and topography, the most visible changes and thus potentially cause the most harm to the landscape if not sensitively designed and sited. Thus, it would be in the Council's gift to consider any future proposals in the first instance.

§16

Accordingly, I conclude in relation to this issue that the proposed development would, subject to the imposition of planning conditions, be acceptable insofar as its effect on the visual amenity of the area.

EXAMPLE B

Application 2020/0462

Land adjacent The Vicarage, Goodshawfold Road, Loveclough (see site below)

Proposal : 1 self-build 3 bedroom 'eco home' (ie. Passivhaus, like that promoted by this application)



This application was approved by the LPA in January 2021.

The rationale for support for the principle of a house – bearing in mind its open countryside and entirely greenfield and conservation area status - was set out as below in the Committee report that lead to approval :

This application proposes erection of a dwelling in the Countryside. Policy 1 of the Core Strategy seeks to locate new development primarily within the Urban Boundary of settlements. However, this site is immediately adjacent to the Urban Boundary. A dwelling constructed here will not be isolated or remote. Accordingly, the occupiers of the proposed dwelling will be no more reliant on the private car than the residents of nearby dwellings. A 'quality' bus service runs along Burnley Road (A682).

The site is considered to be in a sustainable location and the proposal will make a small, but useful, contribution towards meeting the housing needs of the Borough. For the duration of construction it will add to local employment/economic activity.

Accordingly, there is considered to be no objection in principle to the proposal.

And :

'Government guidance in the NPPF and Core Strategy policies seek to protect the character and appearance of open countryside. In this instance, though taking a 'bite' out of the corner of a field, the proposed dwelling will appear as a continuation of the ribbon of residential properties presently terminating at The Vicarage.'

And :

'In this instance the proposal is not considered to be contrary to policies in the Framework that protect areas or assets of particular importance such that there is a clear reason for refusing the development proposed.'

EXAMPLE C

LAND AT FOLLY CLOUGH, OFF GOODSHAW LANE, CRAWSHAWBOOTH PLANNING APPLICATION PROMOTING THE ERECTION OF ONE PASSIVHAUS FAMILY DWELLING, GARAGE AND GARDEN, WITH ASSOCIATED ACCESS ENHANCEMENTS AND HARD AND SOFT LANDSCAPING (INCLUDING MEANS OF ENCLOSURE, HERITAGE INTERPRETATION BOARDS AND COMMUNITY PICNIC / VIEWING TERRACE) [RESUBMISSION OF 2018/0286]

This application was identical to that refused by the Council (ref: 2018/0286) and subsequently dismissed at appeal on 2nd May 2019 (ref: APP/B2355/W/18/3213102).

The Inspector agreed with the Appellant on every key point, but dismissed the appeal on a precautionary basis given that GMEU had not commented on the topic of badgers. That is hardly surprising given that GMEU were not provided with the badger information at the time.

The subsequent resubmitted application was approved by the LPA.

The Inspector's comments concerning the principle of that proposal are reproduced below :

§4

The site lies in an area designated as countryside to the north east of Crawshawbooth and is accessed via a loosely surfaced track leading off Goodshaw Lane. It is located approximately 750m from the centre of Crawshawbooth and contains a watercourse known as Folly Clough running to the south east. There is a public footpath (No 341) running through the site and an unofficial path to the south on the other side of the bank to Folly Clough. The site once accommodated Hawthorn Mill and cottages, destroyed by fire in the 1960s. Whilst the buildings have long since disappeared, the site sits on a flat shelf, which is the remains of the floor of the mill and cottages. There are also remains of a cobbled track, various stone and brick walls, steps, piles of large stone slabs and other materials. Some of these walls are low in height and indicate the outlines of previous buildings, yet others are clearly visible and taller structures.

§5

The site is clearly previously developed, yet it has been left for so long that vegetation and trees have grown around and through the remains such that it has a derelict, wild and rugged appearance that forms part of the character of the countryside and landscape. Apart from the building remains on site, the rest of the site comprises a wooded area and grassed patches of land along with standing water to the east upper side of Folly Clough.

§6

The proposal is for a detached 5 bedroom dwelling with associated living areas, garage and private garden, set out in a rectangular shape with 2 off shoots, a raised deck area with parking area.

It would be of a contemporary design, taking cues from the former mill development with material choice and detailing. The dwelling would meet a Passivehaus standard a_l_o_n_g _w_i_t_h _b_e_i_n_g _'o_f_f_g_r_i_d_. It would be predominantly of single storey height, save for the 5th bedroom over the living area and the lower ground floor plant room. The eastern elevation of the building would be partially concealed with an earth bank and sedum roof.

§7

A comprehensive landscaping scheme is proposed across the site, using predominantly native species and eradication of invasive species.

‘the site is still located in the countryside, whereby Policy 21 of the Rossendale Core Strategy Development Plan Document: The Way Forward (2011-2026) (November 2011) (CS) sets out that the rural environment will be protected and enhanced by restricting development to existing rural settlement boundaries. Outside these areas, proposals should demonstrate the social and/or economic needs/benefits for the local rural community. Additionally, Policy 1 of the CS seeks to ensure development takes place within the defined urban boundary unless it has to be located in the countryside, with proposals being required to enhance and protect the countryside alongside making the best use of under-used, vacant and derelict land and buildings, and contributing to maintaining and creating sustainable and inclusive communities.

§10

The proposal would make use of a previously developed site. It would also include enhancements to the public footpath and seating areas along with information boards detailing the history of the former mill. Despite being unsubstantiated, the reports of anti-social behaviour, such as littering and bonfires which would cease. In this regard, there would be social benefits of a reasonable value, and the scheme would make the best use of vacant and derelict land.

§11

Therefore, the proposal would be in a suitable location for housing and would modestly contribute towards the undersupply of housing in the Borough. In this respect, there would be compliance with the aims of Policies 1 and 21 of the CS. It would also accord with the Framework which seeks to avoid the development of isolated homes in the countryside, and to promote sustainable development in rural areas, locating housing where it will enhance or maintain the vitality of rural communities.

‘the effect upon the character and appearance of the area would be significant. However, this significant impact would not necessarily equate to the harm that the Council and other interested parties assert, as change does not necessarily have to be harmful.’

EXAMPLE D

Application 2019/0473

Erection of Detached Dwelling | Folly House Goodshaw Lane Crawshawbooth

This is a poor quality, insensitive, prominent form of development (see photograph below), well beyond the Urban Boundary in the open countryside, approved by the LPA in January 2020.

Stated Summary Reason for Approval:

'The proposal will make a small, but useful, contribution towards meeting the housing requirements of the Borough. Notwithstanding that the site is located within the Countryside, it is not in a remote location ...'



EXAMPLE E

Goodshawfold Farm, Goodshawfold Road, Loveclough

Application 2020/0600

Construction of single storey 3 bedroom home with associated parking and landscaping

Site outside Urban Boundary in open countryside.

Approved by the LPA in October 2021.

SUMMARY REASON FOR APPROVAL:

The proposed development is considered acceptable in principle and, subject to the conditions, will not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies of the Council's adopted Core Strategy (2011).