

Application Recommended for Approval

APP/2008/0348

Cliviger with Worsthorne Ward

Full Planning Application

Reinstatement of cottage for use as holiday let (farm diversification). re-submission of application (APP/2007/0925)

STIPERDEN COTTAGE KEBS ROAD TODMORDEN

Background:

The application is for the creation of a holiday let in a run-down building adjacent to a Listed Building in the rural area, and is the re-submission of a previous refusal. Objections have been received.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

E5 - Species protection

E10 - Alterations, extensions, change of use and development affecting listed buildings

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

E34 - Derelict and contaminated land and derelict buildings

EW11 - Rural diversification and conversion of rural buildings for employment uses

GP2 - Development in the Rural Areas

Site History:

APP/2007/0925 – Reinstatement of cottage for use as a holiday let (farm diversification): Refused

Stiperden House Farm

2004/1332 – Proposed outdoor manege: Granted

2004/0730 – LBC – Conversion of adjoining barn to living accommodation as extension to existing dwelling: Granted

2004/0728 – Conversion of adjoining barn to living accommodation: Granted

2004/0638 – Proposed erection of multipurpose agricultural building: Granted

2004/0637 – LBC – Demolition of cowshed and erection of new cow shed: LBC Not required.

Consultation Responses:

1. Highway Authority – no highway objections

2. Environmental Health – Have concerns in relation to water supply, which need further clarification prior to occupation.
3. South Pennine Packhorse Trails – support the application, as there is no provision in Cliviger for overnight bed and breakfast for riders using Mary Towneley Loop. Would like to see dedication of bridleway from Borough Boundary to Long Causeway.
4. Cliviger Parish Council – No objection, providing the development is in keeping with the area.
5. Neighbour objects on the following grounds
 - (a) Proposal does not overcome the previous reasons for refusal
 - (b) The access to the building is not existing
 - (c) Concerns in relation to maintenance of the grass verges.
 - (d) Reinforced grass surface would not be suitable for parking and turning areas
 - (e) Will not allow use of electricity supply from neighbouring farm
 - (f) Refuse collection has its problems
 - (g) The footpath does not run along the track, it runs adjacent
 - (h) Last use of building was as a barn
 - (i) Re-use would have a materially greater impact on rural area
 - (j) Would harm the setting of the neighbouring listed building
 - (k) Hardstandings would affect the surrounding area
 - (l) Does not have adequate access
6. Wildlife officer – bat survey required

Planning and Environmental Considerations:

The proposal is for the conversion and bringing back into use of a derelict cottage adjacent to a Listed Building. The cottage is in separate ownership to the adjacent Listed Building. The building has in the past been included as a curtilage building to the neighbouring Stiperden House Farm, but there is no mention of any adjacent buildings within the Listing Description.



The application is the resubmission of a previous refusal. The previous application was refused on the grounds of the impact on the neighbouring listed building of the creation of the access and the provision of services to; the impact on the rural landscape of the provision of access to; and the increase in travel by car.

The site lies within the rural area, close to the boundary with Calderdale. Development within the rural area is controlled by Policy GP2, which states that development will be limited to

- (a) Agriculture, forestry or other outdoor recreation uses not requiring large buildings
- (b) Re-use of existing buildings providing that the building is capable of re-use without substantial reconstruction and the re-use does not have an adverse effect on the rural economy or a materially greater impact on the rural environment than the existing buildings.

Another issue to consider is the effect the conversion will have on the setting of the adjacent Listed Building.

In terms of GP2, a structural survey has been submitted which indicates that the building is capable of conversion without substantial rebuilding or major structural repair. Therefore, it is necessary to determine whether the proposal would have a materially greater impact on the rural environment than the existing development

In assessing this it is also important to take into account the following policies

E10, which relates to development, which affects Listed Buildings
E27 which relates to landscape character and local distinctiveness, and
EW11, which relates to rural diversification proposals

Currently the building has no use, no services and the vehicular access is grassed, and there is no provision for turning or parking at the property. A treatment plant for dealing with foul sewage would also be required. The creation of an access surfaced in gravel with a grassed middle section, and a turning area and parking area, which would be surfaced with reinforced grass grid, in order to minimise the impact on the rural area. This would not have a detrimental effect on the setting of the adjacent rural farmhouse, and barn that is Listed.

In relation to the issues concerning the existing public right of way and the upgrading to a bridleway. There are issues that would be beyond the applicants control and therefore it would be unreasonable to include a condition requiring the upgrading of the path to a bridleway.

The existing footpath, which is part of the Burnley Way does not take the line of the existing track to the properties, it is located on the other side of the wall adjacent to the track. This footpath runs to the application property and then veers off to the southwest. A second track, within Calderdale is a bridleway, but the missing link between the two rights of way is not a Public Right of Way and it would be onerous and costly to expect the applicant to create a public right of way across this land, and also to upgrade the existing footpath to a bridleway.



In terms of services to the site, there is an existing water supply to the site, there is an electricity supply to the neighbouring dwelling and a sewage plant can be provided with minimal impact to the rural character and the neighbouring Listed Building.

The site is in a remote location and access to the site by means other than a private car would be virtually impossible. This would result in an increase in travel to and from the property. In terms of the increase, this would be minimal in terms of trips per day and would be acceptable.

The use of the cottage as a holiday let to promote rural diversification would be acceptable.

The amendments made to the scheme, and the additional information lessens the impact on the neighbouring Listed Building and the rural character of the surrounding area, to the point where it is acceptable..

The development is in accordance with the Local Plan Policies.

Recommendation: That planning permission be granted subject to the following conditions.

1. The development must be begun within three years of the date of this decision.
2. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Hard landscaping shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained landscape features and proposals for restoration. Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate.
3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no building, engineering, mining or other operations shall be carried out in, on, over or under the land the subject of this application at any time, other than:
 - (a) development in accordance with the application form and details shown on the approved plans, or on any subsequently approved amended plans; and
 - (b) the painting of the exterior woodwork of any building.
5. The holiday letting unit hereby approved shall not be made available for occupation as a permanent residence, nor shall it be occupied either for more than 28 consecutive days nor for more than 2 months in total in any calendar year by the same persons or group of persons.

6. No external lighting shall be erected unless full details have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall only be operated between the hours of 9am and 7pm.
7. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage from the property has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.
8. Prior to development commencement, precise details of the style, materials and glazing for the windows and doors shall be submitted to and approved in writing by the Local Planning Authority
9. Before any development commences an ecological survey to assess for the presence of bat roosts shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures indicated in the survey shall be implemented in full to a programme agreed in writing by the Local, Planning Authority.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings.
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4. To enable the local planning authority to consider future development having regard to all relevant material considerations.
5. To ensure that any proposed conversion of the property to a permanent dwelling satisfies relevant standards relating to residential amenity and other material considerations.
6. To enable the Local Planning Authority to assess the impact on the rural area.
7. To prevent pollution of the water environment.
8. To ensure the development does not have a detrimental effect on the character of the neighbouring Listed Building.
9. To protect the wildlife on the site, in the interests of ecology.