

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0977

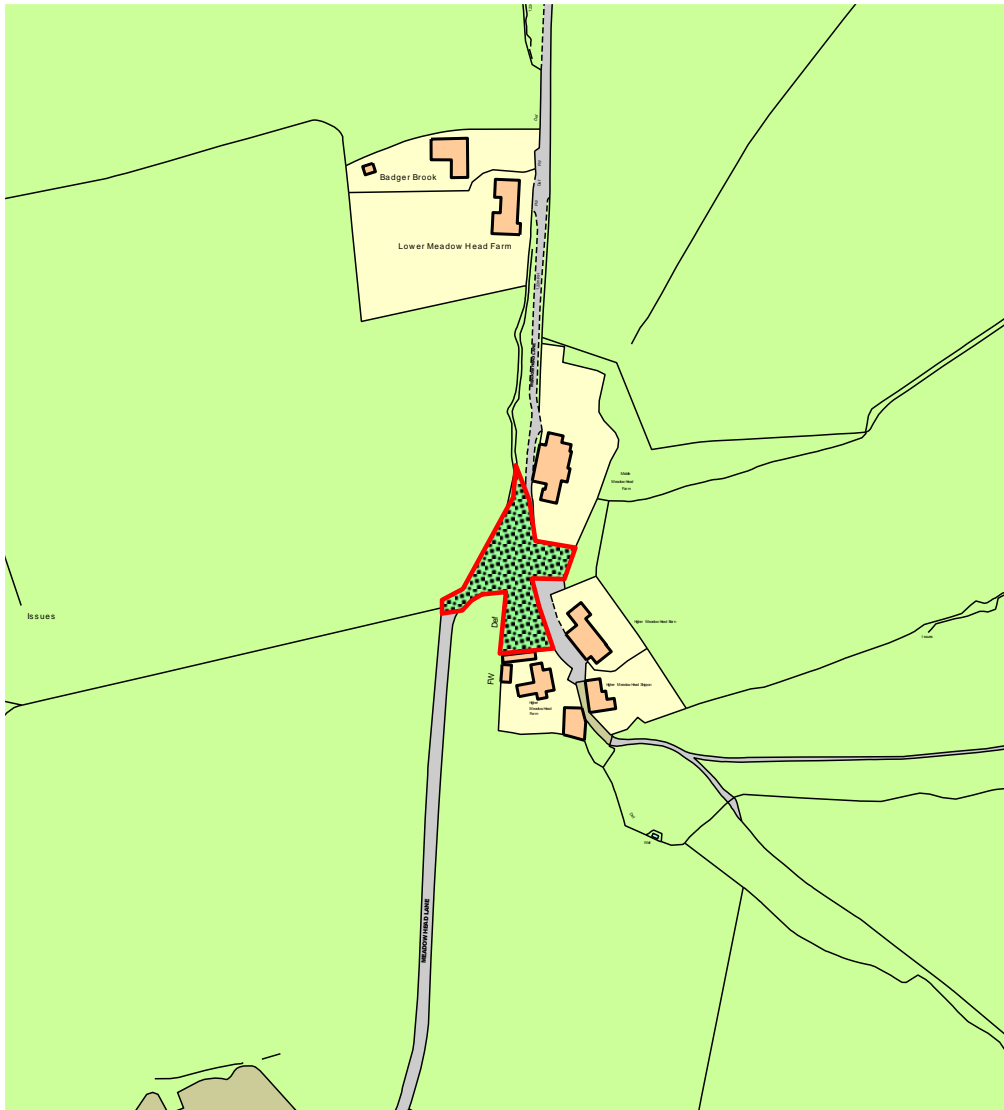
Proposed development: Proposed demolition of existing stables and garage, removal of sand paddock, and erection of a detached dwelling

Site address: Stables adjoining Higher Meadow Farm, Meadow Head Lane, Tockholes, Darwen, BB3 0LQ

Applicant: Mr & Mrs Driver

Ward: Darwen West

**Councillor Brian Taylor
Councillor Dave Smith
Councillor Stephanie Brookfield**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be **granted planning permission**, subject to the conditions and informative notes detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation "Chair Referral Process", and given the fact that a number of public objections have been received. The objections raised principally concern the site's position within the green belt and the nature of the application. A number of wider concerns have also been raised, which involve the potential for adverse impacts on the amenities of the immediate neighbours and the local highway network to occur, and increased flood risk.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 6 adjacent properties. A site notice was displayed outside of the site on 25th October 2021. In addition, a number of further notifications have taken place with neighbours upon the receipt of amended/updated information.
- 2.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan, when taken as a whole.
- 2.4 The proposal will deliver a single, family dwelling within a sustainable location. Vehicle access would be gained from Meadow Head Lane, via Bog Height Road. The proposed dwelling would be afforded its own private garden space with parking for three vehicles shown on the submitted plans.
- 2.5 On balance, the proposal would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are;
- The sites position within the green belt;
 - Ensuring openness within the site is adequately maintained;
 - Ensuring the proposed design is appropriate;
 - Minimising adverse landscape impacts;
 - Safeguarded the residential amenities of the immediate neighbours;
 - Ensuring adverse impacts on the local highway network are avoided;
 - Parking provision;
 - Minimising the developments impacts on local ecology;
 - Assessing the potential for terrestrial contamination, and;
 - Minimising the impacts of the development on air quality.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a parcel of land located to the northeast of the hamlet of Tockholes, within the green belt. The site covers circa an area of circa 0.4 acres. A stables and domestic garage currently occupy the site with the remainder used for equestrian purposes.
- 3.1.2 The stables is a squat flat-roofed structure with separate areas for stabling and storage. The double garage is a taller pitched-roof structure with a storage lean-to projecting from the east elevation. Dwellings of varying styles surround to two sides with open agricultural fields to the east and west.

Figure One – Satellite image of the site



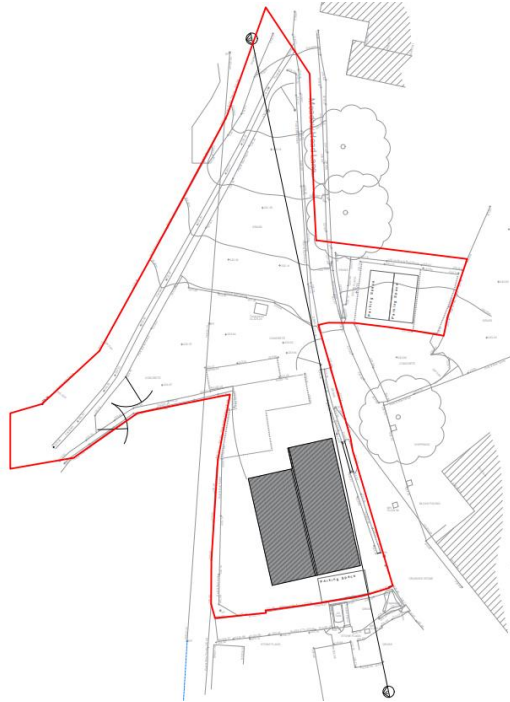
Figure Two – Location Plan showing the extent of the site and access point



3.2 Proposed Development

- 3.2.1 This planning application involves the initial demolition of the stables block and garage. In their place, a single-storey three bedroom dwelling is proposed. The dwelling would have a footprint of circa 158 square meters and a dual-pitched roof up to 5.4m in height. It would likely have natural stone elevations, a slate roof and timber doors and windows.

Figure Three –Amended proposed site plan



- 3.2.2 A garden area would be provided to the north of the plot with parking provided to the east, where the garage to be demolished currently stands. A single parking bay is also shown to the south of the proposed dwelling. The submitted amended plans are detailed below in Figures Four – Six.

Figure Four – Amended proposed elevation plans

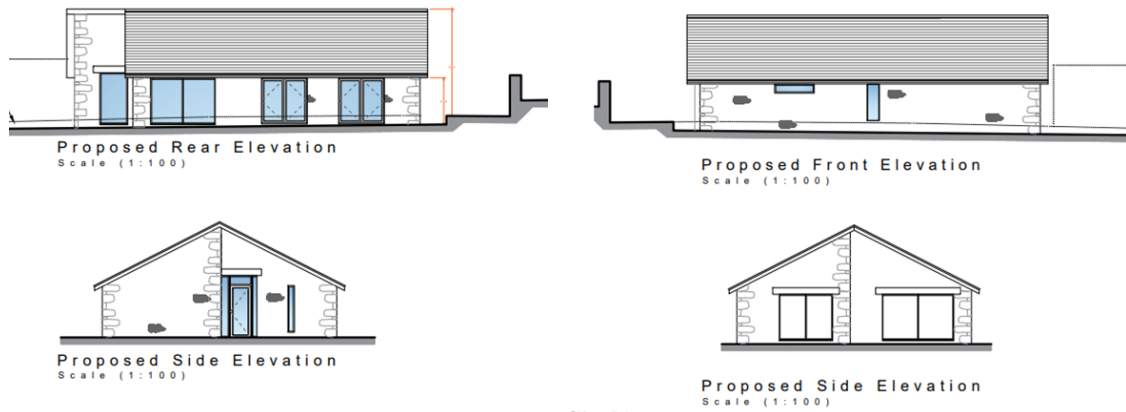


Figure Five – Amended proposed streetscene elevation plan

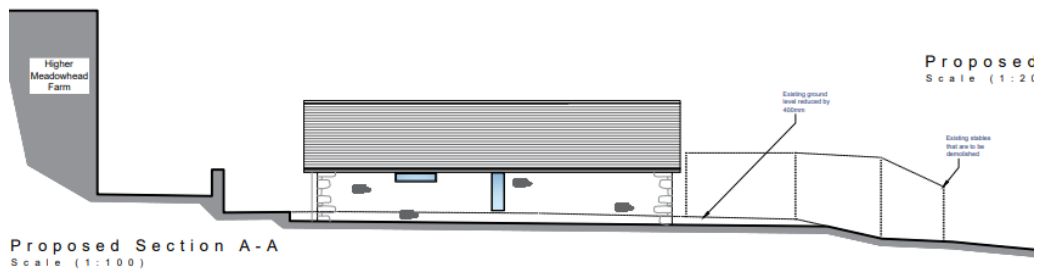
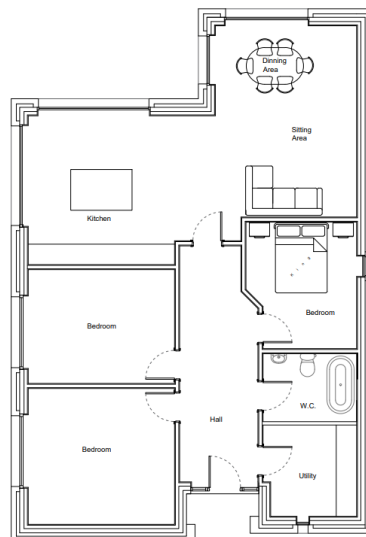


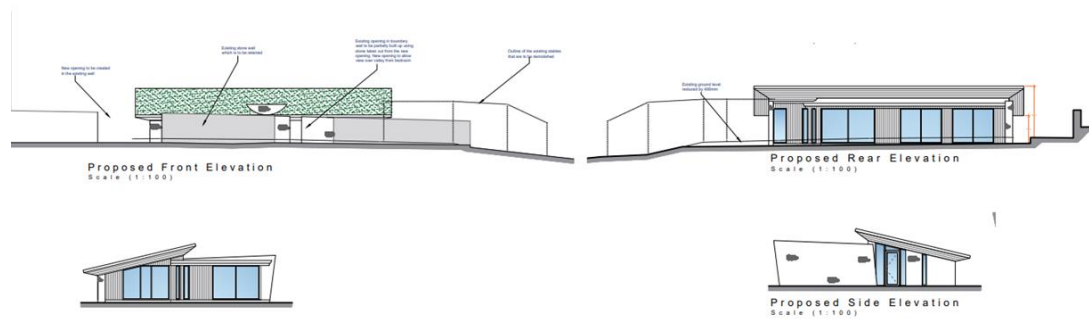
Figure Six – Amended proposed floor plan



3.2.3 Initially, a more modern dwelling was proposed, which is shown below in Figure 7. That dwelling would have had a shallow-pitched green roof and contemporary glazing arrangement. The submitted forms states that natural stone and render would be applied to the elevations yet the submitted

elevation plans also appear to show the extensive use of timber cladding. For clarity, that dwelling has been superseded with subsequent amended plans.

Figure Seven – Superseded elevation plans



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (adopted January 2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing

3.4.2 Local Plan Part 2 (adopted December 2015):

- Policy 3: The Green Belt
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design

- Policy 18: Housing Mix
- Policy 36: Climate Change
- Policy 41: Landscape

3.4.3 Residential Design Guide Supplementary Planning Document (SPD)

3.4.4 BwD Parking Standards

3.4.5 The National Planning Policy Framework

- Section 13: Protecting green belt land

4.0 ASSESSMENT

4.1 Impacts on the Green Belt

- 4.1.1 Within the development plan, there are general requirements to ensure new housing development is proposed in sustainable locations, and in accordance with market conditions. Policy CS5 identifies the preferred location for all new housing development to be within the urban areas of Blackburn and Darwen. There are currently no direct policy provisions within the development plan for newbuild rural housing for the general market.
- 4.1.2 That said, given the sites position within the green belt, the provisions on Policy 3 must be taken into account. A number of concerns have been raised in public comments on that basis. Policy 3 states that within the green belt, planning permission will not be granted for inappropriate development, except in very special circumstances or where another policy in the local plan specifically supports a proposal. The construction of new buildings is inappropriate development in the green belt, except in a number of specific circumstances.
- 4.1.3 Those exceptions include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact upon the openness of the green belt, or further conflict with the purposes of including land within the allocation.
- 4.1.4 For clarity, the NPPF defines previously developed land (PDL) as – *land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes – land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

4.1.5 The majority of the site has a lawful equine use, which is an established use when applying the PDL definition detailed above. In addition, the stables buildings to be demolished have been there for decades and they are permanent and visible structures within their immediate setting. The garage to be demolished is contained within the lawful domestic curtilage of Higher Meadow Head Farm. Such land uses also fall within the PDL definition detailed above when the sites position outside of a built-up area is taken into account. The proposal therefore meets with the initial requirements of Policy 3. In addition, a family-sized dwelling is proposed, which is prioritised over all other forms of housing under Policies CS17 and 18.

4.1.6 When assessing losses of openness, the principle considerations involve comparing the volumes of the buildings to be replaced with those that are proposed. This proposal would involve replacing two buildings for one. Volume comparison calculations have been provided and a net reduction of 17.7% in volume would be applicable here. Moreover, a 16.7% reduction in floorspace would be applicable.

Figure Eight – Submitted volume comparison calculations

	Existing built form	Proposed Dwelling	Difference (%)
Volume (m3)	512	435	-77(17.7)
Footprint (m2)	175	150	-25(16.7)
Height (m)	Building 1- 5.6 Building 2- 3.5	3.9	-1.7 +0.4

4.1.7 Whilst it is acknowledged that the proposed dwelling would be taller than the existing stables building, when the reductions in massing are considered alongside the fact that built form within the site would be consolidated into a single building, the proposal would not have a greater impact upon the openness of the green belt. Moreover, a condition is recommended to prevent further development within the site under the provisions of permitted development. Such a condition is necessary in order to ensure openness within the site is adequately safeguarded following occupation of the dwelling.

4.1.8 Specific concerns have been raised in public comments regarding parked cars and the potential for a number of parked vehicles to diminish openness within the site. However, such activities are transient in their nature. They are thus difficult to quantify it would be unreasonable to impose a specific condition to regulate such activity. A condition is recommended to ensure the proposed parking area is provided prior to occupation. Such a condition will ensure demolition of the existing garage takes place whilst also ensuring a specific area of the site is allocated for parking. The amounts and locations of hardstanding to be provided in support of the development can also be further controlled through the recommended landscaping condition.

4.1.9 Subject to compliance with those conditions, the proposal would not have a greater impact upon the openness of the green belt. In addition, further conflict

with the purposes of including land within the allocation would be adequately minimised. The proposed development is thus acceptable in relation to impacts on the green belt.

4.1.10 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters.

4.2 Design and Landscape Impacts

4.2.1 In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity. Policy 41 states development will only be permitted provided there is no unacceptable impact on landscape character or the principal traits associated with it. With regards to newbuild dwellings, those requirements are reiterated by the guidance of the Design SPD. The style and form of architecture must be influenced by the surroundings with designs complementing existing features in the locality. Concerns have been raised in public comments on design grounds.

4.2.2 The site is positioned off a rural road on a relatively exposed hillside. Dwellings of varying styles intersperse the immediate locality with natural stone, pebbledash, render, and slate roofing materials characterising the area. Initially, an overtly contemporary design was proposed with the use of a green roof and heavy glazing arrangement. Amended plans have subsequently been received showing a much more simplified design. A slate pitched roof bungalow is now proposed that would be significantly more in keeping with the established character of the locality.

4.2.3 The scale and form of the proposed dwelling would be appropriate when related to the massing of the adjacent properties, which are both one and two stories in height. Its footprint and positioning would also appear consistent with the irregular and organic formation of those properties. A number of glazed doors would be inserted to the north and west elevations yet those design features would not seem out of place when viewed in the context of the varied surrounding properties. The proposed dwelling is thus acceptable in terms of aspect, form, and scale.

4.2.4 A minimal amount of information is detailed on the amended plan in relation to the proposed construction materials. However, such matters can be adequately controlled by condition and the use of natural stone and/or pebbledash for the elevations would be the preferred option, which is recommended. A further hard and soft landscaping condition is recommended. Such a condition is necessary in order to provide planting to soften the massing of the development together with visual enhancements. Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and landscape impacts, in accordance with Policies 11 and 41.

4.3 Residential Amenity

- 4.3.1 Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings. The Design SPD details a number of standards and minimum separation distances to prevent any adverse impacts in that regard.
- 4.3.2 A number of concerns have been raised in public comments on residential amenity grounds. In relation to the potential for pollution from log burners and flues, it should be noted that no such installations are detailed on the submitted plans. In addition, a condition is recommended to remove permitted development rights for such installations. The construction of external ventilation systems in the future will be subject to a full planning application together with all of the assessments that come with it. Once occupied, the proposal would thus not cause any adverse levels of pollution or nuisance for the immediate neighbours.
- 4.3.3 The proposed dwelling would be relatively modest in height and positioned a sufficient distance away from the adjacent dwellings to prevent any adverse losses of light. In relation to privacy, windows are proposed to all four elevations. The windows in the west elevation would face away from dwellings and any north facing windows would not directly overlook windows at the adjacent property, Higher Meadow Head Farm.
- 4.3.4 The glazed door and utility room window to the south elevation would face a boundary wall and outbuildings. Those openings would serve non-main habitable rooms and the narrow window serving the utility room would not lead to any adverse levels of overlooking for neighbours were that room to be used for a different purpose in the future. The plans indicate that the existing wall on the east boundary would be retained providing screening for the windows in that elevation. A condition is recommended to ensure that occurs. Subject to compliance with that condition, the proposed development would not be detrimental to the domestic privacy of the immediate neighbours.
- 4.3.5 A further condition is recommended to agree the logistics of the construction phase. Such a condition is necessary given the constrained nature of the site and close proximity of dwellings. Subject to compliance with those conditions, the proposed development would be acceptable in relation to residential amenity, in accordance with the guidance of the Design SPD.

4.4 Parking and Highways

- 4.4.1 An overarching requirement for all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highway users is contained within Policy 10. Parking should also be provided in accordance with the BwD Parking Standards. Three-bedroom dwellings should have two off-street parking spaces and two covered cycle storage areas.

- 4.4.2 The parking bay shown on the submitted plan to the south of the proposed dwelling would likely present manoeuvring difficulties. That said, the other parking area is adequately sized to meet the demands of the development. A condition is recommended to ensure the parking area is provided prior to occupation. A further condition is recommended to agree the scope of cycle storage areas in order to encourage sustainable modes of transport.
- 4.4.3 Concerns have been raised in public comments given the constrained access arrangements of the site. Such matters were noted on the site visit, as was the unmade and restricted nature of the access road. A condition is thus recommended to control the logistics of the construction phase, which includes additional requirements to control the size of vehicles serving the site during construction works. Such a condition is necessary in order to minimise disruptions to the local highway network during the construction phase.
- 4.4.4 Subject to compliance with those conditions, the proposed development would be acceptable in relation to parking and highways, in accordance with Policy 10, and the BwD Parking Standards.

4.5 Flooding and Drainage

- 4.5.1 Policy 9 contains general requirements regarding flood mitigation and the provision of adequate drainage systems. Concerns have been raised in public comments on drainage and flooding grounds. BwD Drainage and United Utilities have reviewed the proposals and no objections have been raised, subject to the imposition of an appropriate drainage condition.
- 4.5.2 A well-designed new surface water drainage system within the site would likely alleviate any localised flooding problems and the types and locations of foul drainage systems can be adequately controlled through condition. Subject to compliance with the attached drainage condition, the proposed development would be acceptable in relation to flooding and drainage.

4.6 Ecological Considerations

- 4.6.1 Further requirements within Policy 9 state that all development proposals should avoid unacceptable impacts on environmental assets or interests, including trees, habitats, and species. The site currently has no mature trees or shrubs within it. Therefore, any impacts on local ecological populations would be limited to the removal of buildings within the open countryside. In support of those requirements, a Bat, Barn Owl and Nesting Bird Survey has been submitted. The survey confirms a low roosting potential for bats yet former use by swallows was noted within one of the buildings to be demolished.
- 4.6.2 A number of mitigation measures are detailed within the survey and a condition is recommended in order to ensure those measures are applied in their entirety. A further condition is recommended to agree ecological enhancement measures for swallows and bats within the site, in accordance with the comments provided by the BwD Ecological Advisor. Subject to compliance with

those conditions, the proposed development would be acceptable in relation to ecological considerations, in accordance with Policy 9.

4.7 Contamination

4.7.1 In relation to previously developed sites and potentially contaminated land, further requirements within Policy 8 state that all development proposals must secure effective remediation. This is to ensure a safe environment can be provided for any future occupants and to prevent the displacement of contamination during construction works.

4.7.2 In response to those requirements, BwD Public Protection have advised that the standard contamination conditions should be added to any approvals issued, which are recommended. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, and compliance with Policy 8 is thus achieved.

4.8 Climate Change and Air Quality

4.8.1 Policy 36 requires all development proposals to demonstrate how they have been designed to minimise contributions to carbon emissions and climate change. In response to those requirements, a condition has been recommended by BwD Public Protection to ensure air quality mitigation measures are applied in the form of installing electric vehicle charge points and efficient gas boilers, which is recommended.

4.8.2 The condition imposed regarding covered cycle storage would also assist with that arrangement. Subject to compliance with those conditions, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.9 Summary

4.9.1 This application involves the initial demolition of an existing stables and garage and removal of a sand paddock. In replacement, the erection of a single detached dwelling with associated parking and garden areas is proposed.

4.9.2 Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.9.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in relation to impacts on the green belt, and in terms of design and landscape impacts, residential amenity, parking and highways, flooding and drainage, ecological considerations, contamination, climate change and air quality.

4.9.4 The proposed development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 RECOMMENDATION:

5.1 Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions and informative notes;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (1:1250), Plan 001 – Revision A, Plan 002 – Revision B, and Plan 003 – Revision C.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), and following the issuing of this decision, no development as specified in Classes A – G, of Part 1 of Schedule 2, and Class A of Part 2 of Schedule 2 of that Order, shall be carried out on any part of the site, without express planning permission first being obtained from the Local Planning Authority.

REASON: In order to maintain the openness of the green belt, in the interests of visual amenity and landscape quality, and to comply with the requirements of Policies 3, 11 and 41 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. The dwelling hereby approved shall not be occupied unless and until, the garage has been demolished in its entirety and the parking area provided in strict accordance with the details shown on the approved plan 'Plan 002 – Revision B'. The parking area provided shall thereafter remain in perpetuity with the development and it shall be permanently available for the parking of vehicles associated with the occupants of the dwelling.

REASON: In order to maintain the openness of the green belt, to ensure parking is provided in support of the development, and to comply with the requirements of Policies 3 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. No development commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
 - a) Details of proposals for supplementary landscaping around all aspects of the development;
 - b) Details confirming the types and extents of any areas of hardstanding to be applied;
 - c) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
 - d) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure that the development is adequately landscaped so as to integrate with its surroundings, in the interests of visual amenity and landscape quality, and to comply with the requirements of Policies 3, 11 and 41 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. Prior to the commencement of any above ground works on site, details confirming the exact type of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

7. The existing wall on the east boundary of the site shall be retained in accordance with the details shown on the approved plan 'Plan 003 – Revision C', unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise overlooking for neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

8. No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the

construction phase, and it shall provide for, but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) Details of the sizes and types of vehicles to be visiting the site;
- c) The loading and unloading of plant and construction materials;
- d) The storage of plant and construction materials;
- e) Details of construction working hours;
- f) Measures to control noise and vibrations from construction works, where relevant;
- g) Measures to control dust from construction works, where relevant;
- h) A scheme for the recycling/disposing of waste, and;
- i) Details of the type, position and height of any required external lighting.

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To control the logistics of the construction phase, in the interests of residential amenity and minimising disruptions on the local highway network, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

9. Prior to the commencement of any above ground works on site, a scheme detailing cycle storage facilities for the dwelling hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and the dwelling shall not be occupied until the approved scheme has been provided in its entirety, unless otherwise agreed in writing.

REASON: In order to encourage modes of transport that do not require car parking provision, in the interests of highway safety and minimising impacts on air quality, and to comply with the requirements of Policies 10 and 38 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. No development shall commence on site unless and until, a scheme for the disposal of foul and surface waters arising from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for the disposal of foul and surface waters and the dwelling shall not be occupied until the agreed scheme has been implemented in its entirety, unless otherwise agreed in writing.

REASON: To ensure adequate drainage systems are in place to service the development, in the interests of managing the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed in the submitted Bat, Barn Owl and Nesting Bird Survey, prepared by Envirotech, and dated 09th June 2021.

REASON: In order to minimise harm to local ecology through redevelopment, in the interests of the natural environment, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. No development shall commence on site unless and until, a scheme detailing ecological enhancement measures for bats and swallows provided within the site has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be implemented in strict accordance with the approved details and the dwelling shall not be occupied until the approved scheme has been provided in its entirety, unless otherwise agreed in writing.

REASON: In order to minimise harm to local ecology through redevelopment, in the interests of the natural environment, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
- b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

14. Prior to first use of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and any necessary supplementary information. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

15. Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

16. The dwelling hereby approved shall not be occupied unless and until, the following mitigation measures have been provided, unless otherwise agreed in writing by the Local Planning Authority;

- a) There shall be one electric vehicle charging point at each house with a garage or other off-road parking. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power, and;
- b) Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh

REASON: In order to minimise carbon emissions from the development, in the interests of addressing climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Relevant Informative Notes

1. (Contamination) All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications. The Local Planning Authority will not accept any liability for

remediation works. The responsibility for the safe development and occupancy of the site, at all times, rests with the developer. Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990. You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart or David Johnson tel: 01254 267699). The guidance documents entitled 'Contaminated Land Planning Guidance' & 'Validation Policy Document' should be read before you investigate the site. This guidance is available on the Council web site. A suitably qualified, competent & impartial person shall fulfil the requirements of the condition.

2. (Construction/Demolition Noise) All activities associated with the construction/demolition works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

6.0 PLANNING HISTORY

- 6.1 No relevant planning history.

7.0 CONSULTATIONS

- 7.1 BwD Ecological Advisor (GMEU) – An ecology survey has been undertaken and submitted as part of the application (Bat, Barn Owl and Nesting Bird Survey, envirotech dated 9th June 2021). The survey was undertaken in June 2021 and appears to have been carried out by an experienced ecologist following best practice guidelines. The site does not have any nature conservation designations, legal or otherwise, nor does it meet the description of proposed works for Natural England's Impact Risk Zone in relation to the West Pennine Moors (SSSI).

The buildings on the site were assessed as having low potential to support roosting bats and as such, a dusk activity survey was undertaken on 2nd June 2021. No evidence of bats was found in the buildings, and no bats were recorded emerging from the building during the activity survey. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the building proposed for conversion. However, all species of bats and their roosts receive legal protection, and bats are mobile in their habitats and can colonise new roosts, even in unlikely places.

Buildings have the potential to support nesting birds, and the nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended). No evidence of species such as barn owl (Schedule 1) was found, however evidence of swallow nests was found within the stable. Building demolition should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present. Given the loss of swallow nesting habitat in the stable, adequate mitigation should be secured which should be incorporated into the new

development (N.B. swallows usually nest under open roof spaces so a covered canopy or large porch are usually required to support swallow nests).

As a precaution, we would advise that an informative is used so the applicant is aware of the legal protection that certain species receive. If protected species, such as bats are found or suspected of being present at any time during works, work should cease immediately and advice sought from a suitably qualified ecologist.

Opportunities to enhance the building for wildlife, such as bats should also be considered, in line national planning guidelines which state that opportunities to improve biodiversity in and around developments should be integrated as part of their design (NPPF section 175d) and section 9.2.1.1 of the ecology report.

- 7.2 BwD Public Protection – No objections. Should this application be approved, the standard contaminated land conditions should be imposed. In addition, the standard air quality conditions regarding electric charging and boiler efficiency should be imposed.
- 7.3 BwD Drainage – No objections. An appropriate condition should be imposed on any permissions issued to control the discharge of foul and surface waters. Such a condition is necessary to ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water.
- 7.4 BwD Arboricultural Advisor – No objections.
- 7.5 BwD PROW Officer – No objections. An informative note should be added to any permissions issued regarding not obstruction adjacent public footpaths.
- 7.6 United Utilities – (Drainage) Our records show that there are no known public sewers in the vicinity of the proposed development. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined in the NPPG.

(Water supply) If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

- 7.7 Summary of Public Responses (see summary of representations for full details):
- The site is located within the green belt
 - An inappropriate form of development is proposed within the allocation;

- The site is not allocated for housing in the development plan;
- Harm to the openness of the green belt may be caused;
- Parked cars may further diminish openness;
- The site should not be considered as 'previously developed land';
- The proposed design is not appropriate;
- Additional overlooking may be caused for neighbours;
- Losses of light may be caused for neighbours;
- Log burners/flues may cause pollution for neighbours;
- The site access is constrained for large construction vehicles;
- No surface water drains are in place within the site;
- Surface water flooding already occurs locally;
- Flood risk of adjacent properties may be increased;
- The site has no foul sewer connection;
- Damage to the unadopted access road may be caused;
- An inadequate power supply exists within the site.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 10th January 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Anonymous- Received - 28/09/2021

FAO Christian Barton

Comments on application ref: 10/21/0977 (Full planning application – Proposed demolition of existing stables and garage, removal of sand paddock and erection of detached welling)

My name and address are included in my covering email but I am exercising my right to remain anonymous in the feedback provided below in the interests of maintaining existing neighbourly relations. I have a good relationship with the proposed applicant but, as mentioned in my covering email, I have outlined a number of points below which set out why this planning application should not be approved. I have summarised the key points clearly below and expanded on each of these points with further commentary to substantiate these points.

Key points for consideration

1. Construction of new buildings is inappropriate in Green Belt and the Green Belt is specifically protected in BwD's own LDP. The proposed development does not pass any of the tests set out in the NPPF (July 2021) in relation to new buildings on Green Belt as well as Policy 3 of BwD Council's own Local Plan. The proposed development damages the openness of the immediate surrounding area.
2. The proposed development is unnecessary and an application by the same applicant for the same site was submitted and rejected a number of years ago.
3. Information provided in the Supplementary statement is incorrect and, in some cases, deliberately misleading
4. Proposed character of building is not in keeping with the surrounding area
5. Previous precedents do not support this application
6. Insufficient local infrastructure will result in negative impact on surrounding area

Justification for key points

1. Construction of new buildings is inappropriate in Green Belt and the Green Belt is specifically protected in BwD's own Local Plan. The proposed development does not pass any of the tests set out in the NPPF (July 2021) in relation to new buildings on Green Belt as well as Policy 3 of BwD Council's own Local Plan. The proposed development damages the openness of the immediate surrounding area and does not meet any of the exceptions set out in the NPPF below.
 - a. *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
 - i. *buildings for agriculture and forestry;*
 - ii. *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - iii. *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - iv. *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - v. *limited infilling in villages;*
 - vi. *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*
 - b. The government attaches great importance to Green Belts which is acknowledged in paragraph 13 of the NPPF (July 2021). This proposed development contradicts all aspects of what the NPPF and Local Plan aim to achieve in protecting the Green Belt. The NPPF states that *"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* This proposed application is not in keeping with this national framework of BwD's own adoption of this within the Local Plan.
 - c. The impact of openness cannot be judged simply by summing the volume of multiple existing stables and animal shelters and using this to justify one single large building in its place. Any site visit clearly shows that the proposed dwelling damages openness through the positioning of the proposed dwelling on a currently open part of the site as well as through damaging the character of the area as a result of the style of the dwelling proposed which is not in keeping with the local area.
 - d. Green Belt legislation exists to prevent exactly this type of unnecessary development from eroding the area's precious green space, which is enjoyed by walkers and horse riders on the paths which surround two sides of the development site. Approval of this application would directly contradict the Council's own guidance and intentions around development of Green Belt.

guidance and intentions around development of Green Belt.

2. The proposed development is unnecessary and an application by the same applicant for the same site was submitted and rejected a number of years ago.
 - a. This application constitutes an unnecessary change of use from existing equestrian use with no residential development, into a residential property that significantly damages openness for the surrounding area.
 - b. An application by the same applicant was submitted and rejected on this site a number of years ago (I understand this was circa 25 years ago and so pre-dates BwD's online records). There are no material changes in terms of planning considerations since that time as the character of the area and the nature of this being Green Belt has not changed.
 - c. BwD's own Local Plan illustrates that the area where the proposed site is located is not an area intended for development and is specifically referenced as an area intended to be protected for its natural openness and enjoyment for local walkers, horse riders and residents.
 - d. BwD's housing construction targets will be met through several major allocated development sites across the area. These sites are allocated to meet the target volumes set at a national level and in doing so creating communities and

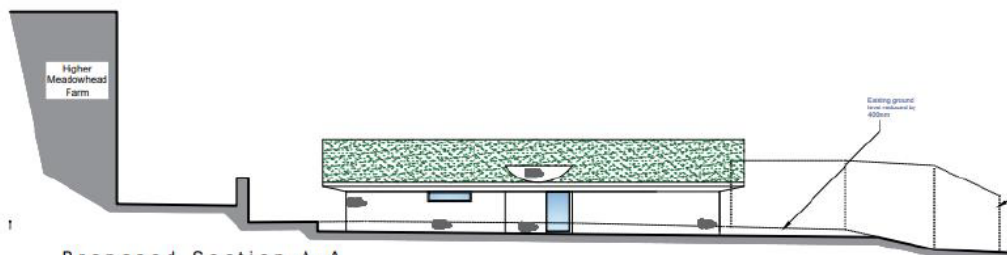
infrastructure that supports these developments. This proposed application is not in one of those site allocations as illustrated in the Local Plan.

3. Information provided in the Supplementary Statement for this application is incorrect and, in some cases, deliberately misleading
 - a. States existing use is 'equestrian and residential' but this is not the case as there is no residential property on this site
 - b. Site referenced as a brownfield site however this is marked as Greenfield land on BwD's own local planning documents. This land would not be considered to be 'previously developed' under any sensible definition as the existing buildings are stables and animal shelters with no residential use. The site was previously part of the curtilage of a dwelling but was split off by the applicant prior to the sale of the adjacent residential property. This is therefore not a residential site.
 - c. Materials listed in the planning application are not consistent with those stated in the Supplementary Statement or as illustrated in the proposed building design. The proposed dwelling is unlikely to be constructed of materials that are consistent with the surrounding properties based on the proposed design. The proposed dwelling will therefore not only destroy openness but it will also not 'blend in' to the character of the surrounding area.
 - d. The Supplementary Statement references the 'host property' and implies that this application is an enhancement to an existing property. This is not the case and this proposed application will be detrimental to the 'host property' due to the conflict in character and proximity of external doors overlooking each other which is completely out of character with the existing properties in the area, which all have private / non-overlooked entrances to each property.
 - e. The Supplementary Statement suggests that the development is centred around the renovation of existing buildings, however this is not the case. A site inspection clearly shows that the comprise stables and animal shelters which will be demolished and play no part in the proposed development as they are not substantial buildings which could be used for domestic purposes.

- f. Q22 on the Application for Planning Permission form is incorrect, the site can be seen from the bridalway and footpath that runs on both sides of this site. The area is popular with local walkers and horse riders and the feeling of openness in this area is a fundamental part of the area's character and appeal.
- g. Reference is made to existing building 2 sitting at a height of 3.5m above ground level which is not correct and creates a misleading argument to justify that the proposed development will be less intrusive than the existing stables. This is incorrect and misleading.
- h. The comparison of roof heights on existing garage/stables versus the proposed dwelling does not take into consideration the position of buildings on the site. The only substantial existing building on this site is the garage which is located on a separate part of the site (the easterly section which lies on the east side of Meadow Head Lane). This part of the site backs on to tall conifers and is not intrusive to the eyeline from footpaths or for local residents. However to compare this roof height to that of the proposed development, which occupies a large part of the centre of the site which is currently open is simply not comparable and is misleading. On paper, this justification sounds credible, but any site visit would show that, in reality, openness is destroyed by the proposed development.
- i. Paragraph 3.12 in the applicant's Supplementary Statement therefore makes no sense to anyone who has seen the site in person. The argument that the proposed dwelling increases openness compared to the existing stable buildings is not a credible suggestion. See the comparison below which shows the impact on the openness as illustrated in the applicant's own existing and proposed elevations. Note that this also excludes the inevitable additional items associated with a dwelling that erode the feeling of space, such as parked vehicles, garden fences, flues, external lighting, etc. These associated items are understandably not shown in the applicant's drawings but are an inevitable consequence of approving the development of a new dwelling on land where no dwelling currently exists.



Existing Section A-A
Scale (1:100)



Proposed Section A-A
Scale (1:100)

4. Proposed character of building is not in keeping with the surrounding area
 - a. I recognise the applicant's attempt to work within the site constraints and to propose a dwelling that fits within the site constraints (specifically maintaining the lowest possible roof height whilst still being a liveable dwelling), however this would result in a property that is totally out of keeping with the surrounding area. This illustrates that the site is too constrained for the approval of a dwelling and the various needs and constraints on this site cannot be satisfied whilst still resulting in an appropriate dwelling.
 - b. Despite the application being for a low-rise shallow-roof bungalow, elements of the dwelling and its surroundings will still create issues. E.g. the height of flues for oil and wood-fired appliances. Note that there is no natural gas supply to this area and so heating is likely to be through a combination of oil and wood (as per all existing surrounding dwellings). The prevailing westerly winds would likely cause emissions issues for Higher Meadow Head Barn which lies directly to the East (and therefore downwind) of the proposed site and which has numerous openable windows and rooflights at a height greater than any sensible flue height at the proposed dwelling.

Similar issues are likely to also be suffered by the two adjacent properties to the south and south-east respectively (Higher Meadow Head Farm and Higher Meadow Head Shippon).

- c. The low dwelling height also wouldn't prevent potentially large/commercial vehicles being parked on the driveway which would be further detrimental to the feeling of openness and would be particularly detrimental to the dwelling immediately adjacent to the proposed site (Higher Meadow Head Farm) and the dwelling directly opposite (Higher Meadow Head Barn). Parked vehicles are understandably not shown on the elevations but clearly would be associated with the dwelling in reality. For this proposed three-bedroom dwelling, it is not unreasonable to expect at least two cars to be parked on a regular basis. There would be nothing to prevent the occupants of the proposed dwelling parking several large vehicles on the site which would significantly impact the feeling of openness for the surrounding dwellings as well as members of the public enjoying the footpaths and bridle ways that run on either side of this site.
5. Previous precedents do not support this application
 - a. An application was submitted and rejected by the same applicant for the same site a number of years ago
 - b. The High Court case cited in the applicant's Supporting Statement (*Euro Garages Limited & (1) The Secretary Of State For Communities And Local Government (2) Cheshire West And Chester Council (2018)*) is very different to the application proposed here and is therefore irrelevant and inappropriate to be referenced. The Euro Garages case has a different character of site with different surroundings and very different sites pre-planning. The applicant's site on Meadow Head Lane cannot be compared to a garage forecourt fuel station. This case therefore does not set any precedence as to a High Court decision.

6. Insufficient local infrastructure will result in negative impact on surrounding area
 - a. Access road during construction – there is no turning circle large enough for typical ‘grab wagons’ used by construction suppliers to deliver materials. When existing residents on the lane order building materials, vehicles currently use the driveways of other residents with verbal approval for access and turning. This permission is unlikely to be granted to the developer of this site and so there would be no way of transporting building materials and other construction vehicles to the site without neighbourly disputes and potential damages occurring. As an illustration of this, BwD’s own refuse collection vehicles do not drive up Meadow Head Lane for this exact reason and these refuse collection vehicles have a much tighter turning circle than a typical ‘grab wagon’. Heavy construction vehicles using this unadopted lane would also cause significant disruption, damage and personal expense to other residents as the road surface is vulnerable to damage, particularly from heavy commercial vehicles.
 - b. Access road for completed dwelling – the private access road (Meadow Head Lane) is unadopted and suffers surface water damage and is susceptible to damage from surface run-off and additional wear from additional vehicles using the lane. There are also no passing places on the lane and so additional traffic due to an additional dwelling would be damaging to the road surface and potentially to surrounding wildlife in hedges and verges as a result of necessary ‘passing points’ being informally created by vehicles mounting the verges.

- c. Flooding and surface water handling – this area has no surface water drainage and so all surface water is discharged through local soakaways created by each resident at their properties. The proposed site in particular (more so than other sites in the area) creates surface run-off that already flows onto and down Meadow Head Lane. Additional hard landscaping on this site will likely make this worse which will cause further damage to the access road as well as posing a particular increased flood risk to Middle Meadow Head Farm, which is already susceptible to flooding from surface water coming down the lane and pooling at the side of this property. The owner of this property has already spent additional time and money mitigating this flood risk but the proposed development is likely to make this worse again and risks damaging that property.
 - d. Water supply – There are restrictions on water supply capacity in the area so there are likely to be issues in installing a sufficiently-sized water supply pipe for residential purposes.
 - e. Sewerage treatment and discharge – This is no public sewer in this area and so all properties have their own sewage treatment vessels with either a soakaway or surface discharge. The proposed site is constrained and would likely result in surface discharge of treated effluent down the lane. These surface discharges are theoretically clean but inevitably create some smells which would be located very close to Middle Meadow Head Farm and would impact their property.
 - f. Electricity supply – while the proposed site has an existing electrical supply, this is unlikely to be rated to the typical 100A supply required for a domestic property. There have been known issues with local transformer capacity on Meadow Head Lane and so the proposed development is likely cause issues in terms of reliability and disruption of supply for other surrounding properties, if indeed the local infrastructure is sufficiently sized to meet this demand at all.
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Objection – Mr & Mrs Fowley, Higher Meadow Head Barn, Tockholes, Darwen. Received - 11/10/2021

I act for and I'm instructed by Mr and Mrs A Fowley who reside at Higher Meadow Head Barn, Meadow Head Lane, Tockholes, Darwen. They have received a letter of notification from the Planning Authority dated 4 October under planning reference 10/21/0977. The planning case officer is Christian Barton and the date by which a formal response is required is set at no later than 25 October 2021.

I met my clients on site on 7 October; they have reviewed the on-line planning file and the documents available as, indeed, I have.

My clients formally object to the proposed development; they put forward for consideration, the following factors that are both material and relevant to this development and its assessment as being inappropriate development in the Green Belt.

The Green Belt

The application site lies wholly within designated and statutory Green Belt. As the planning authority is aware, such a designation and the policies that arise therefrom is not a local designation, it is set at a national level. The Blackburn with Darwen Core Strategy alongside the Local Plan part 2 are adopted plans; they are up to date and the Green Belt policies contained therein are effectively taken from the National Planning Policy Framework (The Framework). The planning authority will be fully aware of the statutory requirement placed upon them to determine the application proposal strictly in accordance with the Development plan, including the Framework, unless material circumstances, specific to the planning proposal and amount to "very special circumstances", are sufficient to set aside the presumption against the development.

Chapter 13 of The Framework is headed **Protecting Green Belt Land**. At paragraph 137, the National Framework is clear. The application proposal does not even meet this test! At paragraph 138, the five purposes of the green belt are set down; with regard to the application proposal, this clearly fails the test set down in sub-paragraphs **c and e**; the proposal neither safeguards the countryside from encroachment nor does it assist in urban regeneration.

Turning now to the specific application proposal and its assessment in terms of: **Proposals affecting the Green Belt;**

Paragraph 147 is very explicit both in its terminology and its purpose; Inappropriate development is, by definition, harmful to the Green Belt and **should not be approved except in very special circumstances** (my underlining and bold highlight).

At Paragraph 148 the Framework is explicit; the planning authority should ensure that substantial weight is given to any harm to the Green Belt. Further, "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

At paragraph 149, the Framework policy is again very consistent in that it clearly states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The Framework then goes on to list exceptions a-g; the application proposal fails to meet any of the criteria set down in these sub-paragraphs including and specifically sub-paragraph g!

Blackburn with Darwen Core Strategy-Adopted January 2011

In part 4: Targeted Growth and Spatial Interventions, section 10 is the most relevant against which to assess the planning proposal. This relates to Protecting and Enhancing the Environment. Policy CS14 relates specifically to The Green Belt. When assessed against this overarching Core Strategy Green Belt policy, the proposed development is clearly inappropriate, it is therefore by definition, harmful to the purposes of policy CS14; there are no mitigating circumstances pertinent to the proposal that remotely assimilate to "very special circumstances". The proposal must be refused.

Blackburn with Darwen Local Plan Part 2-Adopted December 2015

Chapter 2 of the Local Plan Part 2 specifically identifies and sets down the Core Policies of the Plan. Policy 3 of the core policies relates specifically to The Green Belt. This policy unequivocally states beyond doubt that development will not be permitted within the Green Belt unless "very special circumstances" are considered to apply and that said circumstances together with all other circumstances relevant to the proposal outweigh the harm caused to the Green Belt by inappropriate development. For reasons already expressed elsewhere in this submission, there are no very special circumstances applicable in the proposal that remotely outweigh the substantial harm caused to the Green Belt.

Summary of Objections

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The application proposal fails to assist in safeguarding the countryside from encroachment and fails to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The application proposal is completely contrary to the overall aims and objectives of Green Belt policy at both national and local level; the development amounts to inappropriate development and no considerations apply to the development that remotely relate to "very special circumstances" that would outweigh the harm caused to the Green Belt such as to allow the setting aside of Green Belt policy and the presumption against inappropriate development.

Further, the local planning authority is required by statute to determine the application in accordance with development plan policy; they have a duty to ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

At paragraph 149, the Framework policy is again very consistent in that it clearly states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The Framework then goes on to list exceptions a-g; the application proposal fails to meet any of the criteria set down in these sub-paragraphs including and specifically sub-paragraph g!

The building/s to be demolished are frankly little more than functional stables built some time ago, they appear to be of concrete construction and unused for their original purpose. The land cannot be described as previously developed and brownfield and even if it was, then the amount of new development and attendant creation of a new residential curtilage, must fall to be considered as "any other harm" in terms of an assessment as to whether "very special circumstances" arise that would allow setting aside the presumption of a refusal on Green Belt policy.

If the planning authority is in any doubt as to the efficacy of Green Belt policy in this particular part of the development plan area, they are respectfully requested to refer to planning application 10/13/0615. There has certainly been no change in Green Belt policy since this application was determined; of greater significance and, a material consideration in the determination of application 10/21/0977, is the subsequent

planning appeal decision relative to application 10/13/0615 and referenced **APP/M2372/D/13/2205939**.

My clients consider that there is no substantive evidence contained in application 10/21/0977 that would amount to "very special circumstances" sufficient to allow the planning authority to draw a conclusion that there is no harm caused to the Green Belt. The proposal clearly amounts to inappropriate development; by definition therefore, it is harmful to the Green Belt and should not be approved.

Trevor Hobday MRTPI

Submitted on behalf of Mr and Mrs Fowley

Higher Meadowhead Barn, Meadowhead Lane, Tockholes, Darwen.

Objection – Mr & Mrs Fowley, Higher Meadowhead Lane, Darwen. Received -07/12/2021

