

Full Planning Application
Erect a single bungalow
THE BARN HOLLINS FARM RED LEES ROAD BURNLEY

Site and background

This application is a resubmission of a previously refused application at the site in August 2020 (FUL/2020/0167). The main differences in this resubmission is the removal of the integral garage and the resultant gap from the southern boundary, of approximately 3m.

The application site is located within a small hamlet to the east of Red Lees Road comprising a grouping of stone-built traditional vernacular agricultural and domestic outbuildings that formed the historic estate of The Hollins and which have subsequently been converted into dwellings. The historic buildings date from the early 19th century and include a small country house known as The Hollins (Listed Grade II) and its former Coach House (Listed Grade II) which lie within their own private grounds to the south-east of the site; and a grouping of buildings focussed around a shared yard that include a former barn and attached cottage and listed former stable block (Grade II) and associated domestic outbuildings and garden paraphernalia.

The site comprises an area of trees and grassland (0.05 ha) to the northern end of the shared yard which provides a garden area for the Barn positioned around 20m to the south east across the yard. The site is relatively flat and is surrounded by mature hedgerow and conifers which screen the site from the surrounding farmland to all but its southern boundary which overlooks the yard area and is contained by an attractive stone wall. Whilst the site is physically separated from the Barn but has a strong visual relationship, by virtue of its direct outlook.



View north towards the site enclosed by the stone wall



View north east towards the site



View south towards the barn and listed stable block View to western boundary hedge

The application site is accessed via an unadopted single track which runs between open fields east of Red Lees Road. The hamlet is surrounded by farmland which includes open fields with small areas of deciduous woodland and displays a relatively strong sense of openness and rural character. It is located some 250m outside the development boundary for Burnley, as designated in Burnley's Local Plan, being regarded as open countryside.

The site includes five individual trees, the most notable being a group of 3 mature limes identified in the supporting arboricultural assessment as trees with material conservation or other cultural value. An area of deciduous woodland lies at the eastern boundary of the site and is covered by a TPO that extends into the application site taking in a young oak tree. The site also forms part of the Lancashire Ecological Network as woodland habitat.

Proposal

This application seeks consent for the erection of a three-bedroom bungalow. The bungalow will be positioned to the front (south) of the site overlooking the communal yard. The proposed built footprint will occupy most of the width of the site at around 11.3m and will extend into the current garden area by a depth of around 8.5m. The remaining grass and wooded area towards the rear of the site will be enclosed by the building and form a private garden area facing north-west.

The proposed bungalow will have dual-pitched roof to a ridge height of 4.9m and eaves height of 2.4m. The principal (south) elevation will feature a shallow projecting gable to a ridge height of 4.1m. The external walls will be faced with natural stone laid in random courses with natural stone cut detailing including lintels, mullions, cills and quoins. The roof would be natural Indian stone slate with soffits and rainwater goods; windows and doors in dark grey coloured Upvc.

The existing site access from Red Lees Road will be utilised. Provision is made for two on-site parking places and space is allocated for refuse storage within the communal yard area. The proposed block plan shows the site will retain a reasonable garden space to the north and western side of the proposed dwelling.

As noted the main difference in this application from the previous refusal FUL/2020/0167, is the removal of the integral garage and the repositioning of the western elevation by approximately 3m.



Proposed Front (south) Elevation

Proposed Side (east) Elevation



Proposed Rear (north) Elevation

Proposed Side (west) Elevation

The proposed bungalow will have dual-pitched roof to a ridge height of 4.9m and eaves height of 2.4m. The principal (south) elevation will feature a shallow projecting gable detail to the middle bay to a ridge height of 4.1m. The external walls will be faced with natural stone laid in random courses with natural stone cut detailing including lintels, mullions, cills and quoins. The roof would be natural Indian stone slate with soffits and rainwater goods; windows and doors in dark grey coloured Upvc.

The existing site access from Red Lees Road will be utilised. Provision is made for three on-site parking places and space is allocated for refuse storage within the communal yard area.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HS4: Housing Developments
- HE2: Designated Heritage Assets
- NE1: Biodiversity and Ecological Networks
- NE3: Landscape Character
- NE4: Trees, Hedgerows and Woodland
- IC1: Sustainable Travel

IC3: Car Parking Standards

National Planning Policy Framework (2019).

Planning (Listed Buildings and Conservation Areas) Act 1990.

Relevant Recent Planning History:

FUL/2020/0167: erection of detached bungalow Refused 5/8/20

APP/2002/0312: Proposed Conservatory [The Barn] – Granted

12/98/0520 – Application for full planning permission change of use of stable/store into dwelling and agricultural land for erection of double garage Approved 13.1.99

Article 4 Direction Land at Hollins Farm: The site is subject to an Article 4 Direction covering a larger area of land at Hollins Farm issued in August 2007 to prevent the erection of gates, fences, walls or other means of enclosure; to prevent the sub-division of the land and protect the character and appearance of the countryside.

Consultation Responses:

LCC Highways: no comments received at the time of writing this report

Environmental Health: No comments received at time of writing this report

United Utilities: No comments received but accept the previous comments made to FUL/2020/0167

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.

Publicity: No comments received at time of writing this report

Planning and Environmental Considerations:

Principle of Development

Paragraph 59 of the Framework states, 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 and that land with permission is developed without unnecessary delay.

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF.

The site is located outside the development boundary (by approximately 250m) in an area of open countryside. Policy SP4 part 4 of the adopted Local Plan, states that development in the open countryside will be strictly controlled. The supporting text states that development will only be permitted where it has a genuine need to be located in the countryside and is of an appropriate scale and type.

Previously developed land

NPPF defines previously developed land 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 amongst other things land in built-up areas such as residential garden.*

The proposed site is greenfield site having never been previously developed and serving as the residential garden space for The Barn. Paragraph 70 of the NPPF states, plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Furthermore, the Council's newly adopted Local Plan shows that it not only has a 5 year housing land supply but a full developable supply until 2032. In these circumstances the provision of new housing per se does not weigh in favour of the proposal and the applicant has not demonstrated that the dwelling would meet any identified housing need to otherwise indicate acceptability.

The application fails to demonstrate that there is a genuine need for a new dwelling in this location however, this in itself is not sufficient grounds to resist the principle of residential development, particularly as the NPPF (paragraphs 78 and 79) is supportive of rural housing providing that it avoids the introduction of new isolated homes in the countryside; and is a sustainable form of development in the rural area. In considering the site as a 'greenfield site and outside the development boundary the principle of a new dwelling on the site is contrary to current local and national planning policy and is therefore not acceptable.

Main issues

- Impact on the setting of listed buildings:
 - Design and appearance including materials
- the impact of the development on residential amenity
- Impact on individual trees
- Impact on ecology and biodiversity
- traffic/parking
- other considerations

Impact on the setting of listed buildings and group value of

(*The application was not supported with a Heritage Statement. For the determination of the previous application FUL/2020/0167, the case officer produced a summary of significance which has been added as a supporting document to this application).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving the setting of the listed building where it is considered to contribute to significance. The NPPF identifies what is meant by the term "setting" as the surroundings in which a heritage asset is experienced.

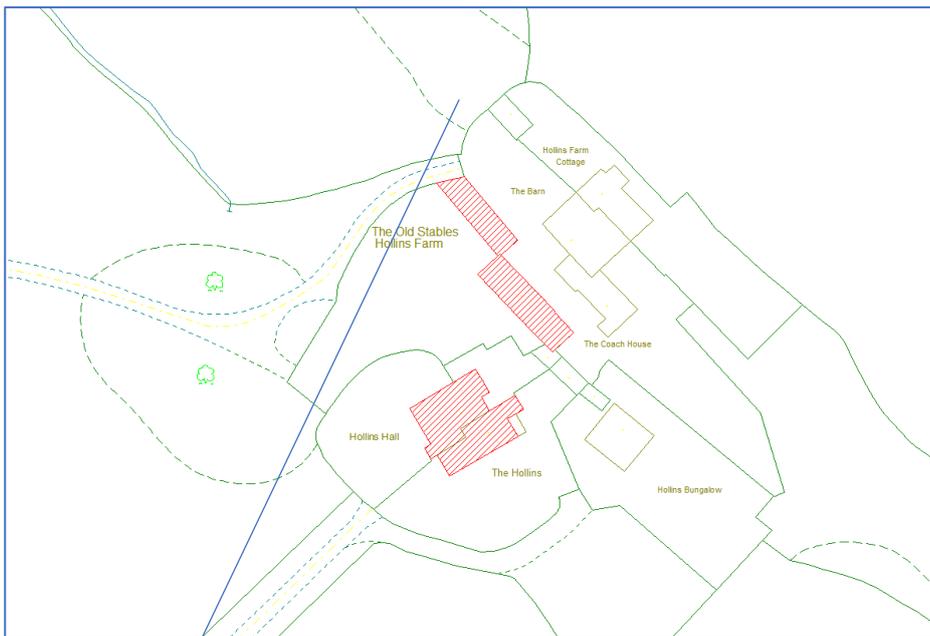
Whilst the group of buildings individually vary in their levels of heritage significance and in terms of their architectural interest and integrity and the relationship to their former form and function, there is also group value in that the buildings, including that of the spaces around them, cumulatively form an attractive grouping with historic interest as a surviving part of what was once an important local country house estate notable for its association with prominent local gentry. Their survival allows an understanding of the various ancillary operations, functions and relationships between the Hall and its associated buildings and farmland. The buildings and their immediate surroundings have an intrinsic historic relationship that is experienced within the same context as the application site, contributing to how the buildings are experienced and reinforcing their rural location, identity and setting.

The application site retains its rural character and, due to its relatively close distance and relationship, it falls within and makes a positive contribution to the setting of the historic buildings that were once part of the small country house estate. It forms a verdant edge to the north of the communal yard and is integral to the historic relationship of the buildings within contributing to how they are experienced and reinforcing their rural location, identity and setting. The historic

relationship between the surviving historic estate buildings, including the listed stable block, and its open and agricultural surroundings has been largely retained in the conversion of the historic buildings around the communal yard however, the relationship and significance will be undermined by the prominent and permanent siting of a modern bungalow enclosing the northern side of the yard.

Given the above, the proposed development will result in an unacceptable encroachment of the built form into the undeveloped northern part of the courtyard which contributes to the setting of the listed stable block and other non-designated heritage assets positioned within. It would therefore have an unacceptable impact on their setting resulting in harm to significance. Due to the scale of the proposal the level of harm to the significance of the listed building would be less than substantial. Where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. It is considered the benefits of this proposal are solely private and do not therefore outweigh the resulting harm and there is no evidence submitted by the applicant to indicate otherwise.

It is considered that the proposed development would fail to preserve the setting of the listed stable block, alongside other non-designated heritage assets within the group, and would result in less than substantial harm to significance. The applicant has not demonstrated public benefits to outweigh this harm and as such has failed to provide a clear and convincing justification for the harm to the significance of the listed building. Approval of the application would therefore be contrary to Policy HE2 of Burnley's Local Plan (July 2018), the NPPF and the relevant statutory duty.



Plan Extract: the lined buildings represent those which have statutory listing. The approximate site of the site

The effect of the proposal on the character and appearance of the area

Local Plan Policies SP5 requires, amongst other considerations, development that is of an appropriate scale and form and that respects local characteristics and setting. Paragraph 127(c) of the NPPF requires designs to be visually attractive and sympathetic to local character and history, including landscape setting. This is detailed further in Policy NE3 which requires development to minimise its impact on the landscape character of the site and its surroundings such that it would not result in an unacceptable adverse impact.

The site, an area of residential garden and trees, is surrounded by open fields with small areas of deciduous woodland to all but its southern boundary and displays a relatively strong sense of rural character. The buildings that surround the site are characterised by stone-built traditional vernacular agricultural and domestic outbuildings. The proposed dwelling being relatively low rise, finished in natural materials and displaying some traditional architectural elements would be reminiscent of surrounding buildings. However, elements of the elevational language, notably the projecting gable to the principle elevation and elements of finer detail are not sympathetic to local character and would appear incongruous within the setting.

The proposed dwelling, by virtue of its siting, scale and elevational language would interrupt the visual harmony and historic layout associated with the existing group of buildings. The proposal would introduce a discordant form of development encroaching into the open countryside which would be of significant detriment to the visual amenities and character of the immediate setting and the open countryside contrary to the aims of policies SP4, SP5, NE3 of Burnley's adopted Local Plan and NPPF 127(c).

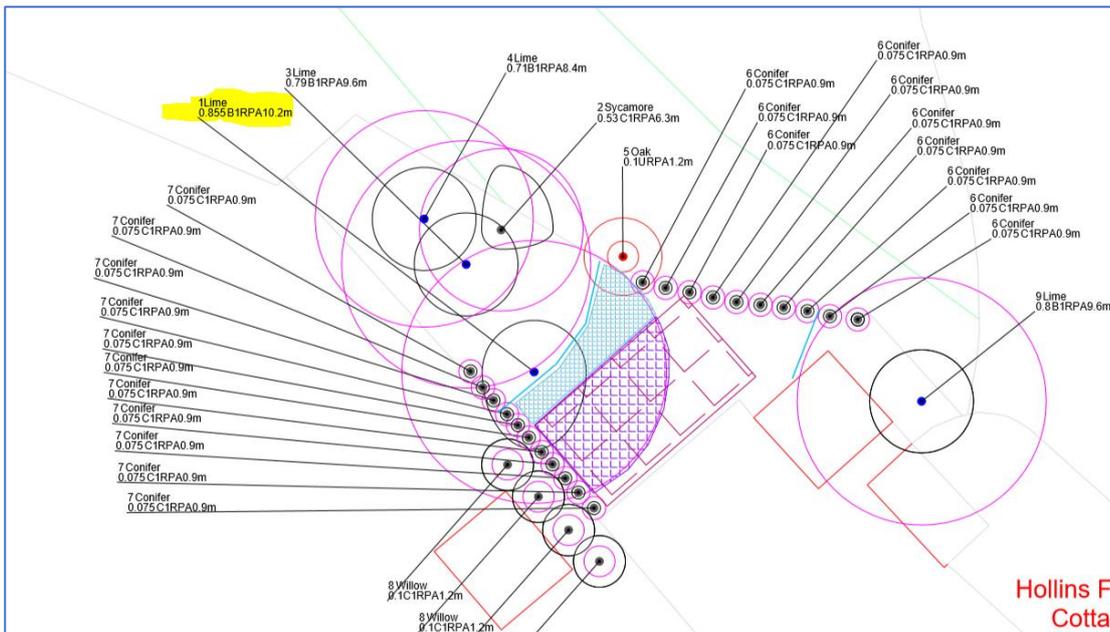
The effect of the proposal on residential amenity

In accordance with Local Plan Policy SP5 and HS4 development should not have an adverse impact on the amenity of neighbouring occupants or result in unacceptable standards of amenity for occupiers of the development. Due to the orientation and the distance between the neighbouring properties and the application property, the proposal is not considered to result in any significant adverse impact on the residential amenity. Furthermore, the proposal raises no significant concerns with respect to the amenity of future occupants of the new dwelling. The proposal is therefore in accordance with Policies SP5 and HS5.

Impact on individual trees

Local Plan Policy NE4 supports the conservation and protection of existing trees and woodlands and requires consideration of the value of trees affected by development proposals and the potential damage any development may cause. The site includes five individual trees, the most notable being a group of 3 mature limes (T1, T3 and T4) identified in the supporting arboricultural assessment as trees with material conservation or other cultural value and are considered to contribute positively to local landscape character. An area of deciduous woodland lies at the eastern boundary of the site and is covered by a TPO that extends into the application site taking in a young oak tree identified as having low quality value and structural defects.

The proposed dwelling is sited within close proximity to a mature Lime tree (identified on the submit-tee tree constraints plan as T1). Even with the reduction in width of the property and removal of the integral garage, the proposed dwelling would significantly breach the root protection area of the tree and conditions could be imposed to ensure adequate protection during construction and to ensure a specialist engineered foundation design. Nonetheless it is considered that the siting of the proposed dwelling is such that there would be a limited gap (around 3.0m) between the tree and the building and which would breach the indicative crown spread as shown on the Tree constraints Plan. The arboricultural assessment identifies the need for a crown lift to give clearance above the proposed roof. The proximity of the tree to the windows of the rear of the proposed dwelling would be such that it would have the potential to curtail natural daylight and result in pressure for additional pruning works. There would also be the potential for other nuisance including leaf fall. It is also noted that the proposed amenity space is dominated by the tree which could potentially limit the enjoyment of this area by the future occupiers. This is likely to result in pressures for further significant works or felling from future occupiers.



Plan extract: taken from page 27 of the Tree Report T1 Lime tree highlighted in yellow on the plan

The proposed development is positioned such that it would result in undue pressures for felling or excessive pruning of a mature Lime Tree (T1) to the detriment of its visual amenity and conservation value as identified in the arboricultural assessment. Accordingly, the proposal would conflict with the aims of Policy NE4.

Impact on ecology and biodiversity

The site is located wholly within the Lancashire Ecological Network (Woodland Habitat 3km Corridor). Local Plan Policy NE1 seeks to protect the effective functioning and connectivity of the Network. The corridor is reasonably wide and whilst the proposed dwelling would result in the loss of an area of amenity grassland within the corridor, it would not sever or unduly restrict movement within the corridor. Given the domestic activity that already exists within this part of the corridor; and the nature and location of the proposed dwelling, it is considered that the proposal would preserve the prime function and value of the Ecological Network in this location.

Furthermore, no significant ecological issues were identified in the submitted preliminary ecological appraisal. Issues relating to nesting birds and to measures to ensure opportunities are created for biodiversity gains as recommended in the ecological appraisal can be resolved via condition and/or informative. Subject to these conditions, the proposal would not significantly affect local biodiversity or protected species.

Highway Safety and Parking

It is highly likely that existing and future occupants of the proposed dwelling would be heavily reliant upon the use of the private motorcar for day-to-day living, however, by virtue of its modest scale, vehicle movements are not considered to be to the detriment of highway safety and the safety of users of the existing public rights of way along the access road. Adequate car parking is provided for the proposed dwelling. LCC Highways has assessed the application and raise no objection to this development.

As set out above the proposal is not considered to lead to any significant harm to matters relating to highway safety and has demonstrated that adequate on-site parking can be provided.

Conclusion

For the reasons set out above the proposal is contrary to the objectives of securing sustainably located development and the protection of the character of the countryside and existing trees considered worthy of retention contrary to the overall aims of Local Plan Policies SP5, SP5, NE3, NE4 and the NPPF. Furthermore, the proposal would fail to meet the statutory requirements under Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and there are no other material considerations that would weigh in favour of granting planning permission.

Recommendation: It is recommended that permission be refused for the following reasons:

1. The proposed development is located on land outside the development boundary and is not considered to be in a sustainable location; and by virtue of its modest scale it would not contribute in any meaningful way to the enhancing or maintaining the vitality of the rural community. Accordingly this would be contrary to Policy SP4 of Burnley's Local Plan (July 2018) and NPPF Para 78 and is contrary to the presumption in favour of sustainable development in the NPPF.
2. The proposed development would fail to preserve the setting of the listed stable block, alongside other non-designated heritage assets within the group, and would result in less than substantial harm to significance. The applicant has not demonstrated public benefits to outweigh this harm and as such has failed to provide a clear and convincing justification for the harm to the significance of the listed building. Approval of the application would therefore be contrary to Policy HE2 of Burnley's Local Plan (July 2018), the NPPF and the relevant statutory duty.
3. The overall visual impact of the proposed development would materially alter the character and appearance of the site such that it would cause an unacceptable adverse impact on the immediate setting and the open countryside contrary to the aims of Policies SP5 and NE3 of Burnley's Local Plan (July 2018) and NPPF 127(c). Furthermore the development would result in the loss of the rural character of the site and would result in the encroachment of the urban form into the open countryside contrary to Policy SP4 of Burnley's Local Plan (July 2018).
4. The proposed development is positioned such that it would result in undue pressures for felling or excessive pruning of a mature Lime Tree (T1) to the detriment of its visual amenity and conservation value as identified in the arboricultural assessment. Accordingly the proposal would conflict with the aims of Policy NE4 of Burnley's Local Plan (July 2018).