

**Application Recommended for Approve with Conditions  
Whittlefield With Ightenhill**

**FUL/2023/0070**

Town and Country Planning Act 1990  
Proposed log cabin for educational purposes.  
Cornfield Farm Fishery Cornfield Grove Burnley Burnley

This application is presented to committee as the applicant's partner works for the Council. It is also a resubmission of a previous application FUL/2023/0070 which was approved by DC committee in April. After the decision was issued, correspondence with the applicant and the Environment Agency led to one of the conditions not considered to be necessary due to the applicant clarifying that the cabin would not involve deep foundations into the ground. This is a new application which deals with little change to the previous just a change in comments from the Environment Agency.

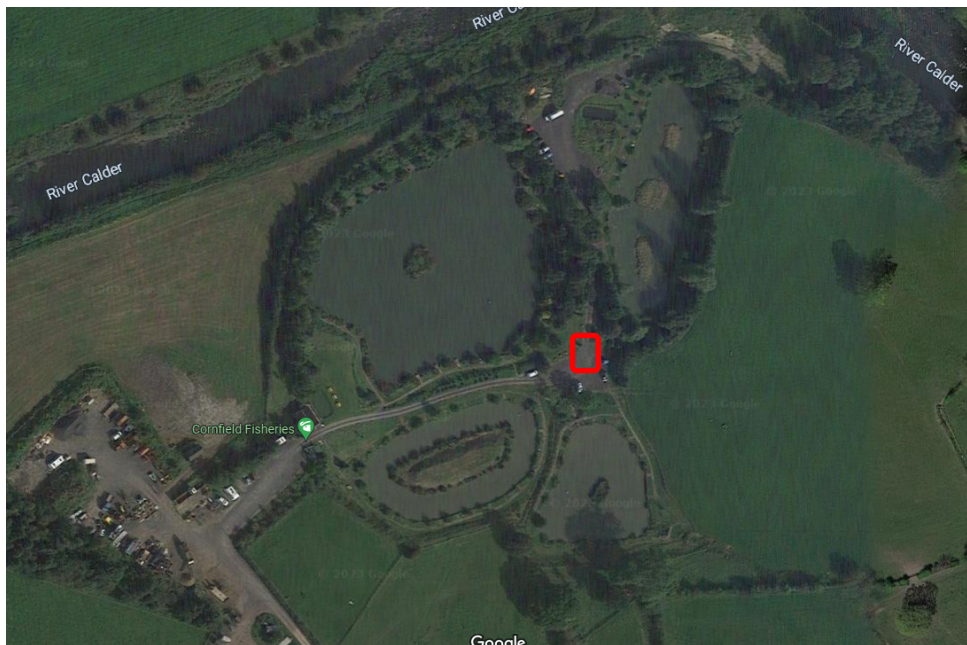
**Background:**

The site is located off Cornfield Grove, Burnley in an area of defined Green Belt in which policy SP7 of Burnley's adopted Local Plan applies. Cornfield Grove is an unadopted lane which leads off Padiham Road to Cornfield Farm which has commercial stables, residential properties associated with the farm and the fisheries.

Cornfield fisheries is made up of 4 main fishing ponds which are open to members of the public to use. There is a small cabin used as a site office and the site is managed by an onsite manager.

The site is located within flood zone 2 and is a short walk from the River Calder approximately 130m to the north of the site. The proposed location of the cabin currently has some medium level shrubs and trees which appear to be self-seeding. There are no Tree Preservation Orders on the site.

The site has designations as a former landfill site which is known to the Environment Agency and the Council.



**Extract photo 1:** [www.google.com](http://www.google.com) aerial image of the site showing the approximate location of the cabin.



**Photo 2:** Approximate location of the education base cabin



**Photo 3:** access road which runs down to the River Calder

**Background from the applicant on the application** (provided by the applicant)

MS Angling and Education is a non-for-profit organisation based who deliver educational fishing sessions to primary and secondary school groups, colleges, community groups and organisations, as well as 'Fishing Therapy' sessions to the East Lancashire community, supporting the NHS and social prescribing network.

MS Angling and Education are recognised by the Angling Trust as a 'Get Fishing for Wellbeing Approved Partner' and have been a registered provider/supplier for Lancashire County Council for the previous 4 years. The organisation is supported greatly by Sport England, Active Lancashire, the Angling Trust, Burnley Pendle and Rossendale Council for Voluntary Services, NHS Lancashire and South Cumbria Integrated Care Board, the National Association for Social Prescribing and the Community Foundations for Lancashire and Merseyside.

The fishing sessions have been operating since 2019 and are all year round. The cabin will provide a warm, dry learning environment which will provide wider opportunities for educational groups, community groups and all those benefitting from the many 'Fishing Therapy' sessions that are delivered.

## Proposal

The application seeks consent for a wooden framed cabin with an approximate footprint of 12m x 6m with a pitched roof and stepped access from the gravel road. There will be some minor groundworks required to level the site and the existing shrubs and small trees removed.

There is adequate parking at the site and sufficient space for vehicles to manoeuvre.

The cabin will be used during daylight hours and during the week and at weekends and can accommodate up to 30 people.



Example of a cabin to be used taken from brochure /[www.timberbuildingspecialists.co.uk](http://www.timberbuildingspecialists.co.uk)

**Relevant History:** None

### **Relevant Policies:**

#### Burnley's Local Plan 2018

The most relevant policies to the site are:

- Burnley's Local Plan July 2018
- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- SP7 – Protecting the Green Belt
- NE1 – Biodiversity and Ecological Networks
- NE3 – Landscape Character
- NE5 – Environmental Protection
- CC4 – Development and Flood Risk

National Planning Policy Framework 2021

## **Consultation Responses:**

### LCC Highways – no objection

The Highway Development Control Section of Lancashire County Council has no objections to the planning application.

### Environment Agency - No objection subject to condition

#### **Land contamination: risk management and good practice – advice to applicant**

The previous use of the proposed development site as a landfill site presents a risk of contamination. We recommend that developers should:

Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination

Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed at specific activities, available at <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

Flood risk standing advice - advice to LPA The proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

**Neighbour comments** – none received.

## **Planning and Environmental Considerations:**

### **The principle of development**

The site is wholly located within designated Green Belt. The Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts being their openness and permanence.

Paragraph 147 of the Framework stipulates that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the NPPF identify those forms of development which may not be considered to be inappropriate.

The proposed educational cabin is considered to meet para 149 b) of the Framework and is therefore considered to not be inappropriate development.

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation...'*

This is also supported in adopted Local Plan policy SP7. Consequently, the proposal should not be regarded as harmful either to the openness or to the purposes of including land within the Green Belt in respect of maintaining its essential characteristics, and in principle the proposal is considered to be acceptable subject to meeting all other relevant national and local planning policies.

### **Main issues**

The main issues in the consideration of this application are;

- Design and appearance including materials
- Landscape setting
- the impact of the development on residential amenity
- traffic/parking
- flood risk

### Design and Appearance

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

The overall design and appearance of the cabin appear to be fit for the purposes for the use and proposed materials are considered to be appropriate to the rural area. Overall the proposal complies with policy SP5 of the adopted Local Plan.

### Landscape Character

*Policy NE3 of Burnley's Local Plan states;*

*a) they relate well to local topography and built form and are of an appropriate scale, siting, layout, design, density and use of materials to minimise the impact on the landscape character of the site and its surroundings.'*

The current site is on a low level section of land between 2 larger fishing lodges. It is not considered that the cabin will be visible from far reaching views and any impact will be localised to the immediate setting of the fisheries.

### Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

The site is approximately 220 m from the nearest residential property at Cornfield Farm. It is not considered that there would be any detrimental impact on the nearby properties

### Traffic and Parking

LCC highways have provided comments on the application and do not object subject to conditions.



## Flood Risk

The site falls within Flood Zone 2. The Environment Agency have been consulted on the application. Having reassessed the application detail they do not consider it necessary to attach a condition for land contamination but recommend some standing advice.

## **Conclusions and Recommendation**

The proposals offer the opportunity for a not-for-profit organisation to grow and have a more permanent base for its users. The use is acceptable in the Green Belt and its size and design are appropriate to its setting. The application is recommended for approval subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. Prior to commencement of development, full details including elevational treatment and proposed materials shall be submitted in writing to and approved by the Local Planning authority. Thereafter the plans shall not be varied without prior written approval of the Local Planning authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and SP7 of Burnley's Local Plan 2018

3. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

4. The cabin hereby permitted shall only be used by Mark Smedley for educational purposes and shall not be used by any other organisations unless written permission is sought by the Local Planning authority.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4, SP7 and NE5 of Burnley's adopted Local Plan