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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **LE** | **Date:** | **21.2.2022** | **Manager:** |  | **Date:** |  |
| **Site Notice displayed** | **N**  | **Photos uploaded** | **Y** |  |
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| **Application Ref:** | 3/2021/0564 |  |
| **Date Inspected:** | 9th February 2021 |
| **Officer:** | **LE** |
| **DELEGATED ITEM FILE REPORT:**  | **Decision** | **APPROVE** |
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| **Development Description:** | Proposed change of use of land to residential and extension to dwelling to provide basement accommodation. |
| **Site Address/Location:** | Painley Settle Road Newsholme BD23 3FE |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| None |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** | No objections |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| None |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:****Policy DS1: Development Strategy** **Policy DS2: Sustainable Development** **Policy EN2: Landscape** **Policy DMG1: General Considerations** **Policy DMG2: Strategic Considerations** **Policy DMH5: Residential and Curtilage Extensions**  |
| **Relevant Planning History:**3/2019/0710- Demolition of existing outbuilding and erection of a stable building.Approved 05/12/2019.3/2017/0248- New dwelling to replace existing farmhouse and two barn conversionsapproved under planning permission 3/2016/0575. Approved 16/05/2017.3/2016/0575- Conversion of 2No. barns to dwelling houses and conversion ofoutbuilding to form car port at Painley Farm Knott Lane Newsholme Gisburn.Approved 05/08/2016. |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application site is in an isolated position off Knot Lane. The property is a substantial detached house for which planning permission was granted in 2017 to replace a former farmhouse. A fairly substantial area to the front of the house was defined as curtilage on the 2017 application and this has been mown but permitted development rights were removed for any new structures.  |
| **Proposed Development for which consent is sought:**The application seeks consent for basement accommodation; the plans show that the area will provide parking for cars, a bowling alley / gym / entertainment room. This can be accessed via an open ramp leading off the driveway and from within the house. This will result in an extension of the domestic use outside the area previously defined as curtilage but most of this will be underground.  |
| **Principle of Development:**The application seeks to extend residential curtilage to allow the formation of a basement. It should be noted that there is a distinction between the terms “curtilage” and “garden” and this matter has been tested in the courts. The term curtilage is not defined in statute and the use of land as a garden does not necessarily mean that it is curtilage or vice versa. Curtilage is generally understood to be “the area of land attached to a house and forming one enclosure with it but it is not a use.It is not considered that the extent of land attached to the former farmstead is of particular relevance in determining whether this proposal is acceptable other than noting that the former farm buildings would have occupied a larger site area than this house and perhaps been less attractive. Agricultural uses are acceptable in principle in the open countryside where as residential development should be more strictly controlled. There is no defined enclosure to the dwelling so the proposed curtilage is just a line on the site plans which would reflect the extent of the basement to the front. The grass surrounding the property, which is a mown lawn, appears to far exceed the extent of the curtilage shown on the original planning approval. The proposal seeks to change the use of the land directly in front of the house to domestic use to allow the construction of a basement.Policy DMH5 relates to curtilage extensions and states that these are only allowed in settlements or on the edge of settlements where it follow an easily identifiable boundary feature, does not harm the landscape or improves the quality of the site. This application is unusual in that the development will be entirely underground. The visual impact will be minor due to some minimal regrading of the land and the entrance to the open ramp. Whilst strictly contrary to policy DMH5; the purpose of the policy is to prevent significant impact upon visual amenity and patterns of landuse. In this case it is not considered that there would be a harmful impact on either particularly as there is no means of enclosure dividing up the open expanse of land. Permitted development rights can be removed to prevent the construction of structures which may have a harmful visual impact.  |
| **Residential Amenity:**The dwelling has no near neighbours, the nearest being over 400 metres away and as such there are no concerns with respect to residential amenity.  |
| **Visual Amenity:**The area to the front of the dwelling is currently laid to lawn and this will be reinstated on top of the new basement area. There will be some minor alterations to levels and the ramp and emergency access will be open at the surface but level with surrounding land. These elements will sit close to and against the backdrop of the main house. It is not considered that this will have a significant visual impact on either the dwelling or the wider landscape; given the location of the dwelling and surrounding topography. A Landscape Visual Impact Assessment has been submitted with the application which concludes that the visual impacts would be minimal and there may be some temporary minor visual and noise impact during construction. This conclusion is not disputed.  |
| **Highways:**There are no highway safety concerns raised. The proposal will provide parking for classic cars ancillary to the dwelling house and will not generate significant additional vehicle movements. It should be ensured that public footpaths are not obstructed or damaged as a result of the development.  |
| **Observations/Consideration of Matters Raised/Conclusion:**Having regard to the relevant core strategy policy policies and material considerations the proposal in this instance is considered acceptable as it would not result in visual harm or conflict with the aims of development plan and as such there are no reasons that would warrant a refusal of planning permission. It is therefore recommended accordingly.  |
| **RECOMMENDATION**: | To approve planning permission.  |