

<b>DECISION DATE</b> 16 March 2009	<b>APPLICATION NO.</b> 09/00044/CU A10	<b>PLANNING COMMITTEE:</b> 9 March 2009
<b>DEVELOPMENT PROPOSED</b>  CHANGE OF USE FROM GARAGE AND STORE TO CARERS RESIDENTIAL DWELLING		<b>SITE ADDRESS</b>  LEAPERS ROCK KELLET ROAD OVER KELLET CARNFORTH LANCASHIRE LA6 1BP
<b>APPLICANT:</b>  Mr D Wilson Hall Farm Cottage Over Kellet Carnforth Lancs LA6 1BS		<b>AGENT:</b>  Whittaker And Co

**REASON FOR DELAY**

None

**PARISH NOTIFICATION**

Over Kellet Parish Council - Observations awaited.

**LAND USE ALLOCATION/DEPARTURE**

Countryside Area

**STATUTORY CONSULTATIONS**

**County Council Highways** - No objections but do wish to ensure sufficient parking is provided about the site to accommodate 2 dwellings.

**Environmental Health** - Recommend a condition should any unforeseen soil contamination be found during works. The site shall be quarantined and reported to the Local Planning Authority for further investigation.

**OTHER OBSERVATIONS RECEIVED**

None.

## **REPORT**

### **Site and Proposal**

Leapers Rock is a modest detached bungalow situated south off Kellet Road which links the town of Carnforth and the village of Over Kellet. The application proposes the change of use of an existing two storey storage building adjacent to this to a single dwelling house. The existing dwelling has an artificial stone and grey dashed exterior with grey concrete roof tiles. The adjacent garage building, which is the subject of this application, has a grey dash render exterior with slate roof

The garage/store building was granted permission in 2004 (04/00453). This involved the demolition of an existing shed and the erection of the garage building with a store and office at first floor. It was conditioned at that time that the building should be used only in association with Leapers Rock and its associated businesses.

Some background information provided with the previous application may also be useful on this occasion as it provides information about the business uses at the site. The adjacent Leapers Rock Quarry is owned by the applicant. Tarmac currently lease the site from the applicant. The applicant collects all the water washed limestone from the site, along with imported Westmorland Green slate and river washed boulders. Mr Wilson runs a hard landscaping business from the site and the house. In addition to this he sells farm produce from the site such as apples and damsons.

The applicant now wishes to convert the garage into ancillary accommodation to allow him and presumably his family to live on site to provide care for his elderly mother who lives in the original dwelling.

### **Planning Policy**

Policy SC1 of the Lancaster District Core Strategy requests that new development proposals are as Sustainable as possible. It states that in assessing whether a development proposal or allocation is as sustainable as possible, the Council will apply the following principles:

#### **Location (Core Strategy and Allocations)**

- It is convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities;
- The site is previously developed;
- The current use, appearance or condition of the site cause adverse environmental impacts which could be alleviated through development;
- The site can be developed without incurring unacceptable flood risk or drainage problems;
- The site can be developed without the loss of or harm to features of significant biodiversity, landscape, archaeological or built heritage importance;
- The proposed use would be appropriate to the character of the landscape.

#### **Design, Construction and Use (Development Control Policies)**

- It is convenient to walk or cycle around the site;
- The proposal re-uses existing buildings;
- The proposal uses locally sourced, sustainable or recycled construction materials, sustainable waste management practices and minimises construction waste;
- The proposal would clean up contamination and other environmental problems associated with the site;
- The proposal uses energy efficient design and orientation, energy efficiency and renewable energy technologies;
- The proposal has an acceptable impact on drainage systems and uses Sustainable Drainage Systems (SUDS); where appropriate;

- The proposal is integrated with the character of the landscape and, where appropriate, enhances biodiversity, increases tree-cover, provides for archaeological investigation and creates publicly accessible open space.

Account has also to be taken of "saved" policy H8 from the Lancaster District Local Plan. This restricts new housing in the countryside to that which is essential for the needs of agriculture, forestry or other uses appropriate to the rural area.

## **Comments**

The Design and Access Statement submitted with the application states that the applicant's elderly mother currently owns and occupies the existing bungalow on site. Due to her age she employs a carer (1 hour per day) and a cleaner (3 hours a week).

Mrs Wilson's health has recently deteriorated and her son, the applicant, wishes to convert the garage which will allow the family to be on hand to look after their elderly relative.

Whilst the application, understandably from the applicant's perspective, considers only the short term benefits of the applicant and his family further consideration must be given to the long term affects of approving what amounts to being an additional dwelling in this location.

The application fails to provide sufficient justification for approving an additional dwelling in an unsustainable rural location that does not meet the required sustainability objectives outlined in current policy guidance.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **RECOMMENDATIONS**

That **PERMISSION BE REFUSED** on the following grounds:

1. Contrary to Core Strategy Policy SC1 - new dwelling isolated from existing communities and the facilities they offer, difficult to access except by private motor car.
2. Contrary to Lancaster District Local Plan Policy H8 - proposal would result in the creation of an additional dwelling in the countryside where it is not required to meet the needs of agriculture, forestry or other uses appropriate to the rural area.