

Town and Country Planning Act 1990

Proposal: Stage 2 Technical Details Consent for 1 dwelling with access from Halifax Road (following the grant of Stage 1 Permission in Principle PIP/2023/0648).

Address: Land Between Hill Farm And Copucobana Halifax Road Briercliffe Burnley

Site and Surrounding Area

The application site is located on the south side of Halifax Road on grazing land between Copucobana and Hill Farm within the settlement of Lane Bottom. The site slopes down from the southeast corner to the northwest corner. The site frontage includes 6no. trees set behind a stone wall along Halifax Road which includes a field gate access near the western corner. Along the frontage of Halifax Road there are 6no. trees covered by Tree Preservation Order B132(T). Hill Farmhouse (64 & 66 Halifax Road) which site to the northeast of the site on the opposite side of Halifax Road is locally listed.

View of site from Halifax Road



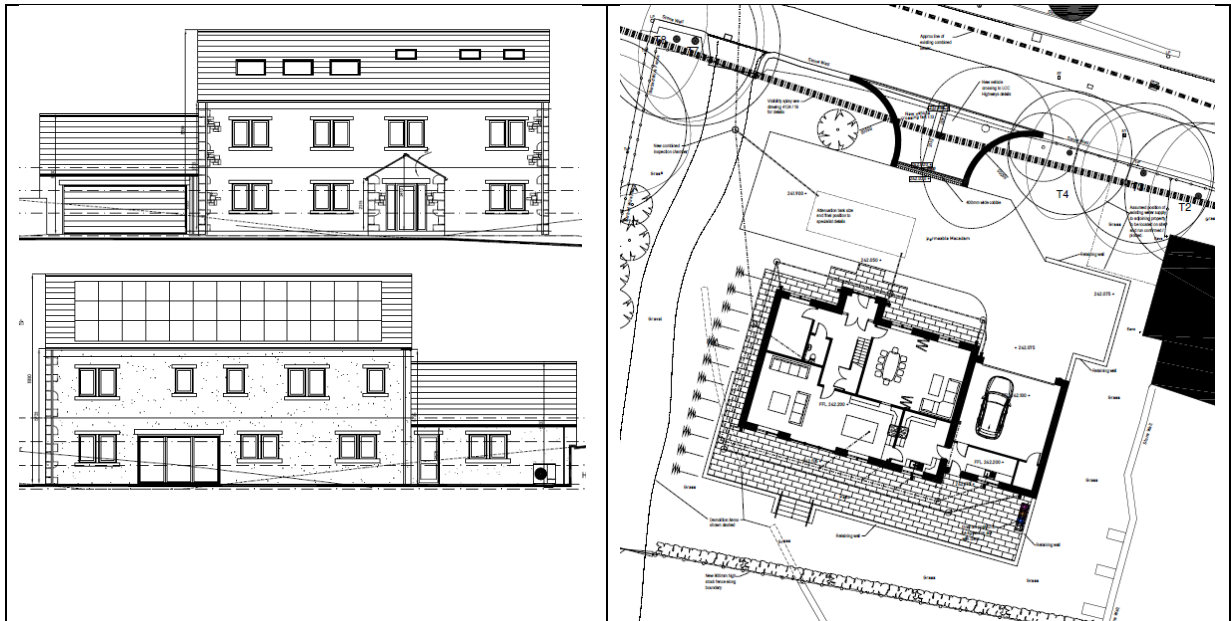
Trees along Halifax Road frontage



Proposal

The submission proposes a single detached two storey 5-bedroom property with attached garage. The property would be a maximum of 22.5m (dwelling 15.5m) by 12m. The dwelling would have a dual pitched roof with a height to eaves and ridge of 6m and 8.9m respectively. The dwelling would be finished in natural stone to the front (north) and side (west) elevations with natural stone quoins and through render to the east and rear elevations. The roof would be completed in Welsh slate with solar panels to the rear (south) elevation. Windows and doors would be PVCu which would meet secure by design specifications. The amended scheme proposes a new access roughly central to the application site.

The works would include some cut and fill to provide a level surface for the dwelling and retaining walls to the east and south of the propose dwelling. The proposal would require the removal of two trees to the northern edge of site adjacent to Halifax Road, one of which is covered by TPO B132(T).



Relevant Policies:

Burnley Local Plan

Policy SP4: Development Strategy
 Policy SP5: Development Quality and Sustainability
 Policy NE5: Environmental Protection
 Policy HE1: Protecting Burnley's Heritage
 Policy HE3: Non-designated Heritage Assets
 Policy NE5: Environmental Protection
 Policy IC1: Sustainable Travel
 Policy IC2: Managing Transport and Travel Impacts
 Policy IC3: Car Parking Standards

National Policy

National Planning Policy Framework
 National Planning Policy Guidance
 National Design Guide
 Planning (Listed Buildings and Conservation Areas) Act 1990

Site History:

PIP/2023/0648 – Application for Permission in Principle for construction of one dwelling
 – Approved December 2023

PIP/2020/0581 – Construction of 1 dwelling – Approved January 2021

PIP/2020/0032 – Construction of up to three high quality dwellings – Refused February 2020 – Appeal (APP/Z2315/W/20/3248937) dismissed August 2020.

Consultation Responses:

County Highways – Raised objection to the initial proposal over safety concerns with the visibility from the proposed access. They requested a 7 day automated traffic count to ascertain the 85 percentile speed to calculate correct visibility splays and inclusion of a suitable footway along the Halifax Road frontage. Following the submission of

amended plans to relocate the access central to the site and submission of a speed survey they retained their objection due to trees and walls within the visibility splays.

Greenspaces (Trees) – The proposed removal of T6 covered by TPO B132(T) maybe acceptable as the tree appears in decline subject to a suitable replacement.

Greater Manchester Ecology Unit (GMEU) – No objection subject to conditions requiring a bat survey on tree T6 prior to its removal, external lighting to be designed in accordance with submitted Ecology Report and to secure the proposed ecological enhancements proposed. Tree works should be timed outside bird nesting season unless it has been demonstrated none are present. They also recommend an informative to advise of the statutory protection provided to bats.

Briercliffe Parish Council – Raise objection to the proposal, the reasons can be summarised as follows:

- When it rains water flows off the site and runs into Halifax Road threatening nearby properties;
- Application has the potential to impact access for farmers to the agricultural land to the south of the application site; and
- The fields to the rear are surviving features of farming in Pre-Agricultural Revolution Times.

The Parish Council also raised the following concerns which relate to the suitability of the application site and was considered under application PIP/2023/0648 and as such cannot be considered under this application:

- Proposal will reduce the natural gap between Holt Hill and Lane Bottom; and
- The land would be more beneficial to the local community if it was not developed.

The Parish Council also raised the following matters but these are not planning matters which can be considered as part of this application and can be summarised as:

- The Parish Council objected to this land's inclusion within the Local Plan;
- There are a number of single storey houses, much like bungalows, which have also had the effect of acting as infill, something that was not wanted at the time and remains a problem fifty years later; and
- Previous developments have changed the character of the village and affected views over Nelson to Pendle Hill and the heritage site, lime hushing.

County Councillor Mark Poulton – Objections to the proposal, the reasons can be summarised as follows:

- Application site prone to severe flooding;
- Flood protection proposed inadequate;
- Impact of the loss of green space;
- Dust and noise pollution; and
- Ecological assessment and Bat Survey inadequate.

Publicity – A total of 21 responses were received raising objections to the proposal. The issues raised can be summarised as follows:

- Highways safety concerns regarding position of access point, lack of footpath, poor street lighting and known speeding problem;
- Speed survey insufficient, locals have witnessed greater traffic speeds than recorded;

- If scheme goes ahead then a 20mph speed restriction should be included;
- Proposal should include a street lighting assessment;
- Insufficient parking for size of proposed dwelling;
- Removal of trees;
- Impact on local wildlife including bats which roost and birds that nest in the trees on site;
- Adequacy of ecological and tree report submitted with the scheme;
- Barbed wire fence would not be in keeping with the area and would be a danger to wildlife;
- Proposed dwelling design not in keeping with area;
- Planning in principle was for single storey dwelling;
- Proposal would erode setting of the Locally Listed Hill Farmhouse;
- Proposed dwelling would overlook neighbouring properties and reduce amenity;
- The site floods and this runs out onto the Halifax Road, proposed attenuation tanks would not be sufficient;
- United Utilities assets running within the field should not be compromised;
- Sewage works on Walverden Roads has not been upgraded;
- Submitted site plan north arrow points south;
- Proposal does not investigate presence of aquifers or ground contamination;
- Hedge proposed on western boundary should be moved to east side of existing farm track;
- Scheme contradictory to Local Plan Policies and the National Planning Policy Framework paragraphs 131 and 174;
- Decision on application should be consistent with other application such as at The East Barn, 97 Halifax Road; and
- No need for new housing.

The following matters were also raised but are not planning considerations and won't be considered further:

- Land provides open views of countryside for residents opposite and should remain exactly that;
- If permission were to be granted a time limit should be include for completion of the project; and
- A resident raised general concerns about drains being kept clear and road markings and repairs within the wider area and unrelated to the application site.

Planning and Environmental Considerations:

Principle of Proposal

This application relates to a Stage 2 Technical Details Consent for 1no. dwelling with access from Halifax Road. The principle of 1no. dwelling at the site was approved under Stage 1 Permission in Principle PIP/2023/0648. As such the principle of development has already been established and this application relates to Technical Details only which are assessed below.

Heritage and Design

Local Plan Policy HE1 seeks to protect and enhance key elements that contribute to the distinct identity of the borough including those related to the industrial/textile revolution and heritage assets associated with and that contribute to the character of the Leeds and Liverpool Canal. Policy HE3 applies a presumption in favour of the retention of locally listed buildings (as non-designated heritage assets) where they are affected by development proposals (directly or indirectly).

Policy SP5 of the Local Plan states that high standards of design, construction and sustainability will be sought for all types of development. Materials should be high quality and appropriate to the local context in all respects and avoid unnecessary and excessive patterning. Where contemporary materials are appropriate, use these in a manner that which respects the established character of the locality. Wherever practical, use low embodied energy materials including those sourced locally or involve the appropriate reuse of existing resources through conversion of existing buildings or reuse of demolished structures.

Paragraph 216 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The part of Lane Bottom that includes the Stirling Court housing development is characterised by relatively closely spaced single and 2 storey properties of similar ages, styles and materials. In contrast, the properties along Halifax Road are more varied including modern single storey dwellings, a traditional short terrace and a converted traditional barn. In this regard, the immediate context for the appeal proposal is detached dwellings set in generous grounds.

The proposed development is for a single detached 2 storey dwelling set within a generous plot and as such would be in keeping with the immediate surrounding character of the application site.

The locally listed Hill Farmhouse 64 & 66 Halifax Road is located northeast on the opposite side of Halifax Road approximately 34m away from the proposed building. The building is a historic Farmhouse which forms two dwellings with both buildings including modern alterations. The closest no.64 has a side extension and both properties have rooflights within the front roof slope. The proposal has the potential to affect the setting of this locally listed building. Given Hill Farmhouse is only locally listed, and the proposal would only affect the setting any harm would be at the lower end of less than substantial harm.

As noted above the area includes a range of historic and modern dwellings and includes bungalows and two storey properties, as such there is a range of house types within the immediate area and the proposed would add to the existing mix, would use appropriate materials (stone, natural slate and render) and would not therefore be harmful to the setting of the locally listed farmhouse. The application site is currently undeveloped but is an infill plot between Copucobana and Hill Farm within the settlement of Lane Bottom. A new dwelling within the boundary of the existing village is appropriate and would not affect the setting of Hill Farmhouse which is located on the edge of the village and this setting would be retained. Given the above the proposed property would not unacceptably affect the setting of the locally listed farmhouse and would be of an appropriate design for the area. As such the proposal would be acceptable in accordance with the above Policies and the Framework.

Residential Amenity

Local Plan Policy SP5 2g) requires proposals to have no unacceptable impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

Local Plan Policy NE5 seeks to ensure environmental risks such as noise, light and air pollution have been adequately assessed and minimised both during their construction and in their operation.

Paragraph 135 of the Framework seeks for development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and ensure a high standard of amenity for all existing and future occupants of land and buildings.

The proposal is for a residential dwelling within a village and as such would be in keeping with the existing neighbouring residential uses in terms of generating noise and light pollution. The construction has the potential to cause some nuisance, but as the proposal is for a single dwelling any disturbance would be limited in scope. A condition requiring no burning of waste construction material will be included to protect air quality in accordance with Policy NE5.

The proposed dwelling is located approximately 18m west of Copucobana, 5.6m east of Hill Farm and 21.8m south of High Moor and Rise How on the opposite side of Halifax Road. The principal outlooks within the proposed dwelling are within the front and rear elevations with only secondary outlooks within the side elevations provided to the proposed games room and cinema room in the roof space. Given the separation distances between the dwellings opposite there would not be a significant detrimental impact on their residential amenity. The side windows do have the potential to overlook neighbouring properties' rear gardens. This could however be suitably controlled by a condition requiring obscurely glazed, none opening below 1.7m above floor level windows. Subject to said condition the proposal would be acceptable in accordance with above policies and the Framework.

Highway safety and parking

Policy IC1 of the Local Plan seeks to promote sustainable travel by directing development to areas well-served by walking, cycling and public transport. Additionally, development should provide for safe pedestrian, cycle and vehicular access, adequate access for emergency, service and refuse collection vehicles. For non-residential development secure adequate delivery, servicing and drop off facilities. Maintain the safe and efficient flow of traffic and ensure public rights of way are maintained. Development should also provide or contribute towards the provision or improvement of on or off-site infrastructure to ensure development will not materially add to highway safety concerns or reduce the efficiency of the highway network. Local Plan Policy IC3 Adequate car parking should be provided for developments as appropriate to their nature and scale. The Council will consider the overall merits of the proposal and the following matters/objectives:

- a) The need to encourage the use of alternative means of travel to the private car;
- b) The availability of existing public parking provision or on-street parking nearby;
- c) Whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems
- d) The need to provide increased housing quality and choice.

For non-residential development in areas suffering from significant on-street parking problems, greater provision will be sought, or alternative measures to address potential issues will be required.

Paragraph 116 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.

The initial proposal sought to widen the existing field access which would continue to provide access to the fields south of the site and provide access to the proposed dwelling. County Highways reviewed the proposal and raised objection noting that the road was known to be busy and they anticipated that the average speed was well above the 30mph speed limit. They requested a speed survey be undertaken to assess the average speed and site lines indicated for said speed. They also requested a footpath be included along the road frontage with Halifax Road. Due to the presence of TPO trees along the boundary with Halifax Road the applicant was advised that a footpath would not be an acceptable feature. A speed survey was subsequently undertaken and submitted along with an amended access arrangement. The amended scheme proposed a central access to the proposed dwelling whilst the existing field access would be retained as is, to provide access to the fields behind the proposed property.

Both the Manual for Streets and Manual for Streets 2 (paragraphs 7.8.6 and 10.7.2) states that impacts of obstacles such as street trees and lighting columns should be assessed in terms of their impact on the overall envelope of visibility. In general, occasional obstacles to visibility that are not large enough to fully obscure a whole vehicle or a pedestrian including a child or wheelchair user will not have a significant impact on road safety. County Highways reviewed the amended proposal and advised that the trees along the northern boundary with Halifax Road would unacceptably impact the envelope of visibility and as such the proposed access would be unsafe. The applicant indicated that they intended to provide further evidence to demonstrate that the proposed access would have appropriate visibility to ensure there was not a highway safety issue. No information to demonstrate this was submitted, with the applicant instead providing an amended scheme which proposed a short section of footway within the current highway either side of the proposed access. This proposal did not address highways safety issues as it narrowed the road and created obstacles close to the Sterling Court junction and harmfully changed the character of the road and as such the amended proposal was not accepted. The proposed access is unable to achieve appropriate site lines and as such would have an unacceptable impact on highway safety contrary to Local Plan Policy IC1 and the Framework.

Ecology

Local Plan Policy SP6 seeks to protect, enhance and extend the green infrastructure network to ensure there is an overall net gain. Policy NE1 seeks to safeguard nationally, regionally and locally significant sites, protected and priority species and priority habitats in accordance with their importance. The policy also seeks to maintain Ecological Networks, through retention of existing features and where this isn't practical provision of equivalent connectivity.

The submission includes a Preliminary Ecological Appraisal (PEA) prepared by Pennine Ecological prepared following a site survey undertaken on 15th January 2025. The appraisal did not identify any statutory designated sites within 2km of the application

site. It did identify a SSSI but does not name it, the closest SSSI is South Pennine SSSI which is approximately 2.6km southeast of the site. The report concludes that due to the scale and nature of the development Natural England does not require notification. The appraisal indicates confirmation is required that no Biological Heritage Site (BHS) are present within 500m, Council records indicate the closest is the River Don-Burn Valley BHS approximately 860m south of the site. The appraisal finds there are no species or habitats of principle importance at site. The survey found the habitats at site to comprise modified grassland, unvegetated unsealed surface and broadleaved trees. It finds one tree (T6) with bat roost potential and one tree (T5) with negligible bat roost potential, whilst the trees at site offer moderate potential for bat foraging.

The Council's Ecologist the Greater Manchester Ecology Unit (GMEU), has reviewed the submission and raised no objection to the proposal. They advise that if works are required to tree T6 further bat survey works must be carried out. They also request a condition to ensure lighting is designed in accordance with best practice along with a condition to secure the ecological enhancements as detailed within the PEA. They advise that no works to trees are undertaken during bird nesting season which duplicates the Wildlife and Countryside Act 1981, as such this along with statutory protection for bats will be attached as an informative in the event of an approval. Subject to said conditions the proposal is acceptable in accordance with Local Plan Policy SP6.

Biodiversity

Local Plan Policy NE1 states proposals should seek to maintain and actively enhance biodiversity to provide net gains.

Section 180 of the Framework 2023 states that planning policies and decisions should contribute to and enhance the natural and local environment. 10% Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The application is a self-build and therefore meets one of the exceptions listed within the Environment Act 2021, as such a 10% BNG is not required. A legal agreement could be used to secure the site as self-build, as if it were developed for sale, it would not meet the exemptions and would be required to provide 10% BNG.

The proposal includes a row of hedging to the south boundary and a row of trees to the west boundary with Copocobana. The GMEU have confirmed that the proposed landscaping features would provide a net gain at the site and recommend this is secured by condition. Subject to said condition the proposal is acceptable in accordance with Policy EN1, the Framework and the Environment Act 2021.

Trees

Local Plan Policy NE4 states that the loss of protected trees, hedgerows or aged or veteran trees or areas of mature or ancient woodland will not normally be permitted. Furthermore, proposals should provide for the protection of other existing trees and hedgerows for their wildlife, landscape and/or amenity value. Where loss is unavoidable replacement planting will be required at a ratio which takes account of the age, number and size of trees and length of hedgerows to be lost.

The submission includes an Arboricultural Survey and Tree Constraints Plan prepared by Pennine Ecological. The report assesses the 7 no. trees (T2-T8) at the site which are

located adjacent to Halifax Road and 2no. tree (T1 & T9) adjacent to the boundary of site 1no. within either neighbouring property. The report identifies T2, T7-T9 as being Category B Moderate Quality and T1, T3-T5 Category C Low Quality and T6 as Category U unsuitable for retention. All the trees on site are Sycamore trees with T6 noted as having a life expectancy of less than 10 years with the crown containing major dead wood, decay present on stem and a large cavity in stem and more than 30% Crown die back. Both T6 (Covered by TPO) and T5 (not covered by TPO) are proposed for removal. The proposal includes tree planting down the western boundary of the site and following discussion with the applicant a single tree to be planted set back from the northern boundary. The Council's Arborist reviewed the submission and visited the site and found the submitted surveys conclusion reasonable.

The scheme has been amended to move the location of the access to the centre of the site to improve visibility from the entrance. This now requires the removal of trees T6 and T5. Given T6 appears to be in decline with a limited life expectancy the removal and replacement of the tree is considered acceptable as the loss would be outweighed by the benefit of improved highways safety and provision of a replacement tree. As such the proposal is acceptable in accordance with Local Plan Policy NE4.



Ground Conditions

Local Plan Policy EN5 seeks to avoid adverse impacts from environmental risks through adequate assessment and appropriate mitigation measures. Part 7) requires submission of a Phase 1 Desk Study where there will be sensitive end users or potential for contamination. Where the site is known or identified as having a high levels of contamination a Phase 2 Study would be required. Part 8) states that on sites known or suspected to be unstable and instability has the potential to affect the site or neighbours, an appropriate assessment must be submitted.

Paragraph 196 of the Framework states planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Paragraph 197 of the Framework goes on to state that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner.

The submission includes a Preliminary Risk Assessment (Desk Study) prepared by Worms Eye dated December 2024. The assessment concludes that filled ground may be present at site and recommends intrusive investigation to confirm ground conditions. If made ground is present then further analysis such as testing soils for contamination and ground gas monitoring may be required. As such in the event of an approval a condition requiring intrusive ground investigation would be attached.

The application site is located within a low risk coal mining area and as such the Coal Remediation Authorities Standing Advice applies and will be included as an informative should the application be approved. Subject to the aforementioned condition the application is acceptable in accordance with Policy NE5 and the Framework.

Utilities/Drainage/Flood Risk

Local Plan Policy CC4 seeks to ensure new development does not result in increased flood risk or other drainage problems on or off site. No development should take place within 8m of a watercourse bank top, open or culverted. Major development on unallocated sites should be located in Flood Zone 1 unless the sequential test is satisfied.

Paragraph 181 of the Framework states that Local Planning Authorities should ensure flood risk is not increased elsewhere (i.e. outside areas at risk of flooding) and only consider development appropriate in areas at risk of flooding where proposals are informed by a site-specific flood risk assessment.

The submission includes a Flood Risk Assessment and Drainage Strategy (the report) and Hydraulic Design Calculations prepared by Countywide Consulting Engineers. The report identifies that the site is in Flood Zone 1 which has the lowest probability of flooding and is appropriate for a More Vulnerable use such as a residential dwelling. The site is recorded as being underlain by Mudstone, Siltstone and Sandstone overlain by superficial deposits comprising Glacial deposits (Till) which are expected to be made up of permeable and slowly permeable loamy and clayey soils. The report advises that surface water should be discharged from site to the combined sewer in Halifax Road at a greenfield rate which is calculated at 1.3l/s and calculates a storage volume of 57.4m³ is required. The report states that the inclusion of attenuation to restrict existing flow velocities from leaving the site would provide an improvement over that of the existing situation (no storage of surface water at site). The report advise storage could be achieved through permeable paving including modular geocellular system and oversized pipe storage. The design of the surface drainage would ensure that there are no uncontrolled off-site overland flood flows created by the proposed development.

The submitted Flood Risk Assessment and Drainage Strategy and Hydraulic Design Calculations reports provide sufficient evidence to comply with the Lead Local Flood Authorities standing advice for non-major development. Subject to a condition to require a drainage scheme in accordance with the submitted proposal the scheme would be acceptable in accordance with Local Plan Policy CC4 and the Framework.

Waste

The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete

provision for bins to facilitate a high quality, comprehensive and frequent collection service.

The amended proposal indicates that bins would be stored discreetly at the rear of the property which has sufficient space for a number of bins. As such the proposal is acceptable in accordance with the National Planning Policy for Waste.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

The proposed development is located within the settlement of Long Bottom within the development boundary and would be of an appropriate scale in accordance with Local Plan Policy SP4.

Comments received from consultees and from the public consultation have been considered throughout the report. The proposed design and position of the dwelling would be sensitive to the character of the area and avoid an unacceptable detrimental impact on neighbouring properties or to the locally listed Hill Farmhouse. Biodiversity net gain could be achieved on site and secured by condition. A legal agreement could be used to secure the dwelling as self build. The site is undeveloped and so there is no currently no control of surface water run off, the scheme proposes storage at site to maintain greenfield run of rates and would improve the existing drainage situation.

The proposed access would not however provide sufficient visibility splays, with trees unacceptably obscuring views of the highway. As the trees are covered by a Tree Preservation Order their loss would be inappropriate and would also harm the rural character of the site and surrounding area. The inclusion of a footpath would also impact the character of the area and would likely impact the Trees covered by a Tree Preservation Order at the site. As such the scheme fails to provide a safe means of access contrary to Local Plan Policy IC1 and the Framework and as such is refused.

Recommendation: Refusal

Reasons

1. The proposed access would not provide sufficient visibility splays, with trees unacceptably obscuring views of the highway. As such the scheme fails to provide a safe means of access and would have an unacceptable impact on highway safety contrary to Local Plan Policy IC1 and the Framework.

Jonathan Evans
11th August 2025