

REPORT TO:	Planning Committee
APPLICATION REF:	11/25/0175
APPLICATION ADDRESS:	Land to the North East side of Burnley Road, Altham BB5 5UB
DEVELOPMENT DESCRIPTION:	Full: Change of use from agricultural land to a mixed use including one gypsy and traveller family pitch and agricultural storage
DATE REPORT WRITTEN:	9 June 2026

Description of the Site and the Proposed Development

The application site relates to around 0.11 hectares of land to the east of Burnley Road (A678), located around 445 metres (m) north of the urban boundary of Clayton-le-Moors. The site comprises a flat area of land, which includes an agricultural building to the southwest with a gravel yard to the front (northeast). There is an existing access with Burnley Road to the northwest and the site is bound by a hedgerow and trees to the northwest.

The proposal seeks full planning permission for the change of use from agricultural land to a mixed used including one gypsy and traveller family pitch and agricultural storage. This would involve relocating the existing access. It is unclear whether the applicant is a gypsy and traveller as defined at Annex 1: Glossary of the Planning Policy for Traveller Sites (PPTS). However, the use of the site could be restricted to a person with PPTS gypsy and traveller status by condition and the application is assessed on this basis.

Relevant Planning History

The Local Planning Authority granted full planning permission for the erection of the agricultural building and formation of a relocated access and hardstanding by decision notice dated 24 May 2019¹. Subsequently, full planning permission was granted for development of the same description by decision notice dated 19 October 2020, which included some alterations to the location of the building and extent of hardstanding². Whilst the agricultural building appears to have been erected and the hardstanding formed in accordance with the latter permission, several conditions of that permission have not been discharged, including in relation to the relocation of the access as set out in the comment of Lancashire County Council (LCC) Highways below.

Consultation Responses/Representations

¹ Application Reference 11/19/0119.

² Application Reference 11/20/0309.

Consultation

Altham Parish Council: 17 May 2025: Object and have serious concerns as follows:

- The access with the busy Burnley Road is not suitable for a regular large volume of traffic, especially larger vehicles and animals. The number of vehicles seen on the application site exceeds the allowance.
- The proposed foul drainage could cause serious environmental and health issues.
- The proposal would involve the destruction of yet more Green Belt. It must be protected in line with the Framework.
- The Emerging LP identifies sites that are not in Green Belt, and that are suitable for gypsies and travellers.
- The proposal would have a negative impact on the character and appearance of the area.
- The proposal would have a negative impact on the local community.
- Concerns about the lack of publicity, including neighbour notification letters.
- Additionally, raise concerns about previous breaches of planning control, harm to biodiversity and ecology and other matters, including fighting, fires and waste. They have concerns that planning control will continue to be breached.

Cadent Gas: 10 June 2026: No objection subject to informative note.

Hyndburn Borough Council (HBC) Environmental Protection: 31 October 2025: No objection in principle but recommend a condition regarding foul drainage.

HBC Policy: No response received (due by 3 June 2025).

LCC Highways: 2 February 2026:

- The proposal would be reliant on private motor vehicle.
- The original planning permission for the agricultural building included a new access, which would improve visibility in the interests of highway safety. It would have been 25 metres south of the existing access with the existing to be closed.
- The access works conditioned under the original planning permission for the agricultural building have not been implemented.

- The amended proposal would involve the relocation of the access as previously approved. This could provide visibility splays of 120 metres in both direction when measured 2.4 metres back from the carriageway edge. This is suitable. The hedge along the applicant's boundary to the north of the proposed access needs to be trimmed back.
- The submitted drawing showing the visibility splays should be amended to show 120 metres in both directions rather than 90 metres with a note of 160 metre (this has now been actioned by the applicant).
- The access would be 4.6 metres wide, gated and surfaced. The gate would be 11.65 metres back from the carriageway edge, which is adequate to allow long vehicles to clear the highway. The access surface would need to be drained and paved to their specification under an agreement under section 278 of the Highways Act 1980 (as amended) (s278 agreement).
- The existing access would be reinstated to grass verge with a full height kerb to their specification under the s278 agreement.
- The proposed hardstanding is suitably sized to allow vehicles to access and egress Burnley Road in forward motion, which they consider to be necessary.
- In conclusion, they request that the visibility splay drawing is updated and recommend conditions should the application be approved. The recommended conditions relate to the site access and off-site highway works; maintenance of the visibility splays; the erection of the gates; and that vehicles shall enter and leave the site in forward gear.

LCC Minerals and Waste Planning Authority (MWPA): No response received (due by 1 July 2026).

United Utilities: 20 May 2025: Request a condition requiring a foul and surface water drainage scheme to be approved. They also recommend a condition relating to management and maintenance of sustainable drainage systems and other advice on their assets.

Publicity

There have been seven representations of objection, which raise the following issues:

- Impact on infrastructure, including sewerage.
- Impact on the Green Belt, including harm to openness.
- Impact on the character and appearance of the area, including landscape character.

- Impact on biodiversity and green space, including trees and other natural features.
- Impact on the local environment.
- Impact on highway safety and transport.
- Impact on flood risk and drainage.
- Impact on waste and recycling.
- The proposed development has already commenced.
- Concerns about the cumulative impact of gypsy and traveller sites in the area.
- Concerns about the lack of publicity, including neighbour notification.
- Concerns about previous and future breaches of planning control.
- Concerns about precedent.

Planning Law and Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant documents and policies include:

Hyndburn Core Strategy (HCS):

- Policy BD1 The Balanced Development Strategy
- Policy H3 Gypsy and Traveller Provision
- Policy HC4 Community Benefits / Planning Obligations
- Policy ENV1 Green Infrastructure
- Policy ENV2 Natural Environment Enhancement
- Policy ENV3 Landscape Character
- Policy ENV4 Sustainable Development & Climate Change
- Policy ENV6 High Quality Design
- Policy ENV7 Environmental Amenity
- Policy T2 Cycle and Footpath Networks

Hyndburn Development Management Development Plan Document (DMDPD):

- Policy GC1 Presumption in Favour of Sustainable Development
- Policy GC2 Infrastructure, Planning Obligations & CIL
- Policy DM6 Delivering Schools and Early Learning
- Policy DM15 Gypsy and Traveller Sites
- Policy DM17 Trees, Woodlands and Hedgerows
- Policy DM18 Protection and Enhancement of the Natural Environment
- Policy DM19 Protected Species
- Policy DM20 Flood Risk Management and Water Resources
- Policy DM24 Contaminated or Unstable Land & Storage of Hazardous Substances
- Policy DM25 Pollution Control
- Policy DM26 Design Quality and Materials
- Policy DM29 Environmental Amenity
- Policy DM31 Waste Management in All New Development
- Policy DM32 Sustainable Transport, Traffic and Highway Safety
- Policy DM33 Sustainable Transport Infrastructure

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (Emerging LP) has been subject to public hearings and the Examining Inspector has issued a post-hearings letter, which does not raise any fundamental concerns. It is at an advanced stage of preparation and is expected to be adopted in the summer. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract substantial weight. The relevant policies include:

- Policy SP1 The Spatial Development Strategy
- Policy SP3 Planning Obligations
- Policy SP12 Gypsy and Traveller and Travelling Showpeople Provision
- Policy SP13 Climate Change and Sustainable Development

- Policy SP14 Green Infrastructure
- Policy SP15 Landscape Character
- Policy SP16 Natural Environment Enhancement
- Policy SP18 High Quality Design
- Policy SP20 Environmental Amenity and Air Quality
- Policy SP23 Sustainable and Safe Transport
- Policy SP24 Cycle and Footpath Networks
- Policy SP25 Development in Rural Areas

The National Planning Policy Framework (Framework) (amended 7 February 2025) sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration. While the government have begun a consultation on a significant rewrite of the Framework, it is not currently an expression of government policy and is subject to change. As such, the consultation draft version attracts very limited if any weight at all.

Observations

1. Whether the proposal would be inappropriate development in the Green Belt
 - 1.1. The application site is located within Green Belt where development, including gypsy and traveller sites, are inappropriate development unless an exception applies.
 - 1.2. The applicant asserts that the proposal accords with paragraph 155 of the Framework, which states development should not be regarded as inappropriate development where all the following apply:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and
 - d. Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 and 157 of the Framework.

- 1.3. Annex 2: Glossary of the Framework defines grey belt as land that does not strongly contribute to purposes (a), (b) or (d) in paragraph 143 of the Framework. These relate to checking the unrestricted sprawl of large built-up area, preventing neighbouring towns merging into one another, and preserving the setting and special character of historic towns, respectively. It also excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
- 1.4. The Planning Practice Guidance (PPG) on Green Belt provides guidance on how to assess the contribution land makes to the relevant Green Belt purposes.
- 1.5. The application site contains existing development. It is around 470m north of the large built-up area of Accrington and its township of Clayton-le-Moors and does not form part of a substantial part of a gap between towns nor contribute to the visual separation of towns. The site does not make a considerable contribution to the special character of a historic town. As such, the site does not contribute strongly to Green Belt purposes (a), (b) or (d). Additionally, there are no areas or assets in Footnote 7 of the Framework (other than Green Belt) that would provide a strong reason for refusing or restricting development. Therefore, the application site satisfies the definition of grey belt.
- 1.6. The proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area given its limited scale. There is a demonstrable unmet need for gypsy and traveller pitches in the Borough. For the reasons given below, the location is sustainable having regard to the scale and type of development proposed. The Golden Rules are not applicable to minor development or gypsy and traveller sites. Therefore, the proposal satisfies the grey belt exception at paragraph 155 of the Framework and is not inappropriate development. As such, it is not necessary to consider the effect on openness or other Green Belt purposes further.
- 1.7. For completeness, there is no conflict with Policy DM34 of the DMDPD insofar as it relates to Green Belt as it does not contain provisions relating to the use of land as a gypsy and traveller site.

2. Whether the location is suitable for the proposal

- 2.1. Policy BD1 of the HCS seeks to limit development within the rural area to that supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character. This policy approach would be continued by policies SP1 and SP25 of the Emerging LP. However, Policy DM15 of the DMDPD, which is the most relevant development plan policy, does not explicitly require traveller sites to be located within urban areas but does expect them to be located within a reasonable distance from services such as a school, bus stop, local shop and health services; and in accessible locations with good access to public transport provision.

- 2.2. Paragraph 26 of the PPTS states that new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan should be strictly limited (footnote 9 of this sentence states that this is unless an relevant exceptions from inappropriate development in the Green Belt apply as set out in paragraph 154 of the Framework).
- 2.3. Paragraph 26 of the PPTS continues that it should be ensured that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Similarly, although in relation to plan-making, paragraph 14 of the PPTS states that when assessing the suitability of sites in rural areas, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.
- 2.4. There is an important distinction between 'open countryside' and 'rural area' in the PPTS as development in the former should be strictly limited away from existing settlements or allocated areas whereas development is allowed in the latter.
- 2.5. Starting with Policy DM15 of the DMDPD, which requires a location within a reasonable distance from services and that is accessible with good access to public transport. It is important to note that accessibility for a gypsy and traveller site cannot be assessed on the same terms as bricks and mortar dwellings. This is because people with a nomadic way of life will travel by definition and generally not work in employment areas that were planned along public transport routes. Wherever they live, gypsies and travellers usually rely on private vehicles for work and often for access to facilities and services too. Therefore, the assessment must be made within this context.
- 2.6. The application site is an around 1770m walk from Clayton Medical Centre, local shops on Whalley Road (A680) and St Mary's Roman Catholic Primary School. Although frequent travel by foot is perhaps unlikely and by bicycle even more so, this is not an unreasonable distance from these facilities and services. Any trips to them by private motor vehicle would be small in duration and length. In any event, there are two bus stops within 160m of the access to the site, which provide regular services Blackburn, Burnley and Preston, including stopping in Clayton-le-Moors and a school bus service to Accrington St Christopher's Church of England High School. Therefore, having regard to the scale and type of development proposed, the site is within a reasonable distance from facilities and services, and is in an accessible location with good access to public transport provision. It complies with Policy DM15 of the DMDPD insofar as it sets out the locational requirements of gypsy and traveller sites and Policy DM33 of the DMDPD insofar as it seeks to promote sustainable transport.
- 2.7. Turning to the PPTS, the application site is within 500 metres of the nearest settlement of Clayton-le-Moors such that it is not away from existing settlements. It also contains an existing building and forms part of a wider cluster of built form on either side of Burnley

Road. As such, the application site is distinct from the open countryside and its development does not need to be strictly limited. Whilst it is in the rural area, its limited scale of one pitch would not dominate the nearest settled community nor place undue pressure on local infrastructure. Therefore, the proposal complies with paragraphs 14 and 26 of the PPTS insofar as they relate to gypsy and traveller sites in rural areas.

2.8. For completeness, although the proposal conflicts with Policy BD1 of the HCS and policies SP1 and SP25 of the Emerging LP insofar as they seek to limit development in rural area. This attracts limited weight against the proposal in light of compliance with Policy DM15 of the DMDPD and the PPTS, which are of greater relevance, and the lack of a five-year supply of traveller sites.

2.9. In conclusion, the location is suitable for the proposal having regard to the most relevant development plan policy (Policy DM15 of the DMDPD) and the PPTS. The conflict with Policy BD1 of the CS and policies SP1 and SP25 of the Emerging LP attract limited weight against the proposal.

3. The effect of the proposal on highway safety

3.1. The amended proposal would involve the relocation of the access with Burnley Road as previously approved. Burnley Road is subject to a 40 miles per hour posted speed limit, which Design Manual for Roads and Bridges suggests requires a stopping sight distance of around 120 metres. The amended visibility splay plan demonstrates that this distance could be achieved in both directions, which LCC Highways confirm is suitable. They also state that the gating and surfacing of the access are acceptable and recommend conditions, including requiring a scheme for the new access and closing of the existing access. There would be adequate room for parking and turning within the application site. Whilst concerns have been raised by the representations of objection regarding speeding, this is a matter for Lancashire Constabulary. Therefore, subject to conditions, the proposal would comply with policies DM15 and DM32 of the DMDPD insofar as they seek to safeguard highway safety.

4. The effect of the proposal on the character and appearance of the area, including landscape character

4.1. The application site is partially screened from Burnley Road by the hedgerow and trees along the northwest boundary. It is unlikely that there are any views from further field due to topography and the vegetation along the boundaries of adjacent fields. In any event, if the site is visible within any medium- or long-range views, the views would include the existing agricultural building and be within the context of the wider cluster of development in this general location.

4.2. The proposal has involved the introduction of a residential caravan on the application site. However, the PPTS implicitly accepts that gypsy and traveller sites may be located

in rural areas and it is noted that caravans are not uncommonly seen across the countryside on farms and holiday caravan sites as well as established gypsy and traveller sites. The boundary vegetation could be retained and enhanced by condition and a fence behind the hedge could be erected, which would screen views. Therefore, on balance, the proposal would have an acceptable and localised effect on the character and appearance of the area, including landscape character.

4.3. In conclusion, subject to condition, the proposal would have an acceptable effect on the character and appearance of the area, including landscape character. It would comply with policies BD1, ENV1, ENV3 and ENV6 of the HCS and policies DM15, DM26 and DM34 of the DMDPD, which seek to achieve well-designed places that recognise the intrinsic character and beauty of the countryside.

5. The effect of the proposal on flood risk and drainage

5.1. The application site appears to be at the lowest risk of flooding from rivers and surface water according to the Environment Agency Flood Map for Planning. The proposal proposes use of non-mains drainage. HBC Environmental Protection and United Utilities raise no objections in principle subject to conditions requiring further details. Therefore, subject to condition, the proposal would have an acceptable effect on flood risk and drainage. It would comply with Policy ENV4 of the HCS and Policy DM20 of the DMDPD, which seek to meet the challenge of flooding.

6. The effect of the proposal on biodiversity and ecology

6.1. The proposal appears to be exempt from the statutory biodiversity gain condition under the de minimis exemption. It proposes a package sewage treatment plant for the disposal of foul drainage. However, the application site is not in or near a protected site nor does there appear as though there would be any undue impact on the natural environment in this regard. Whilst there are concerns about the impact on trees, the proposal would have limited impact and replacement hedge planting could be secured by the landscaping condition. Therefore, subject to condition, the proposal broadly accords with policies BD1, ENV2 and ENV4 of the HCS and policies DM18 and DM19 of the DMDPD insofar as they seek to conserve and enhance the natural environment.

7. Whether the proposal would provide acceptable living conditions for future occupants

7.1. There were initially concerns regarding the impact of traffic noise on the living conditions of future occupants. However, it is understood that British Standard 3632:2015 'Residential Park Homes – Specification' requires such homes to have sound insulation providing a sound reduction index of 35dB and HBC Environmental Protection have no objection. Therefore, internal and external noise would be acceptable in this location.

7.2. Although the proposal would involve a residential caravan next to an agricultural building, they would form one planning unit such that there would not be any unacceptable impact on the living conditions of future occupants in this regard.

7.3. In conclusion, the proposal would provide acceptable living conditions for future occupants. It complies with policies BD1 and ENV7 of the HCS and policies DM15, DM25 and DM29 of the DMDPD insofar as they seek to achieve acceptable amenity.

8. Other consideration – Historic policy failure

8.1. It has previously been argued that there has been a persistent failure of the Local Planning Authority to put policies or other measures in place to meet the accommodation needs of gypsies and travellers and of a corresponding long-standing unmet need for sites. This attracted significant weight in favour of allowing an appeal. Whilst the policy context has changed with the Emerging LP, it is unlikely that this would remedy the historic policy failure in the short-term. Therefore, the historic policy failure attracts moderate weight in favour of the proposal.

9. Other consideration – Intentional unauthorised development

9.1. The proposal appears to be intentional unauthorised development as the applicant appears to be aware of the requirements for planning permission given the planning history of the site. This was put to the agent on 15 September 2025, but no substantive response has been received. Nevertheless, the enforcement code contained in the Town and Country Planning Act 1990 (as amended) is intended to be remedial not punitive. Therefore, this attracts limited weight against the proposal.

10. Other consideration – Presumption in favour of sustainable development

10.1. The Local Planning Authority cannot demonstrate an up-to-date five-year supply of traveller sites. In such circumstances, paragraph 28 of the PPTS states that the provision in paragraph 11(d) of the Framework apply, which states that permission should be granted unless:

- i. the application of the policies in the Framework that protect areas or assets of particular importance (set out in footnote 7) provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies (set out in footnote 9) for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 10.2. There are no policies in the Framework that protect areas or assets of particular importance that would provide a strong reason for refusal.
- 10.3. Turning to the balance of adverse impacts and benefits, the proposal conflicts with Policy BD1 of the HCS and policies SP1 and SP25 of the Emerging LP. It has also involved intentional unauthorised development. However, these each attract limited weight against the proposal. On the other hand, the proposal would involve the provision of one gypsy and traveller pitch with associated social benefits in the context of a lack of supply, which attracts significant positive weight. The historic policy failure, which is unlikely to be remedied in the short-term, attracts moderate positive weight. Therefore, the adverse impacts do not significantly and demonstrably outweigh the benefits.
- 10.4. On this basis, the presumption in favour of sustainable development and tilted balance contained therein is engaged. It is a material consideration of significant weight that indicates that planning permission should be approved.

11. Other matter – Coal mining

- 11.1. The application site is within the coal mining development low risk area such that a coal mining risk assessment is not required. Therefore, subject to informative note, the proposal would comply with Policy ENV4 of the HCS and Policy DM24 of the DMDPD insofar as they relate to legacy coal mining risks.

12. Other matter – Equality and human rights

- 12.1. This recommendation has had due regard to the public sector equality duty set out in the Equality Act 2010 (as amended) and the European Convention on Human Rights as enshrined in the Human Rights Act 1998 (as amended). However, the applicant has not put forward a personal circumstances case, so these matters are not determinative.

13. Other matter – Gas pipeline

- 13.1. The constraints suggest that there is a gas pipeline within or near to the application site. However, Cadent Gas have no objection subject to informative note and the plan they have provided shows that the nearest pipeline is on the opposite side of Burnley Road. Therefore, the proposal would be safe from the gas pipeline.

14. Other matter – Mineral safeguarding

- 14.1. The application site is located within a mineral safeguarding area. However, the proposal would have a limited impact given its proximity to the existing agricultural building and it is unlikely that prior extraction would be environmentally acceptable in this immediate location due to the proximity of existing dwellings and other buildings. LCC MWPA have been consulted and their response is awaited. Nevertheless, based on the available information, the proposal does not conflict with Policy DM2 of the Joint

Lancashire Minerals and Waste Local Plan: Site Allocations and Development Management Policies – Part One.

15. Other matter – Waste and recycling

15.1. There have been concerns raised by the representations of objection regarding waste and recycling. However, there is sufficient space within the application site to accommodate the storage of receptacles and LCC Highways have not raised any concerns regarding their collection. Therefore, the proposal would not conflict with Policy ENV4 of the HCS and Policy DM31 of the DMDPD insofar as they relate to waste and recycling.

16. Outstanding matters

16.1. The proposal would cause no unacceptable harm to the geodiversity of the area, the character of appearance of a conservation or heritage assets and their setting. Therefore, there is no conflict with Policy DM15 of the DMDPD in these regards.

16.2. Altham Parish Council have concerns about a negative impact on the local community. However, it is unclear how one pitch would have any significant material impact on the living conditions of nearby occupants or the local community. They also raise concerns about the lack of publicity. However, a site notice was posted near the application site in accordance with the statutory publicity requirements.

16.3. The representations of objection raise concerns about the impact on infrastructure. However, this is not supported by evidence. There are concerns about potential future breaches of planning control and that the proposal would set a precedent. However, any future breaches and applications would be assessed on their merits.

17. Planning balance and conclusion

17.1. In conclusion, there would be a degree of conflict with the development plan due to the conflict with Policy BD1 of the HCS and policies SP1 and SP25 of the Emerging LP insofar as they seek to limit development in the rural areas. However, this attracts limited weight against the proposal in light of compliance with Policy DM15 of the DMDPD and the PPTS, which are of greater relevance, and the lack of a five-year supply of traveller sites. The proposal accords with the plan taken as a whole.

17.2. In terms of material considerations, the intentional unauthorised development attracts limited weight against the proposal. However, the tilted balance is engaged, which attracts considerable weight in favour of the proposal. The material considerations indicate that the decision should be taken in accordance with the development plan.

17.3. On this basis, as the proposal accords with the development plan taken as a whole and material considerations positively indicate a decision in accordance with the plan, it is recommended that planning permission be approved subject to conditions.

Recommendation:

That planning permission be approved subject to the following conditions (or as amended to the satisfaction of the Head of Planning and Transportation):

1. The development hereby permitted shall be carried out in accordance with the following approved plans all received 11 June 2026, unless other conditions indicate otherwise:
 - Drawing number 1 revision A "SITE LOCATION PLAN – Rev A";
 - Drawing number 2 revision A "EXISTING AND PROPOSED SITE PLANS – REV A";
 - Drawing number 3 revision A "PROPOSED SITE PLAN DETAIL AND PLAN KEY – REV A"; and
 - Drawing number 4 revision A "PROPOSED SITE PLAN WITH VISIBILITY SPLAYS ALONG WITH THE APPROVED ACCESS GRANTED VIA PLANNING PERMISSION 11/19/0119 – Rev A".

Reason: To specify the terms of the permission in the interests of proper planning.

2. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within six months of the date of failure to meet any one of the requirements set out in i) to v) below:
 - i) Within three months of the date of this decision a site development scheme (hereafter referred to as the scheme) to include:
 - a) full details of existing and proposed boundary treatment;
 - b) full details of existing and proposed external lighting;
 - c) full details of foul and surface water drainage;
 - d) full details of soft landscaping, including enhancement of the existing hedgerow, and details of species, plant sizes and proposed densities and numbers; and
 - e) full details of the new site access and off-site highway works, including the permanent closing of the existing access and its reinstatement to grass verge

with full height kerb. The new access shall have visibility splays of 120 metres measured 2.4 metres back from the carriageway edge in both directions.

shall have been submitted for the written approval of the Local Planning Authority and shall include a timetable for its implementation.

- ii) If within eleven months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: In the interests of the character and appearance of the area, flood risk and drainage, and highway safety in accordance with policies BD1, ENV1, ENV3, ENV4 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26, DM31 DM32 and DM34 of the Hyndburn Development Management Development Plan Document.

- 3. At the same time as the site development scheme required by condition 2 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within five years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

4. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such, in accordance with Planning Policy for Traveller Sites or replacement planning policy or guidance.

Reason: The site is in the rural area where development is usually limited and the type of development is a reason for granting planning permission here.

5. There shall be no more than one pitch on the site. The pitch shall have no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), of which no more than one shall be a static caravan.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

6. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted and it shall not exceed 3.5 tonnes in weight.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

7. No non-agricultural commercial activities shall take place on the land, including the storage of materials.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

8. Notwithstanding the approved plans and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls other than those expressly authorised by this permission shall be erected within the site.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV2, ENV3, ENV4 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM18, DM19, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

Informative notes:

i. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (As amended) is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (“biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hyndburn Borough Council (or any successor council).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

ii. Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting www.cadentgas.com/our-services/gas-diversions.

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

iii. Coal Mining Development Low Risk Area – Standing Advice

The application site lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during the development, this should be reported immediately to the Coal Authority on 0845 762 6848. Further information is also available on the Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

iv. Positive and Proactive Planning Statement

The Local Planning Authority have worked with the applicant in a positive proactive manner by offering detailed advice in the development plan and the accompanying suite of supplementary planning documents, offering a pre-application planning advice service and, where appropriate, providing guidance at the validation stage.

List of Background Papers

The background papers are available on the Council's website at:

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F25%2F0175&guid=171f21e3-c1a7-4fb9-8837-b2dfacb4420b#>.