

**6. FULL APPLICATION – OPERATIONAL FACILITIES FOR BROSTERFIELD CAMPING AND CARAVAN SITE TO INCLUDE AMENITY BUILDING, NEW ACCESS, MANAGER'S ACCOMMODATION AND ASSOCIATED ANCILLARY FACILITIES AT BROSTERFIELD CARAVAN SITE, FOLOW (NP/DDD/1016/0972, P.10457, P.11062 AND P.4484, 03/10/2016, 418941 / 376200/AM)**

**APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Site and Surroundings**

The application site is located in open countryside approximately 260m to the south of the edge of Foolow. The site lies outside of the designated Foolow Conservation Area which extends out to Ivy Farm and Home Farm 64m to the north of the application site. The application site is located within the White Peak Landscape Character Area and specifically within the Limestone Village Farmlands Landscape Character Type.

The land under the ownership and control of the National Park Authority, as applicant, includes two fields located to the west of the Housley – Foolow road. Further references in this report to the applicant refer to the Authority solely in its role as applicant, rather than as the local planning authority. The red-edged application site includes the westernmost of these two fields, a belt of planting which separates the two fields and a narrow strip of land along the northern part of the easternmost field which connects to the highway.

The application site is currently used for sheep grazing but benefits from planning permission for the use of the land as a caravan site for up to 50 pitches (see Planning History section later in the report), utilising the existing access to the southern boundary of the site which also serves Brosterfield Farm and Brosterfield Hall to the west which are the nearest neighbouring properties.

A public right of way follows the existing access track along the southern boundary of the site and there is also a public footpath 360m to the north of the site which runs from Foolow towards Wardlow Mires to the south-west.

**Proposal**

**Planning application**

This application seeks planning permission for operational facilities for the existing camping and caravan site, including an amenity building, new access, manager's accommodation and ancillary facilities.

The application is supported by plans which show that a total of 50 pitches would be laid out on the application site. 20 pitches in the north western corner of the site would be occupied all year round (year round pitches), whilst the remaining 30 pitches would be seasonal pitches with occupation limited to between Easter and the end of October. Two of the permanent pitches would be surfaced with limestone chippings, with the remaining 18 pitches grass reinforced by heavy duty mesh. All 30 of the seasonal pitches would be grass pitches.

The proposed new access would run along the northern boundary of the easternmost field from the Housley – Foolow road and into the north of the site. A new dropped kerb would be installed at the entrance which would have curved radii of 6m. The first 19m of the access track would be 5.5m wide with the remaining track 3m wide. The first 10m of the access would have a macadam surface with metal drainage channel. The existing adjacent field gate would be closed off and the new access provided with timber gates.

An amenity building is proposed on the northern part of the site adjacent to the proposed access track and would provide toilet, laundry and washing facilities along with a site reception / office.

The building would measure 8m wide by 21.2m long, 3.3m high to eaves and 5.6m high to ridge. The roof and walls of the amenity building would be clad with continuous zinc sheeting. The southern gable of the building would be open sided with a partially protecting office structure. Sliding doors would provide access to storage and plant rooms on the northern side of the building.

A two bedroom site manager's accommodation is also proposed on the northern part of the site adjacent to the proposed amenity building. The building would measure 7m wide by 14.4m long, 3m high to eaves and 5m high to ridge. It would be clad with natural random coursed gritstone under a pitched roof clad with blue slate with concealed gutters. Windows and doors would be dark grey aluminium units.

The application proposes that chemical waste from the site will be disposed of to a cess tank within a compound in the north of the site. The cess tank would be fitted with a high level alarm and would be emptied and waste removed from the site. Foul drainage from the amenity building and manager's accommodation would be to an underground package treatment plant sited to the south of the manager's accommodation.

Finally the submitted application proposed to remove a dilapidated building in the south west corner of the site which was formerly used as office accommodation. The submitted plans also include additional native planting around the boundary of the site and to reinforce the existing group of trees to the east of the site where the new access would cut through.

#### Discontinuance of use Order ("DO")

The DO is proposed in order to reduce the effect of the 1998 planning permission and to ensure that it cannot be used in the way that the Inspector who determined the lawful use appeal decided it could be used. Subsection 102(1) (b) (ii) allows modified conditions to be incorporated to achieve what the applicant proposes and these are set out in the order replacing the existing conditions. The reasons for making the order are set out in the proposed statement of reasons (see Appendix C).

The procedure following making the DO is set out in Appendix A and the Committee should note that the DO must be confirmed (with or without modifications) by the Secretary of State {for Communities and Local Government}.

Taken together, the proposed planning permission and DO (modifying the 1998 planning permission) will achieve what is proposed by the applicant. Subject to the Planning Committee resolving to approve the application, the new planning permission (NP/DDD/1016/0972) would only be issued following confirmation of the DO by the Secretary of State. If the DO is not confirmed or confirmed with unsuitable conditions, then it may be necessary to bring the matter back to Planning Committee.

#### **RECOMMENDATION:**

**That the application be APPROVED subject to the confirmation of the proposed discontinuance of use order and subject to the following conditions and modifications:**

- 1. Statutory 3 year time limit for implementation.**
- 2. Development to be carried out in full accordance with specified approved plans.**
- 3. No other works shall commence until the new access has been fully laid out and constructed in accordance with approved plans. Access visibility and vehicular passing places to be maintained throughout the lifetime of the development.**

4. Detailed landscaping scheme to be submitted to and approved in writing by the National Park Authority and thereafter implemented in accordance with approved timescale.
5. No lighting shall be installed other than in accordance with a scheme submitted to and approved in writing by the National Park Authority.
6. The package treatment plant and cess tank hereby approved shall be installed prior to the first occupation of either the amenity building or manager's accommodation hereby approved.
7. Sample of metal sheeting for walls and roof of amenity building to be submitted and approved prior to the erection of the amenity building.
8. Prior to the erection of the office / reception within the amenity building, full details of the external finish of the office / reception shall be submitted to and approved in writing by the National Park Authority.
9. Notwithstanding submitted plans / application forms the walls of the manager's accommodation shall be natural limestone in accordance with a sample panel which shall be approved in writing by the National Park Authority.
10. External finish of windows and doors to the amenity building and manager's accommodation to be submitted and approved in writing prior to installation.
11. Roof of manager's accommodation shall be natural blue slate.
12. Occupation of manager's accommodation to be restricted to site wardens employed at Brosterfield Caravan Site and their dependents only.
13. Restrict use of site to touring caravans and / or tents only. Restrict maximum number of caravans and / or tents to no more than 50 between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive and no more than 20 at any other time.
14. Holiday occupancy condition (no more than 28 day occupancy for any individual per calendar year) and no single caravan or tent shall be retained on site for a period exceeding 28 days in any calendar year.
15. Siting of 'year round' pitches to be restricted in accordance with submitted plans.
16. No caravan or tent shall be sited on the eastern field edged in blue on submitted site plan at any time.
17. Remove permitted development rights for extensions and alterations to manager's accommodation.
18. Remove permitted development rights for development required by the conditions of a site licence.

#### **PROPOSED DISCONTINUANCE OF USE ORDER**

#### **Section 102 Town and Country Planning Act 1990 (see Appendix A)**

If a motion for the proposed manager's dwelling, toilet block etc. as set out earlier in this report is agreed, then committee is asked to consider a further resolution as follows:

**The Brosterfield Caravan Site Discontinuance Order [2016] set out in Appendix B be made; and**

**The reasons for making the Order are as set out in Appendix C.**

### **Key Issues**

- The planning history of the site.
- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the landscape and the local area.

### **Relevant Planning History**

1998: NP/DDD/0497/156: Planning permission granted conditionally for change of use of part of agricultural land to caravan site. Permission was granted subject to a S.106 legal agreement which surrendered an existing lawful use of a field to the south for 15 caravans.

Planning condition 2 imposed on the above permission restricts the number of caravans and tents on site and states:

The number of caravans and/or tents on the site on any day shall not exceed the following:

- a) Between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive – 30 caravans and/or tents.
- b) On Bank Holiday weekends (i.e. Thursday to Tuesday) between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive – 50 caravans and/or tents.
- c) At any other time – 20 caravans and/or tents.

1999: NP/DDD/1198/545: Planning permission granted temporarily for retention of caravan with extension for use as reception for caravan holiday park.

2002: NP/DDD/0702/351: Planning permission refused for erection of amenity block with managers flat on 1<sup>st</sup> floor to serve existing caravan park and new septic tank.

2003: NP/DDD/0203/070: Planning permission granted conditionally for erection of amenity block to serve existing caravan park. Officer note: This planning permission was never implemented and has therefore lapsed.

2007: NP/DDD/1007/0956: Planning application for variation of condition to allow for the remaining 10 of 30 approved caravans and/or tents to be sited on a 12 month, year round basis withdrawn prior to determination.

2008: NP/DDD/0708/0648: Application for Certificate of Lawful use refused for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include mobile “Park” homes).

2011: APP/M9496/X/09/2105897: Appeal against the above decision allowed and Certificate of Lawful use granted for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include mobile “Park” homes). The appeal was initially allowed in 2010, but the Authority challenged the decision. The High Court subsequently quashed the appeal decision. It was then re-determined and was allowed in 2011.

2014: NP/DDD/1214/1264: Planning application for touring caravan and camping site to include 20 year – round surfaced pitches with 5 camping pods, 1 warden touring pitch and 14 serviced touring pitches, 30 grass pitches from Easter to 31 October, amenity block, new access from public highway together with ancillary facilities withdrawn prior to determination.

### **Consultations**

Highway Authority – Makes the following comments:

The principle of a new access to serve the site has been agreed. However previous comments also included the suitability of proposed radii for caravans as the Highway Authority would not wish to see any overrunning and damage to the highway verge. Please ask the applicant to provide swept paths demonstrating the suitability of the access for use by caravans.

The Highway Authority would also recommend that the access is widened for the first 15m beyond the highway boundary to a minimum of 5.5m width to allow two vehicles and associated towing caravans to pass. A scheme of passing places within the track was proposed in the previous application but does not appear to have been included in the current submission. Please ask the applicant to clarify this.

Additionally it is noted that the revised access drawing Ref BCC/0816/11 shows a proposed brown tourist sign opposite. Please note that irrespective of any planning consent as may be granted signage cannot be placed in the public highway without the express permission of the Highway Authority.

The revised internal layout is noted and it will be acceptable from a highway point of view.

*Officer note: Amended plans have been received which show the access with a radii of 6m and the first 19m of the track widened to 5.5m to allow two vehicles and caravans to pass. The Highway Authority has been re-consulted on the amended plans but no further response has been received to date.*

District Council – No response received to date.

Parish Meeting – Object to the development and makes the following comments.

- Whilst the application makes reference to the intention to pursue a Discontinuance Order, no details are provided. It will assist the Foolow Parish Meeting considerably if the intentions are clarified and a draft document is made available before this application is reported to your Committee. The Order should be unambiguous and prohibit the use of the frontage field, save for access purposes.
- Concern that this proposal exacerbates the likely impact of this development, rather than reducing it. This is particularly so, bearing in mind that, throughout the summer months, rather than merely at Bank Holiday weekends, up to 50 units can be stationed at the site. This will intensify, considerably, activity adjoining and within the village and impose adversely on its quiet character and the enjoyment of its residents. Bearing in mind that there are just 112 electors within the Parish, the increased numbers attracted to this site will have a noticeable and adverse impact on this small community.
- A starting point in the determination of this application is the Peak District National Park Authority's Landscape Strategy and Action Plan (July 2009) which reflects, with accuracy, the Parish Meeting's perception of the landscape setting of Foolow. The application site is open to widescale views from both nearby high ground and close at hand. Dominant high ground to the north comprises the series of edges running between Great Hucklow and Eyam. To the south, distinctly open views are available from the northern periphery of

Longstone Edge and the high land to the south of Wardlow. Closer at hand, public rights of way to the south of the site ensure immediate views into the site.

- Unspoiled distant views, and those close at hand, will be dominated by the prominence of the new access road and internal circulation arrangements, the prominence of which cannot be mitigated in this case by uncharacteristic new tree and shrub planting. Equally, although there is an evergreen hedge alongside the access to Brosterfield Farm and Brosterfield Hall, it cannot be relied upon to provide screening in either the short or the long term because the hedgerow is within a neighbour's control.
- The Authority recently refused planning permission for an agricultural building within this landscape due to the impact of the building and the character of the landscape identified within the Authority's Landscape Strategy.
- Foolow Parish Meeting is very concerned with regard to the failure to provide a full Landscape & Visual Impact Assessment, the justification for which, contained within Appendix A accompanying the application, seeks to explain the failure to provide such an Assessment arising from "the site's current permission as a camping and caravan site".
- Be the alleged existence of such a valid permission as it may, it is incumbent upon the Authority, in view of this sensitive matter to provide a full Landscape & Visual Impact Assessment. The failure to do so falls short of the standards that should be expected of an Authority which is charged by Parliament in ensuring that where there is any conflict with regard to the purposes set out in sub-section (1) of Section 5 of the National Parks & Access to the Countryside Act 1949, it "shall attach greater weight to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park".
- The Authority has determined by Screening Opinion that an Environmental Impact Assessment (EIA) is not required. That conclusion is very strongly challenged. A development of the nature proposed, notwithstanding any previous site history which may, or may not, be a material consideration, is not justified having regard to the particular "characteristics, location and potential impact" of this development. It goes without saying, that this is a site within open countryside outside the built confines of Foolow where its location and potential impact, let alone the particular characteristics of the proposed development, render it certain to have "significant impact on the environment". It is submitted that it is particularly incumbent upon the Authority, being itself the proposer of the development, to ensure that every conceivable justification for the proposed development is set out for public consumption.
- There is, in particular, insufficient recognition of the potential impact on neighbouring amenity and the peace and quiet at present enjoyed by the occupiers of adjoining properties. The submitted layout, for example, involves the provision of touring caravan pitches very close to site boundaries. No appreciation has been afforded to the potential adverse impact of the generation of traffic and personnel movements within the presently quiet village of Foolow and its immediate environs. The Parish Meeting believes that there will be a material adverse impact arising on the character and appearance of the Conservation Area if the development is permitted.
- Whereas the matter of highways access has been modified since the previous application, the amendment has been carried out only to disadvantage, in that it moves both vehicles and people closer to the core of the village. Considerations relating to that situation are inadequately reflected in the submitted reports and drawings.
- No acknowledgement appears to have been given to the potential impact on protected species. This was inadequately covered in the application documents, especially since

there is a roaming habitat for great crested newts that is considered to overlap the site from a nearby wetland resource.

- Fundamentally, however, it is the very considerable adverse impact on the open limestone upland landscape that will be so damaging. This cannot be alleviated by the mitigation contained within the application the proposed development appears to rely on the removal of adjacent planting that is not within the Authority's ownership. The relevance of that proposal, given the ownership conflict, is a key issue before the application is determined.
- Likewise, there will be noticeable adverse impact on residential amenity. This will arise from the proximity of the proposed development, and its associated levels of activity, to adjacent homes and holiday facilities at the immediately adjoining Brosterfield Farm and at Brosterfield Hall. Additionally, by "imposing" this development on the village, as a whole, its traditional peace and quiet will be compromised. There will be a very significant increase in visitor activity at Foolow resulting, amongst other things, from the increased number of persons that the application envisages will be attracted to the site at all seasons of the year, most particularly during the busy summer months.
- As a night-time inspection of Foolow and its surroundings will reveal, this tightly-nucleated community of approximately 50 dwellinghouses is surrounded almost entirely by darkness. The new development will inevitably introduce significant new light sources and these would also be contrary to the established character of the locality.
- Approval of the application will result in irreparable damage to the local landscape arising from widespread conflict with existing open views, from both nearby high ground and close at hand, these situations being exacerbated by the prominence of the new access road and new internal circulation arrangements. Further landscape harm is demonstrably emphasised by the all year round intrusiveness of the built elements of the proposals, namely the amenity building and the warden's accommodation. This will also be exacerbated by the prominence of most of the visiting units, the colouration of which will be likely to render the site even more conspicuous when accompanied by the prominence of parked visiting vehicles. For all these reasons, the impact on landscape character is profound.
- It is for all these reasons that the proposed development is regarded as contrary to the provisions of the Peak District National Park Local Development Framework, Core Strategy Development Plan Document.

Environment Agency – No response received to date.

Natural England – No response received to date.

PDNPA Landscape – Raise no objection to the application subject to conditions to secure implementation of an approved planting scheme and maintenance and make the following comments:

*"A PRoW runs along the access track to Brosterfield Farm to the south of the site and another runs south west from Foolow to the north of the application site. There may be glimpsed and distant (2km+) views from Hucklow Edge and Eyam Edge.*

*The Landscape Assessment considers the extant permission for the site as its baseline (up to 20 park style mobile homes).*

*I do not disagree with the findings of this assessment in terms of effects on landscape character in that the application site is visually well-contained so potential landscape impacts are confined*

*to the site itself. I think that the proposed access road and the associated post and wire fencing will potentially have a localised impact on character, but this is minimal. The new buildings are in a farmstead style and located adjacent to existing vegetation, so do not conflict with local character.*

*Visually the site appears to be part of a localised wooded area and is seen in the context of existing agricultural buildings. Again, I do not disagree with the findings of this assessment as the site is visually well contained by landform, tree cover and the belt of Leylandii to the south of the application site. On a site visit I did not consider that the scheme would have any significant adverse visual effects on views from the local footpath network.*

*A landscape scheme has been submitted with the application which I think provides a suitable landscape structure for the site.*

*The application does not conflict with any of the identified protection and management priorities – whilst a new access is created I think this will not have significant effects on the management of the network of minor roads and farm access points as it is in keeping with farm tracks in the area.”*

**PDNPA Ecology** – Raise no objection and make the following comments.

The site has been previously assessed for ecological interests. The grassland within the site is improved. There is opportunity to enhance the grassland interest here; however, the long term management of the site needs to be secured before considering habitat creation works.

The presence of Great Crested Newts (GCN) were considered at this location. A small pond located approx. 300 metres southwest of the site at Brosterfield Hall supports common amphibians. This pond was assessed for its suitability to support GCN using the Habitat Suitability Index (HSI). The pond was recorded as average under the HSI. It was then subject to survey in 2015 by Jonathan Eyres, a licenced Ecologist. GCN were not recorded during the survey. Given that the site is more than 250 metres away from the pond and no GCN were found during the survey, no further measures are required for GCN.

The pond was found to support common amphibians which will be present within the wider landscape. The site could be enhanced for amphibians by leaving a 2 metre uncut grass margin around the stone walls. This would provide a wildlife corridor. This would also provide a winter foraging area for seed eating birds. The area could be maintained by cutting on a bi-annual basis in November.

### **Representations**

A total of ninety six (96) representation letters have been received to date, including one letter from the Friends of the Peak District. All of the letters object to the proposed development. The material planning reasons for objection are summarised below. The letters can be read in full on the Authority's website.

- There is already noise at weekends from people who stay in the Foundry Activity Centre (which is in Great Hucklow).
- Proposal would result in a significant increase in the number of touring caravans compared to the previous occupancy. When viewed from neighbouring hillsides the impact will be considerable and will be greater and longer lasting compared to the previous occupancy.
- The proposed development would have an adverse impact on the landscape and visual amenity of this part of the White Peak and create the impression of a sprawling extension of Brosterfield Farm.



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- Because of the proposed increase in the number of touring caravans, 20 of the pitches which could only be occupied on bank holidays would increase to the whole summer season. There could be up to 50 touring caravans on the site and therefore the application is proposing to double the population of the village for half the year.
  - The site is partially screened by trees, however in winter months Brosterfield Farm to the west can easily be seen through the shelterbelt of bare trees when walking the footpath on the southern boundary of the site or along the Foolow Road. Therefore the top third of caravans on the year round pitches, amenity block and wardens dwelling would be visible through leafless trees.
  - In the wider landscape the field would become a focal point for the eye and distract from the overall distinctive view of the landscape.
  - Views of the field from the south would not be minimal, much of the field can be seen above the leylandii – consequently visual impact of the site would be adverse in longer distance views.
  - The proposed development would dominate the landscape, harming its character and result in a harmful visual impact from closer views.
  - The proposed development would harm the designated Foolow Conservation Area.
  - Light from the site, buildings and vehicles will have adverse visual impact and impact upon tranquillity.
  - The proposed access and gateway would harm the distinctive and pleasant approach to Foolow through a farmed landscape. The wide grass verge would be interrupted by the new access. The eastern field is highly visible in both near and distant views.
  - The proposed development would have an overbearing presence and effect on neighbours with pitches adjacent to the boundary of Brosterfield Farm. This is an open landscape with no similar intrusions on privacy.
  - Proposed access track would bring the development closer to the village increasing negative impacts in terms of traffic.
  - Traffic and service vehicles visiting the site on the new access would impact on visual amenity from all views and result in a negative visual impact.
  - Proposals would generate significant additional traffic through the village which would harm amenity. Visitors to the site who miss the entrance would have to travel through the village where there is no easy place to turn around.
  - The proposal includes the entire eastern field and it would be possible for caravans and tents to spill into this field. Even if this is not the case then cars and vans would still cross an open field to access the pitches.
  - The proposals raise highway safety concerns given that there is a large, high raised mound which impairs visibility in the critical direction of traffic. The proposed access is inappropriate given the limitation on visibility to the drivers of long, slow moving vehicles leaving the site which will be turning across the flow of traffic. With this in mind, the Radar Spot Speed reading monitoring provided as part of the planning application has been carried out on an inappropriate day and at an inappropriate time (Monday morning on 25 April 2016 from 11:45 to 14:45). The village is at its busiest at the weekend, with

significantly increased traffic flow into and out of the village, and an increased numbers of vehicles parking along the road.

- Neither turn into / out of Foolow onto the A623 enjoys great sight lines and therefore the proposal is likely to increase the chance of an accident involving a towed caravan.
- Bungalows are not normally an acceptable building form as they do not reflect traditional scale / proportions. The application includes a bungalow for the managers dwelling which does not reflect local barns.
- The proposed group of buildings do not reflect agricultural buildings and are inappropriate design.
- There is no justification for a full time manager's dwelling. Permanent facilities are not required for modern touring caravans as they only require a fresh water supply, waste disposal and an electrical hook up. A visit by an external manger would be sufficient to manage the site.
- There is no proposed restriction on hours of operation and therefore the proposal is likely to cause local noise nuisance due to larger scale of the proposed development.
- Proposed development will cause problems for drainage and increase pressure on the sewer systems, electricity and broadband.  
*Officer note: A package treatment plant is proposed for the foul drainage which would have no connection to the public sewer.*
- Proposed development would be likely to increase opportunistic crime within Foolow.
- Approval of this application would set a precedent for further campsite development in the local area.
- There is no need for an additional campsite in the area.
- No assessment has been conducted as to the impact a large scale touring site will have on other local sites who are already not running at full capacity. The site has not been used for touring vans for over 13 years and it's reinstatement on a much larger scale the previous needs to be fully assessed to confirm that no further hardship will be put upon already struggling businesses.
- Planning permission was previously refused in 1997 for an increase to 60 touring pitches in the interests of the amenity and due to inconvenience to nearby residents.  
*Officer note: no planning application can be found in the planning history for the site matching that description or date stated in this representation.*
- The previous occupation of the caravan site did not comply with an important planning condition requiring the provision of a vehicle passing place. Therefore historical planning permissions have fallen away because they were never lawfully implemented.
- Passing places can no longer be provided as these relate to a driveway outside of the control of the applicant.
- It is contrary to the principles of natural justice that the National Park Authority should be applicant and arbiter in this case. The application should be determined by a different National Park Authority or called in.

- Measuring the impact of the proposed development against what the current permission allows (20 permanent “Park” homes) is inappropriate given that the National Park Authority intervened and purchased the site to remove that threat. Therefore the assessment should be measured against the current situation which is two empty grazed fields.
- The proposed development is more harmful than the use of the site for siting up to 20 Park homes.
- There are no objections to 30 touring caravans or the proposed new access however the proposed increase in numbers and the managers dwelling is an unjustifiable increase and would be refused under normal circumstances.
- The current extant planning permission for a caravan site should be discontinued and the land remain in agricultural use.
- The current extant planning permission for a caravan site cannot be used as there is no available access.

Letters have also been received from Great Hucklow Parish Council and from Abney, Abney Grange, Highlow and Offerton Parish Meeting. These letters are summarised below.

Great Hucklow Parish Council – Object to the development and make the following comments.

- Raise concern about the scale of the development and the failure of the Authority to apply its planning principles to its own activities. The Parish council consider that the application should be withdrawn and a process of consultation with local people undertaken to reach a consensus on what is acceptable before an application is submitted.

Abney, Abney Grange, Highlow and Offerton Parish Meeting

- The scale of the site is not appropriate for a small village such as Foolow.
- The new buildings and associated light would contravene the Authority’s planning policies.
- The proposed site and entrance to the site would detract from the special character and appearance of the Foolow Conservation Area and the surrounding landscape would be irreparably damaged.

## **Main Policies**

### **National Planning Policy Framework**

Paragraph 115 in the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

Paragraph 17 of the Framework sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the Framework says that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development. Planning policies should support sustainable rural tourism and leisure developments that benefit

businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Paragraph 129 in the Framework says the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) should be identified and assessed taking account of the available evidence and any necessary expertise. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 of the Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

### Development Plan

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, HC2 and RT3

Relevant Local Plan policies: LC4, LC5, LC17, LC21, LR3, LR5, LT10 and LT18

Relevant policies in the Development Plan are consistent with national planning policies in the Framework because they promote sustainable recreational and tourism development in the Peak District (including proposals for camping and caravans) where it is consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests.

Core Strategy policy RT3 is especially important in determining the acceptability of the proposed development. RT3 says that proposals for caravan and camping sites must conform to the following principles:

- A. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network and do not adversely affect living conditions.
- B. Static caravans, chalets or lodges will not be permitted.
- C. Provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself.
- D. Development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged.

The supporting text which precedes RT3 is also a relevant consideration. Paragraph 10.26 says:

*“Many landscapes in the National Park are very open, with narrow and often ecologically sensitive valleys and dales, and many areas have poor road access. A restrictive policy is appropriate because national policy gives particular weight to protection of the landscape in national parks. Size is an important factor in assessing the impact of a camping or caravan site on the landscape and traffic movements. The following policy states that small touring camping and caravan sites may be acceptable, but ‘small’ is not defined, either in terms of extent or*

*number of pitches. Appropriate size will vary from site to site. For guidance, sites up to 30 pitches are more likely to be acceptable, although this may be too large in many circumstances. Exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. There may be some locations where, through the use of effective design and landscaping, small, simple timber structures may be acceptable as replacements for existing static caravans where this would result in enhancement”.*

Paragraph 10.28 says:

*“Permanent homes for site wardens on camping and caravan sites may be acceptable in some circumstances, but must be justified in terms of essential need for a dwelling on-site. Wherever possible, they should be provided by conversion of existing traditional buildings of historic or vernacular merit. Proposals will be considered with reference to policy HC2.”*

Core Strategy policy HC2 says that new housing for key workers in rural enterprises must be justified by functional and financial tests and wherever possible must be provided by re-using traditional buildings that are no longer required for their previous use. HC2 C says that any new dwelling will be tied to the rural enterprise for which it is declared to be needed.

Core Strategy policy L1 says that all development must conserve and where possible enhance the landscape character of the National Park, as identified by the Authority’s Landscape Strategy and Action Plan. Core Strategy policy GSP3 and Local Plan policy LC4 require all development to be of a high standard of design (in accordance with the design guide) and landscaping which conserves and enhances the character, appearance and amenity of the site (or buildings) its setting and that of neighboring properties.

Core Strategy policy L2 and Local Plan Policy LC17 together require all development to conserve and enhance the biodiversity of the National Park including designated sites and protected species and habitats.

Core Strategy policy L3 and Local Plan Policy LC5 together require all development to conserve and enhance the significance of any affected archaeological, architectural, artistic or historic assets and their setting. LC5 provides detailed criteria to assess proposals which are either within or affect the setting of designated Conservation Areas.

Local Plan policy LC21 states that development that presents a risk of pollution or disturbance will not be permitted unless adequate measures are to control emissions within acceptable limits are put in place. Local Plan policy LT18 states that the provision of safe access is a pre-requisite for any development within the National Park but that where a new access would harm the valued characteristics of the National Park that refusal of planning permission will be considered. Local Plan policy LT10 requires development to be served by satisfactory parking provision.

The Authority’s adopted Landscape Strategy and Action Plan and the Foolow Conservation Area analysis document dated 1994 are material planning considerations along with the Authority’s design guide which is an adopted supplementary planning document. The English National Parks and the Broads Vision and Circular 2010 is also a relevant material planning consideration.

## **Assessment**

### **Lawful use of the site**

Planning permission was granted at the application site for the change of use of the land to a caravan site in 1998 (the 1998 permission). The 1998 permission was granted subject to conditions to control the maximum numbers of caravans / tents at the site at any one time and to remove permitted development rights for building operations.

Some ten years after the 1998 permission was granted an application for Certificate of Lawful use for the unrestricted all year round occupation of 20 caravans on the site falling within the statutory definition (i.e. to include mobile “Park” homes) was submitted. The application was refused by the Authority in 2008 but an appeal was subsequently allowed by the Planning Inspector in 2011 (see Planning History section above).

The lawful use of the site was fully investigated as part of the lawful development certificate application in 2008 and the subsequent appeal in 2011. The Planning Inspector ultimately allowed the 2011 appeal and issued the Certificate of Lawful use. Officers therefore consider it clear that the application site does benefit from a lawful use as a caravan site subject to the planning conditions imposed upon the 1998 permission. A planning consultant representing the Parish Meeting has raised questions about whether the 1998 permission has been lawfully implemented (if not, it would have lapsed after 5 years). This is a matter which Officers considered at the time of the lawful development certificate application and appeal and they concluded that the development had been lawfully commenced and that, as a consequence, the permission was implemented.

The point has been made in representations that the existing access to the site (which also serves Brosterfield Farm and Brosterfield Hall) is not available to the applicant and therefore that little weight should be given to the 1998 permission because the applicant is not able to access or operate the land as a caravan site. No evidence has been put forward as to whether the applicant benefits from a right of access to the application site, however, private rights such as rights of access are not material planning considerations. It is clear on site that the existing access and field gate remain and could in planning terms be utilised either by the applicant or any future occupant of the land.

A number of representations have also stated that it is inappropriate to take the lawful use of the site into account because the Peak District National Park Authority is the owner of the site and the applicant. A number of representations have also questioned the intentions of the applicant in purchasing the application site and making the current planning application.

In considering a planning application, the identity of any landowner or applicant at that particular point in time is not a material planning consideration. It is a widely accepted principle that any planning permission runs with the land and that an application should be determined on its own merits and in accordance with policies in the Development Plan unless material considerations indicate otherwise. Any planning permission would run with the land and could be occupied by several different parties over its lifetime; therefore it is not appropriate to base planning decisions upon the identity of the applicant or land owner.

The circumstances of an individual or business making a planning application can in some circumstances be relevant (such as a justification for affordable housing based on the need of an individual) but this is not considered to be the case here. It is therefore considered that the existing planning permission is a material consideration for the assessment of the current application.

#### Principle of proposed development

The application site is located in open countryside but is not designated as Natural Zone or within any designated nature conservation site. Therefore Core Strategy policy DS1 says that recreation and tourism development is acceptable in principle.

Core Strategy policy RT3 and LR3 are relevant for proposals for caravan and camping sites. Both policies say that touring camping and caravan sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network and do not adversely affect living conditions. The term “small” is not defined within the policies, but the supporting text explains that appropriate size will vary from site to site

and that for guidance purposes, sites up to 30 pitches are more likely to be acceptable (although this may be too large in many circumstances).

Core Strategy policy RT3 B says that static caravans, chalets or lodges will not be permitted. Core Strategy policy RT3 C says the provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself. Core Strategy policy RT3 D says that development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping or the appearance of existing static caravans, will be encouraged.

It is therefore considered that relevant policies in the development plan say that proposals for small touring caravan and camping sites are acceptable in principle provided that the development conserves the valued characteristics of the National Park and does not harm the amenity of neighbours or the local community or highway safety. The relevant policies also encourage development that would improve the quality of existing sites.

Saved Local Plan policy LR3 (c) says that permanent dwellings for site wardens' accommodation at camping and caravan sites will not be permitted. However this policy referred back to previous structure plan policy which said that sites must be sited close to existing farmsteads. This has been superseded by Core Strategy policy RT3, the supporting text for which says that permanent homes for site wardens may be acceptable in some circumstances and that proposals will be considered with reference to policy HC2.

The submitted application says that the proposed manager's accommodation is required to support the proposed use of the site for up to 50 touring caravan and tent pitches during the summer season. The application says that a warden is required for operational reasons to manage the site all year round and that a warden would need to be available out of normal working hours and at short notice to deal with any emergencies.

Given the number of proposed pitches it is considered reasonable to conclude that a single site warden is required. Given the nature of the use it is considered clear that the caravan and camping site would operate all year round and that a warden would be relied upon to deal with any emergencies which could arise at any time of day or night.

It is therefore considered that there is a functional need for the proposed manager's accommodation. Taking the proposed development as a whole, which replace the permission for the siting of 20 permanent residential caravans on the site, it is considered that the proposed manager's accommodation is acceptable in principle. If permission is granted, a condition to restrict the occupancy of the proposed manager's accommodation would be recommended.

Therefore having regard to relevant development plan policies, consultation responses and representations it is considered that the key issue is the impact of the proposed development upon the locality and the wider landscape and upon the local community.

#### Landscape and visual impact

The application site is located within the White Peak and specifically within the Limestone Village Farmlands character area identified within the Authority's adopted Landscape Strategy and Action Plan. This is a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls. Some of the key characteristics of this landscape type are gently undulating plateau, pastoral farmland enclosed by limestone drystone walls, scattered boundary trees and tree groups around buildings and discrete limestone villages and clusters of stone dwellings.

The application site and the surrounding landscape reflect the character identified in the Landscape Strategy and Action Plan. The application site comprises fields on the plateau bounded by drystone walls with scattered boundary trees and tree groups.

The boundary trees around the application site include a belt of native trees and hedges along the eastern boundary of the field which were planted following the grant of planning permission in 1998 and more mature trees to the south and west of the site which form part of Brosterfield Farm. A row of Cedar trees have been planted outside of the southern boundary of the site along part of the existing access track and footpath which runs along the southern boundary of the application site.

When viewed in the wider landscape the application site and the neighbouring Brosterfield Farm and Brosterfield Hall are viewed as a cluster of traditional domestic properties and more modern farm buildings away from the main settlement of Foolow. The cluster of buildings is viewed in the context of the surrounding pastoral fields and drystone walls and amongst the established boundary and groups of trees.

As discussed earlier in the report, the application site benefits from the 1998 planning permission which allows the use as a camping and caravan site. The 1998 planning permission allows for up to 20 permanent pitches without any restriction upon the type of caravan that can be sited on the land or the maximum duration of occupation. Therefore the existing site can be utilised for siting static caravans, chalets or “park” homes which could be occupied as permanent dwellings. The 1998 permission allows for a further 10 caravans on a seasonal basis and a further 20 during bank holiday weekends.

The existing planting around the site would mitigate the siting of up to 20 permanent residential caravans to a certain degree. However it is considered that due to the increased size and mass of static caravans, chalets or “park” homes and the formal layout typically found on permanent caravan sites that up to 20 permanent residential caravans along with associated garden areas, and activity could not be accommodated on the application site without a significant harmful impact upon visual amenity from nearby public vantage points and the wider landscape.

This application proposes various building operations, including the creation of a new access track, new amenity block and new manager’s accommodation for the existing caravan and campsite. The submitted application documents and plans make clear that the proposed operational development would facilitate the laying out of the site for a total of 50 pitches for touring caravans and tents.

The applicant proposes that 20 of the pitches would be occupied on a ‘year round’ basis and that the remaining 30 pitches would be occupied on a seasonal basis (31 March or Good Friday until the 31 October). The applicant also proposes that if planning permission is granted then a discontinuance order (DO) would be made. The DO would have the effect of restricting the use of the 1998 planning permission to touring caravans and tents only and would restrict the maximum number and season of the site to match that shown on the submitted plans.

Therefore the impact of approving the proposals would be to restrict the use of the application site for touring caravans and tents only. The total number of permanent ‘year round’ pitches would remain unchanged at 20 but the total number of seasonal pitches would increase from 10 to 30 (see table below).

	Existing site	Proposal
Permanent unrestricted pitches (including “Park” homes)	20	0
Permanent pitches restricted to touring caravans / tents	0	20
Seasonal pitches restricted to touring caravans / tents	10	30
Pitches restricted to bank holiday weekend in summer season	20	0

The application also proposes additional planting including additional Beech and Hawthorn planting along the northern boundary, Sycamore, Field Maple and Hawthorn on either side of



where the proposed access track would cross the existing boundary trees, Beech trees along the southern boundary, a block of Hawthorn, Mountain Ash, Sycamore and Field Maple in the south east corner of the site and Mountain Ash, Hawthorn and Field Maple along the eastern boundary.

In assessing the impact of the proposed development Officers have visited the site and also viewed the site from more distant vantage points including Bretton and Hucklow Edge to the north, Thunderpit Lane and the public footpath at Burnt Heath to the south east and Wardlow Hay Cop to the south west. Officers have also consulted the Authority's Landscape Officer who has assessed the proposals independently and provided written comments (see consultation section of this report). The Authority's Landscape Officer concludes that the application does not conflict with any of the identified protection and management priorities and that whilst a new access is created this will not have significant effects on the management of the network of minor roads and farm access points as it is in keeping with farm tracks in the area.

Several concerns have been raised in representations in regard to the potential visual and landscape impact of the proposals both from nearby vantage points and in the wider landscape.

Following the 1998 planning permission planting was carried out along the eastern boundary of the application site and this has now become established and provides what is considered to an effective screen of the camping and caravan site from nearby views from the highway to the east and north east. It is considered that this planting does effectively screen the application site from these views and from the approach from Foolow such that the visual impact of the proposed development would be limited to the proposed new access.

From the adjacent highway the proposed new access and the majority of the proposed track would be visible before the land dips towards the eastern boundary of the camping field. When viewed from the highway to the north the proposed access would be visible but the track would be effectively hidden behind the existing northern field boundary wall. When viewed from the highway to the south the proposed access track would be visible but would run along the northern field boundary which would mitigate the impact of the track as it crosses the open field in accordance with the Authority's policy guidance.

The proposed access would widen the existing field gate and cut across a section of the public footpath and grass verge. It is accepted that this would be a visual change which would interrupt the existing grass verge and that the access would be utilised by cars and caravans which would have an impact but it is considered that the access would be designed and surfaced to reflect existing agricultural access tracks in the local area and would not result in a harmful visual impact or harm identified landscape character.

There would also be close views into the site from the public footpath which runs along the southern boundary of the site and along the access track which serves Brosterfield Farm and Brosterfield Hall. Views from the majority of the footpath as it passes the site boundary are effectively screened by existing Cedar trees planted on neighbouring land. There is however glimpses of the site between planting and through the existing field gate on the southern boundary of the site.

The application site is clearly seen from the footpath where there are breaks in the planting, however the visual impact of these views is limited to these specific points rather than for an extended period. It is therefore considered that the proposed buildings, layout of 'year round' and seasonal pitches and circulation route within the site would not have an adverse visual impact from these views especially taking into account the lawful use of the site.

Officers have reached the same conclusion in regard to when viewing the site from the public footpath which runs east to west 370m to the north of the site. There are very limited views of the application site from this footpath which are filtered through the existing planting along the eastern and western boundary of the application site.

Officers therefore agree with the Landscape Officer that the existing application site is generally well contained within the existing planting around the site. It is noted some of the planting which contains the site is outside of the land controlled by the applicant and that therefore there is no guarantee that this planting will be maintained. The application proposes additional planting along these boundaries which will reinforce the existing planting with native species and provide some mitigation in the event that the planting on the neighbouring land is removed.

If permission is granted, Officers agree with the Landscape Officer that a planning condition should be imposed to require the submission, approval and implementation of a detailed landscaping scheme, including a planting schedule. This will ensure that appropriate new planting is carried out to reinforce the existing planting around the site and to mitigate in the event that planting on neighbouring property is removed in the future. Subject to this condition Officers are satisfied that the proposed development can be accommodated without a harmful visual impact from nearby vantage points.

Furthermore it is considered that the proposed development can be accommodated on the site without harm to the setting of the Foolow Conservation Area. The application site is viewed from within the Conservation Area to the north at its boundary at Ivy Farm and from the footpath to the north of the site as it passes South Barn. However from both these vantage points the site would be well screened and therefore not have an adverse impact upon the setting of the Conservation Area. Similarly views of the development on the approach to the village would be limited and would not result in any harmful impact.

The site is seen in the wider landscape from more distant viewpoints including from Bretton / Hucklow Edge, Thunderpit Lane and the footpath at Burnt Heath to the south east and from Wardlow Hay Cop to the south west. Due to the distance from these viewpoints the application site is viewed as a field adjacent to the existing group of buildings at Brosterfield Farm and amongst the existing mature tree and hedge planting which surrounds both the application site and the adjacent group of buildings. Officers have considered these vantage points carefully and have concluded that from the views in the wider landscape that there would be glimpsed views to the proposed amenity building, manager's accommodation and the upper part of the 'year round' permanent touring pitches.

However, any views of the proposed buildings and touring caravans and tents on the site would be limited and seen through the existing mature planting which would be reinforced by the proposed planting. The proposed buildings would be read in the wider landscape as a modest extension to the existing group of buildings at Brosterfield Farm and it is considered would not result in an adverse visual impact or harm landscape character.

Concern is raised in representations that light generated by the site would result in light pollution which would harm dark skies, which is a valued characteristic of the National Park. The submitted application states that proposed lighting would be limited to low level lights for the amenity block, managers accommodation and permanent 'year round' pitches. Officers are sensitive to the concerns raised but it is considered that subject to appropriate low-powered down lighting, which could be secured by an appropriate planning condition, that the impact of light pollution could be mitigated such that the development would not have an adverse impact.

Therefore, taking the proposals as a whole, including impacts of the proposed access track, amenity building, manager's accommodation and the proposed Discontinuance Order it is considered that the proposed development would result in an enhancement to the site and its setting within the landscape. It is considered that the impact of the proposed increase in seasonal pitches and the proposed operational development would be limited and that the proposals on their own merits would conserve visual amenity and landscape character. The removal of the possibility for up to 20 permanent unrestricted residential caravans on the site would result in a significant enhancement.

It is therefore considered that taken as a whole the proposed development is in accordance with Core Strategy policy RT3, L1, L3 and saved Local Plan policies LC5 and LR3. In coming to this conclusion Officers have taken into account the lawful use of the site, set out earlier in the report.

#### Design, amenity and highway safety

The proposed development includes the erection of two buildings within the site including an amenity block and a dwelling for manager's accommodation. The submitted application says that the buildings have been designed to reflect a small group of single storey agricultural buildings and therefore the buildings have a similar form but utilise different external materials.

The proposed amenity block would be clad with zinc sheeting which would be continuous up the walls and roof. The building would have no gutter detailing with rainwater running to drainage at the base of the walls. The southern part of the building would be open with an office structure within. Openings would be limited to vertical window openings and doors for the proposed storage areas.

The proposed manager's accommodation would have a similar form but be built from natural stone under a natural slate roof with dark coloured recessed glazing. The two buildings would be linked by a wall which would form the garden and parking area for the manager's accommodation. The amenity block would be accessed from a path to the west and east to serve the proposed pitches.

Buildings around the application site and the wider limestone plateau, including vernacular barns are built from natural limestone with gritstone detailing. It is therefore considered that the use of gritstone for the walls of the manager's accommodation is in appropriate in landscape terms and that natural limestone should be utilised to reflect existing landscape character. If permission was granted a condition requiring the use of natural limestone would be recommended.

Subject to the above, it is considered that the proposed buildings are to a high standard of design which responds positively to the established landscape character. Taken together the two buildings would have a similar appearance to low height agricultural buildings especially when viewed in the wider landscape. The proposed detailing is considered to be simple and of a high standard, utilising openings with vertical proportions, ridge glazing and solar panels on the rear roof slope of the manager's accommodation.

It is therefore considered that subject to conditions to ensure approval of proposed materials and architectural specifications, the design of the proposed buildings is of a high standard and in accordance with adopted design guidance.

Concern has been raised in representations that the proposed manager's accommodation would have the appearance of a bungalow which is not in accordance with the design guide. However, Officers consider that the design of the proposed manager's dwelling would more closely reflect a single storey traditional farm building with simple eaves and window detailing rather than a domestic bungalow which would have domestic detailing and typically have wide gables.

The layout of the site is considered to be acceptable, with each proposed pitch provided with sufficient space and ample amenity in relation to nearby pitches. The proposed permanent 'year round' pitches would be surfaced with either buff limestone to match the access track or reinforced grass which would be appropriate in visual terms but also prevent damage to the site during the wetter winter months. The proposed manager's accommodation would be provided with a modest garden and parking area and would have sufficient amenity space.

Given the distance from the proposed amenity building, manager's accommodation and pitches to the nearest neighbouring property at Brosterfield Farm, and the intervening planting and buildings between the dwelling and holiday accommodation at that property, there are no

concerns that the proposed development would result in any loss of privacy or overlooking towards the neighbouring property.

Activity at the site is likely to be audible from Brosterfield Farm; however any additional impact from the increased number of seasonal pitches (as compared to the use permitted by the existing planning permission) would not be significant as the majority of these are located further away from Brosterfield Farm to the east of the site. The proposed new access would separate from the shared existing access serving Brosterfield Farm and Brosterfield Hall. The removal of vehicles and caravans utilising the existing access would potentially benefit the amenity of both Brosterfield Farm and Brosterfield Hall as occupants would no longer meet visitors to the caravan site along the shared access route.

Concern has been raised that the development would be likely to result in additional vehicular traffic on the local highway network and within Foolow which would harm the amenity of the area. The proposed increase in seasonal pitches would potentially increase numbers of vehicles towing caravans during the summer months however any additional impact upon traffic within the local area is not considered to be significant and would not result in harm to local amenity.

The Highway Authority advises that the principle of the proposed new access is acceptable and has recommended that the radii of the access be increased to reduce the likelihood of caravans overrunning and damaging the highway verge and that the first 15m of the access be widened to a minimum of 5.5m to allow to vehicles and towed caravans to pass. The applicant has submitted amended plans which show these changes.

A speed survey has been undertaken and the Highway Authority advises that based on the survey that users of the proposed access would have sufficient visibility. Officers have visited the site and agree that there would be sufficient visibility even taking into account the raised bank to the right hand side of the access. Concerns raised in regard to the speed survey are noted, however this survey is of vehicle speeds approaching the site rather than the amount of traffic and therefore there are no concerns in regard to the day and time the survey was carried out.

Subject to the amended plans it is considered that the proposed access would be safe and that visitors to the site would have adequate visibility upon entering and exiting the site taking into account speeds on the existing highway which have been recorded in the submitted speed survey. Therefore subject to conditions to secure the amended plans it is considered that the development would be served by safe access and satisfactory parking in accordance with saved Local Plan policy LT11 and LT18.

It is noted that a proposed advert and brown tourist sign for the site is shown on the submitted plans. These advertisements fall under the advertisement regulations and therefore if separate express consent is required for the signage then this would need to come forward under a separate application. Therefore the proposed signage should not be taken into account in the determination of the current application.

#### Other issues

The Authority's Ecologist has visited the site and advises that the site is improved grassland. The application site itself is therefore considered to be of limited ecological significance. The presence of Great Crested Newts (GCN) has been considered by the Authority's Ecologist, there is a pond at Brosterfield Hall some 300m to the south west of the site but surveys have concluded that while the pond supports common amphibians no GCN were found.

It is therefore concluded that the proposed development would not be likely to have any adverse impact upon protected species on site or their habitats. Given the distance from the site to the nearest designated sites it is considered that the proposed development would not have any adverse impact upon these sites.

The application proposes that two foul drainage systems would be installed as part of the proposed development. A package treatment plant is proposed to deal with foul waste from the amenity building and manager's accommodation and a cess tank is proposed to store chemical waste from touring caravans. The cess tank would be provided with a high level alarm and be emptied by a vehicle which would take the waste to an appropriate disposal facility.

The application is supported by correspondence from Seven Trent Water which confirms that there is insufficient capacity within the local sewage works at Foolow to receive and treat the waste from the proposed development. Therefore Officers accept that it is not feasible to connect to the main sewer and therefore that a package treatment plant is acceptable in principle and in accordance with Government guidance.

The proposed method of foul drainage for both foul and chemical waste has followed previous advice from the Environment Agency and is considered to be acceptable. The Environment Agency has been consulted on the current application but no response has been received to date. Any further response from the Environment Agency will be reported at the meeting.

Concern has been raised that the proposed development would put additional strain upon the existing electricity and broadband infrastructure. There is however no evidence to suggest that additional demand from the development would put unsustainable pressure on existing infrastructure provided that the development includes appropriate services. Moreover, it is important to compare the likely impact with what could happen under the existing permission, with permanently occupied units.

Concern has been raised about the lack of public consultation by the Authority in making this application and that there is no demonstrable need for a campsite which could harm the viability of existing sites in the area. Full details of the consultation process the applicant has undertaken is provided within the application documents which is available to read in full on the Authority's website. These concerns raised are noted, but Officers consider that consultation on the application has followed the Authority's procedures and the deferral of the application from the December Planning Committee meeting has given Officers sufficient time to consider the consultation responses. As noted several times in the preceding report, the existing planning permission for the site is an important material consideration. It is therefore recommended that the proposal is determined on its own merits and that the need for the development and the consultation process carried out by the application should not weigh heavily either in favour of or against the proposals.

Officers have received confirmation from the office of the Secretary of State for Communities that a request has been made for the determination of the application to be 'called in' by the Secretary of State. Therefore in the event that the Authority is minded to approve planning permission the issuing of any final decision would be held in abeyance until a determination has been made by the Secretary of State.

### **Conclusion**

The application site benefits from a lawful use as a caravan and camping site which has been confirmed by a Planning Inspector to allow for the siting of up to 20 "Park" homes. The lawful use of the site is a very strong material consideration to which significant weight must be attached and sets the starting point for the assessment of the proposed development.

It is considered that the proposed development can be accommodated on the site without harming the scenic beauty of the landscape or the setting of the designated Foolow Conservation Area. Subject to conditions, it is considered that the proposed building represents a high standard of design in accordance with the design guide. The proposed development would be served by safe access and adequate parking and would not harm the amenity of neighbouring properties.

The proposed discontinuance order would prevent the use of the site for permanent “Park” homes which would enhance the site and its setting within the landscape.

In the absence of any further material considerations it is considered that the proposed development is in accordance with the development plan and therefore is recommended for approval subject to the confirmation of the discontinuance order and the conditions outlined in the report.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)

Nil