

## **9 FULL APPLICATION – CHANGE OF USE OF AGRICULTURAL LAND FOR PROPOSED CAMPING PODS, SHOWER BLOCK, ACCESS WITH BRIDGE OVER WARSLOW BROOK AT - FURLONG FARM, UPPER ELKSTONES, WARSLOW (NP/SM/0219/0103, MN)**

**APPLICANT: MR CARL BOOTH**

### **Site and Surroundings**

Furlong Farm is located between the hamlets of Upper and Lower Elkstones, approximately one and a half miles west of Warslow village.

The property is a heavily extended farmhouse and adjacent modern agricultural building. The property occupies an isolated position with no immediate neighbours.

The application site itself is located approximately 100m east of the farmhouse, within an agricultural field. This field slopes downhill from west to east, and is bounded on its eastern side by Warslow Brook. Trees line the edge of Warslow Brook but the site is otherwise an open hillside field.

The closest highway to the application site is Elkstones Road, which runs north-west to south-east approximately 40m to the east of the application site. There is no vehicular access to the site from this road.

The site is outside of any designated Flood Zone.

### **Proposal**

The application originally proposed siting of up to 10 camping pods (4 initially, rising to 10 at a later date) in the field, along with an amenity block, and a new access track from Elkstones Road that included a bridge over Warslow Brook.

The application has since been revised, omitting the amenity block and reducing the total number of camping pods to 4.

### **RECOMMENDATION**

**That the application be REFUSED for the following reasons:**

- **The permanence, size, and design of the pods means that their potential impacts would be comparable to siting chalets or lodges on the land, which policy RT3(B) states will not be permitted.**
- **Due to the siting of the camping pods in open countryside, outside of woodland, and due to the position and appearance of the access track, the development would harm the rural character and appearance of the landscape, contrary to policies L1, LC4.**
- **Insufficient information has been submitted to establish whether the development would conserve the ecological interests of the site, contrary to policies L2 and LC17.**
- **Insufficient information has been submitted to establish whether the development would conserve tree interests within and adjacent to the site, contrary to policy LC20.**
- **Due to sub-standard exit visibility from the site access, and due to a lack of information regarding access track construction, the application fails to demonstrate that the development would be served by safe access arrangements, contrary to policy LT18.**
- **Insufficient information has been submitted to establish whether the development would result in an increase in flood risk, contrary to policies CC5 and LC22.**

### **Key Issues**

The key planning issues arising from this proposal are:

- Whether the siting of camping pods in this location accords with planning policy.
- Whether the siting and appearance of the development would conserve the landscape of the area.
- Whether the development would conserve the ecological interests of the locality.
- Whether the development raises any highway safety or amenity implications.
- Whether the development would have any adverse flood or drainage impacts on the watercourse within the application site.

### **Relevant Planning History**

2018 – Planning permission granted for extension to the farmhouse at Furlong Farm

### **Consultations**

**Highway Authority** – Advise that construction of the access road from Elkstones Road will require importation of fill material to fill the valley.

They note that an indicative vertical profile of the access road is included in the Transport Technical Note but that this is unreadable. They also query why this is only indicative.

They state that there are no cross sections of the access showing the embankment slope or details of the proposed gradient of the track.

They note that there are no estimates of the proposed quantity of imported construction material, which they advise which could be extensive. Related to this, they ask how many wagon trips would this require along the single track country lane.

They also query why can the existing access to the farm not be used and whether there are there any other alternative access points.

The note that visibility splays of 2.4m x 43m are proposed and that these are what would be expected for a 30mph speed limit road.

**Lead Local Flood Authority** – Advise that in the absence of an acceptable Drainage Strategy they object to the grant of planning permission and recommend refusal on this basis for the following reasons:

- *There appears to be no documents showing any technical details of the proposed package treatment plant which demonstrate that this would be a suitable means of waste water disposal and will not increase the risk of pollution to the watercourse. Please submit details of the proposed treatment plant and maintenance arrangements.*
- *There appears to be no details of the proposed river crossing and how this will affect the surface water flood risk associated with the Warslow Brook. Please submit details (cross section and plan) of the proposed watercourse crossing.*
- *The application suggests that surface water will be manage by SuDS [Sustainable Drainage Scheme] however no details of surface water drainage proposals have been submitted. Please submit documents demonstrating how surface water will be managed.*

**District Council** – No response at time of writing.

**Parish Council** – The Parish Council originally objected to the application raising concerns relating to the construction of the river crossing and potential noise impacts. A revised response has since been received supporting the application. This advises that the Council wish to revoke their previous

objections following attendance of the applicant at the parish meeting and his assurances in relation to the points of concern.

**PDNPA – Ecology** – Advise that the Authority holds little information for this area, but there are wader records in the wider area.

They consider, however, that the scheme has the potential to have impact on a number of protected and notable species along the watercourse, particularly dipper, which are known to nest along the watercourse. There may also be grassland interest on this site.

They therefore advise that an extended Phase 1 ecological appraisal is required in order to inform a decision on the application. They advise that, based on the information available, they do have concerns about the suggested location of the development and consider that an alternative location should be explored.

They suggest that a more appropriate location would be in the field immediately next to Furlong Farm, where existing access could be utilised. However, it is noted that survey is still likely to be required.

### **Representations**

9 letters of representation were received in relation to the application, 8 objecting to it and 1 supporting it.

The grounds for support are that Elkstones does not have much bed and breakfast accommodation, and the site would provide more holiday accommodation for families.

The grounds for objection are:

- that the serving highway is unsuitable for the increase in traffic that the development would result in, causing increased risk of accidents and highway amenity
- that increasing traffic along the highway would result in increased disturbance and a loss of amenity for property adjacent to the highway
- that the development would result in noise pollution in a quiet countryside location
- that the siting of the pods would harm the appearance of the landscape, including in nearby views, long distance views, and in views from local properties
- that the development would have adverse impacts on wildlife – including protected species – in and around Warslow brook due to disturbance arising from construction works and the proposed use itself
- that littering and litter collection facilities would harm the appearance of the countryside
- that the development increases risk of watercourse pollution
- that the lack of mobile phone coverage at the site presents a risk to users of it.

### **Policies**

National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was revised and republished in February 2019. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

Paragraph 172 of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

Paragraph 48 advises that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

#### Development Plan policies

The Authority's planning policies are contained within the Development Plan, which comprises the Core Strategy and the Local Plan.

Policy GSP1 of the Core Strategy sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

Policy GSP3 of the Core Strategy sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

Policy DS1 of the Core Strategy outlines the Authority's development strategy, detailing the policy principles that have been adopted to promote a sustainable distribution and level of growth and to support the effective conservation and enhancement of the National Park. These include provision for recreational and tourism development in the countryside, in principle.

Policy L1 of the Core Strategy identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.

Policy LC4 of the Local Plan also addresses landscape conservation, amongst other things, stating that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristics of the area.

Policy RT3 of the Core Strategy is particularly 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 Authority is currently preparing a new planning policy document, titled Development Management Policies, which is due to replace the policies of the Local Plan shortly.

Chapter 5 of this document addresses Recreation and Tourism. It states that Core Strategy policy RT3 is clear that static caravans, chalets and lodges are not acceptable features in the National Park.

It goes on to advise that the open character of large parts of landscape particularly in the White Peak and Dark Peak mean that the non-traditional and permanent presence of such forms of accommodation is incompatible with the conservation purpose of the National Park.

The text recognises that there is, however, a growing range of alternative forms of accommodation such as camping pods, yurts, shepherd's huts etc. which have come onto the market in response to a demand for greater quality and comfort.

It makes clear that the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact as static caravans, chalets, and lodges, and that they will therefore be determined against Core Strategy policy RT3B.

Policy DMR1 of this emerging policy document predominantly addresses touring camping and caravan sites but does refer to camping pods directly, with the policy stating that development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact. The supporting text explains that experience has shown that these can have acceptable impacts where they require no other additional development.

This emerging policy can be given some weight in accordance with paragraph 48 of the NPPF because, whilst it is not yet adopted, the Development Management Policies document is at an advanced stage of preparation.

Policy LT18 of the Local Plan addresses road safety, stating that the provision of safe access arrangements will be a pre-requisite of any development, and that where the provision of safe access would damage the valued characteristics of the area the Authority will consider refusing planning permission.

Policy L2 of the Core Strategy requires development to conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.

Policy LC17 of the Local Plan states that development will not be permitted unless adequate information is provided about its likely impact on the special ecological interests of a site, with policy LC18 continuing that where development which could affect a site, feature, or species of nature conservation importance or its setting is acceptable, appropriate safeguards and enhancement will be required to minimise adverse impacts.

Policy LC20 of the Local Plan addresses the protection of trees, woodlands or other landscape features put at risk by development. It states that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered.

It also states that where development that involves risk of damage to trees, woodlands or other landscape features is acceptable, adequate space must be left for their replacement with appropriate species of trees and shrubs or local materials. Appropriate maintenance that respects wildlife interests will be required.

Policy CC5 of the Core Strategy addresses the water environment and, amongst other things, states that development proposals which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless net benefits can be secured for increased floodwater storage and surface water management from compensatory measures.

Policy LC22 of the Local Plan more specifically addresses surface water run-off, stating that development will be permitted providing that adequate measures are included to deal with the run-off of surface water from the site.

The Authority's adopted design guidance documents 'Design Guide' and 'Building Design Guide' are further material considerations.

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, RT3, CC5

Relevant Local Plan policies: LC4, LC17, LC18, LC20, LC22, LT18

## **Assessment**

### Principle of the development

The proposed camping pods are permanent timber structures which would be placed or constructed on a level platform just above the ground. They would be approximately 2.5m tall, 3.5m wide and 8.5m long. The permanence, size and design of the pods means that their potential impacts would therefore be comparable to siting chalets or lodges on the land – rather than either touring caravans or conventional tents. For this reason – and in accordance with the supporting text of Chapter 5 (Recreation and Tourism) of the emerging Development Plan Policies document – they have been assessed against Core Strategy policy RT3(B).

As detailed above, policy RT3(B) specifically states that static caravans, chalets or lodges will not be permitted. The supporting text says that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. RT3 therefore makes a general presumption against this type of development.

### Siting and appearance of the development

Policy RT3 only permits the type of development proposed on an exceptional basis and where it would not have adverse impacts.

Emerging policy DMR1 specifically addresses the siting of camping pods, permitting them in principle only where they are small, simple structures, located in woodland settings and where they have acceptable landscape impacts. The supporting text also notes that experience has found that such development can be accommodated more successfully where it does not require additional infrastructure.

Further, policies L1 and LC4 both require valued landscape character to be conserved.

Consequently, the key issue is whether the proposed development would conserve the landscape – which, taking account emerging policy DMR1, means siting camping pods in woodland.

The site is sloping, rising to the west as it leads uphill. Whilst there are a number of trees in close proximity to the application site along the valley bottom next to the brook, and some within it, it could in no way be described as a woodland location.

This means that the site is open to view in the wider landscape, most notably from the highway to the east and south east, which faces towards the site. The rising hillside to the west and topography to the north and south mean that other views of the site are also likely to be possible at longer distances from footpaths to the west and the highway network to the east.

While the amended proposal reduces the number of pods and positions them close to a tree line to the eastern edge of the site, the pods would remain prominent in views from Elkstones Road – particularly when the trees are out of leaf – due to their solid mass and general form conflicting with the appearance to the surrounding landscape. They would be seen as clearly man-made structures in an otherwise undeveloped field, harming the rural character of the locality. It is acknowledged that in longer distance public views the landscape impacts would be lower and that the pods themselves would not be easily picked out in the wider landscape. However, the visual impact from closer to the site still causes considerable concern.

Further, the pods are not small and simple examples of such buildings. Such pods would typically include a bed and little else, allowing them to remain small in size. By contrast, the proposed pods include toilet and shower facilities inside, which increases their size significantly over what would otherwise be the case. This increases their impact in the landscape and is contrary to the requirements of emerging policy DMR1 which specifically requires that pods be small and simple.

Due to the position of the proposed development on the hillside, the site will require some levelling and excavation to allow the siting of pods and access to them. Details of existing and proposed levels have not been provided, but it is anticipated that a significant amount of cut and fill of the hillside would be necessary, further harming the character of the landscape – which is otherwise one of semi-natural sloping valley sides.

The proposed access track and bridge would be a further significant intrusion in to the countryside. The existing field access is a pedestrian gate in a boundary fence and hedgerow, beyond which the land drops steeply down towards the brook before rising again on the other side up to the proposed campsite.

It is proposed to replace the gate with a vehicular access – shown indicatively as being 6m wide plus a splayed entrance and leading on to a hard surfaced track, also shown indicatively as 6m wide. In order to level the track and provide a gradient suitable for vehicular access the plans also show re-grading of the field through which it passes.

A culvert would be created through the brook, with a pipe and built up ground supporting the access track above. Whilst the details submitted in relation to the track are advised to be indicative, it is clear that they are broadly reflective of what would be necessary to facilitate the new access.

The impact of the track and culvert would be entirely at odds with the rural character of the landscape, introducing a highly prominent element of engineering in an otherwise unspoilt area of the valley bottom and brook.

In summary, the development would result in harm to the character and appearance of the landscape in this location, contrary to policies L1, LC4, and LT18. It is therefore also concluded that the development does not occupy a location where it avoids adverse impacts in the landscape and so cannot be supported as exceptional development under the provisions of RT3. Due to being located outside of a woodland the proposal is also contrary to emerging policy DMR1, which is a material consideration in the determination of the application.

#### Ecological impact

The Authority's ecologist advises that the Authority holds limited ecological information for this area, but that waders are recorded in the wider locality and that dippers are known to nest along this watercourse. They also advise that there may be grassland interest on this site.

Given this interest, they advise that an extended Phase 1 ecological appraisal is required in order to allow an informed assessment to be made. Even without this information though the Ecologist advises that they have concerns about the suggested location of the development and encourage the exploration of alternative locations.

The application therefore includes insufficient information to assess impacts on ecological interests, contrary to policy LC17.

Further, the submitted design and access statement advises that no trees will be affected by the development. Engineering operations associated with the new access would be undertaken within the root protection areas of trees adjacent to the brook however. Without a tree survey and full details – rather than indicative ones – of the proposed engineering works impacts on the tree interests of the site cannot be assessed. This is contrary to policy LC20 of the Local Plan.

#### Highway impacts

The highway authority object to the application on a number of grounds, primarily related to a lack of information regarding the construction of the access road.

They advise that the indicative information provide in relation to the road profile is insufficient for an assessment to be made.

Specifically, they advise that a detailed vertical profile for the road, cross sections of the access showing embankment slope, and details of the quantity of imported material are all required.

They raise concerns that the volume of imported material could be substantial and require numerous wagon trips along what is a single track country lane.

They also query why the farm's existing access could not be used instead, and whether other alternative access locations have been considered.

They also advise that the proposed visibility splay of 43m in each direction is only in accordance with what would be required on a road with a 30mph speed limit. At this location Elkstones Road has a 60mph speed limit – which would require visibility splays of 215m in each direction. Traffic would not be travelling at this speed past the entrance – road width and bends in the road would make this difficult. However, it has not been demonstrated that exit visibility from the site would be safe with only 43m visibility in each direction. On this basis the access is concluded to be substandard.

On the basis of these objections it is concluded that the proposal fails to demonstrate that the site would be served by safe access arrangements and that it would conserve highway amenity more generally, contrary to policy LT18.

#### Flood risk



Whilst the site is outside of any designated flood zone the development would directly affect the watercourse of Warslow Brook.

A single indicative elevation plan of the proposed river crossing has been submitted, but this states that the specification is to be agreed with the Lead Local Flood Authority (LLFA). The LLFA have raised objections to the proposal based on a lack of detail regarding the proposed river crossing however, requesting plans to establish its impact on flood risk.

The LLFA also request details of the package treatment plant that was proposed to serve the toilets at the site. The amenity block has been omitted from the revised scheme but the pods are proposed to be served by individual toilets and showers and so such a plant will still be required. In the event of approval of the application these details could be secured by planning condition.

The LLFA have also requested details of how surface water drainage from the site is to be managed.

Based on the lack of information submitted and the comments of the LLFA it is concluded that the impacts of the development on flood risk cannot be fully assessed, contrary to policies CC5 and LC22.

### Amenity

Whilst the development may be visible from some properties at longer distances, it is sufficiently removed from them as to not adversely harm their outlook, or to be overbearing or oppressive upon them.

Noise arising from the development is also not considered to raise concerns in relation to amenity; the nearest neighbouring property (other than the applicant's) is over 300m away and the proposed use is not expected to generate noise of such volumes to cause nuisance or significant disturbance over these distances.

Representation has raised concern about increased noise and loss of privacy for roadside properties from increased traffic movements along the highway network. However, it is likely that the increase in vehicle movements would amount to a maximum of 16 per day (assuming two, two-way trips per pod each day), and these would be likely to take place using domestic vehicle. Whilst there are concerns about highways safety as set out above, the impact of traffic on the amenity of roadside properties would be low.

Overall, the development conserves the amenity of nearby properties as required by planning policy.

### **Conclusion**

The siting of the camping pods would be comparable to siting chalets or lodges on the land, which planning policy states will not be permitted.

Both the pods and access track would harm the rural character and appearance of the landscape, contrary to planning policy.

The application also fails to demonstrate that the development would be served by a safe access as required by planning policy.

The application also includes insufficient information in several areas, meaning that impacts on ecology, trees, highway safety, and flood risk cannot be properly assessed.

Accordingly, the application is recommended for refusal.

### **Human Rights**

None arising.

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

None

**Report Author and Job Title**

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