

6. FULL APPLICATION – ERECTION OF AMENITY BUILDING WITH TURNING HEAD, NEW VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED FACILITIES FOR CAMPING AND CARAVAN SITE AT BROSTERFIELD CARAVAN PARK, FOOLOW (NP/DDD/1219/1272, AM)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Summary

1. This site benefits from planning permission for a caravan and camping site. The National Park Authority purchased the site to control the use of the site for touring caravans and camping only.
2. The proposal is for the use of the site for touring caravans and camping only with the same restriction on the number of pitches as the existing planning permission. A new amenity building, access track, planting and ancillary development is proposed to facilitate this use.
3. The proposal can be accommodated on the site without harm to the special qualities of the National Park, the setting of the designated Foolow Conservation Area or the local community. The application is therefore recommended for approval, subject to conditions.

Site and surroundings

4. The application site is located in open countryside approximately 260m to the south of the edge of Foolow outside of Foolow Conservation Area, which extends out to Ivy Farm and Home Farm 64m to the north of the application site. The site is located within the White Peak Landscape Character Area and specifically within the Limestone Village Farmlands Landscape Character Type.
5. 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.
6. The 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.
7. A public right of way follows the existing access track along the southern boundary of the site. 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

8. Erection amenity building, ground source heat pump and ancillary facilities; the creation of an access track and associated landscaping.
9. Use of the land as a caravan site. The plans show one touring caravan pitch for a site warden, 19 year round touring caravan / camping pitches, 10 touring caravan / camping

pitches to be occupied between Easter and October and a further 20 touring caravan / camping pitches for use on bank holiday weekends. The pitches would be grass with no access tracks within the site.

10. The amenity building would be sited on the northern boundary of the site adjacent to the proposed access track. The building would have to main elements constructed from natural limestone under pitched roofs clad with natural blue slate with a smaller linking element clad with zinc and vertically boarded timber. The building would house the site office, toilets, showers, laundry plant and storage.
11. Solar voltaic panels are proposed for the south facing roof and a ground source heat pump would provide heating and hot water.
12. Chemical waste would 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 emptied by tanker when full. Foul drainage from the amenity building would be to an underground package treatment plant sited to the south-east of the building. A recycling compound would be located adjacent to the cess tank.
13. The access track 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 and a timber gate erected. The first 19m of the track would be 5.5m wide with the remaining track 3m wide. The first 10m of the track would have a macadam surface with drainage channel. The remainder of the track would be surfaced with limestone, over sown with grass seed to match the field with a central grass strip.
14. Additional native planting would be carried out 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.

RECOMMENDATION:

That the application be APPROVED, subject to the following conditions:

- 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. Prior to the operation of the campsite, an Ecological Management Plan (including measures to provide on-site habitat enhancement for a range of species) shall be submitted to and approved in writing by the National Park Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.**
- 5. All new services shall be placed underground within the applicants ownership**
- 6. Submitted landscaping scheme to be implemented.**

7. Prior to the first occupation of the amenity building solar photovoltaic panels shall be installed to the south facing roof slope in accordance with a detailed scheme (including the specification, finish and location of solar panels) which shall have first been submitted to and approved in writing by the National Park Authority.
8. The solar panels shall be fitted flush to the roofslope.
9. Prior to the first occupation of the amenity building a ground source heat pump shall be installed within the site in accordance with a detailed scheme (including the specification and location of pipework and equipment) which shall have first been submitted to and approved in writing by the National Park Authority.
10. No lighting shall be installed other than in accordance with a scheme submitted to and approved in writing by the National Park Authority.
11. No flagpoles or illuminated poles either temporary or permanent shall be erected on the site.
12. The package treatment plant and cess tank hereby approved shall be installed prior to the first occupation of the amenity building.
13. Sample of metal sheeting for the link roof of amenity building to be submitted and approved prior to the erection of the amenity building.
14. Notwithstanding approved plans, the timber cladding to the amenity building shall be vertically boarded, tanalised and left to weather naturally without paint or stain finish.
15. The walls of the amenity building shall be natural limestone in accordance with a sample panel to be erected and approved in writing by the National Park Authority.
16. The main roof of the amenity building shall be natural blue slate.
17. External finish of windows and doors to amenity building to be submitted and approved in writing prior to installation.
18. Restrict use of site to touring caravans and / or tents only.
19. 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.
20. Holiday occupancy condition (no more than 28 day occupancy for any individual per calendar year) and no single caravan or tent (other than the one caravan for a site warden) shall be retained on site for a period exceeding 28 days in any calendar year.

21. The touring caravan for the site warden shall not be occupied other than by a site warden employed at Brosterfield Caravan Site and their dependants only.
22. No caravan or tent shall be sited on the eastern field edged in blue on submitted site plan at any time.
23. Remove permitted development rights for development required by the conditions of a site licence.

Key Issues

- 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. A copy of the decision notice is attached as appendix 1.

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 1st 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.

2017: NP/DDD/1016/0972: Application for operation facilities including amenity building, new access, manager's accommodation and associated ancillary facilities **refused** for the following reason:

"The proposed development, by virtue of its scale, would result in an adverse impact on the landscape and an adverse impact on the local community through traffic and disturbance. The development would therefore be contrary to Core Strategy policies GSP1, GSP3, L1 and RT3, saved Local Plan policies LC4 and LR3 and to policies in the National Planning Policy Framework, including the provisions of Paragraph 115 relating to development in National Parks."

Consultations

15. Environment Agency: No response to date.
16. District Council: No response to date.
17. Highway Authority: No response to date.
18. Any response will be update verbally at the meeting.
19. Foolow Parish Meeting: Object to the application for the following reasons.
20. The proposed access track will spoil the landscape setting of Foolow and will spoil the entrance to the village from the A623. Positioning the track close to the existing wall will not eliminate it from being seen. Nor will vehicles using it be hidden.
21. The traffic generated by this proposed development will be considerable. The traffic will require access to the site (across the newly created track) and this traffic will clog up local roads and parking even more than presently.
22. Access through Foolow is not straightforward especially if caravans are being towed and access using either way to the A623 is not risk free.
23. It is estimated that on a summer day, there would be around 120 new vehicle movements down the track. On a summer bank holiday, each day could generate in excess of 200 vehicle movements. These figures are based on each camping pitch only having one vehicle, and that each vehicle makes 4 journeys down the track each day. These figures do not include service vehicles required for site maintenance nor delivery vehicles for supermarket shopping. These movements are known to be considerable at caravan sites elsewhere.
24. Foolow has few facilities: it has a pub, a village pond and green but no shops, playground, or medical facilities. The traffic generated by the site will therefore go elsewhere, perhaps through Foolow, with the car being the preferred option. Foolow already has parking problems and access for larger and longer vehicles is already problematic.
25. Public transport is limited to the bus route between Buxton and Sheffield / Chesterfield.
26. The site (and traffic) will be visible particularly in winter when the leaves will have gone.

Visible not just from the public footpath running to the south, but also to the main road in to Foolow.

27. The development will generate light pollution. This will apparently be mitigated, but considerable pollution will be created in a dark area by lights from vehicles, infrastructure and visitors' facilities.
28. Desecration of the views and landscape by an intensive commercial development. It will create new development (amenity block, warden's accommodation, facilities etc) where none currently exists. Could it be called ribbon development?
29. Signage. Two new signs advertising the Caravan Park will be erected where none exists now. Both will be sited and will be clearly seen by all entering or leaving Foolow.
30. Local residents will be affected by this new development, in particular the properties of Ivy House Farm, Home Farm and Brosterfield Farm would be adversely affected by noise and pollution generated by the development.
31. Natural England: No objection.
32. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation site.
33. Natural England refers us to generic advice about Sites of Special Scientific Interest (SSSIs), Biodiversity, Protected species and local sites, protected landscapes, agricultural land, access and recreation, rights of way and environmental enhancement.
34. PDNPA Archaeology: No objection but makes the following comment:
 35. It appears from the plans that the access track will sit adjacent to the existing field wall and this will be retained. This field wall forms part of an important area of historic landscape, where the location and position of the extant field walls fossilise the form and layout of the medieval open field system associated with Foolow. So, we would seek for this field wall retained on its existing alignment. The proposed site layout plan suggest that the wall be will be retained, but I wondered if it would be possible to more explicitly ensure its retention and maintenance by means of a condition?
36. PDNPA Ecology: No objection but makes the following comment:
 37. 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.
 38. The presence of Great Crested Newt (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 survey is required (our survey criteria would usually require ponds to be assessed within 250m of the development).
 39. 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 as well as providing a winter foraging area for seed eating birds. The area could be maintained by cutting on a bi-annual basis.

40. Our Ecologist recommends that a number of precautionary measures for amphibians are put in place during the works. These are:
- During building works, the foundation and wall footings should be checked for the presence of amphibians on a daily basis.
 - Materials used for the works must not be stored in close proximity to the walls.
 - Any drystone walls, which require works, must be dismantled carefully by hand and should check for the presence of newts or other amphibians.
 - Any great crested newts found during works must be carefully placed in a sheltered location within vegetation adjacent to the pond and wall boundary in terrestrial habitat. If any great crested newts are found during works, Natural England should be contacted immediately.
 - Tree removal works would also need to avoid the bird-breeding period (March to September inclusive).
41. Under the National Planning Policy Framework, there is also opportunity to consider biodiversity net gain at this site. The creation of a pond suitable for GCN and other amphibians should be considered.
42. Our Ecologist recommends that a planning condition is imposed which would tie together the habitat creation and maintenance suggested above.
43. Following concerns raised in representations our Ecologist visited the site to look for signs of badgers on the site. A number of rabbit holes were noted but no evidence of any badger setts was found. A small badger latrine was identified within the planted area and it is likely that the wider area is used by foraging badgers. There is a well-used route on site that goes under the fence in one location. No badger hairs were attached to the wire in this location. Our Ecologist advises therefore that there are no setts present on site and that no further survey is required.
44. PDNPA Landscape: No objection and makes the following comment:
45. The site comprises the camping and caravan site which extends to approximately 4.25 acres (1.72ha).
46. There is an adjoining belt of trees between the site and agricultural field which is adjacent to the public highway currently used for grazing sheep and hay making extending to approximately 6.29 acres (2.55 ha). The site is bounded by dry stone walls.
47. The site is located within the Limestone Village Farmlands Landscape Character Type (LCT) (on the edge of the Limestone Plateau Pastures LCT) within the White Peak Landscape Character Area (LCA).
48. A Public Right of Way 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 application site is visually well-contained (by landform and surrounding tree cover) so potential landscape impacts are confined to the site itself.
49. Following a site visit, our Landscape Officer does not consider that the scheme would have any significant adverse visual effects on views from the local footpath network.

50. A landscape assessment has been included with the application and this concludes that the proposals for Brosterfield camping and caravan site will have a neutral / slightly beneficial impact on the character of the area.
51. The amenity building seems to be well designed and sited appropriately to minimise any visual effects (located adjacent to existing vegetation). The access track appear to be well sited and congruous with existing access tracks in the wider landscape. The proposed access road will potentially have a localised impact on character, but this is minimal.
52. In terms of landscape treatment, two shelterbelts will be planted in addition to a number of individual trees. It is agreed that this landscape structure will enhance the site and help to integrate it into the wider landscape.
53. The application does not conflict with any of the identified protection and management priorities and therefore our Landscape Officer has no objections to the scheme.

Representations

54. 76 representation letters have been received at the time the report was written. 75 of the letters object to the development and 1 representation makes general comments.
55. The representations include letters from: Friends of the Peak District; Great Hucklow, Grindlow, Windmill, Little Hucklow and Coplowdale Parish Council; and Abney, Abney Grange, Highlow and Offerton Parish Meeting.
56. The material planning reasons for objection and comments given are summarised below.

57. Reasons for objections

- The proposed access is adjacent to residential properties, which will cause amenity issues for those residents.
- The access will cut across an existing narrow footpath and through open meadow, which will be visible from Longstone, Bretton and Litton edges.
- The proposed signage will spoil the approach to Foolow and detract from the Conservation area.
- The access will need to be wide enough to accommodate touring caravans and service vehicles onto the site, and this will require significant widening of the gap in the stone walling.
- The proposed fence along the access is out of keeping with the landscape.
- The development would result in a significant rise in traffic movements.
- Parking issues within the village, along green lanes and narrow lanes will be exacerbated by additional vehicle movements and towed vehicles.
- There are no turning facilities within the village for caravans.
- Access onto the A623 does not have good visibility.
- The speed survey carried out by Derbyshire County Council is out of date and does not

allow for the diversions due to long term road closures in the area.

- The laybys near the site are used for parking by walkers, so are not available for users of the site.
- Caravans will be visible from Longstone, Bretton and Litton edges, distracting from the view and causing light pollution.
- The development would result in year round intrusion of buildings and tracks, which would stand out on the limestone plateau and are contrary to policies protecting and preserving the landscape.
- Current screening of the leylandi hedge is not in the control of the National Park as it is planted on adjoining land. The existing hedge is not a natural feature.
- New planting will be uncharacteristic to the open grazing land and will spoil the natural landscape. Evergreen planting will not be a native species and deciduous varieties would not provide screening in winter.
- Electricity supply to the village is not good and additional demand for the site, including electric hookups etc. will put added pressure on the system.
- Other than one public house in the village there are no local amenities in Foolow for occupants of the caravan site to use.
- The site description is not restricted to touring caravans and therefore statics could be put on the site under the original permission.
- The 1998 permission has been lost due to abandonment and therefore the site should be subject to a full planning application.
- The 1998 planning permission is not valid as the passing places along the access track were never completed and therefore the permission is not extant.
- There is a badger sett on site and the application makes no provision for this on the site.
- Flora and wildlife habitat could be incorporated into the site, this is a missed opportunity at present.
- No mitigation for off-setting carbon emissions for the site has been proposed (for example from internal combustion engine cars visiting the site).
- An ecological survey must be submitted with the application.
- The proposal would result in the creation of a ribbon development between Foolow and Housley.
- The development would result in intensification of the site allowing 50 caravans.
- Query if existing sewage arrangements are sufficient to deal with the waste from 50 caravans.
- The development would adversely affect crime in the area and the health of the local community.

- The development would not support existing rural businesses and is therefore contrary to policy.
- Issues with litter, noise from visitors to the site walking to the village, petty crime due to the increase in population when the site is full.
- The application requires an Environmental Impact Assessment because there is a significant risk to wildlife that occupy the site due to it returning to a natural state.
- None of the reasons for the previous refusal of planning consent on the site have been addressed.
- The development would result in an adverse impact on the community.

Main policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, CC1, CC2, L1, L2, L3 and RT3

Relevant Development Management Plan policies: DM1, DMC1, DMC3, DMC5, DMC8, DMC11, DMC12, DMC13, DMR1, DMR2, DMT3, DMT6, DMU1 and DMU2.

National planning policy framework

58. Paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.
59. Paragraph 82 says that planning policies should support sustainable economic growth in rural areas and should enable sustainable rural tourism and leisure developments, which respect the character of the countryside.
60. Paragraph 190 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.
61. Paragraph 193 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

62. 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.

63. Core Strategy policy CC1 says that all development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy, be directed away from flood risk areas and achieve the highest possible standards of carbon reductions and water efficiency. CC2 says that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without harming the National Park.
64. Core Strategy policy RT3 is directly relevant and 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.
65. The supporting text which precedes RT3 is also relevant. Paragraph 10.26 says:
66. *“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”.*
67. Development Management policy DMR1 and DMR2 are also directly relevant.
68. DMR1 A. says that the development of a new touring camping or touring caravan site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable and it does not dominate its surroundings. DMR B. says that shopping, catering or sport and leisure facilities will be permitted provided that they accord with part A and do not adversely affect the vitality and viability of existing facilities in surrounding communities.
69. DMR2 A. says that where the development of a touring camping or touring caravan site is acceptable, its use will be restricted to no more than 28 days per calendar year by any one person. DMR2 B. says for an existing camping or caravan site, the removal of any existing condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that the site is adequately screened in winter months and that there would be no adverse impact on the valued characteristics of the area or residential amenity.

70. 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 Development Management policy DMC3 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.
71. Core Strategy policy L2 and Development Management policies DMC11 and DMC12 together require all development to conserve and enhance the biodiversity of the National Park including designated sites, and protected species and habitats.
72. Core Strategy policy L3 and Development Management policies DMC5 and DMC8 together require all development to conserve and enhance the significance of any affected archaeological, architectural, artistic or historic assets and their setting. DMC8 provides detailed criteria to assess proposals, which either are within or affect the setting of Conservation Areas.
73. Development Management policy DMC14 says 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. Development Management policy DMT3 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. Development Management policy DMT6 requires development to be served by limited parking taking into account its location and visual impact.
74. Our adopted Landscape Strategy and Action Plan and the Foolow Conservation Area analysis document dated 1994 are material planning considerations along with our 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

Background

75. Planning permission was granted at the site for the change of use of the land to a caravan site in 1998 (the 1998 permission).
76. The Authority refused an application for a Certificate of Lawful use for the unrestricted all year round occupation of 20 caravans on the site (i.e. to include mobile "Park" homes) in 2008.
77. The lawful use of the site was investigated as part of the application and the subsequent appeal in 2011. The Planning Inspector allowed the 2011 appeal and issued the Certificate of Lawful use. Section 191(6) of the Town and Country Planning Act 1990 states 'The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed').
78. The question has been raised about whether the 1998 permission has been implemented (if not, it would have lapsed after 5 years). This is a matter which we considered at the time of the lawful development certificate application and appeal and it was concluded that the development had been lawfully commenced and that, as a consequence, the permission was implemented.
79. The question has also been raised about whether the caravan and camping use has

been abandoned. The site benefits from planning permission and the permitted use cannot be abandoned as a matter of law.

80. The point is also made in representations that the existing access to the site 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. 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. Notwithstanding this, the matter for consideration is whether the access proposed in this application is acceptable in its own right.
81. The site does benefit from a lawful use as a caravan site subject to the planning conditions imposed upon the 1998 permission.
82. Finally, the point is made 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 also question the intentions of the applicant in purchasing the application site and making the current planning application.
83. In considering a planning application, the identity of any landowner or applicant is not a material planning consideration. It is a principle in law that planning permission runs with the land and that an application should be determined on its own merits. We are required to determine the application 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 landowner.
84. The starting point in assessing the proposal is the lawful use of the site. However, the applicant's stated intentions can also be a material consideration. The applicant has stated that its intention in purchasing the site was to control the use of the site to touring caravans and camping only, so this is a material consideration in considering this application.

Principle

85. The application site is located in open countryside but is not designated as Natural Zone or within any designated nature conservation site. Therefore, recreation and tourism development is acceptable in principle in accordance with policy DS1.
86. Policies RT3 and DMR1 are relevant for caravan and camping sites. We support small touring camping and caravan sites, 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 in policy, but the supporting text says 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).
87. We also support the provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities provided that they are an appropriate scale. We encourage development that improves the quality of existing sites, including improvements to upgrade facilities, access, landscaping or the appearance of static caravans. We do not permit sites for static caravans, chalets or lodges.
88. Our policies therefore say that small touring caravan and camping sites are acceptable

in principle provided that they conserve the valued characteristics of the National Park and do not harm the amenity of neighbours, the local community or highway safety. Our policies also encourage development that would improve the quality of existing sites.

89. If permission is granted, we would recommend planning conditions as set out above are imposed to restrict the use of the site for a restricted number of touring caravans and tents only with occupancy restricted to holiday occupancy only in accordance with our policies. The principle of the development is in accordance with policies DS1 and RT3.
90. Therefore the key issue is the impact of the proposed development upon landscape character and scenic beauty, the local area and the community.

Landscape and visual impact

91. The application site is located in the Limestone Village Farmlands character area within the White Peak. 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.
92. 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.
93. The boundary trees around the site include a belt of native trees and hedges along the eastern boundary of the field which were planted after permission was granted in 1998 and more mature trees to the south and west of the site which form part of Brosterfield Farm. A row of Leylandii 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.
94. In the wider landscape the site, 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 seen in the context of the surrounding pastoral fields and drystone walls and amongst the established groups of trees.
95. This application proposes various building operations, including the creation of a new access track; new amenity block and ancillary works. The application proposes to restrict the use of the site for touring caravans and tents only. No formal pitches or internal access tracks are proposed. A site manager would occupy one touring caravan. This is comparable to the intention of the 1998 planning permission (prior to the certificate of lawful use determination which established the principle of year round pitches which could be used for 'Park' homes or lodges).
96. Additional planting is also proposed including planting 36 individual trees within the site and along the east and north boundaries. New shelterbelts are proposed along the southern boundary and part of the east boundary. The individual trees would be a mixture of Mountain Ash, Silver Birch, Oak, Hornbeam and Holly. The shelter belts would be a mixture of Field Maple, Hazel, Hawthorn, Small Leaved Lime, Mountain Ash, Silver Birch, Holly and Hornbeam.
97. To assess the impact of the proposals we have visited the site and viewed it from

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. We have also consulted our Landscape Officer who has assessed the proposals independently and provided written comments (see consultation section of this report).

98. 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.
99. Several concerns are raised in representations about the potential visual and landscape impact of the proposals both from nearby vantage points and in the wider landscape.
100. The planting carried out along the eastern boundary of the site has established and provides an effective screen of the camping and caravan site from nearby views from the highway to the east and north east. The effect of this planting is that from these views and from the approach to Foolow that the visual impact of the development would be limited to the new access.
101. From the highway, the access track would be visible before the land dips towards the eastern boundary of the camping field. When viewed from the north the access would be visible but the track would be effectively hidden behind the existing northern field boundary wall. When viewed from the south the access track would be visible but would run adjacent to the northern field boundary which would mitigate the visual impact of the track as it crosses the field in accordance with our policy guidance.
102. The works to the access would widen the existing field gate and cut across a section of the public footpath and grass verge. This would be a visual change which would interrupt the grass verge but the overall design and surfacing of the access would reflect existing agricultural access tracks in the local area. Therefore, the creation of the access track would not result in a harmful visual impact or harm landscape character.
103. There would be close views into the site from the public footpath along the southern boundary of the site. Views from the majority of the footpath as it passes the site boundary are effectively screened by existing Leylandii trees planted on neighbouring land. There are, however, glimpses of the site between planting and through the existing field gate on the southern boundary.
104. 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. We therefore consider that the proposed buildings and use of the site for touring caravans and tents as proposed would not have an adverse visual impact from these views.
105. We reach the same conclusion when viewing the site from the public footpath, which runs east to west 370m to the north of the site. From this vantage point, views of the site are filtered by the existing planting on the eastern and western boundary of the site.
106. Planning officers therefore agree with our Landscape Officer that the site is generally well contained within the existing planting. We note that some of this planting 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 significant additional planting along these boundaries, which will reinforce the existing planting with native species and provide effective mitigation in the event that the planting on the neighbouring land

is removed.

107. If permission is granted we would recommend that a planning condition is imposed requiring the proposed additional landscape planting to be implemented. This is necessary to 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 we are satisfied that the development can be accommodated without a harmful visual impact from nearby vantage points.
108. The site is outside of the Foolow conservation area but 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 is well screened and therefore the proposals would not harm the setting of the conservation area. Similarly, views of the development on the approaches to the village would be limited and would not harm the setting of the conservation area.
109. 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.
110. Due to the distance from these viewpoints, the application site is seen 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. We have considered these vantage points carefully and have concluded that from these vantage points that there would be glimpsed views to the proposed amenity building and the upper part of the 'year round' pitches.
111. However, any views of the proposed building, touring caravans and tents on the site would be limited and seen through the existing mature planting which would be reinforced over time by the proposed planting. The proposed building would be read in the wider landscape as a modest extension to the existing group of buildings at Brosterfield Farm and would not result in an adverse visual impact or harm landscape character.
112. Concern is raised in representations that light generated by the site would result in light pollution which would harm dark skies, a valued characteristic of the National Park. The submitted application states that proposed lighting would be limited to low level light on proximity sensors for the amenity block. We 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. We also propose a condition to prohibit the use of flagpoles and other illuminated poles, which have become increasingly popular with customers of campsites and can create visual intrusion and light pollution.
113. Therefore, taking the proposals as a whole we consider considered that the development would not have a harmful visual or landscape impact and would conserve the setting of Foolow Conservation Area and valued landscape character. The application is therefore in accordance with Core Strategy policy RT3, L1 and L3; Development Management policies DMC1, DMC3, DMC5, DMC8, DMC13, DMR1 and DMR2.
114. If permission is granted we would recommend planning conditions to minimise the visual and landscape impact of the development including restricting the number of caravans and seasonal use of the site to minimise impact, especially during the winter months when planting around the site is less effective. We would recommend a

condition to prevent the use of the roadside field for camping as use of this site under permitted development would be harmful as this field is much more prominent.

115. We would recommend conditions to secure the implementation of the proposed landscaping scheme, require full details of external lighting to mitigate light pollution and to require any new services to be placed underground.
116. Finally, we would recommend a planning condition to remove permitted development rights for development required by the caravan site licence. This could include development required to create formal pitches, trackways or other ancillary buildings which if erected under permitted development could have an unacceptable impact. This condition would allow us to retain control over future development on the site.

Design, amenity and highway safety

117. The proposed development includes the erection of a building within the site to provide an amenity block, site office, storage and plant room. The submitted application says that the buildings have been designed to reflect a small group of single storey agricultural buildings.
118. The building would be constructed from two main elements each constructed with limestone walls and natural blue slate roof. The two elements would be linked by a subservient central element clad with vertically boarded timber and a zinc roof. Openings would be limited to glazing for the proposed site office and small vertical slot windows to the toilets. Simple boarded doors would be provided to the plant and storeroom.
119. Buildings around the application site and the wider limestone plateau are generally built from natural limestone with gritstone detailing. Therefore the form, massing and materials of the proposed buildings are considered to be modest, appropriate and of a high standard of design that respond positively to the established landscape character. The buildings would have a similar appearance to small traditional agricultural buildings especially when viewed in the wider landscape. The proposed detailing is simple with utilitarian openings with vertical proportions.
120. Subject to the imposition of planning conditions to ensure approval of proposed material samples and architectural specifications, the design of the proposed buildings is of a high standard and in accordance with our adopted design guidance.
121. The layout of the site is acceptable. No permanent pitches are to be erected or internal tracks and there is sufficient space within each allocated area for the number of proposed touring caravans and tents.
122. Given the distance from the proposed amenity building and campsite areas 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. A number of the objection letters refer to the impact of the proposed development on neighbouring properties and refer to other application and appeal decisions relating to a caravan sites in the National Park where impact on neighbours was a consideration. However, every application must be dealt with on its merits and the circumstances in the case of Brosterfield are materially different from the cases referred to.
123. Activity at the site is likely to be audible from Brosterfield Farm but given the distance

and intervening planting and buildings would not be at a level that would harm the residential amenity of occupants of that property. The proposed access would segregate vehicles going to the site from those going to Brosterfield Farm and Brosterfield Hall. This would potentially benefit the amenity of both neighbouring properties, as occupants would not meet visitors to the caravan site along the shared access.

124. Given intervening distances there are no concerns that the development would harm the amenity, privacy or security of any other neighbouring property.
125. 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 could harm the amenity of the area due to traffic and additional on street parking. It is considered that vehicle movements would not be so significant that they would harm local amenity. There is ample space within the site for parking and therefore we do not consider that the proposal would increase on-street parking adjacent to the site or in the wider area.
126. The Highway Authority has been consulted. No response has been received to date but during the course of the previous application the Highway Authority said that the principle of the proposed new access is acceptable and the submitted plans reflect the recommended access dimensions.
127. A speed survey has been undertaken and we consider that that vehicles using the access would have sufficient visibility even taking into account the raised bank to the right hand side of the access. Concerns raised about 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 about when the survey was carried out.
128. The application demonstrates 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 the submitted speed survey. Therefore, the development would be served by safe access and satisfactory parking in accordance with Development Management Policies DMT3 and DMT6.
129. Signage is shown on the submitted plans adjacent to the proposed access. These advertisements fall under the advertisement regulations and therefore would be dealt with under a separate application if express consent under the advertisement regulations is required. The proposed signage should not be taken into account in the determination of the current application. In general terms we consider that a sign could be accommodated adjacent to the access without harm to the local area subject to an appropriate design and size.

Sustainable building and climate change

130. The application states that the amenity building has been designed in accordance with policy CC1 and our adopted Climate Change and Sustainable Building Supplementary Planning Document SPD).
131. The building has been sited to maximise shelter from northerly and easterly weather by using the existing shelterbelts. The building has been provided with a covered entrance with double doors to reduce heat loss. Roof lights are proposed on the northern roof slope to increase solar gain, prevent overheating and reduce the need for artificial light. Local materials are proposed for the construction of the building and track.
132. The building would be insulated to exceed the requirements of building regulations and double glazed windows would be installed. Internal and external lighting in the building would be low energy and fitted with zoned motion sensors. A mechanical ventilation

and heat recovery system would be installed to reduce heat loss whilst removing water vapour. Zoned underfloor heating system would be installed to allow sections of the building to be closed down in winter as required.

133. Water and energy efficient appliances and units would be installed to maximise water and energy savings.
134. Finally, energy for heating and hot water would be provided by a ground source heat pump and photovoltaic panels would be sited on the south roof slope to contribute to the electricity requirements of the building.
135. The development has been designed to take into account the energy hierarchy and all opportunities to maximise energy and water savings have been considered and incorporated into the development in accordance with policy CC1 and our adopted SPD. If permission is granted, we would recommend conditions to secure details of the proposed ground source heat pump and photovoltaic panels and to require these to be implemented before the development is occupied.

Other issues

136. 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 our Ecologist. The site was surveyed in 2015 and GCN were not recorded at that time. Given that, the pond is more than 250m away from the site; our Ecologist advises that further survey is not required.
137. The pond was found to support common amphibians, which will be present in the wider landscape. Our Ecologist recommends a range of precautionary measures for amphibians if permission is granted along with the need to avoid any tree works during the bird-breeding season. These requirements could be secured by planning condition if permission is granted.
138. The Authority's Ecologist also recommends that opportunities are taken to enhance biodiversity at the site in accordance with DMC11 A. The proposed additional planting would provide an opportunity but there may be further scope for enhancement such as creating a pond suitable for GCN on the site. If permission is granted a condition, requiring an Ecological Management Plan would be recommended in accordance with our Ecologist's advice.
139. Having had regard to advice from our Ecologist, the location of the site and nature of development we conclude that the proposal would not be likely to have any adverse impact upon protected species on site or their habitats and would, subject to condition achieve a net gain to biodiversity. 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.
140. Concern has been raised that the application should be subject to an Environmental Assessment Impact (EIA). We have screened the application under the Environmental Assessment Impact Regulations and concluded that an EIA is not required, as the development does not have a significant impact on the environment (in the context of the EIA regulations) due to its characteristics, location and potential impact.
141. Two foul drainage systems are proposed. A package treatment plant for foul waste from the amenity building and a cess tank 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 off-site disposal facility.

142. The applicant has submitted correspondence with 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 we 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.
143. The proposed method of foul drainage for both foul and chemical waste has followed previous advice from the Environment Agency and is considered 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.
144. Concern has been raised that the proposed development would put additional strain upon 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.
145. A number of representation letters refer to other applications at other locations we have determined and appeal decisions for caravan and camping sites. We have noted these decisions which while are for caravan and camping sites, were all determined on their own merits taking into account impacts of those particular sites and surroundings. This application must be determined on its own merits.

Conclusion

146. 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 would not harm the amenity of neighbouring properties.
147. 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 conditions outlined in this report.

Human Rights

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

149. Appendices

Appendix 1 – Decision Notice for NP/DDD/0497/156

List of Background Papers (not previously published)

150. Nil

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