

5. FULL APPLICATION - CHANGE OF USE FROM DOMESTIC GARDEN TO CAMPING POD SITE, AT TOP RILEY, RILEY LANE, EYAM (NP/DDD/1121/1299, JS)

APPLICANT: MR M BELIVANIS

Summary

1. The application seeks full planning permission for the siting of eight glamping pods. It is considered that the erection of eight pods, with self-contained facilities, would be contrary to Core Strategy policy RT3 and DM policy DMR1, by virtue of the number of pods, and their scale and nature. In addition to this the development would result in a significant increase in the vehicular use of Riley Lane, which is an important part of the local public rights of way network and, as such, would cause harm to the quiet enjoyment of that network by existing users. The application is therefore recommended for refusal.

Site and Surroundings

2. Top Riley is located at the eastern end of Riley Lane, to the east of Eyam. It sits in a relatively elevated location at the junction of the valley above Eyam/Stoney Middleton and the main Derwent valley, above Grindleford and Stoke. The areas below the site are relatively well-wooded, whilst the areas above and to the west are more open. The application site is to the east of the house, at lower level, in a small field bordered by mature trees and drystone walls.
3. In addition to the main house, the applicant's ownership includes three holiday cottages (granted by virtue of a lawful development certificate, see planning history below), a camping barn, laundry/office/store and areas of grassland and woodland (19 acres in total). Riley Lane is part of the wider footpath and bridleway network, and gives access to the Riley Graves and to two other properties. The Eyam walk is a well-used visitor trail which also passes along Riley Lane and through the woodland below the site.
4. The site is outside Eyam Conservation Area and none of the buildings are listed. Pretty Wood, which lies to the south is protected by Tree Preservation Order (TPO).

Proposal

5. The application is for the siting of eight glamping pods around the perimeter of the field, in two lines of four. No hard surfacing is proposed as the site is well drained and the pods can be located on the existing ground surface. The pods will have an overall "footprint" of 7 metres (6 metres plus a one metre porch area) by 3 metres and a height of 2.5 metres. They would have timber walls, a metal roof, and uPVC double doors in one end and a window in the other. Internally there would be a double bed, room for a single day bed, a mini kitchenette and a shower and WC cubicle. Drainage will be to a new septic tank or package treatment plant. The pods will be occupied for holiday purposes.
6. The application is accompanied by a Planning Statement, and, following the response of the Highway Authority, a plan with photographs has been submitted showing passes places at various locations along Riley Lane. A Tree schedule showing the location and species of all trees on the site has been submitted in response to an officer request. This says that all development would be well beyond the root protection zones of any trees.
7. The Planning Statement explains that "*the applicants are seeking to diversify in line with the guidance in the National Park Authority's publication "Farming in Protected Landscapes" (FiPL) to secure additional income to maintain the land they own and occupy. The holding includes 6 acres of woodland (Pretty Wood) which has not been managed over recent decades. The applicants have sought the advice of the NPA's arboriculture officer who has advised on steps to introduce light to the woodland floor to encourage new growth and encourage ecological diversity. However, this takes resources and funding.*

This aligns with the guidance in the FiPL relating to "Climate Outcomes", "Nature Outcomes" and "Place Outcomes" directives. The Eyam Walk which passes through the wood generates significant visitor numbers and so it makes sense to provide accommodation on this historic route and allow people to visit this part of the National Park, providing the funds to manage and increase wildlife habitat in the woodland, and grasslands (flower meadows etc) whilst increasing a greater area of species-rich habitat. This will provide an additional opportunity for people to explore, enjoy and understand the landscape whilst enabling the applicants to establish a small holding, potentially becoming a sustainable farmland business that supports the local economy".

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The proposal is considered to be unacceptable by virtue of the number, scale and nature of the pods. As such the proposal is in conflict with Core Strategy policy RT3 and DM policy DMR1.**
- 2. The proposal would be contrary to Core Strategy policy T6 and DM policy DMT5 *Development affecting a public right of way* as it would increase vehicular traffic on the public right of way network serving the site, to the detriment of the quiet enjoyment of the route by walkers and riders.**

Key Issues

- The principle of development
- Impact on the landscape character and special qualities of the National Park
- Highways Impacts, including impact on existing users of the public rights of way

History

8. The following applications relate to Top Riley:
 - NP/DDD/0519/0543: Certificate of Lawfulness for existing development granted, confirming that the existing three holiday cottages were not constructed in accordance with the 2004 appeal decision and that the use of the barn for three holiday accommodation units, the associated external works, external seating areas, use of the adjacent building for laundry/store/office, water tank and associated car park were lawful.
 - 2004: Appeal allowed for conversion of barn to two holiday cottages.
 - June 2003: Revised scheme for conversion of barn to two holiday cottages – refused
 - April 2003: Conversion of barn to two holiday cottages – refused

Consultations

9. Highway Authority (key points extracted as follows): *"The Public Right of Way (PROW) 34 passes across the blue line boundary at the eastern side of Riley Lane and provides access to PROW 28. The Highway Authority provided their initial comments dated 30th December 2021 and raised concerns on the intensification in the use of Riley Lane due to this proposal. Riley Lane is an adopted single-track road without passing places which forms a junction with a Classified Road B6521. The Highway Authority recommended checking the feasibility of installing passing places on Riley Lane in the interest of road safety for all road users, including PROW.*

In response to the DCC comments, the applicant proposed 10 informal passing points, as demonstrated in Drawing No R.B.22.01. As Riley Lane is an adopted road up to 70m before private access track to the site, the detailed design needs to be agreed upon by Section 278 Agreement

In addition, the applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of the number of collection location of bins. Subject to the proposed details being modified where necessary in accordance with the above comments, and if your Authority is minded to approve the application, the following conditions being included in any consent:

- The proposed site, the subject of the application, shall not be occupied until the proposed passing places on Riley Lane as demonstrated on Drawing No R.B.22.01 have been constructed*
- Before any other operations are commenced, a construction method statement shall be submitted to and be approved in writing by the Local Planning Authority.*
- Throughout the period of the development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.*
- The site, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawing 'Drawing No R.B.22.01' for the parking (of 8 vehicles) and manoeuvring of visitors, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
- Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority."*

10. District Council: No response.

11. Eyam Parish Council: *"While the Council has no objection to the introduction of camping pods at the site, the consequential increase in vehicular traffic on Riley Lane was felt to be problematic, given the inadequacy of the lane and its lack of passing places."*

12. PDNPA Tree Officer: On one side the woodland is protected by TPO, but all the site area including the trees is not protected. Does not raise any objections but makes the following requests:

- It would be helpful to have a plan with the RPA's visible as this would then give a true plan where the pods would be installed.
- There are no plans/drawings of proposed trench works for electricity supply to each pod.
- There are no plans/drawings for the proposed surface/grey water pipe work construction including main drain or soakaway.
- There are no details of materials to be used in the proposed construction of the pads for the pods and pathways.

Representations

13. We have received eight representations, with three objecting to the application and five supporting.

14. The objections raise the following points:

- Access to the three properties that use this lane is already difficult and dangerous especially in the dark and/or when there are hundreds of schoolchildren visiting the Riley Graves on foot. The access road is unsuitable for any increase of vehicular use. As is noted in the application it is currently heavily used by walkers, cyclists, dog walkers and horse riders as well as agricultural traffic. Several large groups of school children may visit the graves in a single day. There are very limited areas where cars can pull off to allow a car or rider to pass. The road is perfectly adequate for the use of a one family household for which it was designed, but the addition of 3 holiday cottages has significantly increased the traffic. In light of the Highways

suggestion that passing places could be made on the applicants land - he doesn't own any of it. This is not just a question of passing places - which are difficult anyway, but also a question of how the existing frail surface tarmac which has not been renewed since 2002, could cope with increased traffic.

- The water supply, from Ladywash Mine, only just manages to furnish the 4 properties connected, and already in the summer-time thirsty animals drinking from troughs reduces our water pressure significantly

15. Those supporting the application raise the following points:

- Families need now, more than ever, to be able to explore the countryside both for their physical and mental wellbeing, then being accommodated in these pods. They would be a brilliant, affordable, outside and exciting base to discover this magical area and also bring much needed financial and tourist benefits to the village of Eyam. will help ease congestion around the current location, and benefit disabled shoppers. The increased range will also give locals more options.
- We support the application for change of use. We have often required short term holiday accommodation for friends and family visiting and this site would be perfect for that. It will be lovely to see a family business that supports other local business too with some eco conscious/ glamping tourists.
- We have four businesses based in Eyam and rely on tourists and most importantly Accommodation so visitors can use our outlets and day and night. Always a positive when I see applications like this happen in Eyam , a real positive for the village businesses.

Main Policies

16. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, RT3, T6, CC1.

17. Relevant Development Management policies: DMC3, DMR4, DMT3, DMT8.

National Planning Policy Framework

18. The National Planning Policy Framework (NPPF) 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 our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.

19. Paragraph 176 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.”*

Peak District National Park Core Strategy

20. Policy GSP1 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). GSP1 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.

21. Policy GSP2: *Enhancing the National Park* states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. Development in settlements necessary for the treatment, removal or relocation of nonconforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted.

22. Policy GSP3 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.

23. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

24. Policy DS1 sets out the Development Strategy for the National Park. DS1.C. sets out the forms of development that are acceptable in principle in the countryside outside of the Natural Zone. There is no scope for the erection of new housing here other than as part of development needed to secure effective conservation and enhancement.

25. Policy L1 says 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.

26. Policy RT3 states that 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

27. Policy T6 sets the strategic principles for the safeguarding of routes for walking, cycling and horse riding, ensuring that the Rights of Way network is protected from development.

28. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.

Development Management Policies

29. The most relevant development management policies are DMC3, DMR1, DMT3 and DMT5.

29. Policy DMC3 says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.

30. Policy DMR1 *Touring camping and caravan sites* states:

A. The development of a new touring camping or touring caravan site, or small extension to an existing 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.

B. Shopping, catering or sport and leisure facilities at camping and caravan sites will be permitted provided that they accord with the requirements of Part A and there is no significant adverse effect on the vitality and viability of existing facilities in surrounding communities.

C. Exceptionally, the development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact, or a single shepherd's hut where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape

31. Policy DMT3 sets out that development will only be permitted where a safe access that is achievable for all people can be provided in a way that does not detract from the character and appearance of the locality.

32. DMT5 *Development affecting a public right of way*, Part C says:

“C. Development that would increase vehicular traffic on footpaths, bridleways or byways open to all traffic to the detriment of their enjoyment by walkers and riders will not be permitted unless there are overriding social, economic or environmental conservation benefits arising from the proposal.”

Assessment

Principle of proposed development

33. The proposed camping pods would be permanent timber structures which would be placed on the ground within an open area to the south-east of the building group at Top Riley. The pods would measure 7 metres by 3 metres, 2.5 metres high, with timber walls, a metal roof, and uPVC double doors in one end and a window in the other. Internally there would be a double bed, room for a single day bed, a mini kitchenette and a shower and WC cubicle. They would be permanent structures, with their own facilities. The character and potential impacts of the proposed pods would therefore be more comparable to siting chalets or lodges. 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 unless it is proposed in locations where it would not be intrusive in the landscape. Policy DMR1 provides further criteria, permitting small, simple, wooden pod structures in principle where they are located in woodland settings and have acceptable landscape impacts.

34. The supporting text to DMR1 is important so it is quoted in full below:

“5.20 Core Strategy policy RT3 is clear that static caravans, chalets and lodges are not acceptable features in the National Park. 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. 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. For clarity, the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore they will be determined against Core Strategy policy RT3B.

5.21 There may be exceptional circumstances where some structures may be acceptable. For example, experience has highlighted that wooden pod structures with no associated development can provide a sensitive, low key form of accommodation particularly in woodland settings where the scope for landscape harm is negligible. Such solutions can

help to support the local economy by extending the tourism season. Similarly the traditionally styled shepherd's hut accommodation can also provide an alternative form of provision with very minimal landscape impact but can only be justified as exceptional if only one hut is installed on any one agricultural holding. Such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2. Policy DMR1 then requires that such development is located close to an existing farmstead where existing access, parking arrangements and facilities can be utilised".

35. In an appeal against the refusal of an application for similar pods on a site in Bakewell, the Inspector dealt with this point as follows:

"It is clear to me that Policy RT3 favours the location of such camping sites to farmsteads, particularly where this assists in farm diversification and where existing buildings can provide access to facilities needed for the campsite. The text that supports the policy mentions that small and simple structures with communal facilities be provided. I appreciate that the pods have a low arched form, and would not be as large as a chalet or static caravan. However, the proposal does feature many of the elements of such structures in that the pods would have a separate living and bedroom, bathroom and kitchenette as well as a decking, and a requirement to have adequate drainage. As a result, the proposal is situated in an inappropriate location and are not simple structures which would be contrary to Policy RT3 of the CS" (Core Strategy).

36. This issue has been pointed out to the applicant and his agent, but the applicant is unwilling to reduce the size and facilities in the wooden pods. If the principle of camping pods in this location is considered to be acceptable, there would have to be a smaller number of pods and the pods themselves would need to be smaller, with no internal facilities, similar to tents, rather than caravans in this respect. This is the approach that was adopted at North Lees campsite, near Hathersage. Any toilet, washing and amenity facilities could be in one of the existing buildings in the group at Top Riley. Consequently, it is considered that the application is unacceptable by virtue of the number, size and design of the pods, contrary to policy RT3 and DMR1.

37. The Planning Officer has also raised concerns about the description of the development, which describes the application site as domestic garden, but it is more likely that it is outside the curtilage of the property as it still has an agricultural character, albeit with a more "managed" appearance as it may have been used by the adjacent holiday accommodation. If the applicant considers this to be residential curtilage, they should submit a planning application for change of use or provide evidence that it has been used as residential curtilage for a period in excess of 10 years. However, this is not considered to be a significant issue in the determination of this application because the development is contrary to policy whether the site is agricultural land, residential curtilage or some other hybrid use.

Landscape Impacts

38. The application site is in a relatively elevated position on a hillside above the Eyam-Grindleford road (now closed) and above the Calver-Grindleford road. However, it is enclosed by woodlands on the downslope sides and there is rising land, up to the building group at Top Riley above the site, to the west. As a result, the site is well screened from public views in the wider landscape. There are well-used public rights of way close to the site, to the south and east, but these are at a lower level so there is little likelihood of the pods being visible – any views would be in winter, through the trees, and relatively restricted. One of the adjacent woodlands, Pretty Wood, is protected by a TPO. Consequently, there are no landscape objections to the proposal.

Highway Issues:

39. Access to the proposed development would be via Riley Lane, which leaves the public highway at the eastern end of Eyam, close to where the road to Grindleford has been closed

for many years due to subsidence. The lane, which is tarmacked for most of its length also serves two other properties and is a well-used bridleway and footpath, with the Riley Graves roughly half way up the lane to Top Riley. This is on the Eyam Walk, a history trail around the parish of Eyam. The Planning Statement says that visitor parking for 8 cars will be provided at the entrance to Top Riley and that traffic movements will be minimal as monitoring of the movements of visitor using the existing holiday accommodation over recent years has shown that they are unlikely to use their vehicles other than on arrival and at departure. It states that most visitors walk from their door and abandon the use of their vehicle for the duration of their stay. From the parking area, a no-vehicle track will give pedestrian access only to the pods. This track will be lightly surfaced with compacted stone around the perimeter adjacent to the wall.

40. The Highway Authority initially raised concerns about the use of the Lane to serve the development. However, the applicant provided details of passing places at 10 points along Riley Lane and this has addressed the Highway Authority's concerns. These are not additional passing places, but existing locations along the lane where the applicant has shown that two vehicles can pass each other. A series of photographs have been submitted showing two vehicles passing at each of these points. Although some appear to be tight and could encroach onto the verge, they have satisfied the Highway Authority's concerns. The Highway Authority now has no objections subject to conditions, although if Members are minded to approve the application, some of these would require amendment because, as worded, they are not appropriate to this development.

Impact on Bridleway and footpath users:

41. Although the Highway Authority now has no objection on highway safety grounds, based on the availability of passing places along Riley Lane, Officers have strong concerns about the increase in the level of traffic using the lane and the impact this could have on the public's enjoyment of that lane, which is a popular bridleway and footpath.

42. The addition of eight camping pods to the existing visitor accommodation at Top Riley would result in a significant increase in the vehicular use of the lane. There are currently three holiday cottages, a camping barn, and the existing house, so the proposed pods would create a significant holiday complex for a relatively remote location such as this. Although the Planning Statement suggest that visitors do not use their cars once they arrive, this is not guaranteed and the level of use would inevitably be much greater than it is at present. Given the popularity of the existing lane, as a bridleway and footpath and the main route to the Riley graves, which are one of the best known sites related to the Eyam Plague. The increased vehicular movements arising from the development would result in conflict with existing users, harming their quiet enjoyment of this part of the National Park, contrary to Development Plan policy T6 and to the requirement of the Framework to protect tranquillity in an area which is valued for its recreational and amenity value.

Impact on residential amenity

43. The nearest neighbouring properties are lower down Riley Lane, several hundred metres from the application site, which is on a slope below Top Riley, facing away from Eyam. As a result there would be no overlooking or disturbance to neighbours directly associated with the occupation of the pods, although the use of the Lane itself would cause the issues set out in the previous paragraphs, affecting the neighbours in that respect. However, in terms of more direct impacts, the proposal accords with policies GSP3 and DMC3.

Climate Change and Carbon Reduction Measures:

44. No measures are specifically proposed in the application, but the Planning Statement says that low energy lighting (LED) will be used throughout, propane gas used for cooking and heating water, and electric heating will be used within the pods. It adds that due to the superior thermal qualities of the pods, very little energy will be used for heating purposes.

Conclusion

45. The proposed site is considered to be unacceptable on the grounds that the proposed development does not constitute small and simple structures, and that they are more akin to chalets or static caravans. As noted above, if the principle of camping pods in this location is considered to be acceptable, there would have to be a smaller number of pods and the pods themselves would need to be smaller, with no internal facilities, similar to tents, rather than caravans in this respect.

46. However, the current application is considered to be unacceptable by virtue of the scale and nature of the development and its impact on the quiet enjoyment of the area, particularly when taken together with the existing holiday accommodation. As such the proposal is in conflict with policies RT3, DMR1, T6 and DMT8.

Human Rights

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

List of Background Papers (not previously published)

48. Nil

49. Report Author: John Scott