

12. FULL APPLICATION – RETROSPECTIVE APPLICATION FOR THE ERECTION OF TIMBER STRUCTURES AND PLATFORMS FOR USE AS HOLIDAY ACCOMMODATION AT ROCKING STONE FARM, ROWTER LANE, BIRCHOVER. (NP/DDD/0523/0521/SC)

APPLICANTS: MR & MRS O’ROURKE

Summary:

1. The application seeks full retrospective planning permission for the retention of unauthorised timber structures and platforms for use as holiday accommodation on land (in the applicants’ ownership) to the west of Rocking Stone Farm.
2. In this case, the development amounts to the siting of new build permanent holiday accommodation, contrary to Development Plan Policies RT2C & RT3B and DMR1 in particular, therefore recommended for refusal in principle.

Site and Surroundings

3. Rocking Stone Farm consists of the main farmhouse and traditional outbuildings the latter of which have been converted to holiday accommodation.
4. The buildings and associated land lie within the ‘Derwent Valley Gritstone Village Farmlands’ as defined in the Authority’s Landscape Strategy.
5. This landscape consists of rolling gritstone uplands, pastoral farmland enclosed by drystone walls, small to medium-sized fields, gritstone villages with outlying farms and dwellings, wide views to surrounding high hills, and slopes and valleys with woodland character.
6. The cabin and associated structures (Subject of this application) are sited on a small wooded hill (Bradley Rocks) around 100 metres to the west of Rocking Stone Farm, which itself is west of Birchover village and considered within open countryside.
7. The presence of large boulders on the hillside means that some of the structures have been constructed to integrate into this localised landscape.
8. The cabin and associated structures are accessed along a rising footpath off the private track to the farm. There is an area recessed into the hillside along the track which is used as a vehicle parking area for guests staying at the cabin.
9. The nearest residential properties lie over 100m to the south east of the development site.

Proposal

10. The application seeks full retrospective planning permission for the retention of unauthorised timber structures and platforms for use as holiday accommodation.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1 **The development amounts to the siting of new build permanent holiday accommodation akin to chalets and static caravans, contrary to CS policies RT2C & RT3B and Development Management Policy DMR1.**

- 2 By virtue of the isolated location in open countryside, the existing cabin and associated structures do not meet the criteria set out in part A of CS Policy L1, which requires development to conserve and enhance the valued landscape character of the area.**

Key Issues

11. The principle of development, neighbourly amenity, potential landscape and highway impacts.

Relevant Planning History

12. June 2021 – PE/2022/ENQ/42898 stating that there was a cabin up amongst the rocks (Bradley rocks) with a hot tub and standalone toilet (from member of the public).
13. May 2022 – PE/2022/ENQ/45426 Enquiry about cabin being used as holiday let (from member of the public).
14. October 2022 – PE/2022/ENQ/46552 PNDPA received another enquiry providing more specific details about the whereabouts of the cabin, and the owners (from member of the public).
15. October 2022 – ENF 22/0057 Enforcement created.
16. September 2022 - Letter sent to owners explaining that the structures were in breach of planning control and that planning permission was required.
17. Between 23 September 2022 and 24 January 2023 There have been several email exchanges in which the owners have been informed that the cabin and associated structures are in breach of planning controls and must be removed, and requests for further details about what structures are on site.
18. They were advised by the Authority's Monitoring & Enforcement Officer that they can make an application to retain the developments, however, it was made clear that such an application would unlikely be supported.
19. February 2023 – PCN issued.
20. March 2023 – PCN returned.
21. May 2023 – Retrospective planning permission sought - (Current application).

Consultations

22. Highway Authority – No objections to the proposal subject to conditions. (Reported in full in the Highway section below).
23. Parish Council – No response at the time of writing the report.

Representations

24. Twenty one (21) letters of support have been received. The planning relevance are summarised below.
- No landscape impact
 - Eco friendly & sustainable design

- Supports local businesses
- No amenity impact
- No ecological impact
- No traffic issues
- Provides local employment

National Planning Policy Framework (NPPF)

25. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
26. In particular Para: 176 states, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
27. Para: 84 states amongst other things, that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
28. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
29. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Relevant Core Strategy (CS) policies:

30. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
31. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
32. DS1 - *Development Strategy*. States, that recreation and tourism development is acceptable in principle in open countryside.
33. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
34. RT2 - Hotels, bed & breakfast & holiday accommodation. States amongst other things, that new build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
35. RT3 - Caravans and camping. States amongst other things, that static caravans, chalets, or lodges will not be permitted.

36. CC1 - *Climate change mitigation and adaption*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

Relevant Development Management (DM) Policies:

37. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
38. DMR1 - *Touring camping and caravan sites*. 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 Shepherds Hut where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape.
39. DMR3 - *Holiday occupancy of self-catering accommodation*. States, that where self-catering accommodation is acceptable, its use will be restricted to holiday accommodation for no more than 28 days per calendar year by any one person.
40. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

Assessment

Principle of the development

41. The development site lies in open countryside for the purposes of Development Plan Policies.
42. CS Policy RT3B states that static caravans, chalets or lodges will not be permitted. This is because the open character of large parts of National Park landscape means that the non-traditional and permanent presence of such forms of accommodation is incompatible with the conservation purpose of the National Park, with the potential impact on its valued landscape characteristics.
43. DM Policy DMR1 goes on to say that, 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 Shepherds Hut, where this can be located close to the facilities of a farmstead without harm to the natural or historic landscape.
44. Consequently the policy considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore policy RT3B remains applicable.
45. CS Policy RT2, states amongst other things, that new build holiday accommodation will not be permitted.
46. The supporting text of CS policy RT2 is pertinent, stating amongst other things that '*Most opportunities for development will occur through conversions or change of use of existing traditional buildings in towns and villages or on farms.*'

47. And that... *'there is concern about oversupply of self-catering accommodation, particularly in some parts of the National Park. This could mean that providers and operators may not receive the anticipated return in income from what may be a significant investment. Conversions and changes of use of existing traditional buildings of historic or vernacular merit will provide ample opportunities for small scale holiday developments'*.
48. It is clear from this, that the development of permanent holiday accommodation other than through the conversion of heritage assets is contrary to adopted policy and purposes, having the potential to result in a proliferation of other development that undermines the intent to drive the conversion and conservation of heritage assets, and the viability of existing holiday let businesses.
49. The rationale for both core strategy policy and development management policy is to protect both the open and undeveloped characteristics of the National Park, but also to prevent undue clutter from non-traditional structures in inappropriate locations where the cumulative growth in such structures over time will undermine the special qualities of the area.
50. Consequently, the development is considered in conflict with CS Policies RT2C & RT3B in respect of the principle of development and policy DMR1 which elaborates on the specific nature of exceptions to this principle in order to protect the special qualities of this National Park.

Siting, design and materials of the cabin and associated structures.

51. Policy DMC3 in particular states, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration
52. The cabin and associated structures are sited on various levels on the hillside (Bradley rocks). The presence of large boulders in this locality means that some of the structures have been constructed to integrate into this localised landscape setting.
53. The table below shows the individual and cumulative scale of the development:

54. <u>Structure</u>	<u>Length (metres)</u>	<u>Width (metres)</u>	<u>Height (metres)</u>
Cabin	2.93	2.93	2.98
Kitchen area with cover	3.74	2.4	0.18
Eco composting toilet	1.46	1.27	2.4
Decking/Japanese sauna	2.1	3.5	0.16
Further decking area	2.07	1.74	/

55. The information in the above table was taken from the returned PCN.
56. Whilst neither the hut nor the associated structures are considered reflective of the local building traditions, they do follow a design and use of materials generally accepted for these type of timber structures. Therefore, the overall scheme is considered to be acceptable in terms of the siting, design and appearance in accordance with DM Policy DMC3.

Landscape and visual impact

57. CS Policy L1 seeks to ensure that all development conserves and enhances valued landscape character and sites.

58. Views towards the hillside can be seen at distance from Winster Road, however, due to the existing mature and intervening landscape, the cabin and associated structures are not detectable.
59. Consequently, if the development was acceptable in principle the siting of the cabin and associated structures would generally satisfy the requirements of CS Policies DS1 & L1 in these respects.
60. However, whilst the limited prominence of the development in the landscape means that these impacts would be relatively localised, the absence of a justification in principle for the proposed development, means that there are no material planning benefits to outweigh this harm.

Potential amenity issues

61. The nearest properties lie over 100m to the south east of the development site. Due to the distance between the development and these properties, the development would have no adverse impact or significantly harm the amenity of any residential properties in the locality.
62. Consequently, the development accords with policies GSP3 & DMC3 in these respects.

Local Highway matters.

63. The Local Highway raise no objections subject to the holiday accommodation remaining ancillary to Rocking Stone Farm and that the existing parking associated with the holiday accommodation shall be maintained in perpetuity free from any impediment to its designated use.
64. Should members be minded to approve the scheme, these matters would be conditioned accordingly. Regarding this, the proposal is acceptable in highway terms, according with policies DMT3 in these respects.

Environmental Management and sustainability

65. No details explaining how the proposal would reduce carbon emissions and incorporate measures to reduce the contribution to climate change have been submitted, consequently the scheme does not address the measures set out in accordance with CS policy CC1.
66. However, the cabin and associated structures are fabricated using locally sourced and sustainable low carbon materials.

Conclusion

67. In conclusion, the retention of the cabin and associated structures for use as holiday accommodation are recommended for refusal for the reasons stated in the 'Recommendation' section of this report, above.

Human Rights

68. Any human rights issues have been considered and addressed in the preparation of this report.
69. List of Background Papers (not previously published)

70. Nil

71. Report Author: Steve Coombes, South Area Planning Team.