

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

APPLICANT: MR M BELIVANIS

1. Background

2. The application was originally considered at the meeting of the Authority's Planning Committee on the 16th June 2023 (to be referred to here as "the first report"). The application was recommended for refusal but members of the Planning Committee were minded to approve.
3. Approval of this scheme would be a significant departure from policies.
4. The Authority's Standing Orders (Section 1.48) state that where a Committee is proposing to make a decision which would be a departure from policy and/or the officer recommendation, final determination shall be deferred until a future meeting.
5. The Head of Planning authorised such a deferral in order that the Planning Committee can consider a further paper to explore the policy implications and risks. This report sets out those implications and risks:
6. *The impact on adopted planning policies RT3 and DMR1.*
7. *Comparisons and consistency with previous decisions.*
8. *The cumulative impact of development.*

9. Impact on adopted planning policies RT3 and DMR1.

10. The National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development (para 11). To do this it advocates approving development proposals that accord with an up-to-date development plan, but clarifies in para 12 that:
11. *'Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
12. This planning application does not demonstrate any material considerations to indicate departure from the Local Plan. The first report recommended that the application be REFUSED because the proposal is unacceptable by virtue of the number, scale and nature of the pods, and is in conflict with Core Strategy policy RT3 and Development Management Policy DMR1.
13. Core Strategy policy RT3 B states:
 - B. Static caravans, chalets or lodges will not be permitted.
14. Development Management Policy DMR1 C states:
 - 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.

15. Static caravans, chalets, lodges and other non-traditional structures are commonly incompatible permanent features in a National Park. It is an area of policy in which the Sandford Principle applies. The permanent presence of such non-traditional structures in open tracts of landscape is incompatible with the conservation of our special qualities and must outweigh the promotion of public enjoyment in these cases. For this reason, the Authority has maintained a long-standing (at least 30 years) strategic policy presumption against such development, through successive iterations of the Local Plan, from the 1994 Structure Plan through to the current Core Strategy .
16. Non-traditional structures may change over time. At the time of writing the Structure Plan in 1994 and the Core Strategy in 2011 the non-traditional structures on the market were static caravans, chalets and lodges. However the 2011 plan anticipated the growth of this new market and refers to small wooden structures potentially being acceptable as a limited exception to this rule. It was important to set firm rules in place in order to carefully control the boom in these and other glamping products that were starting to emerge.
17. The Development Management Policies in 2019 sought to define this area of exception as a boost to the tourism industry, and in the knowledge that other non-traditional structures were steadily entering the market – amongst them so-called ‘shepherd’s huts’ and camping pods. Paragraph 5.20 of the DMP makes it clear that applications for camping pods will be determined against Core Strategy RT3. This means that camping pods - like caravans, chalets and lodges - are incompatible with our conservation purpose and will not be permitted unless they meet the exceptional criteria set out in DMR1C.
18. The application proposes structures that do not meet these criteria because they are not small or simple. They are permanent structures akin to chalets or lodges that are resisted in principle by Core Strategy RT3 B. The fact that the proposed structures are ‘pod-shaped’ rather than rectangular is insignificant in considering the policy implications.

19. Size

20. The proposed 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. ‘Small’ is not defined in policy but much smaller pods do exist. There are a range of much smaller pods currently on the market (e.g. 2.8m x 4.7, 2.4 x 3.6). Those approved at North Lees are all significantly smaller (basic 2.56 x 3.94m, accessible 2.83 x 4.76m and family 3.4 x 5.4m). and considered to exemplify the terms of policy by being simple camping pods. (This is illustrated in Appendix 1.)

21. *The proposed structures are not small and therefore contrary to Policy RT1 C.*

22. Simplicity

23. The intent of Development Management Policy DMR1C is that the structures should be simple and limited by numbers and location. This means that they should be basic sleeping accommodation with facilities provided elsewhere. In considering this point in Appeal an appeal at Haddon Drive Bakewell (against the refusal of an application for similar structures) the Inspector determined that pods that feature ‘many of the elements’ of a chalet or static caravan (such as separate living and bedroom, bathroom or kitchenette) ‘are not simple structures.’ The pods in question contain 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.

24. *The form of pods proposed have therefore already been tested on appeal and found to fail. The proposed structures are even bigger, not simple and therefore contrary to Policy RT1 C and DMR1C.*

25. The long-standing policy principle that the permanent presence of any non-traditional structures is incompatible with our conservation purpose, is seriously undermined if members are minded to approve the application.
26. If Members are minded to approve the application on the grounds that the proposed structures **are** 'small and simple' (compatible with DMR1C), this risks re-defining 'small and simple' for future applications and therefore our intent of protecting the National Park's open, undeveloped areas and also for permitted a higher level of clutter at domestic scales (e.g. back gardens and the setting of many traditional buildings and landscape features). Camping pods are relatively cheap to purchase, easy to install and manage using on-line platforms, and offer a good return on investment. There is already considerable pressure for us to permit bigger structures and more of them. This pressure is likely to continue and grow.
27. If Members are minded to approve the application on the grounds that the proposed structures are not 'small and simple' (not compatible with DMR1C), but that other exceptional circumstances exist, this undermines strategic policy as a whole (RT3 B) and could compromise decision-making on future applications for any non-traditional structure.

28. Comparisons and consistency with previous decisions in similar locations.

29. At a meeting of the Planning Committee on 15 June 2018 the application for 4 camping pods (5.8m long, 3.1m wide, and 3m tall) in a woodland setting at Haddon Drive Bakewell was refused and upheld at Appeal. The original officer's report notes at para 9.2:
30. *"The proposed camping pods are permanent timber structures which would be placed on the ground within an area of woodland adjacent to the property's curtilage. The character and potential impacts of the proposed pods would therefore be more comparable to siting chalets or lodges on the land rather than either touring caravans or conventional tents."*
31. The Minutes of the meeting note that Members 'felt that the pods were too large'. The second reason for refusal was that 'the development was contrary to Policy RT3 which does not permit cabins or structures, and contrary to emerging Policy DMR1 because the pods proposed didn't represent small, simple wooden pod structures.'
32. The Inspector's report notes at para 16 that:
33. *"The proposal would also not meet the Emerging Policy which seeks that the structures are small, simple, wooden pod structures in woodland locations and is therefore contrary to the emerging policy DMR1 taken as a whole. The structures have more in common with chalets or static caravans than they do with simple camping huts for accommodation and as a result of these considerations I find that the proposal would not enhance or conserve the landscape quality of the National Park."*
34. 2.2 At a meeting of the Planning Committee on 12 April 2019 the application for 4 camping pods (2.5m tall, 3.5m wide and 8.5m long) at Upper Elkstones was refused in line with officer recommendation. The Minutes of the meeting note that 'Members were concerned about the size of the pods.' The first reason for refusal was 'the permanence, size, and design of the pods means that their potential impacts would be comparable to siting chalets or lodges on the land, which policy RT3(B) states will not be permitted.'

35. The cumulative impact of development.

36. We have permitted many camping pods and shepherd's huts in line with policy and without harm to the landscape or special qualities. All camping pods, large and small, are relatively cheap to buy and install (compared to converting a redundant building to a holiday home) and can generate significant income due to the increased and on-going demand for 'glamping' accommodation. Many of the products now coming onto the market are bigger and more complex. They more closely resemble lodges or chalets than the 'small simple timber structures' envisioned by our policy, and they require more extensive facilities to support their use. In addition, developers often wish to include more units, with more formally arranged spacing.
37. Unless we adhere to policy and uphold our long-standing restrictive approach to all types of non-traditional permanent structures, we are at real risk of encouraging and permitting more contrary to policy applications. More individual developments, consisting of more and bigger structures, would be seriously detrimental to the conservation purpose of a national park.
38. This issue is being considered as part of the local plan review. The Local Plan Review Member Steering Group agreed at the meeting on 23 February 2023 that ***we should retain a restrictive approach to all types of semi-permanent structures used as holiday accommodation.***

39. Conclusion

40. A decision to grant permission for the current application is considered to be a major departure from the Development Plan.
41. Camping pods are non-traditional permanent structures. Their development conflicts with our conservation purpose. They are therefore not permitted (Core Strategy RT3B) unless, exceptionally, they are 'small, simple, wooden pod structures in woodland locations with minimal landscape impact' (DMP RT1 C).
42. The pods in question are in a woodland location but as demonstrated, they are not 'small and simple.'
43. If the application is approved, this risks redefining 'small and simple' to include the larger, more complex structures that are now on the market. This is inconsistent with previous decision-making, undermines development management policy and risks undermining the long-standing strategic policy. Consumer demand for this form of accommodation is growing and coupled with the high return on investment and ease of marketing and managing the product using on-line platforms, it is considered crucial that the Authority is able to maintain its policy position.
44. Experience has shown that by paying proper regard to the development plan, long term spatial objectives can be achieved for landscape, special qualities and sustainability. This furthers National Park purposes and duty.
45. There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently especially where they are up-to-date and relate specifically to the development concerned, as in this case.
- 46. In these circumstances, the Planning Committee is respectfully urged to reconsider its view on the current application and uphold the original recommendation of refusal.**

47. Human Rights

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

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

50. None

51. Appendices

52. Appendix 1 – Diagrams of Camping Pods

53. Report Author and Job Title

54. Adele Metcalfe – Policy and Communities Team Manager