

6. RETROSPECTIVE PLANNING CONSENT (RE-SUBMISSION) FOR THE RETENTION OF A SHEPHERDS HUT FOR TOURIST ACCOMMODATION AND FOR ANCILLARY WASHROOM ON LAND TO THE WEST SIDE OF TOWNEND LANE, WATERFALL, WATERHOUSES. (NP/SM/0623/0743).

APPLICANT: MR ALLEN NEWBY

Summary

1. The current application is a re-submission of a previously refused scheme (NP/SM/0522/0743) that seeks retrospective planning permission to retain a single shepherds hut for use as holiday accommodation, and the erection of a timber clad washroom facility ancillary to the use of the hut.
2. The application was refused by the Authority's Planning Committee in August 2022 on principle and landscape impact grounds.
3. The re-submitted proposal now seeks consent to re-site the hut to the side and adjacent the applicant's workshop building and the washroom facility to the rear.
4. Whilst there would be no local amenity or highway concerns and the landscape impact greatly reduced by the re-location of the structures, planning policy requires development comprising holiday accommodation through the siting of shepherd's huts to support farm diversification and to be located close to the facilities of a farmstead.
5. As the site is not part of a working farm or is sited close to a working farmstead, the scheme fails to accord with policy in principle. As a result, the application is again before Members with a recommendation for refusal in principle.

Site and Surroundings

6. The site lies within an area the Authority's Landscape Strategy and Action Plan identifies as the Southwest Peak Upland Pastures. This is an upland pastoral landscape with a traditional dispersed pattern of gritstone farmsteads and village settlements. Drystone walls and some hedgerows enclose permanent pasture.
7. The landscape surrounding the application site reflects these characteristics and is generally a peaceful rural landscape with open distant views to surrounding higher ground and over the valley below.
8. The field in which the development is located lies on the west side of Townend Lane in Waterfall and comprises around 4 acres. The Shepherds Hut is sited within the south west corner of the field, close to the adjacent field boundary.
9. The field is accessed from the highway leading to a modern/non-traditional workshop building with a small hardstanding yard leading out into the field beyond.
10. A public footpath runs through the adjacent field in a predominately north south direction.
11. The site does not lie within a Conservation Area, although part of the roadside boundary joins the upper western edge of Waterfall Conservation Area.

Proposal

12. Retrospective planning consent is sought to retain a shepherds hut for tourist accommodation, and for the construction of a timber clad washroom facility in connection with the shepherds hut.

RECOMMENDATION:

13. **That the application be REFUSED for the following reasons:**
 1. **The siting of a single shepherds hut for holiday accommodation in this location fails to accord with adopted planning policies DMR1 and DME2 because it does not support farm diversification and is not located close to the facilities of a farmstead.**
 2. **By virtue of the form, design and isolated location in open countryside, the existing Shepherds Hut and the proposed ancillary washroom does not meet the criteria set out in part A of Core Strategy Policy L1, which requires development to conserve and enhance the valued landscape character of the area.**

Key Issues

14. Principle of development, neighbour amenity, potential landscape and highway impacts.

History

15. 2022 - NP/SM/0522/0743 - Retrospective planning consent for the retention of a shepherd's hut for tourist accommodation and for an ancillary washroom – Refused on principle and landscape grounds.
16. 2022 - Pre-application enquiry 42326.
17. Concluded that '*... from the information/details supplied, the proposal for the Shepherds Hut cannot be supported in principle. Consequently, the retention of the hut does not meet the policy criteria set out above, conflicting with policy DMR1, L1 & DMC3 in these respects. You do of course retain the prerogative to pursue a planning application should you so wish*'.

Consultations

18. Highway Authority - No objections.
19. Parish Council – No objections

Representations

20. Five letters of representation have been received, all in support of the proposal and summarised below:
21. Would make a significant contribution, supporting local businesses.
22. No negative or visual intrusion in this location.
23. Well-constructed.

National Planning Policy Framework (NPPF)

24. 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.
25. 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.
26. 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.
27. 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.
28. 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

Core Strategy policies:

29. 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.
30. 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.
31. DS1 - *Development Strategy*. States, that recreation and tourism development is acceptable in principle in open countryside.
32. 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.
33. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.
34. RT3 - *Caravans and camping*. States amongst other things, that static caravans, chalets, or lodges will not be permitted.
35. CC1 - *Climate change mitigation and adaptation*. 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.

36. CC2 - *Low carbon and renewable energy development*. Sets out that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character or the special qualities of the National Park.

Development Management 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*. The development or small extension to an existing caravan site will not be permitted unless its scale, location, access and landscape setting are acceptable.
39. 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.
40. The supporting text of the policy states that such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2.
41. 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.
42. DME2 - *Farm Diversification*. States that development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit.
43. Further stating, that new buildings may be permitted if the proposed development cannot be appropriately located in existing buildings of cultural heritage significance or in other buildings which remain appropriate within the farm building group.
44. 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

45. Waterfall is not a named DS1 Settlement, therefore considered open countryside for the purposes of Development Plan Policies.
46. Policy RT3 B 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.

47. A growing range of alternative forms of accommodation (camping pods, yurts, shepherds huts etc) have come onto the market or increased in popularity since the time that this policy was prepared, in response to a demand for greater quality and comfort.
48. For clarity, the National Park Authority considers all such forms of accommodation to have the same potential for adverse landscape impact and therefore policy RT3B remains applicable. The supporting text of RT3 does states that, exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape.
49. However, policy DMR1 specifically sets out the circumstances where accommodation comprising camping pods and shepherds huts can be supported, and so irrespective of landscape impacts such development can only be supported in principle where it complies with the provisions of DMR1.
50. In the case of shepherds huts in particular, the policy requires that development is located close to an existing farmstead where existing access, parking arrangements and facilities of that farm can be utilised, with these preferably located within an existing and traditional building.
51. Further, the supporting text to policy DMR1 states that “such development should be used to support farm diversification and as such should also be assessed against the requirements of policy DME2’.
52. Policy DME2 addresses farm diversification, and it is therefore explicit that shepherds huts are only supported by policy in cases where they are supporting an existing agricultural business.
53. DME2 states that development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit.
54. The supporting text of policy RT2 is also pertinent, stating 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’.*
55. It is clear from this that aside from the provisions of DMR1, 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 development that undermines the intent to drive the conversion and conservation of heritage assets, and the viability of existing holiday let businesses.
56. Taken together, these policies make it clear that without the justification of agricultural diversification, development of the type proposed is contrary to adopted planning policies.
57. According to the submitted details, the holding extends to around 8 acres with half under the applicant’s direct control and the rest under long a term rent. The applicant has introduced a herd of 28 sheep on the holding with sheep fencing installed around the perimeter of the field.

58. Whilst the applicant has an agricultural holding number for the site and states that the land has returned to an agricultural use, from the benefit of a site visit, (other than a few sheep grazing within the field), it was clearly evident that farming was not the applicant's primary business.
59. The applicant's primary business is as a planning consultant and not farming. Therefore, whilst the land currently appears to be in agricultural use (grazing sheep), the primary use of the land would not be ancillary to, or support the operation of an established farming business.
60. As a result, the proposals are contrary to policy DME2 and its associated text, which specifically states that shepherds huts can only be accepted in cases where they are supporting an existing agricultural business.
61. Consequently, the retention of the hut for holiday accommodation (including the proposed washroom facility) would not meet the principles of policies DMR1 or DME2.

Siting, design and materials of the hut and proposed washroom

62. 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.

Shepherds Hut

63. The shepherd's hut would be re-sited adjacent to the applicant's modern workshop building and positioned on an existing hardstanding area. (*The hut and washroom structures were still sited in the previously refused locations at the time of the site visit*).
64. The hut itself measures 2.5m wide, x 4.9m in length x 3.5m to the highest point of the barrelled shaped roof. The walls and roof of the hut are clad in juniper green corrugated steel, with the windows and doors of timber construction finished an eggshell colour. With the flue terminal painted black.
65. The French doors are fitted with an external shutter clad in juniper green corrugated steel. According to the applicant, these would be closed when the hut is not in use.
66. Internally the space consists of a bed, chairs, a wood burning stove and a small kitchen area with a gas hob and sink.
67. Power is provided via a caravan type extension from the workshop building, which is fitted with solar panels. Water is currently provided by portable containers but it is proposed that the mains water supply to the field be extended to provide potable water. It is proposed that grey water be disposed of via a small infiltration system.
68. Access is from the main road, through a concrete yard area (connected with the workshop) to the hardstanding at the side of the workshop building.

Proposed washroom structure

69. According to the applicant, the washroom structure would be required for guests using the hut.

70. The washroom structure would be re-sited to the rear gable elevation of the workshop building and accessed from the existing hardstanding at the side of the workshop.
71. The general design resembles a small field shelter with timber sides and a fibre cement roof and would measure 2.8m in length x 1.7m in width x 2.5m to the highest point of the roof.
72. The walls would be vertically clad Yorkshire boarding under recycled blue-grey fibre cement sheeting. The door would be vertically boarded timber to match the walls. No windows are proposed.
73. Internally the washroom would provide a shower, hand basin and composting toilet.
74. Hot water would be provided by an LPG water heater. Power would be provided by a connection to the hut supply. Solid waste would be composted and buried within the plantation.
75. Grey waste would be disposed of via a sustainable infiltration system. These have a relatively shallow pipework and employ bacteria in the aerobic soil layer to break down wastewater before it can enter the groundwater.
76. In this case, whilst neither the hut nor the proposed washroom structure are considered reflective of the more general local building traditions, they do follow a typical design and scale for such structures.
77. However, in addition to the principle conflict with policy DMR1, that policy also requires development to be well related to existing farmsteads so that the facilities of that farmstead can be utilised. As a result of being unrelated to any farmstead, the new facilities would be required, placing it in further conflict with DMR1.

Impact on the wider landscape

78. Policy L1 seeks to ensure that all development conserves and enhances valued landscape character and sites.
79. The development is to be re-located to the side and rear of an existing workshop building. In this case, the level of impact on the surrounding landscape would be reduced.
80. Whilst the structures are modest in scale and painted a recessive colour, the hut in particular would be in view from the adjacent highway. Although not appearing as an isolated development due to the relation with the existing workshop building, the introduction of a residential holiday use into this location would still introduce elements that are out of place, incongruous and harmful to this open countryside setting, contrary to policy L1.
81. Whilst the limited prominence of the development in the landscape means that these impacts would be relatively localised, the absence of a justification for the proposed development under the provisions of DMR1, which would weigh in favour of the development, means that there are no material planning benefits to outweigh this harm.

Potential amenity impacts

82. The nearest properties lie over 50m to the south 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.

83. Consequently, the development accords with policies GSP3 & DMC3 in these respects.

Potential highway impacts

84. The Highway Authority have stated, that a single parking space as shown on the plans, is considered acceptable for a shepherds hut. With Townsend Lane being unclassified, there is no requirement for a turning area, with vehicle speeds and volumes recorded as low.

85. In this case, should members be minded to approve the scheme, the matter of retaining a single parking space for the use of the hut would be conditioned accordingly.

86. Regarding this, the proposal is acceptable in highway terms, according with policies DMT3 in these respects.

Environmental Management and sustainability

87. The following submitted details explains how the proposal would reduce carbon emissions and incorporate measures to reduce the contribution to climate change in accordance with Core Strategy Policy CC1.

Shepherds Hut

- Whilst the energy efficiency standards set out in current building regulations do not apply, the walls, floor and roof have been well insulated and windows and doors are double glazed.
- The hut is low power design with LED lighting throughout.
- Power is provided via a caravan type extension from the existing building which is fitted with solar panels.
- Gas for the hob is provided my means of a propane cylinder. Water consumption is low and WRAS approved water fittings have been fitted at the sink.
- The hut is heated with a small DEFRA approved carbon neutral wood burning stove.
- The hut is constructed from sustainable materials, principally steel and Timber

Ancillary washroom

- The washroom does not require space heating but hot water would be provided by an LPG water heater.
- Power would be provided by a connection to the hut supply.
- Water consumption will be minimised by fitting WRAS approved self-closing taps and valves at the hand basin, pot wash and shower.
- A composting toilet which uses no water is proposed.
- The proposed washroom would be constructed from sustainable materials, principally timber and recycled fibre cement sheeting.

EV Charging

88. According the applicant, the solar panels on the roof of the adjoining workshop building are connected to an EV charging point which guests would be free to use.

89. In this case, given the overall scale of development, these measures are considered sufficient to generally meet the requirements of policy CC1, should Members be minded to approve the scheme.

Conclusion

90. In conclusion, the retention of the single shepherds hut for use as holiday accommodation and the erection of a washroom facility in conjunction with the use of the hut are recommended for refusal to Members for the reasons stated in the 'Recommendation' section of the report.

Human Rights

91. Any human rights issues have been considered and addressed in the preparation of this report.
92. List of Background Papers (not previously published)
93. Nil
94. Report Author: Steve Coombes, South Area Planning Team.