

DELEGATED REPORT

FILE REFERENCE: SMD/2014/0237

MAIN ISSUES:

Impact on the Green Belt and local landscape
Sustainability
Contribution to the local economy
Highways safety and parking
Environmental health issues

PUBLICITY/REPRESENTATIONS:

Local Consultations

Residents from a total of 6 nearby properties have written to object for reasons that may be summarised as:

- Landscape impact
- Green Belt impact
- Contrary to Policy
- Location
- Openness
- Amenity
- Evening light and domestic facilities
- Not sustainable
- Traffic and parking
- Access
- Scale of the cabins / site area
- Precedent
- Misinformation regarding site area
- Ecology / Wildlife
- Biomass heating issue

Rushton Parish Council

Concerns over commercial development at this end of the lake, access is poor, wildlife / ecology concerns.

Horton Parish Council

Recommends refusal: inaccurate information over location.

Policy

Green Belt location, look at Churnet Valley Masterplan, Transport policies and rural diversification.

Highways

The proposed development would result in an increased number of vehicles using an access that is a privately owned path which forms part of the Leek to Rushton Spencer Greenway which would be likely to adversely affect the safe unencumbered movement of pedestrians and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger.

The access track is a privately owned track which may be closed temporarily or permanently at a time. The applicant has provided no evidence that they have a right of access which outweighs the track owners rights to close it. Neither is there any evidence to suggest why they might have vehicular access along a former railway track which has never had vehicular use.

This is a pedestrian path and is not intended for regular vehicular access for commercial means. The land owner of the track has not been consulted on the application. Any planning approval could not be implemented without approval of the landowner.

Staffordshire County Council Rural Access Manager

Regarding the vehicular access, we have not been consulted as landowners (only as the highway authority) on the proposed development. Even if the District Council is minded to permit the development, it cannot be implemented without our permission.

As the railway track is not a public highway. The applicants will therefore need to prove that they have third party rights of access. To our knowledge, although the applicant is alleging that he has such rights none exist. Even if the applicants have a right of access, it is likely that those rights will not be along the railway track but to cross it. Also, if they are deemed to have any rights of access along the track, then those rights are likely to be for the purpose of access and not business.

We made these same comments to Staffordshire Moorlands Council when we were consulted on the cycle hire application.

Environmental Health

No objections received.

Rights of Way Officer

No adverse comments

Trees

No objections received.

Ecology

The access track is a locally designated Site of Biological Interest (SBI) and acts as a wildlife corridor along the bank of the reservoir. The use proposed however will not impact significantly to have a serious impact on the ecology of the site or SBI due to its scale, providing no trees are removed and hedges are retained where possible.

Canal & River Trust

No objection but concern over drainage and waste.

Severn Trent

No objections subject to conditions.

History

SMD/2012/0399 (12/00602/FUL) - Change in use of land and construction of shed to provide a cycle hire centre with associated car parking together with alterations to an existing public car park (resubmission of application SMD/2010/1111 (10/01125/FUL). Approved.

SMD/2010/1111 (10/01125/FUL) - Change in use of land and construction of shed to provide a cycle hire centre with associated car parking together with alterations to an existing public car park. Refused.

SMD/2008/0424 (08/00042/FUL) - Cycle hire facility and associated car parking. Refused.

CASE OFFICER ASSESSMENT:

This application is for a material change in the use of part of field comprising the siting of 3 log cabins for holiday accommodation together with hard standings and an access track. In addition to the usual plans and drawings the application is accompanied by the following documents:

- Planning, Design and Access Statement

- Transport Statement
- Extended Phase 1 Habitat Survey Review

Development within the Green Belt is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. Therefore, the proposal is unacceptable in principle. In order to be acceptable there have to be 'very special circumstances' that will outweigh the inherent harm that will be caused to the Green Belt and the purposes of including land within it.

The primary issues to consider are the potential impacts of the proposed development on the openness and visual amenity of the Green Belt and on the character/appearance of the local landscape in general. There is no dispute regarding the status of the proposed log cabins in planning land use terms: log cabins of the type proposed have previously been held on appeal to not comprise a material change in the use of land because technically they comply with the criteria for mobile homes as set out in the Caravan Sites and Development Control Acts. The recently amended legislation allows for "twin-unit" mobile homes to be up to 20.0 metres long and 6.8 metres wide, so those proposed would fall within the limits described.

For the purposes of those caravan Acts the internal floor-to-ceiling height needs to be a maximum of 3.05 metres. The applicant has not supplied this information. However, the external height above ground is given as 4m high to the ridge, and allowing for floor and ceiling thicknesses and the fact that the units on a raised base it is reasonable to assume on the balance of probabilities that the units would meet the prescribed specifications.

The proposed development consists of the siting of 3 log cabins each of which would measure 11m by 6m with external verandas that would extend to 3 metres at one end of the caravan unit. The cabins are of a log construction that can be given a stained finish if required. They would be sited on the east side of the access track leading along the east side of Rudyard Lake. Each cabin would be separated from its neighbour by a distance of about 10 metres, and includes some parking provision, although the spaces have not been defined. The caravans and parking areas would be spread over an area of approximately 28 metres by 39 metres including proposed planting and hard standings. The parking area will be a hybrid surface - a composite mesh allowing grass to grow through.

Regarding Green Belt and landscape impact, although the structures technically fall under the definition of a caravan it should also be noted that application proposes three chalets on a tightly defined site. This suggests a form of permanence. In this case each chalet carries with it a volume and the need for access and car parking, and they have added raised structures incorporating fenced off verandas and to that extent the openness of the Green Belt is automatically compromised.

The inherent harm in this case arises not only because the openness of the Green Belt will be compromised (and to a significant extent: just over 1000m³ by volume for the chalets and close to 2000m³ for the site as a whole) but also because of the harm that will arise to the character and appearance of the Green Belt at this point. The site currently comprises part of an agricultural field in an area where upland farming takes place - primarily grazing for sheep and cattle.

An assessment of the landscape character of the district forms the subject of the Council's Landscape and Settlement Character Appraisal LDF document. In this assessment the site lies within an area in which the landscape type has been described as 'Dissected Sandstone Uplands'. The landscape is characterised by rolling hills dissected by wooded small scale valleys, low intensity pastoral farming with blocks of woodland particularly around Rudyard Reservoir edge and extensive views from higher ground and roads free from vegetation. The policy objectives are to maintain, improve and restore the landscape through a variety of measures. Amongst the guidelines of the Landscape Character Assessment it states that:

'any proposals for further development or land use change along the shorelines and banks of Rudyard Reservoir which impact on the landscape character, visual, recreational, or ecological importance of this feature must take account of and not detract from the unique character of this landscape. Care should be taken not to

introduce unnecessary urban features into the rural scene. The maintenance and enhancement of Rudyard Reservoir and its environs as a recreational and tourist destination is of importance. Where further development and improvements to the infrastructure are being proposed these should be in-keeping with the scale and character of this location and should not detract from the enjoyment of this facility.'

There is some assessment of impact on the landscape within the submitted Planning Statement. The conclusion reached was that the overall visual impact significance of the proposal will be 'low-key' and the choice of materials will minimise the impacts. This almost suggests that the impacts will be negligible. However, it is considered that the introduction of new buildings into an open field cannot - almost by definition - be 'negligible'. Views of this particular location can be gained from many points along the reservoir shore and along the entire west side of the valley opposite meaning it will be a highly intrusive and obvious addition to the landscape. Whilst there will be some screening by trees the mere presence of three chalets in this location will affect the openness of the Green Belt and the intrinsic character of the landscape.

Within the Planning Statement there is the argument that across the track running along the east side of the reservoir is a caravan site and the proposal is, therefore, not considered to be an isolated development. Whilst there are other such facilities across the track these are confined and the area well defined. The proposed location for the three cabins will be the only form of development to the east of the track and will have serious implications on how the landscape is read and the extent to which this form of development extends.

The proposed log cabins are 1.3miles from Ruston Spencer, which is the nearest service village, and a c1.8miles walk or 4.5mile drive from Rudyard to the south of the reservoir which is the main tourist recreation hub of the area. It should be noted that the Churnet Valley Masterplan aims to focus tourism developments towards the southern end of the reservoir to act as a hub of activities and allow the more northerly part to be retained for its landscape character, aesthetics and ecological benefits. In this respect the proposals will be contrary to these aims and undermine their principles.

In 2010 an resubmitted application (SMD/2012/0399) was approved for change in use of land and construction of shed to provide a cycle hire centre with associated car parking together with alterations to an existing public car park (resubmission of application 10/01125/FUL). This development has not commenced and but is extant until 8/11/15. This was granted on the basis that the proposal was extremely modest and added to the selection of recreation facilities in the area. This proposal utilises this previously approved application to facilitate the principle of development in the location. However, whilst the cycle hire facility would add facilities that didn't exist (and still do not exist) the proposed development will provide holiday accommodation, of which there is a varied choice in the vicinity, and of a more appropriate scale. The adjacent caravan park is in a state of disrepair due to a lack of interest and it is expected that a similar situation will follow with regards to the proposed chalets, thus rendering them useless, but the damage to the landscape would already have been done with the principle of development secured.

One potential impact that the applicant has not considered is the likely impact of the development at night time on what at present will be a relatively dark night landscape in which there are no significant light sources other than from existing properties. No external lighting has been indicated on the submitted drawings, but after the hours of daylight it will of course be necessary for lights to be turned on, and there would be new lights noticeable from certain viewpoints. However, as no floodlights would be required, and no external lighting has been proposed, it is not considered that the proposal would have a significant adverse impact on the darkness of the locality.

Having established that position, it needs to be determined as to whether not there are any 'very special circumstances' (VSCs) that would warrant an exception to policy being made. VSCs have not been defined in either legislation or guidance, so it is left to individual cases to establish what may be taken into account. However, VSCs could, for example comprise an essential need for an agricultural worker or perhaps infrastructure or minerals that are in the national interest.

In this case the applicant has advanced the proposition the VSCs exist because of the contribution that would be made to the local rural tourism economy. Whilst the cabins will contribute to the selection of rural based tourist opportunities available, the cabins are some distance from the nearest settlement and appropriate services, as discussed above, so their impact on the rural economy would be negligible. There would be some private gain by the applicant who runs a farm and this may be considered to be some form of rural diversification (Policy R1) but this is not significant enough to warrant the harm created. The caveat of these rural tourist policies is always that they do not harm the countryside but rather respects it. In this instance the cabins are proposed in an open field which contradict the aims of these policies. Despite the case made out by the applicant, it is not considered that there is necessarily an unmet need for log cabins locally although there may be some demand for self-catering accommodation, which can be met in other ways.

In conclusion, there are no very special circumstances that would outweigh the tangible harm that would be caused to the Green Belt, so the only option is to refuse the application on those policy grounds. Added to the harm to the openness of the Green Belt is the distinct harm that would arise to the character and appearance of the landscape at this point, which dictate a separate reason for refusal in the absence of any other mitigating circumstances. Although the NPPF does say that Government wishes to support economic growth in rural areas it must be sustainable and weighed against any perceived harm to the natural and local environment, which should be protected and enhanced. Although the applicant has indicated new hedge planting at the side of and between the cabins that would be an alien form of treatment in an otherwise open field, and views into the site from the opposite side of the valley would not be protected because providing open views to staying guests is important to the enterprise.

Regarding sustainability in terms of access to alternative means of transport to the car, this is not normally considered to be an important consideration where self-catering tourist accommodation is concerned, however in this instance, the access is extremely poor with the reality and reasonable expectation that guests will always want to be car borne in order to make day trips out to the surrounding area and attractions further afield such as the Peak District National Park. As discussed above the walking distance to local services reasonable, albeit dangerous, but to local attractions is considerable with dependence on car use being very high. The access track is also of poor quality and is mostly used by pedestrians and as a service track. Highways have objected to the application in that the access track is unsuitable for such a development or use. It should also be noted that the applicant has not demonstrated that he has full control over the land between the public highway and the area edged red. It is argued in the Transport Statement that a cycle hire facility has been approved on the site and the proposal will result in reduced number of journeys. It is considered the impacts arising from bicycle use and the one or two cars required for staff are considerably different and less intensive than the current proposals and the highway concerns are not comparable.

The proposed cabins are proposed to be powered by Biomass sourced at Barnswood Farm some 250m away although it is unclear as to whether there is an existing biomass plant at the farm or whether it is proposed, but either way there is limited scope for this to resolve the issue of sustainability and there is little can be done to condition the use of Biomass as it is not linked to the site for the purposes of this planning application. In respect of the above it is considered that the site is unsustainable due to this poor access and as such should be recommended for refusal.

Details of foul drainage can be properly sought by a condition in the event that planning permission were to be granted, and any additional lighting that may be required would be subject to the need for a further planning application.

Regarding ecology the access track is a locally designated Site of Biological Interest (SBI) and acts as a wildlife corridor along the bank of the reservoir. The use proposed however will not impact significantly to have a serious impact on the ecology of the site or SBI due to its scale, providing no trees are removed and hedges are retained where possible.

It is concluded that there would be unacceptable harm to the Green Belt by reason of inappropriateness that is not outweighed by very special circumstances and that there would be

unacceptable harm to the character and appearance of the local landscape. There would only be minimal benefits to the local rural economy, which are not sufficient to outweigh the landscape harm. The proposed cabins are also in an unsustainable location with regards to distance from services and tourist facilities, and the unsuitability of the access. Consequently the only proper course of action is for the local planning authority to refuse the application.

RECOMMENDATION:

Permission be refused.

For reason:

1. The site is located in the Green Belt where development is only allowed under exceptional circumstances. The proposed development comprises inappropriate development and under Green Belt policy as described in the National Planning Policy Framework may only be permitted if it is possible to demonstrate that there are some 'very special circumstances' that are sufficient to outweigh the harm that would be caused in this case to the Green Belt in terms of its openness and visual amenity. The perceived harm arises because whilst the application constitutes a material change in the use of the land, it would comprise the provision of three log cabin style holiday homes that have a certain volume (and potentially a much greater volume and different appearance that would not be subject to planning controls) together with some minor operational development comprising the provision of car parking and manoeuvring areas. The 'very special circumstances' that have been put forward by the applicant to justify the development being a small contribution to the local economy are not considered to be sufficient to overcome the harm to openness and there is no proven case for a demand for log cabin-type accommodation as opposed to good quality self-catering accommodation in general. It is concluded therefore that the proposal is contrary to the policy advice contained in the NPPF on Green Belt policy, the requirements of Policies SS6c, SS7, E3 and R1 of the Staffordshire Moorlands Local Development Framework Core Strategy and The Churnet Valley Masterplan.

2. The application site for the three log cabins is at the bottom of a valley close to the bank of Rudyard Reservoir which despite the presence of field hedgerows is relatively exposed to views from the public domain both locally from nearby land, a public right of way that passes alongside the site and from more distant viewpoints. The landscape at this point has upland characteristics characterised by rolling hills dissected by wooded small scale valleys, low intensity pastoral farming with blocks of woodland particularly around Rudyard Reservoir edge and extensive views from higher ground and roads free from vegetation. To that degree the landscape is relatively undisturbed and thus is more sensitive to change and the introduction of new buildings. It is considered that the proposed log cabins would be of place in this environment and that they would damage and not maintain or enhance the landscape. The proposed development is accordingly not considered to be sustainable in both design and landscape harm terms. Although there are policies that seek to enhance the provision of sustainable tourist facilities it is not considered that the proposed development is acceptable in this location. The application is accordingly contrary to Sections 3 and 11 of the National Planning Policy Framework and Policies SS6c, DC1 and DC3 of the Staffordshire Moorlands Local Development Framework Core Strategy.

3. The application site is accessed via a track along the eastern side of Rudyard Reservoir off Reacliffe Road to the north of the reservoir. The proposed development would result in an increased number of vehicles using an access that is a privately owned path which forms part of the Leek to Rushton Spencer Greenway which would adversely affect the safe unencumbered movement of pedestrians and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger. The access track is a privately owned track which may be closed temporarily or permanently at a time. The applicant has provided no evidence that they have a right of access which outweighs the track owners rights to close it. Neither is there any evidence to suggest why they might have vehicular access along a former railway track which has never had vehicular use. This is a pedestrian path and is not intended for regular vehicular access for commercial means and any planning approval could not be implemented without approval of the landowner. It is concluded therefore that the proposal is

contrary to the policy advice contained in the NPPF on Green Belt policy and the requirements of Policies SS1, SS1a, SS6c, SS7, SD1, SD2, DC1, DC3, R1, T1 and T2 of the Staffordshire Moorlands Local Development Framework Core Strategy.

Date 28/01/2015

Signed

R J Duckworth

DEVELOPMENT CONTROL MANAGER COMMENTS:

Date

Signed