

Application No: 2006/355	Application Type: Full Application etc
Proposal: Proposed Holiday Park, comprising 20 tourist lodges	Location: Scar End Farm, Weir Lane, Weir
Report of: Development Control Team Manager	Status: For Publication
Report to: Development Control Committee	Date: 29 November 2006
Applicant: Mr G Davis	Determination Expiry Date: 21 August 2006
Agent: MJ Coyne Chartered Architects	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	X
Other (please state)	Departure/Major

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

APPLICATION DETAILS

1.1 The Site

Scar End Farm is situated in the countryside to the east of the settlement of Weir, and possesses approx 39ha (97 acres) of rough grazing, moorland and conifer plantation. A significant number of public footpaths cross the land. Scar End Brook runs through

the farm on a north-south axis. The complex of buildings belonging to the farm stands near to the brook.

Attached to the house is a traditional stone-built barn, which has been converted from agricultural use. None of the other buildings are being used to a significant extent for agriculture, permission being granted in 2001 for one to be used for the stabling of horses kept for hobby purposes. The applicant purchased the property approx 6 years ago, since when it has not functioned as a working-farm, that land not used to turn-out/produce hay for the horses being let for grazing.

1.2 Relevant Planning History

In April 2005 permission was granted for construction of a new roadway from Burnley Road, of approx 300m in length, to function as the principal access to Scar End Farm (2005/504). This roadway has been constructed and brought into use, departing slightly from its permitted alignment at a point approx 250m from the main road. It drops down from the main road before crossing the brook and climbing once more up to the complex of buildings.

In August 2005 Outline Permission was sought to construct around the lake situated approx 300m to the north-east of the complex of buildings 20 holiday lodges, with an additional unit in which the site manager will live and have an office.

An indicative site layout and other documentation gave a broad indication of the size and appearance of the intended holiday lodges. The applicant envisages that each would be of single-storey, round pine-log construction, and contain a kitchen/dining room, lounge and 2 bedrooms (possibly with additional usable space within the roof void). Each would have space to the side for car parking and a garden. This development would be contained within an area measuring 80m x 135m, the applicant expressing no wish to close or divert the public footpaths bounding and crossing this area. To provide adequate vehicular access to this site there would have been a need also to up-grade a length of the existing track between the newly formed roadway and farmhouse and the track which runs along the bank-top of Scar End Brook between the farmhouse and the holiday lodges. The applicant had in mind to sell/have on long lease approx half the units as holiday homes, with the other half rented out on as little as one-week rents to tourists.

In accordance with the Officer Recommendation, Application 2005/504 was refused for the following reasons :

1. The proposed buildings, and the activity, gardens and external works associated with them, will detract to an unacceptable extent from the essentially open and rural character of the area, contrary to PPS7 and Policy 20 of the adopted Joint Lancashire Structure Plan. Most particularly, the proposed buildings are not in-keeping with those of the landscape character tract in which they will be located and the presence of public footpaths precludes the use of landscaping to satisfactorily screen the development from public view.
2. The proposed development would be located within the Countryside as defined by the adopted Rossendale District Local Plan , where planning permission will not be given except in very special circumstances for erection of a dwelling.

The special circumstances have not been advanced to justify the erection of the site managers dwelling as an exception to PPS7, Policy DS5 of the Local Plan, Policies 1 and 12 of the Structure Plan and the Rossendale BC's Housing Position Statement (August 2005)

1.2 Proposal

The current application seeks Outline Permission to erect 20 holiday lodges on a piece of land, measuring approx 40m in width and 175m in length, which is bounded on its north side by a mature conifer plantation. Situated approx 200m from the existing complex of buildings, and elevated above it, this area of rough grazing can presently be reached by a steeply-sloping track suitable for use by a tractor and which also forms part of the public footpath network for part of its length.

At this stage permission is sought for the means of access, but the matters of siting/design/appearance/landscaping are reserved for later consideration.

In support of the proposal the applicant states that :

- Development for tourism/leisure is appropriate in the countryside.
- The proposed development will create employment in itself, encourage the other land to be brought back into more productive agricultural use and add to income/employment in other local businesses.
- This site has been chosen as it is naturally screened.
- The proposal will not generate a significant number of traffic movements.
- To provide access from the existing complex of buildings up to the application site will not require works that will impact significantly upon the landscape, the roadway to be formed to zig-zag across a field to achieve a gradient enabling it to be surfaced with Grasscrete.

1.3 Policy Context

Rossendale District Local Plan (Adopted 1995)

- DS5 - Development Outside the Urban Boundary & Green Belt
- C4 - Agricultural Land
- C5 - Alternative Farm Income
- DC1 - Development Criteria
- DC2 - Landscaping

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 5 - Development Outside of Principal Urban Areas, etc
- Policy 7 - Parking
- Policy 19 - Tourism Development
- Policy 20 - Lancashire's Landscapes
- Policy 21 - Lancashire's Natural & Man-Made Heritage

Other Material Planning Considerations

- PPS1 - Sustainable Development
- PPS7 - Rural Areas
- PPS9 - Biodiversity & Geological Conservation

2. CONSULTATIONS

LCC(Planning) objected to the previous application for holiday lodges and considers the current proposal also to be contrary to Policy 20 of the Structure Plan. It acknowledges that the new siting will ensure the development is screened from the north and north-west by a conifer plantation (and from view from public footpaths in these directions). However, it remains concerned that the development is still being proposed in an elevated/open location that will impact visually on public footpaths to the south and south-west. It further advises that the construction of timber chalets would be inappropriate to the landscape character of this area, where the clustering of stone and slate buildings is more characteristic.

It seeks assurance that the proposal will not impact adversely upon the ecology of the area.

LCC(Highways) raises no objection in principle to the proposed development, but indicates that if the development is to proceed there will be a need for the recently-constructed roadway now serving Scar End Farm to be widened at its junction with Burnley Road and by the provision of additional passing-points along its length. It further advises that even with the proposed zig-zagging of the access road between the existing complex of buildings and the application site the gradient will be such that use of Grasscrete would not be appropriate.

Natural England originally advised that the application should be refused unless the applicant employed a suitably qualified ecologist to undertake work necessary to satisfy them that the new siting for the holiday lodges would not adversely affect badgers known to exist in the area. As a result of work commissioned by the applicant it now raises no objection to the proposal subject to a detailed scheme to avoid/mitigate harm that will :

- preclude people/dogs from entering the adjacent conifer plantation;
- include setting the proposed development not less than 15-20m from the boundary of the conifer plantation (with possible planting of this buffer).

RBC Drainage raises no objection in principle.

3. REPRESENTATIONS

146 letters/emails have been received, commenting on the application. Two express support for the proposal on the grounds that it will bring tourism and work to the area, and the others express objection for the following reasons:

- A holiday park is not appropriate for this rural area.
- It would be harmful to the local environment, forming isolated commercial development, at odds with national and local policy.
- The proposal will add to traffic and danger on Burnley Road.
- The recently-built roadway was not permitted for commercial use.
- Traffic will then have to pass along pathway which is narrow and poorly-surfaced, and the works to it and a bridge over Scar End Brook to accommodate the additional traffic would be detrimental to the local environment and to the community/ walkers by reason of pollution, noise and light.
- The wildlife would suffer.

- This proposal should not be looked on as an agricultural diversification as the applicant is not a farmer.
- If permission is granted it will set a precedent for other inappropriate development.

One of those objecting to the application is the owner of a property that shares use of the recently-constructed roadway. They indicate that traffic associated with the development now proposed will have to pass over a length of track they own and do not agree to its use. (The applicant has indicated he has a right of way over the track concerned; this is in any case a private matter.)

4. ASSESSMENT

In dealing with this application the main issues to consider are : 1) Principle of Holiday Lodges; 2) Landscape/Wildlife Interest; & 3) Neighbour Amenity.

PRINCIPLE OF HOLIDAY LODGES

The application site lies within an area which is essentially open and rural in character. Government guidance and Development Plan policy seek to protect and enhance the local distinctiveness and the intrinsic qualities of the countryside, whilst allowing development to sustain rural communities.

In 2004 Central Government issued Planning Policy Statement 7:Sustainable Development in Rural Areas. In respect of tourism accommodation it states:

“37. The Government expects most tourist accommodation requiring new buildings to be located in, or adjacent to, existing towns and villages.

38. The conversion of suitable existing rural buildings to provide hotel and other serviced accommodation should be allowed, taking into account the policies on the re-use of rural buildings in paragraphs 17 and 18. Similarly, planning authorities should adopt a positive approach to proposed extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses

39. In considering planning policies and development proposals for static holiday and touring caravan parks and holiday chalet developments, planning authorities should:

(i) carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites, and examine the scope for relocating any existing, visually or environmentally-intrusive sites away from sensitive areas, or for re-location away from sites prone to flooding or coastal erosion;

(ii) where appropriate (e.g. in popular holiday areas), set out policies in LDDs on the provision of new holiday and touring caravan sites and chalet developments, and on the expansion and improvement of existing sites and developments (e.g. to improve layouts and provide better landscaping); and

(iii) ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening.

40. Local planning authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits, e.g. as a farm diversification scheme.”

In short, Government guidance does not preclude creation of tourist accommodation in the countryside. However, the proposed scheme does not rate highly in respect of its tests for sustainability :

- It entails development in an isolated spot, rather than in or adjacent to an existing rural settlement.
- It entails new-build, rather than re-use of existing buildings.
- It does not remedy a problem with an existing visually or environmentally intrusive site.
- It does not avoid prominence in the landscape or the measures necessary to minimise that visual intrusion (See Landscape Section below).
- It does not constitute a farm diversification scheme.

LANDSCAPE / WILDLIFE INTEREST

The proposed holiday lodges will not be greatly seen by the public from adopted roads. However, as with the previous application for holiday lodges, public footpaths run near to the site and traffic associated with them will run along/cross public footpaths. Thus, the proposed development will cause significant harm to the character and appearance of the area as experienced by users of these footpaths. The holiday lodges, and parking/gardens/paraphernalia associated with them, will not be in-keeping with the intrinsic character of the buildings and landscape of the area. The location of the footpaths does not enable the site to be adequately screened from public view by landscaping in the short or medium term. I am also concerned that the movement of vehicles through the essentially open land between the Burnley Road and the holiday lodges, and the works requested by the Highway Authority, will serve to erode the rural character of the area.

I concur with the view of Natural England that the proposed development need not result in significant detriment to wildlife interest. However, its wish that the proposed development stand not less than 15-20m from the edge of the conifer plantation will diminish the extent to which it will serve to screen the holiday lodges/integrate them into the landscape.

NEIGHBOUR AMENITY

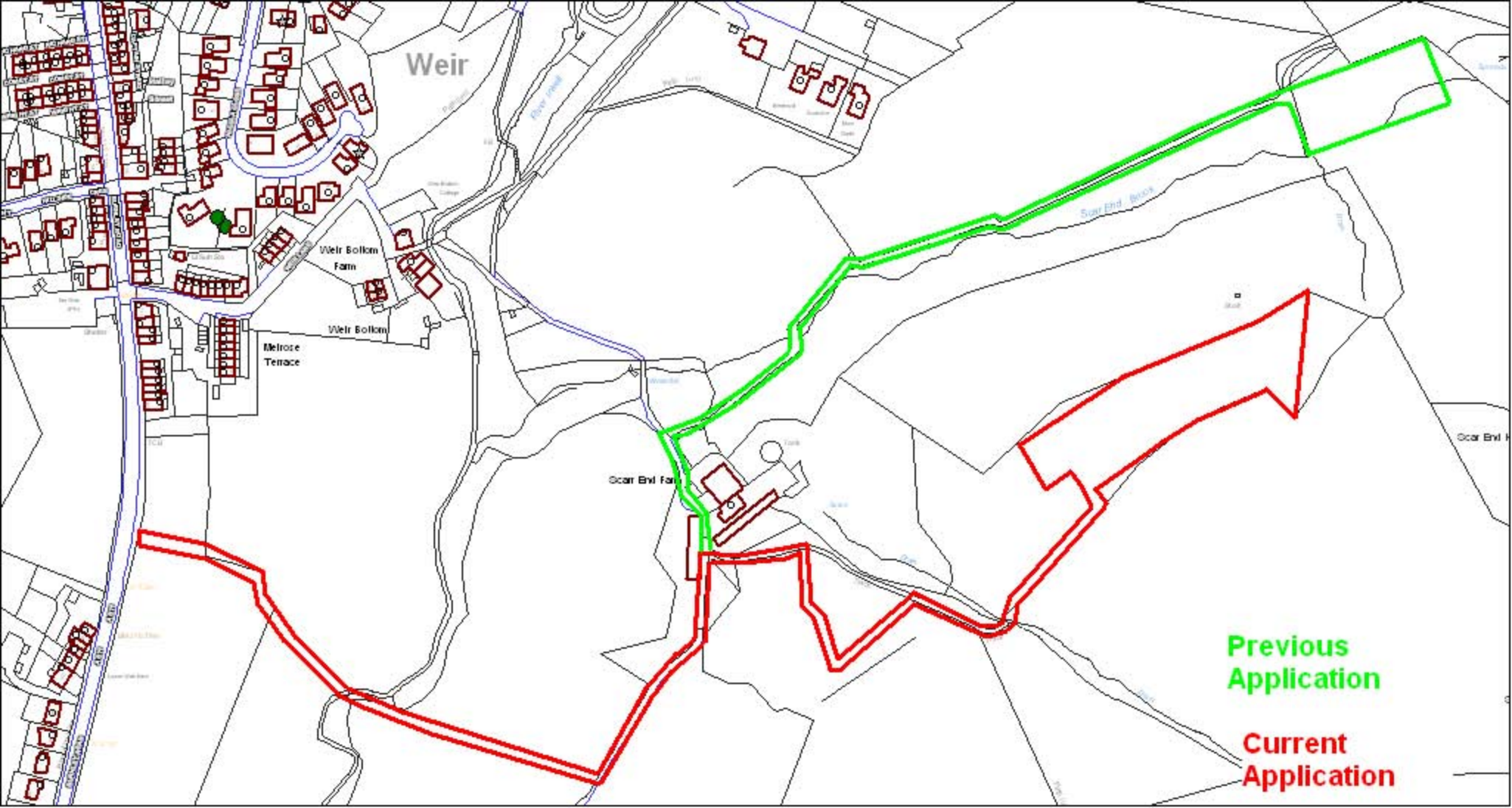
I am satisfied the proposed development will not result in significant detriment for any neighbours so long as traffic associated with it is required to use the recently-constructed roadway. Vehicles moving to and from the site will be visible from neighbouring dwellings, but at a distance that will not cause their occupiers disturbance.

5. RECOMMENDATION

That outline permission be refused for the following reason :

The proposed buildings, and the activity/gardens/paraphernalia/external works associated with them, will detract to an unacceptable extent from the essentially open and rural character of the area, contrary to PPS7 and Policy 20 of the adopted Joint Lancashire Structure Plan. Most particularly, the siting/size/design & appearance of the proposed holiday lodges will not be in-keeping with the landscape character tract in which they will be located, and the presence of public footpaths precludes the use of landscaping to satisfactorily screen the development from public view.

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Weir

Weir Bottom Farm

Weir Bottom

Melrose Terrace

Oscar Bivl Farm

Previous Application

Current Application