

<b>TITLE:</b>	<b>APPLICATION 2005/504 (OUTLINE) PROPOSED HOLIDAY PARK (COMPRISING OF 20 no HOLIDAY LODGES, ASSOCIATED OFFICE/EMPLOYEES DWELLING AND CAR PARKING) AT SCAR END FARM, WEIR LANE, WEIR</b>
<b>TO/ON:</b>	<b>DEVELOPMENT CONTROL COMMITTEE - 10 NOVEMBER 2005</b>
<b>BY:</b>	<b>TEAM MANAGER - DEVELOPMENT CONTROL</b>

**APPLICANT : MR G DAVIS**

**DETERMINATION EXPIRY DATE : 23 NOVEMBER 2005**

### 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.

#### Site

Scar End Farm is situated in the countryside to the east of the settlement of Weir, and possesses approx 36ha (90 acres) of rough grazing, moorland and conifer plantation. A significant number of public footpaths cross the land.

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 recently been constructed and brought into use, departing slightly from its permitted alignment at a point approx 250m from the main road.

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, the conversion of which to a separate dwelling was permitted in June

2003 and is part implemented (2003/245). 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 5 or 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.

### **Proposal**

Approx 300m to the north-east of the farmhouse Scar End Brook has been impounded, creating a lake of 75m in length and 40m at its broadest. Outline permission is sought to construct around the lake 20 holiday lodges, with an additional unit in which the site manager will live and have an office.

Although all matters of detail have been reserved the applicant has submitted an indicative site layout and other documentation giving a broad indication of the size and appearance of the intended holiday lodges. The applicant envisages that each will be of single-storey, of round pine-log construction, and contain a kitchen/dining room, lounge and 2 bedrooms (possibly with additional usable space within the roof void). Each will have space to the side for car parking and a garden. This development will 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 be 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 has 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.

### **Consultation Responses**

LCC (PLANNING) advises that the construction of timber-chalets would not be inappropriate in relation Policy 1 and 5. However, they would be inappropriate to the landscape character of this area, as too are likely to be the access improvements and car parking. Furthermore, they could not be easily screened in this location. Accordingly, it recommends refusal of the application on the grounds that the proposal contravenes Policy 20 of the Structure Plan. It goes on to state that from buildings of stone and slate are characteristic of this area, and should relate more closely to an existing farmstead / woodlands, to minimise landscape impact.

With respect to ecology, it advises that there is a need to ensure the proposed development will not result in detriment to the habitats provided by Scar End Brook and its immediate environs or for water voles, breeding birds or other protected species.

LCC (HIGHWAYS) raises no objection to the proposed development, subject to works at the junction of the new roadway with Burnley Road, in order that it can satisfactorily accommodate the additional traffic the proposal will generate.

The ENVIRONMENT AGENCY originally objected to the proposal due to a lack of detail in relation to the lake and watercourses, and the associated aquatic environment. As a result of the indicative layout the applicant has produced it is now satisfied that the proposed development can be completed without works to which it would have objection and would

not consent under its own legislation. Although it has now withdrawn its objection, it recommends a series of conditions to mitigate harm to the existing aquatic environment and flood risk.

### **Notification Responses**

One letter expressing support for the application has been received and 144 letters objecting to it. The letter of support states that the proposed development could be done very tastefully, as have many such projects in Scotland. The objectors make the following points :

- 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.

### **Development Plan Policies**

#### 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 12 - Housing Provision
- Policy 19 - Tourism Development
- Policy 20 - Lancashire's Landscapes
- Policy 21 - Lancashire's Natural & Man-Made Heritage

### **Other Material Planning Considerations**

- PPS1 - Sustainable Development
- PPG3 - Housing
- PPS7 - Rural Areas
- PPS9 - Biodiversity & Geological Conservation
- PPG13 - Transport
- PPG21 - Tourism
- PPS23 - Pollution
- PPG25 - Flood Risk

## **Planning Issues**

In dealing with this application the main issues to consider are : 1) Principle of Holiday Lodges; 2) Housing Policy; 3) Landscape/Wildlife Interest; & 4) 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.

The owner of a property that shares use of the recently-constructed roadway has, in addition, queried whether it has been constructed in full accordance with the permission granted for it and has indicated that traffic associated with the development now proposed will have to pass over a length of track they own. (The applicant has submitted documentation to show he has a right of way over the track concerned; this is in any case a private matter.)

#### HOUSING POLICY

The applicant advises that a dwelling needs to be erected on the site to accommodate a site manager, to deal with matters in relation to lettings and provide the necessary level of security. Since vehicles could neither enter or leave the site without moving past the existing dwelling, or the dwelling which will be created by conversion of the attached barn, I do not consider there to be any justification for allowing erection of a dwelling on the site to ensure its proper management. That there is a public footpath running through the site, and others nearby, does raise issues of security. However, in respect of agricultural workers dwellings Government guidance states that “the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a dwelling, although it will not by itself be sufficient to justify one”. Similarly, I consider the need to provide the site with security is not itself grounds to erect a dwelling as an exception to prevailing countryside policy.

The case having not been made for permitting the proposed dwelling as an exception to countryside policy, there are no grounds for treating it as an exception to Policy 12 of the Structure Plan, which seeks to restrain the number of new dwellings built in the borough.

#### LANDSCAPE / WILDLIFE INTEREST

The proposed holiday lodges will not be greatly seen by the public from adopted roads. However, as has previously been said, public footpaths cross and run near to the site. The development proposed for the site 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 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 screened from public view by landscaping. I am also concerned that the movement of vehicles through the essentially open land between the Burnley Road and the

holiday lodges, and the junction improvement requested by the Highway Authority, will serve to erode the rural character of the area.

I concur with the view of the Environment Agency that the proposed development need not result in significant detriment to wildlife interest.

#### 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. The holiday lodges will be located more than 100m from the nearest residential property, next to none having any direct view of them. Vehicles moving to and from the site will be visible from neighbouring dwellings, but at a distance that will not cause their occupiers disturbance.

#### **Recommendation**

That outline permission be 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) .

