

Hyndburn Borough Council – Committee Report

Application Ref:	11/19/0103
Application Address:	Land off Blackburn Old Road, Great Harwood
Date Registered:	9 th April 2019
Date for Decision:	14 th June 2019 (extended due to committee)
Date Report Written:	28 th May 2019
Description of Development:	Outline Application: Proposed Glamping Site. (resubmission of 11/18/0345).

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 and proposal

The application site consists of a parcel of land located off Blackburn Old Road outside of Great Harwood and within the defined Green Belt. The land is surrounded by hedges and is predominately rural albeit for a handful of dwellings and Black Leach Farm.

This is an outline application for a glamping site that includes details of access but with all other matters reserved. The proposal would include the installation of 10¹ fixed structure glamping pods with a new access road leading up to each one, a fishing pond and associated car park with 10 spaces and office building nearer to the main entrance which splinters off from the main access point with Blackburn Old Road and shared with Black Leach Farm. The pods would be positioned in an open grassland previously agricultural area, dispersed around the site which is currently designated Green Belt.

Consultations

Public consultation: 2 site notices affixed and letters sent. 14 objections and 1 signed petition with 7 signatures received which cite the following potential issues:

¹ It should be noted that the supporting statement states that it is proposed to position 12 glamping units at the site.

- Added noise pollution to a peaceful area
- Not in keeping with the surrounding landscape and buildings
- Not the best location for this kind of development
- Ownership issues surrounding the main access
- Unacceptable increase in traffic
- Potential increase in the risk of accidents from vehicles leaving the junction onto Blackburn Old Road.
- Increase of litter
- The site does not benefit from adequate access to local services or facilities

LCC Highways: No objection but recommends conditions.

Environmental Health: No objection but offer recommended conditions.

HBC Ecology: No objection but recommends conditions.

United Utilities: No objection but recommend conditions

Lancashire Constabulary: No objection but recommend conditions

Relevant Planning History

Pre-application advice for the proposal was sought in 2018 (ref 18.023). The advice mainly focused upon the impact of the development upon the openness of the Green Belt. The view taken was that the proposal would be inappropriate development in the Green Belt.

An outline application was submitted (11/18/0345). This was refused on the grounds that the proposal would constitute inappropriate development in the Green Belt and harm the openness of the development. Officers did not believe that the applicant had demonstrated very special circumstances sufficient to outweigh the harm arising.

Relevant Policies

National Planning Policy Framework

Development Management DPD: DM 10, DM17, DM18, DM22, DM 26, DM 29, DM 31, DM32, DM33, DM34

Hyndburn Core Strategy Policies BD1, H1, Env4, Env6, Env7

Hyndburn Borough Council Car Parking and Access Standards

Observations

Outline planning permission is sought for the development of a glamping site on land off Blackburn Old Road to the north west of Great Harwood. The submitted forms indicate that

details of “Access” have been applied for as a reserved matter at this stage². The application is accompanied by a Supporting Statement and two “indicative” plans that illustrate potential layouts of the site for 10³ glamping cabins and the access. The proposed access is onto Limers Lane, which in turn connects with Blackburn Road.

Although no elevations or plans of the glamping cabins have been submitted, the supporting statement advises⁴ that “*Glamping is state of the art and very “up-market” luxury holiday accommodation. They are not caravans; the units are permanently based upon the site and connected to all mains services. They are small units, typically 1-bedroomed with dining /kitchen and lounge area; they are effectively “open plan” in internal layout. There will be a small area outside each unit for sitting and relaxing.*” The statement also advises that a “site building and car park will be located in the position indicated on the site plan.”

The key issues to consider in the determination of this application are the potential impacts upon the Green Belt, its impact upon neighbouring amenity, highways, ecology, and the design.

Principle of the development

The main issues are:

- (a) Whether the proposal would constitute inappropriate development in the Green Belt,
- (b) Its effect on the openness of the Green Belt and the purposes of including land within it, and
- (c) If the inappropriate development, whether the harm by or reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development.

Policy DM34 of the Development Management DPD focuses upon development in the Green Belt. The proposed glamping pods would constitute the development of new buildings due to their fixed permanence. No details of the scale of the glamping cabins have been submitted. The policy states that the erection of new buildings in the Green Belt will be permitted where:

- (a) There is a need for occupation by agricultural or forestry workers; or
- (b) The development comprises limited infilling in villages; or
- (c) The development involves limited infilling or the redevelopment of a previously developed site and there is no greater impact on the openness of the Green Belt and the purpose of including land within it, than the existing development; or
- (d) The building will replace an existing building with a residential use and would not result in a material increase in the volume of the original building.

² Although in the planning application forms “Access” is ticked as the only reserved matter, the supporting statement states that siting is also applied for (para 9.2.1 and 13.1).

³ It should be noted that the supporting statement, para 9.2.1 states that “it is proposed to position on the site 12 glamping units” although the submitted plans illustrate 10 units.

⁴ Para 7.3 of the Supporting Statement.

Paragraph 7 of the policy focuses upon leisure and recreation uses; it states that proposals to enhance or promote or improve access to leisure and recreational facilities will be supported, subject to development being in line with criteria set out elsewhere in the policy. This is reinforced by Policy BD1 of the Hyndburn Core Strategy which states that development with the rural areas will be limited to that supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character.

The proposal is not for an agricultural use or for forestry workers and would also not comprise of limited infilling. The site is an open field with no buildings and is undeveloped and so does not satisfy criterions (c) or (d). As a result of this, even though the proposal would be for a leisure and recreation use, it would not satisfy paragraph 7 of the policy either.

In light of this, the proposal would not accord with Policy DM34 of the Development Management DPD and as such would constitute inappropriate development in the Green Belt.

I will now assess the proposals effect on the openness of the Green Belt and the purposes of including land within it. Paragraph 145 of the National Planning Policy Framework states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Openness is a fundamental characteristic of the Green Belt. It is considered that the proposed development would seriously alter the character of the land on which it would be situated by way of what would be 10 'glamping pods', a reception and office building as well as an extensive area of hardstanding on what is a currently grassed area for a car park area with associated access. Even though the north western boundary of the site is screened by high mature hedgerows which would largely hide the development from view from passers-by, it would be apparent that development exists there. Additionally, the residents of Black Leach Farm which is adjacent to the site would be able to view the proposal. Additionally, the proposal would result in development where none existed before. The proposal would also likely generate additional vehicle movements by way of comings and goings. As a result, the proposal would have a significant effect on openness and character of the landscape in relation to the development of permanent structures and hardstanding.

Paragraph 134 of the NPPF sets out the purposes of the Green Belt one of which is to assist in safeguarding the countryside from encroachment. It is considered that the proposal would be in conflict with this purpose as the site in its current state performs the function of safeguarding the countryside from encroachment of development beyond the town of Great Harwood which is less than 200m away and therefore, the site contributes towards this Green Belt purpose.

I will now assess if the inappropriate development, whether the harm by or reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development.

Paragraph 83 of the NPPF states that planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses;
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside.

The proposal would provide economic benefits, in particular in relation to construction and the spend of the occupiers including their spend in nearby amenities in Great Harwood as well as supporting tourism. Such benefits though would only be on a modest scale with the relatively small number of units that would be provided and would not outweigh the totality of the harm on the Green Belt. It should be noted that the applicant has not addressed this within their supporting statement.

In light of all this, the proposal would constitute inappropriate development in the Green Belt that would have an unacceptable impact upon its openness. The economic benefits associated with the development do not outweigh the harm arising to the Green Belt and officers do not believe that very special circumstances have been demonstrated by the applicant. As such, the proposal is contrary to Policy DM34 of the Development Management DPD, Policy BD1 of the Hyndburn Core Strategy and the aims of the NPPF.

The applicant has submitted a planning supporting statement which argues that there is an opportunity to expand the settlement boundary to the south of Northcliffe School and the residential estate up to Blackburn Old Road where it meets Limers Lane encompassing the application site within the urban boundary. Paragraph 135 of the NPPF states that the general extent of Green Belts across the country is already established. Although the Council has undertaken a Green Belt review as part of the Local Plan evidence base, changes to the Borough's Green Belt boundary will be made as part of the Local Plan process, not through the submission of individual planning applications, as set out at paragraph 136 of NPPF:

“Once established, Green belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.”

Notwithstanding that the changes to the Green Belt should be made through the plan-making process, the applicant has not set out any exceptional circumstances that support such a change.

The site is located in the Green Belt beyond the urban boundary and is not readily accessible by means other than the car. There are no footways along Blackburn old Road

and no public rights of way that connect the site with the urban area of Great Harwood. The site is not on a bus route.

Impact upon Amenity

Policy Env 7 of the Hyndburn Core Strategy states that proposals for new development will only be permitted if it is demonstrated that the material impact arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. Policy DM29 of the Development Management DPD would have similar aims.

LCC Highways have been consulted on the application and have no objection subject to a number of conditions regarding the access and hardstanding.

The proposal would be at its nearest point would be under 30m from the nearest dwelling. It is likely that with the increased footfall entering and leaving the site as well as when users are in and around the pods in the evening and night time, that there would be some disturbance to local residents. However, the Council's Environmental Health Officer believes that these impacts can be managed through the use of appropriate planning conditions.

Design

The design element of this application have been reserved, however, it should be noted that any design should comply with Policy Env6 of the Hyndburn Core Strategy. The policy states that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design. New development will be expected to maintain and enhance local distinctiveness including the character and quality of both townscape and landscape. Paragraph 2c of Policy DM34 states that all proposals involving the development of new buildings in either Green Belt or Countryside area must be capable of being developed without adversely affecting the character of the rural landscape.

The prevailing character of the site area is mostly rural and comprises of fields, hedges, and a main road. Built development in the vicinity of the site is occasional and consists of a handful of isolated dwellings set within the rural landscape. Although the applicant believes that the glamping pods will be designed to a high standard that will be sympathetic to the surrounding landscape, their individual and cumulative scale as well as the road, hardstanding and additional building would appear incongruous in this open landscape. As a consequence, it would not preserve the rural setting that is an important attribute of the countryside. The lack of wider visibility of the site would not satisfactorily address this harm as there is still a need to protect the character of the countryside which the proposal would not adequately achieve. Whilst local and national policy recognises that leisure and recreation facilities are found and supported in the countryside, there is still a need to consider character and appearance issues. In light of this, the proposal would have an unacceptable effect on the character and appearance of the area and would not comply with Policy Env6 of the Hyndburn Core Strategy and Policy DM34 of the Development Management DPD.

Ecology

Hyndburn Borough Council's Ecology Officer has been consulted on the application and offers the following comments:

Ive no comments regarding the access arrangements.

The prior use of the site is for agricultural pasture land, surrounded by hedge and trees. In this respect the land will form habitat for grassland assemblage birds in particular Curlew, Lapwing, Snipe and Grey Partridge. The land will also form habitat for European Protected Species (Bats).

In this respect the following issues must be considered:

- *The submission of a full landscape plan, inclusive details of grassland/meadow management.*
- *Details of any lighting that is to be used. Flood lighting will not be permitted due to impact on protected species.*

The applicant must achieve a net gain in biodiversity to comply with the NPPF and Council planning policies.

In this respect:

- *The grassland must be managed in such a manner to promote the creation of wildflower meadow.*
- *The gaps in the tree/hedge along the southern section must be infilled with additional tree/hedge planting. Also to act as screening.*
- *The scheme must not result in the loss or damage to any hedge or trees, unless compensated using the Councils Tree Compensation Standard.*

Im concerned about the proposed inclusion of a fishing pond. A fishing pond will contribute little or nothing towards biodiversity, yet will result in the loss of important grassland. Fish do not promote amphibians and invertebrates. A pond without fish would be a different consideration.

Given the land topography, and the location of a toilet in each cabin Im concerned that the sewage outfall might require a drainage line through the hedges and trees onto Blackburn Old Road. The full application should include drainage details and clearly identify if trees/hedges will be impacted. An Arboricultural Impact Assessment may be required.

Further conditions may be required when detailed plans are submitted.

Other issues

Objection comments have brought into question the ownership of the access and wall into and adjacent to the site. This is a civil matter and must be dealt with between the parties involved. The issue falls outside the scope of a planning matter.

Conclusion

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development has been assessed against the relevant policies of the Development Management DPD, the Hyndburn Core Strategy and the NPPF. The proposed development would constitute inappropriate development in the Green Belt. Even though the development would be a leisure and recreation use, it would have a significant impact upon its openness and landscape character due to the size, scale, permanence and associated hardstanding and thus does not meet the exceptions set out in Policy DM34 of the Development Management DPD and Paragraph 145 of the NPPF and Policy Env6 of the Development Management DPD. Substantial weight should be given to the harm to the Green Belt and the applicant has not sought to demonstrate that very special circumstances exist that outweigh the harm arising. Officers have attributed limited weight to the contribution that the proposal would make to the rural and local economy but this does not outweigh the harm or should qualify as very special circumstances.

The proposal would therefore not comply with the relevant policies of the Development Management DPD, the Hyndburn Core Strategy and the National Planning Policy and is recommended for refusal.

Recommendation

That Planning Committee refuse planning permission for the following reason:

Reason for Refusal

1. The proposed development of glamping pods, roads and associated infrastructure would constitute inappropriate development in the Green Belt and harm the openness. The applicant has not demonstrated that very special circumstances exist that outweigh the harm arising. For these reasons, the proposal is contrary to Policy Env6 and Env7 of the Hyndburn Core Strategy, Policy DM34 of the Development Management DPD and the National Planning Policy Framework

Informatives

- 1) 20
- 2) NPPF