

PLANNING COMMITTEE – 22 September 2020

REFERENCE NUMBER: 20/00349/OL

Application Expiry Date:
25.09.2020

Application Type: Outline application (all matters reserved)

Proposal Description: **Outline application with all matters reserved except for access, layout and scale for single storey sectional detached Log Cabin within existing equestrian facility for holiday let accommodation (Private Drainage System)**

At: **Land at the Northern Junction of Hillhouses Lane and New Road, Wingerworth**

For: **Mr John Cocker**

Third Party Reps:

Parish:

Wingerworth Parish Council

Ward Name:

Wingerworth

Author of Report: Emily Cartwright

Date of Report: 04 September 2020

MAIN RECOMMENDATION: CONDITIONALLY APPROVE



1.0 Reason for Report

- 1.1 Local ward member Councillor Antcliff has formally requested that it be considered by members of planning committee due to concerns relating to safety of road users and the school children. There are a lot of problems currently with the volume of traffic and parking, and would not wish that risk to be increased.

2.0 Proposal and Background

Site Description

- 2.1 The application site forms land to the west of New Road and north of Hill Houses Lane.
- 2.2 The site is surrounded on all sides by mature and substantial field boundaries, and benefits from an existing access point set back and taken from New Road opposite Wingerworth Village Hall. Open fields bound the site to the north and west.
- 2.3 The site comprises an existing private equestrian facility, featuring a timber 'N' shaped stabling block to the centre, a ménage to the western part of the site and associated grazing land.
- 2.4 The land slopes in a south westerly direction away from, New Road and down Hillhouses Lane, the difference in levels from New Road to the bottom of this field is approximately 10m.
- 2.5 The site is located outside the settlement limits for Wingerworth, in open countryside but is not located with Green Belt.

Proposal

- 2.6 Outline permission, with matters relating to access, layout and scale is sought for a single storey sectional detached log cabin within existing equestrian facility for holiday let accommodation, indicative layout plan and drawings are included.
- 2.7 The indicative layout shows one detached two bedroom log cabin accessed from the west of New Road. Positioned to the north west of the access, with two parking spaces.
- 2.8 The application is accompanied by a Design and Access Statement

3.0 Relevant Planning History

- 3.1 03/01186/OL – Outline application (details of siting and access submitted) for the creation of new vehicular access, and construction of hay barn and stable block comprising 8 loose boxes, tack and food stores (REFUSED)
- 3.2 06/00873/FL – Application for erection of timber stable block and manege for private use including a new vehicular access and ancillary works (Amended Plans) (APPEAL ALLOWED)
- 3.3 08/00753/FL – Resubmission application of an amended scheme of 06/00873/FL for the erection of a timber stable block, tack and feed store along with manege, new access and works (CONDITIONALLY APPROVED)

4.0 Consultation Responses

- 4.1 The **Parish Council** submits an objection and would ask Planning Department what assurances they can provide, that if approved, this property will remain as a holiday let and not be approved as residential in future applications? The Council would also like to raise concerns that if approved, this could lead to further development on this site, or in neighboring locations, which would impact residents living in the area. We would also support DCC Highway comments regarding the surface for the approach/driveway and request that these are included as a condition.
- 4.2 County **Highways Authority** raise no highway concerns, as it is considered the existing access would be acceptable to accommodate the increase in perceived traffic movements associated with a single holiday let use subject to inclusion of conditions.
- 4.3 The **Councils Environmental Health Officer (EHO)** raised comments regarding the farming/equestrian history of the site. As no supporting information has been submitted with the application in relation to potential land contamination, EHO request pre-commencement conditions are attached to any decision to ensure the site is suitable for its proposed use in accordance with paragraphs 178 of the National Planning Policy Framework (NPPF) 2019. EHO also raised comments relating to noise and odours and assume that the use of the holiday let will in some way be linked to the equestrian activities taking place or at least would assume that guests will be explicitly informed of the nature of the land in which the use sits so as to avoid concerns being raised by guests about potential noise and odour issues from these otherwise incompatible uses. EHO would have serious concerns if the ownership of the equestrian use was not the same as the holiday lets as the linked ownership necessitate good controls to ensure their compatibility.

4.4 **NEDDC Drainage** were consulted, however no comments have been received

4.5 **Yorkshire Water** were consulted, however no comments have been received

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice – A number of material objections have been received from three letters of representations which can be summarised as follows:

- The application is outside the Wingerworth housing development plan and there is no need to develop on this side of New Road
- The lodge will be situated in a previously green field with amply wildlife
- The lodge is very large at almost 20m long by 6.5m which is bigger than most detached properties
- The field already has horse stables and a ménage built into which makes the site unsuitable due to smell and safety as the access will be shared
- The site is situated on steep gradient making access difficult at times
- If permission is granted then it is likely that it will open the door for further development in the surrounding area
- Is there any need for this development as within a 10minute drive there is Ernest's Retreat Glamping site, Slate House Farm glamping, Hazlehurst Lodges, Peak Edge Hotel and Darwin Forest lodges
- If permission is granted then if the lodge is no longer required as a holiday let then it should be removed and no further development allowed
- The exit is next to a bus stop, and close to a busy road junction this could be an accident blackspot

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

6.1 The following policies of the Local Plan are material to the determination of this application:

- GS1 Sustainable Development
- GS6 Open Countryside
- H12 Design and Layout of New Housing
- E11 Tourism Accommodation
- NE1 Landscape Character
- BE1 General Design Principles
- T2 Highway Access and the Impact of New Development

T9 Car Parking
CSU4 Surface and Foul Water Drainage
CSU6 Contamination Land

Emerging North East Derbyshire Local Plan (Under Examination)

- 6.2 The Draft Local Plan (DLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in the autumn with Plan adoption by the end of 2020.
- 6.3 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.
- 6.4 The following emerging Local Plan policies are material to the determination of this application:

SS1	Sustainable Development
SS9	Development in the Countryside
WC7	Tourist Accommodation in the Countryside
SDC3	Landscape Character
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place Making
SDC14	Land potentially affected by Contamination or Instability

Wingerworth Neighborhood Plan

- 6.5 The Wingerworth Neighborhood Plan (WNP) was adopted in July 2018. The following policies should carry weight in any decision:

W2	Development in the Countryside
W12	Design Principles
W15	Important Views and Vistas
W17	Highway Safety

National Planning Policy Framework (NPPF)

- 6.6 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

Other Material Planning Considerations

- 6.7 Successful Places Interim Planning Guidance, adopted December 2013.

7.0 Planning Issues

Principle of Development

- 7.1 The proposed site is located outside of any defined Settlement Development Limit (SDL), falling within a countryside location.
- 7.2 Local Plan Policy GS1 states that all development proposal will be located within the defined SDL's, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDL's is to restrain development in the countryside and to focus development upon sites within the SDL's and/or allocated sites to achieve a sustainable pattern of development.
- 7.3 Policy GS6 states that new development will only be supported where it is in keeping with the character of the countryside and should not represent a prominent intrusion into the countryside.
- 7.4 Policy E11 states that proposals for new tourist accommodation in countryside locations will be permitted where they involve the re-use and conversion of existing buildings or extension of existing tourist facilities only.
- 7.5 The saved Policies were formulated based on SDLs that were drawn up with the intention to address development needs up to 2011. The policies are more restrictive in their terms than the policies in the NPPF. As such, they are considered out of date and are therefore given significantly reduced weight.
- 7.6 The Council is now at an advanced stage in the production of a new Local Plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.
- 7.7 Policies WC6 and WC7 of the Emerging Local Plan considers District wide visitor economy and tourist accommodation in the countryside. Proposals will be supported where they can demonstrate that a rural location is appropriate, is easily accessible, is appropriate to the site in terms of its

- scale, design or materials; and respects the character and appearance of the open countryside.
- 7.8 New visitor accommodation will be permitted where it is not used for permanent residential occupation and supports future business viability or is in accordance with countryside policies. New chalets, will be permitted where they are adequately screened all year round, laid out in a manner which would not adversely affect the character of the area, the materials and colour along with any infrastructure is appropriately designed to reduce the visual impact of the proposed development and does not significantly adversely affect the amenity of local residents.
- 7.9 The Wingerworth Neighbourhood Plan (WNP) carries full weight in the decision process. Policy W2 is relevant to the development as the policy states that outside the settlements limits of Wingerworth, it will be treated as open countryside. Policy W2 seeks to protect the countryside and only allows development which is appropriate in a rural location or supports thriving rural communities.
- 7.10 Paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) states that decisions should enable the sustainable growth and expansion of all types of business in rural areas through well designed buildings and the development and diversification of land based businesses. The NPPF also states that it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.
- 7.11 The NPPF also states that decisions should enable sustainable rural tourism developments which respect the character of the countryside. Paragraph 84 goes on to state that in rural areas it is important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- 7.12 In principle, holiday let accommodation on this site is acceptable

Landscape Considerations

- 7.13 The application site represents an existing equestrian facility to the west of New Road and north of Hillhouses Lane. The surrounding area is mixed; the eastern street scene of New Road comprises the built form edge of Wingerworth Village whilst the western element is open countryside which is rural in character.
- 7.14 The application site is made up of steeply sloping equestrian land, featuring a ménage at the lowest point, an 'N' shaped timber stable block to the center and a gravel access track leading up to the access point. All four boundaries comprise of mature hedgerow.

- 7.15 The layout plan illustrates that the proposed log cabin would be set back from the highway, behind the mature hedgerow facing out and engaging with the countryside. Sited to the north of the existing gravel track, the existing access would be used and two parking spaces would be provided. The contours of the site have been utilised to allow for the log cabin to be sited approximately 3-4m below the street scene level. Views of the log cabin from along New Road would be completely screened when travelling in a south to north and north to south direction.
- 7.16 When approaching the village along Hillhouses Lane, far reaching views of the site would be possible along PRoW 22 due to the land levels. It is considered, however, that the contained scale and low level height of the log cabin would ensure that it would be viewed in context with the existing stable block and against the backdrop of the Village Hall to the east. It is therefore, not considered that the proposed accommodation would represent an intrusion into the countryside.
- 7.17 In view of the above, it is considered that the proposed would be prominent from public viewpoints. Whilst detailed consideration of appearance and landscaping would be assessed at a subsequent "reserved matters" it is considered that the form and scale of the development set out in the layout plan and drawings are deemed acceptable, and it is considered that the site can accommodate the log cabin without harming the sites setting, the character of the countryside and the wider landscape.

Privacy and Amenity Considerations

- 7.18 The proposal is seeking outline consent (access, layout and scale not reserved) for the construction of one log cabin for holiday let accommodation.
- 7.19 The layout plan indicates that the log cabin would be sited approximately 50m away from the closest neighbouring property, providing an acceptable distance in terms of overlooking and loss of privacy.
- 7.20 It is noted that the existing use of the land is equestrian and the proposed log cabin would be sited approximately 12m from the stable block on site. Environmental Health have raised concerns relating to potential noise, odour and flies linked to the equestrian activities if the ownership of the equestrian use was not the same as the holiday lets. It is confirmed that the proposed holiday accommodation is in the same ownership as the equestrian use, as such it is possible to control the compatibility of both uses. This can be controlled by way of an appropriately worded condition attached to any decision.

- 7.21 In view of the above, it is considered that a single log cabin could be satisfactorily accommodated within the site without giving rise to any loss of privacy and amenity to neighbouring residents.

Highway Safety Considerations

- 7.22 The proposal is for a single detached log cabin, with matters relating to access under consideration.
- 7.23 The layout plan demonstrates that the existing access off New Road would be utilised, and two parking spaces would be provided for the two bedroom holiday let accommodation.
- 7.24 The County Highways Authority was consulted on the proposal and considered the development acceptable in highway terms providing highway safety conditions are included on any decision issued.
- 7.25 In view of the above, it is not considered that the proposed development would lead to a demonstrable harm to highway safety.

Other Considerations

- 7.26 The application site is within Flood Zone 1, which has a low probability of flooding.
- 7.27 Yorkshire Water Authority and the Council's Drainage Engineers raised no comments to the proposal. However, if permission is to be granted it is considered that conditions relating to foul and surface water drainage could be included in any decision notice.
- 7.28 The Council's Environmental Health Team was consulted and raised comments due to farming/equestrian history of the site. Conditions should be attached to any decision requiring any land contamination to be dealt with.
- 7.29 The application site lies within a Development Low Risk Area as defined by the Coal Authority.

8.0 Summary and Conclusion

- 8.1 Having taken into account all the material considerations, it is considered that the proposed development is acceptable in principle and would have an acceptable impact upon the character of the countryside.
- 8.2 The proposed development would not result in an adverse detrimental impact upon the privacy and amenity of nearby residential properties or neighbouring land uses, nor would it lead to an adverse impact upon highway safety.
- 8.3 It is therefore considered that the proposed development would be in line with the emerging local plan policies of the Council and the overarching aims of the NPPF, therefore the proposal should be granted subject to conditions safeguarding the character and appearance of the building and highway safety.

9.0 Recommendation

9.1 APPROVE Permission for the following reason:-

- 1. Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.
- 2. Approval of the details of the appearance of the building and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is started.
- 3. The site shall be developed with one log cabin only
- 4. The scheme submitted as part of the reserved matters shall include details of the existing grounds levels, proposed finished floor levels of the log cabin and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 5. Before development starts, a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

6. Before developments, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complete before the first occupation of the dwelling and shall be retained as approved thereafter.
7. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
8. The proposed holiday let shall not be taken into use until space has been provided within the site in accordance with the application drawing for 3 No. cars to park (spaces of minimum dimensions 2.4m x 5.5m clear of any shared/manoeuvring area) and for vehicles to turn so that they may enter and leave the site in a forward gear.
9. There shall be no gates or other barriers forward of that already existing on the access and any gates shall open inwards only, unless otherwise agreed, in writing, by the Local Planning Authority.
10. Before the commencement of the development hereby approved:
 - a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The land contamination assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information

discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

11. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

12. The dwelling hereby approved shall not be occupied until:

- a) The approved remediation works required by 11 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 10b to 11 above and satisfy 12a above.
- c) Upon completion of the remediation works required by 11 and 12a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved

remediation standard, together with the necessary waste management documentation shall be included.

13. Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior written permission of the Local Planning Authority.

The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year.

The owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be supplied to the Local Planning Authority by 31st January each year

Sign off
Relevant Officer and title