

AGENDA ITEM NO: 8/1(b)

Parish:	Docking	
Proposal:	Proposed Glamping Site	
Location:	Land West of Fakenham Road Stanhoe Norfolk	
Applicant:	Mr. M. McGinn & Ms. S. Brooks	
Case No:	17/01709/F (Full Application)	
Case Officer:	Mrs K Lawty	Date for Determination: 17 November 2017 Extension of Time Expiry Date: 9 February 2018

Reason for Referral to Planning Committee – Called in by Councillor Morrison.

Neighbourhood Plan: No

Case Summary

The application site is located on the western side of the B1445, at Bircham Newton. The site is part of a larger field which is generally grassed and open in nature.

The main B1454 Fakenham Road forms the eastern boundary of the site. To the north is Dreamy Hollow Woodland Campsite and to the south is the remainder of the field within the applicant's ownership. Beyond the field boundary to the south is a private residential property. To the west is another part of the grassed field (outside the applicant's ownership) with a wooded area beyond. Residential properties in Monks Close are further west.

In policy terms the site is within open countryside.

Full planning permission is sought for the change of use from agricultural land to a 12 pitch glamping site with shepherd's huts, 3 additional shepherd huts for use as a reception building, shower block and toilet block, a detached warden's lodge with separate access and parking, a new vehicular access point onto Fakenham Road, 12 parking spaces, vehicular turning area, bin storage area, land banking/ landscaping and fencing.

Key Issues

Principle of Development;
Impact upon Visual Amenity;
Highway Safety;
Impact upon Neighbour Amenity; and
Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

Full planning permission is sought for the change of use from agricultural land to a 12 pitch glamping site with shepherd's huts, 3 additional shepherd huts for use as a reception building, shower block and toilet block, a detached warden's lodge with separate access and parking, a new vehicular access point onto Fakenham Road, 12 parking spaces, vehicular turning area, bin storage area, land banking/ landscaping and fencing.

The proposal shows the new access onto the B1445, Fakenham Road at the south eastern corner of the site with visibility splays stretching 178m in both directions.

SUPPORTING CASE

The application has been supported by a Design and Access Statement, a Business Plan including profit and loss figures and a Supporting Statement. A full tree survey, arboricultural implications assessment and arboricultural method statement have been submitted during the course of the application.

The applicant also submits the following:-

'The proposal of 12 new shepherds huts and temporary wardens lodge situated at the above address has been warmly welcomed by local business and we feel having the temporary wardens accommodation is a vital part of the caretakers offering a first class service to our potential customers and general up keep of the site.

The local parish accepted the application for the site and they had no issues with the temporary warden's accommodation. Their only concern was that we work as per highways proposal for the entrance to the main road. All of which we have complied.

As a new business we have applied for a leader euro grant and again we have past the first stage application this grant is based on new local business like ours" setting up and helping provide rural areas with employment, with research that we have comprised into glamping and how it continues to grow in the UK this application / proposal we have submitted with our sensible and realistic business plan could really benefit the local community with employment and leisure activities.

The site itself will have a natural feel to it with native shrubs and soft planting; this will have minimal impact on the surroundings and again is welcomed by horticulturalist.

The accommodation is unique and will be bespoke to the area drawing customers nationwide to North West Norfolk, Helping others benefit from Range Farms initiative to take the lead in modern style glamping.

Families can come and enjoy our relaxed atmosphere and with friendly knowledgably local staff on hand Range Farm could become a reputable hot spot for years to come.'

PLANNING HISTORY

2/99/0571/CU: Application Permitted: 13/07/99 - Change of use from pig farm to stables/livery yard - Range Farm, Fakenham Road, Bircham Newton, Docketing

RESPONSE TO CONSULTATION

Parish Council: Mixed decision – they support the application in principal and are happy with the proposed glamping site. The council would like to ensure that this application is dealt with under the same guidelines as a neighbouring site offering holiday accommodation. However, Docking Parish Council have huge safety concerns about adding a further entrance onto this stretch of the B1454 where cars are able to move at 60mph.

Bearing in mind that there is already an entrance for a camping site on this road and the 60mph speeds coupled with the limited visibility due to the winding nature of the roadway, the council consider that this will be a dangerous entrance to negotiate when entering and leaving the proposed site. The council needs to be assured by Highways that the entrance meets their requirements for visibility and safe entrance and exit of the site and highway.

The council would like to be reassured that the warden's property as indicated on the plan is in fact a mobile building the same as all the others on the site.

The council are happy to leave the final decision about this application to the Borough and highways for the reasons stated above.

Highways Authority: NO OBJECTION – however, require a legal agreement (S106) to be signed to establish the third party agreement to ensure third party land remains open to provide an unobstructed line of sight for 178m in both directions as measured from a setback distance of 2.4m of the proposed new access.

Environmental Health & Housing - Environmental Quality: NO OBJECTION – conditionally; recommend that planning conditions imposed regarding contamination

Environmental Health & Housing - CSNN: NO OBJECTION – conditionally; recommend that planning conditions imposed regarding foul and surface water drainage arrangements; restrictions on large group bookings; noise protection; outdoor lighting scheme; ancillary warden accommodation; concern is raised regarding the historic use of land for a firing range and excavations resulting in exposure of buried munitions; the proposed method for handling foul water will not be suitable on a seasonal camping site. As there is no mains drainage in this area, the remaining option is a cess pit, which can be emptied as and when required.

Arboricultural Officer: requires a full tree survey, arboricultural implications assessment and arboricultural method statement to BS 5837:2012

Environment Agency: No comment

NCC Trails Officer: NO OBJECTION on Public Rights of Way grounds as although Docking Footpath 2 is in the vicinity, it does not appear to be affected by the proposals.

REPRESENTATIONS

The application has been called to the Planning Committee by Cllr Morrison.

Representations from **2** third parties referring to the following:-

- Request the planning authority provides details of visibility splays and length of site lines together with correspondence from NCC Highways on the matter;
- The site is an old firing range and contains buried munitions.

- Our sites permission placed requirement upon us was to satisfy certain environmental concerns with regard to noise and light pollution. Please could you provide me with the environmental health officer's assessment of the impact regarding light pollution and noise? * The plans refer to a warden's lodge but does not refer to the use of this lodge.
- The application refers to shepherds huts but there is no detail on the size make and elevation.
- The unauthorised development this summer damaged our business with complaints from campers about the noise from our campers.
- I would appreciate it if you could read up on our application and compare it to this one with a view to advising us on likely change of uses for our site should this application be successful.
- Our planning conditions led us to develop a low noise and light pollution business which is now popular with campers. A busy trackway and Glamping site next to our site would prevent us continuing to operate as a quiet camping site.
- *A 9m wide band of 50yr old Woodland and scrub has already been removed without consultation or permission. This loss of amenity has impinged upon the privacy and quietness of two of our pitches affecting our income.
- When our planning application was submitted for a very similar development we were refused use of our easement as an entrance off the B1454. The new entrance required of us by highways established a safe minimum sight line to the blind summit and bend of 190m. The proposed new entrance onto the B1454 gives about half that distance.
- The relocation of the trackway to the proposed point is not within the gift of the applicant. The easement belongs to our company and we are taking legal action to have it restored to its original position and entrance onto the B1454.
- The new trackway cuts across our boundary for approx. 1m at the new unauthorised entrance onto the B1454. There is no agreement with the applicant to keep the line of sight required over our property, clear of obstacles.
- in order to improve visibility splays the applicant has dug up our easement without permission, moved the easement 9m up against our boundary, and claims it on the plans submitted as "existing" (OS and Google Earth shows the original position).
- If the plans were modified accordingly and our legal right of access accepted and the track restored to its original condition we would withdraw this part of our objection.
- As far as the Wardens accommodation is concerned we presented similar arguments to the planning committee and these were rejected. Not able to have a resident warden on site has significantly affected our turnover, ability to employ (most people can't afford to travel to such a rural location). Although we have permission for timber pods, yurts, and tepees, these units can cost up to £15,000 each and on a site with no resident warden, are prohibitive to insure.
- As a business established in 2012 and trading as a woodland and campsite since 2014 we would very much like to see a more flexible approach. If we were granted permission for a resident warden as an established business we could offer Security and greeting services for to the applicant on a purely business basis. Of course this would first require an amicable settlement to the blocked right of way issue.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

DM11 – Touring and Permanent Holiday Sites

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

- The key issues relevant to this application are:
- Principle of Development;
- Impact upon Visual Amenity;
- Highway Safety;
- Impact upon Neighbour Amenity; and
- Other Material Considerations

Principle of Development

In policy terms the site lies within land designated as countryside. The nearest settlement to the application site is Bircham Newton which is a 'Smaller Village and Hamlet' and as such it does not have a development boundary.

Nationally, the NPPF seeks to protect and enhance the natural, built and historic environment whilst contributing to the achievement of sustainable development. Paragraph 28 states inter alia:

“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;

- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres...”

In the Core Strategy Policy CS06 states that in the countryside and rural areas the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and its natural resources to be enjoyed by all. Development is therefore restricted to that appropriate in a rural area.

Tourism plays a significant role in the Borough’s local economy and the Council takes a positive approach to the development of tourism. The main tourist appeal is based on the unique natural environmental assets and the historic built environment. Locations for proposed holiday accommodation need careful consideration. Proposals for holiday accommodation should also provide for a range of accommodation which will continue to positively contribute to the local economy.

Policy CS10 states that opportunities to improve and enhance visitor economy will be promoted. Smaller tourism opportunities will be supported in rural areas to sustain the local economy, providing these are in sustainable locations and are not detrimental to the valuable natural environment.

The policy also states that the Council will permit the development of new tourism accommodation in rural areas provided it is located in or adjacent to villages and towns, it is of a high standard of design, will not be detrimental to the landscape and mechanisms will be in place to permanently retain the tourism related use.

CS12 refers that proposals to protect and enhance the historic environment and landscape character, biodiversity and geodiversity will be encouraged and supported.

Policy DM11 of the SADMP refers specifically to development of Touring and Permanent Holiday Sites. The preamble to the policy states that permanent holiday sites can have a significant impact on the landscape. It refers to the Core Strategy which seeks to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and the importance of ensuring a correct balance between encouraging tourism and other policy aims of controlling development in the countryside.

This policy states that ‘proposals for new holiday accommodation sites or units or extension or intensification to existing holiday accommodation will not normally be permitted unless;

- The proposal is supported by a business plan demonstrating how the site will be managed and how it will support tourism or tourist related uses in the area;
- The proposal demonstrates a high standard of design in terms of layout, screening and landscaping ensuring minimal adverse impact on visual amenity and the historical and natural environment qualities of the surrounding landscape and surroundings; and
- The site can be safely accessed;
- It is in accordance with national policies on flood risk;
- The site is not within the Coastal Hazard Zone indicated on the policies map, or within areas as identified as tidal defence breach Hazard Zone in the Borough Council’s Strategic Flood Risk Assessment and the Environment Agency’s mapping.’

The proposed holiday development incorporates a detached warden's lodge with separate access and parking. This is shown to be a single storey park home and the floor plan shows it has all the facilities of a residential property. The applicant confirms this is proposed to be a temporary dwelling although requires the lodge to be used for all year round residential accommodation. For planning purposes therefore this warden's accommodation is treated as a new dwelling in the countryside.

As referred to above, the site is located within the countryside where restrictive development plan policies apply. In terms of new residential development the National Planning Policy Framework indicates that isolated new homes in the countryside should be avoided unless there are special circumstances including whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy CS06 of the Core Strategy, which concerns development in rural areas, seeks to prevent unnecessary dwellings in the countryside. Policy DM6 refers specifically to housing needs of rural workers. To ensure that new development in the countryside is carefully controlled, the proposed approach is to ensure that new rural occupational dwellings are only permitted where it relates to a proven need for a worker to live near their place of occupation. The policy refers:

'Development proposals for occupational dwellings must demonstrate the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained. Proposals should show that the needs of the intended enterprise require one or more of the people engaged in it to live nearby'

With regard to temporary occupational dwellings the policy refers:

4. If a new dwelling is essential to support a new rural based activity, it should normally, for the first three years, be provided by a caravan, or other temporary accommodation.
5. New temporary dwellings should only be allowed to support rural based activities providing:

- a. The proposal satisfies criteria 3a and 3b above
- b. The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in new farm buildings is often a good indication of intentions);
- c. The application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis.'

Criteria 3a and 3b refer:

- a. 'a. there is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and at night,
- b. The need could not be met by existing dwellings within the locality.'

The need for a dwelling-

The accommodation proposed is larger in scale than a typical caravan although is a temporary park home structure. However the functional need of residential accommodation has to be assessed. The applicant's case for warden's accommodation is based upon the scale of the glamping site (12 shepherd's huts), the fact that there are no buildings on site to convert into a residential unit and there is no affordable accommodation within the area for sale within a mile radius of the postcode.

The applicant confirms that they currently live 8 miles from the site but at this distance would only provide an ad-hoc service for customers. The applicant claims that being on site would bring benefits to be able to deal with the arrival of customers, departures, speculative customers, health and safety issues, provision of sundries for customers (newspapers, bread, milk etc.), provide appropriate security in this isolated location (rather than use of security lighting and security cameras) and cleaning and maintenance of the site.

However, the site would only provide a total of 12 shepherd huts. The submitted Business Plan states that:

'The business will be ready for operation in spring 2018. Upon attaining permission to proceed, work will commence at Range Farm in the Autumn of 2017. The site will be prepared for all twelve pitches, the site office & reception, the Wardens accommodation shower & toilet pitch, the communal area and the car park, yet the building work will be phased, with just five pitches, the shower & toilet pitch, Wardens accommodation and the car park being ready for opening. The remaining pitches, the site office & reception and the communal area will be completed during 2018. The full site would be completed and operational for the summer of 2019.'

Therefore for the first year just 5 shepherd huts will be available on site, with the site not operating to full capacity for approximately 18 months. It is accepted that the business could generate sufficient work to employ a warden, particularly during the summer months. However a full breakdown of the wardens' duties and the hours worked has not been submitted and no evidence as to why a satisfactory service could not be provided from the applicant's existing property just 8 miles away.

It is understood that as the applicant considers that there is a functional need based on providing a good customer service and security for the warden's accommodation to be on the site itself, however, no evidence has been presented on whether there are other existing dwellings in the locality that could meet the need. The applicant refers to there being no affordable housing to purchase within a mile of the postcode of the site but no details have been given for rental properties. Further it is considered that living just 8 miles from the site; the applicants could readily provide a reliable service to customers through regular visits to the site. They could also be on site within minutes should an emergency situation arise.

It is considered that most of the applicant's justifications for living on site, as listed above, can be dealt with by visits to the site at certain times of the day rather than demonstrating an essential need to be on site 24 hours a day, 7 days a week. The applicant claims they have a young family and visiting the site throughout the day to meet customers who arrive at different times would not be feasible. This, however, is a personal preference and does not amount to a genuine functional need of the business.

Similarly, site security is not justification on its own to relax well established countryside protection policies.

In terms of whether the enterprise has been planned on a sound financial basis, the activity is not currently in operation and therefore it cannot be demonstrated that it has been established at least three years or has made a profit. The application is supported by figures relating to financial viability of the business. The applicant expects a significant financial operating loss on the first financial year, to operate a small profit by the end of year 2 and estimates a gross profit of £52,002.00 at the end of year 3 before costs, leaving a net profit of £20,322.00. However, the figures do not give breakdowns as to the level of rental of the units so figures have not been broken down into for full or partial site capacity or summer and winter seasons. As these figures are projections they cannot be quantified.

Accordingly it is not considered an adequate case has been made to justify a dwelling, temporary or otherwise, within this countryside site, based on the limited scale of the enterprise, the lack of essential need to be on site 24 hours a day 7 days a week and the circumstances of the applicant who lives within minutes travelling time from the site.

During the course of the application the applicant has been asked if they would consider removing the warden's lodge from the application but they wished for the application to be considered in its entirety.

During the course of the application third party comment was made that a warden's lodge was not permitted for a similar scale camping enterprise at Dreamy Hollows which adjoins the application site to the north. Each case is considered on its individual merits; however, there are similarities with the scale of both commercial enterprises. In the case of Dreamy Hollows it was also found that a warden's lodge at Dreamy Hollows could not be supported in policy terms as there was no functional requirement (lpa ref: 12/01232/FM).

In summary it is not considered that the application complies with countryside policy referred to above and therefore in principle cannot be supported.

Impact upon Visual Amenity

The 15 shepherds' huts for accommodation and services (12 for rent and one each for office, shower facilities and toilets) and the park home are all single storey structures set across the site. The three service huts are set in a cluster towards the front of the site but the remaining units are spread across the site. The warden's lodge is set at the back of the site.

Views into the site from the B1454 are currently apparent due to the sparse nature of the roadside hedgerow. However, the plans show a degree of land banking and tree planting along the front of the site with the vehicle parking and turning set behind. A second row of planting is shown to screen the vehicles from the shepherd's huts.

The layout and landscape plans show that the proposed use could be achieved without significant harm to the qualities of the wider landscape. Subject to appropriate planning conditions the amount of tree and hedgerow planting could be considered to visually enhance this landscape.

In summary, subject to appropriate conditions, it is considered that the proposed scheme is not likely to result in such significant harm to the environment and landscape character to warrant refusal of the planning application.

Impact upon Neighbour Amenity

By virtue of the modest scale of the proposal and the distances between the sites and neighbouring properties, it is not considered that any harm would be caused to residential amenity.

Highway Safety

The application proposes a new vehicular access from the B1454 to the south eastern corner of the site.

Now that additional information has been submitted regarding visibility splays the Highways Authority raise no objection to the proposal. However, this is conditional upon the lengthy 178m visibility splays in both directions along the B1454 being retained free from obstruction.

Given that some of the land required to achieve the visibility splays is within the ownership of third parties it will be necessary for a legal agreement (S106) to be signed to establish the third party agreement to ensure that the third party land remains open to provide the required unobstructed line of sight for 178m in both directions, as measured from a setback distance of 2.4m of the proposed new access.

At the time of writing the applicant has agreed to provide this legal agreement but a draft has not yet been received.

Third party objection has been received referring to the length of visibility splay required by the Highways Authority and how it compares with an adjoining site. However, this is considered on a case by case basis and the appropriate visibility for that particular stretch of road.

Other Material Considerations

The Council's Environmental Quality team raise points in relation to contamination, although they are satisfied that this can be safeguarded by condition.

Comments from Environmental Health and third parties have referred to munitions which may be present on the site due to the historic use of the site as a part of a former RAF firing range. This proposed use would result in some underground works for utilities but otherwise the proposed shepherd's huts are placed above ground. The contamination conditions suggested by the Environmental Quality team would provide the necessary information on previous land uses.

The Council's CSNN team request a number of conditions; however it is not considered appropriate to attach a condition regarding noise protection. The site is sufficiently far enough away from neighbouring residential properties in addition it is noted that there would be road traffic noise generated by the traffic on the main road. It is therefore not considered that this is a reasonable request.

Third party objection also raised concerns regarding the impact of a busy glamping site on their neighbouring quiet camp site. However, the two uses are the same, in that both sites would offer holiday accommodation in the countryside. They are, therefore, deemed compatible neighbouring uses and there is no requirement for restrictive noise conditions in this case.

With regard to foul sewage the application has been changed to provide a cesspit in line with CSNN advice.

The applicant has referred to the use of low level lighting but details of this could be controlled through planning condition.

The site is currently part of a grassed field with some trees on site and in the vicinity. The application has been considered alongside Natural England's standing advice for protected species. The site does not fall within any buffer zones of any nature conservation protected sites. In this case, given the circumstances of the site and the nature of the proposal there was no requirement for an ecology report.

In response to original comments for the Arboricultural Officer a full tree survey, arboricultural implications assessment and arboricultural method statement to BS 5837:2012 have been provided. These show the retention of three trees on the site and a revised layout plan to accommodate them.

The NCC Trails Officer confirms that the proposal will not impede any Public Rights of Way.

Third party objection has been made to the erosion of neighbouring rights of access and easements across the land. However, these are civil matters which are outside the remit of planning legislation.

Third party objection has been made to the removal of trees which impacts upon the wooded nature of the neighbouring camping business. However, if the trees are on private land and are not protected by any form of planning legislation then their removal does not require consent and there has been no planning breach.

Third party objection has been made to the noise from works on the application site during tree removal and other works. However, these are temporary situations and, as referred to above, the proposal use would be compatible with the neighbouring site, raising no noise amenity issues.

The application would generate a fee of £50 per unit plus £50 administration fee for the Habitat's Regulation Monitoring and Mitigation Tariff if permitted. The applicant has submitted heads of terms for a unilateral undertaking to this effect should planning permission be forthcoming.

CONCLUSION

Planning policies, at national and local level, provide scope for tourist and leisure related developments to achieve social and economic benefits, subject to appropriate controls. In this case, the proposed development is related to tourism and is proposed for seasonal occupancy.

The proposed scale of development, in combination with the retention of the trees and level of proposed planting on the site, ensures that the proposal should not result in harm to the visual amenity of the area.

NCC Highways have confirmed that subject to a Section 106 being secured and conditions being attached to achieve the required visibility splays they no longer object to the proposal.

No objection in principle is raised in relation to the use of the land for camping, which is shown to be appropriate for this site. However, the application includes on-site residential accommodation and the applicant has not demonstrated that there is a genuine functional need in policy terms to justify a relaxation in the well-established countryside protection policies.

Taking into account the above it is recommended that this application is refused.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Based on the information submitted as part of this application it has not been demonstrated that there is a functional requirement for the construction of warden's accommodation in association with the proposed campsite, and therefore the accommodation proposed is aimed at meeting the applicant's personal needs and preferences rather than the operational requirement of the enterprise. The proposal therefore fails to accord with the provisions of the National Planning Policy Framework,

and represents unjustified residential development in the countryside contrary to Core Strategy Policies CS01, CS02, CS06, CS09 and Development Management Policies DM2 and DM6.