

AGENDA ITEM NO: 9/4(c)

| | | |
|----------------------|--|--|
| Parish: | Upwell | |
| Proposal: | Retrospective change of use of land for the sitting of 4 Glamping pods and WC/Shower unit for holiday let accommodation | |
| Location: | Last Bungalow Squires Drove Three Holes Wisbech PE14 9JY | |
| Applicant: | Mr B Cook | |
| Case No: | 23/01843/F (Full Application) | |
| Case Officer: | Bradley Downes | Date for Determination: 25 December 2023 Extension of Time Expiry Date: 9 February 2024 |

Reason for Referral to Planning Committee – Called in by Cllr Colin Rose.

Neighbourhood Plan: No

Case Summary

The application is retrospective for the change of use of agricultural land to create a glamping site with 4 pods, toilet/shower block and 2.5m fence to the north and east of the site. Access is proposed to be taken from Squires Drove and is laid to gravel. The site lies in the countryside where development is more restricted and limited to that identified as suitable in rural areas. Squires Drove is a narrow single track road with the proposed site access immediately adjacent to a bend in the road. The site lies on designated Grade 1 Agricultural Land.

Key Issues

Principle of Development
Form and Character
Highway Safety
Flood Risk
Other material considerations

Recommendation

REFUSE

THE APPLICATION

The application is retrospective for the change of use of agricultural land to create a glamping site with 4 pods, toilet/shower block and 2.5m fence to the north and east of the site. The site lies in the countryside where development is more restricted and limited to that identified as suitable in rural areas. The surrounding landscape is flat and undeveloped

which creates a strong sense of openness. The settlement pattern along Squires Drove is dispersed, appearing sparse with large open gaps separating small pockets of development.

Access is proposed to be taken from Squires Drove and is laid to gravel. Squires Drove is single track width, and the site access lies in a bend in the road. The site is approximately 1.75km to the east of the built-up edge of Three Holes. The site lies on designated Grade 1 Agricultural Land. A previous application for substantially the same development (ref: 23/00212/F) was to be recommended for refusal but was withdrawn by the applicant before a decision was issued. The application arose because of an enforcement investigation.

SUPPORTING CASE

The proposal consists of four timber Glamping pods and a WC/Shower unit. The site utilises an existing access, which provides good visibility in all directions. The site is close to local facilities and outdoor pursuits such as walking, cycling, fishing and water sports. Visitors to the accommodation will all contribute to the wider area through off-site spending at other local service providers. The use at this location provides the opportunity for recreation and relaxation in the countryside, and enables visitors to enjoy a quiet relaxed holiday, helping to promote good health and wellbeing.

The Business Plan demonstrates the site will play an important role in the local economy and help the viability of local tourist attractions. Further the site does not provide cooking facilities in the form of a traditional sense, but outdoor cooking facilities are provided. Those not wanting to use these facilities can travel to other local facilities thus benefitting the wider economy and community. Again, while it will be necessary to travel to these other facilities, the same is true for anyone living or staying within the local area. As the site encourages people to re-connect with nature it is hoped a lot of those staying will choose to travel locally by cycle.

While it is acknowledged the development is not immediately adjacent to a settlement, this needs to be weighed against the preference for some tourists to stay in the countryside, and the whole point of the business is to allow those using the facility to re-connect with nature and the outdoor environment. To have such a site situated in close proximity to a settlement defeats the whole point of this.

We believe the site is in a sustainable location. Due to poor public transport in the area, the vast majority of visitors to all local attractions other than possibly those within Downham Market or Kings Lynn which are serviced by a railway station, will drive. Driving to Three Holes the nearest settlement to the development, or Upwell, the largest nearby rural service centre will make very little if any difference with regards to the sustainability of the site.

The site has been designed to blend in with its remote environment. It is screened and landscaped with willow hedging ensuring minimal adverse impact on the visual amenities of the area, with the glamping pods and WC/shower block no longer visible when viewed from the surrounding land, ensuring extensive vistas with wide open skies evoking a strong sense of openness, exposure and isolation.

The proposal is situated away from other residential properties and should not therefore have a detrimental impact on the residential amenities of others. Traffic generated by the proposal is also low and it should not have an adverse impact on the transport network. There is sufficient parking on site to accommodate all guests, and the proposal should not have an adverse environmental impact, or impact on the historic environment.

The proposal only has a site area of around 0.16 acres, that due to its shape and size could not easily and economically be farmed with modern farming equipment. Further given the overriding community benefits from the proposal as noted above, the loss of such a small area of land to the proposal should be seen as insignificant. The proposal should therefore be seen to accord with the parish neighbourhood plan and it should be noted an earlier planning application reference 23/00212/F for the same proposal was supported by the Parish Council.

PLANNING HISTORY

23/00212/F: Application Withdrawn: 05/10/23 - Retrospective change of use of land for the sitting of 4 Glamping pods and WC/Shower unit for holiday let accommodation - Last Bungalow, Squires Drove, Three Holes

19/00842/F: Application Permitted: 04/07/19 - Horticultural building - Last Bungalow, Squires Drove, Three Holes

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Willow trees no doubt causing problems overhanging the highway, so these should be replanted further from the road, or conditioned to be maintained on a regular basis so that they do not become overgrown.

Highways Authority: NO OBJECTION

Road conditions are not ideal due to Squires Drove being narrow and the site access being in close proximity to a bend. However, Squires Drove is lightly trafficked and the pods are unlikely to be occupied full time with the resultant trips to and from each pod being on average 2-3 per day. Therefore, on balance I would not seek to object to the application. However, any further expansion of the site is unlikely to be acceptable given the road constraints. Currently, the private point of access is not hard surfaced and in the interest of highway safety I recommend a condition to ensure a satisfactory access is constructed.

On my visit I observed that fencing had been erected with planting that may encroach on the public highway. Whilst this does not affect my consideration in relation to this application, the applicant is advised to liaise with the West Area Engineer with respect to addressing any encroachment.

Environment Agency: NO OBJECTION

Strongly recommend the mitigation measures in the flood risk assessment are adhered to.

Environmental Quality: NO OBJECTION

The site is on land not seen developed prior to the current structures occupying the site. No potential sources of contamination are identified in our records, or in the information provided by the applicant.

Natural England: NO OBJECTION

Standing advice in relation to GIRAMS

Emergency Planning: NO OBJECTION

Occupiers should sign up to the EA flood warning system and a flood evacuation plan should be prepared.

REPRESENTATIONS

5 Letters have been received raising **OBJECTIONS** to the proposed development. Salient points as follows:

- Holiday-makers will need to use their vehicles to travel in the area due to poor / non-existent public transport.
- Road is in a very poor state.
- Increased traffic will damage road.
- Residents will be affected by noise and traffic all year round.
- Use could result in parties and music. Noise travels and this will disturb residents.
- Outdoor cooking could increase fire risk during summer with dry fields.
- Guests are likely to travel to visit places to eat which increases traffic.
- One of the promoted activities is nature walks. There are no public footpaths, would be dangerous on the road.
- Site entrance is on a blind corner which is a safety concern.
- Willow trees to site boundary are hazardous to road users, on a windy day they can be found laying on the carriageway.
- Water pressure and internet speed is poor.
- 30% occupancy rate is optimistic.
- Gym and space facility should be included in the application.
- Application not in accordance with Policy CS10.
- Increase in litter on Squires Drove since site has been open.
- Increased anti-social behaviour.

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM11 – Touring and Permanent Holiday Sites

DM15 – Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

Economy and Tourism Policy ET2: Economic Development

Environment and Nature Policy EN2: Agricultural Land

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Highway safety
- Flood risk
- Other material considerations

Principle of Development:

Policy DM2 states that areas beyond the development boundaries of settlements will be treated as countryside where new development is more restricted and limited to that identified as suitable in rural areas. Policy CS06 of the Core Strategy states that in the countryside the strategy will be to protect the countryside for its intrinsic character and beauty, diversity of landscapes, and its natural resources to be enjoyed by all. Development of greenfield sites will be resisted unless essential for agriculture or forestry needs. Policy CS10 of the Core Strategy 2011 and DM11 of the SADMPP 2016 set out the criteria for new tourism accommodation.

Policy CS10 states that the Council will permit the development of new tourism accommodation in rural areas subject to the following criteria being met:

- It should be located in or adjacent to our villages and towns.
- It should be a high standard of design.
- Will not be detrimental to the landscape.
- Mechanisms put in place to permanently retain the tourism related use.

A key strategic issue with this application is the otherwise remote location separated from local villages and towns, the proposals fail to comply with the locational and sustainability criterion of CS10. Tourism development in such locations should be resisted.

Policy CS10 also states that in the countryside, preservation of the natural environment should be a priority. At this point the Policy makes reference to Policy CS12 of the Core Strategy 2011 which is relevant as follows: "The design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment". It states that development will be informed by and seek opportunities to reinforce distinctive character areas identified in the KL&WN Landscape Character Assessment. Development should demonstrate that the location, scale, design and materials

will protect, conserve and where possible, enhance the special qualities and local distinctiveness of the area.

The Landscape Character Assessment states that key characteristics of the landscape around the site include extensive vistas with wide open skies evoking a strong sense of openness, exposure and isolation. Landscape sensitivities identified include the sense of openness and remoteness within views across the area and a very strong sense of tranquillity throughout the area. The report sets out that the overall strategy for the fens should be to conserve the predominantly open strong geometric landscape pattern of arable fields. Landscape planning guidelines are to conserve the generally undeveloped, rural character of the area and strong sense of remoteness and tranquillity; conserve wide open views across the area; and seek to ensure that new small-scale development in the area is consistent with the settlement pattern.

It is considered the proposed glamping site being located in a remote location within the open countryside contributes to a harmful deterioration of the distinctive qualities of the landscape. The site is visually prominent in the landscape due to being largely flat and undeveloped, and it is considered the development would not be consistent with the settlement pattern, given that it lies a considerable distance away from the nearest settlement. The south, west and north boundaries of the site (approx. 340m perimeter) have been lined with double row interspersed whips (Willow) at approximately 30cm centres to create a hedgerow. This planting is inappropriate to the landscape and is not considered to result in a positive landscape effect. Rather they contribute to the obtrusive impact of the development as a whole when compared with its previous open and undeveloped nature.

Policy DM11 of the SADMPP 2016 reinforces the criteria set out in Policy CS11. It states that new holiday accommodation shall be supported by a business plan setting out how the site will be managed and how it will support tourism or tourist related uses in the area. It also requires that the proposal demonstrates a high standard of design in terms of layout, screening and landscaping to ensure minimal adverse impact on the landscape. Lastly, it states that the site must demonstrate safe access and compliance with national flood risk policies.

A business plan has been submitted and detail given with regard to financial forecasts. Having reviewed the evidence, officers consider that the site has no substantial economic benefit in terms of supporting local tourism. The site is at a location disadvantage being distant from tourist attractions. It is noted that the applicant had recently advertised wellness retreat holidays for patrons to stay on-site and use adjoining unauthorised health facilities under the name 'Endure Fitness Hub'. This proposed use is more of an "all inclusive" inward looking use which would not have a symbiotic relationship with wider tourist uses. Regarding the next criteria, the proposals do not reflect a high standard of design, for example extensive screening from a ubiquitous 2.5m high timber fence which is a harmful dominant feature in the wider landscape. The glamping pods lack design innovation, rather they are generic and common to such uses. While it is acknowledged that significant planting is proposed to the boundaries, it is considered this would not be sufficient to mitigate the impact of the proposal and will in effect make an adverse impact in the otherwise open fenland landscape.

Policy ET2 of the Upwell Neighbourhood Plan states that new economic development will need to demonstrate that it will not have any unacceptable environmental impacts. Policy EN2 of the Neighbourhood Plan states that new development will only be permitted on Grade 1 agricultural land if there are overriding community benefits resulting from the development; or there are no reasonably available sites within Upwell Parish appropriate for the proposed development on previously developed land, land not in agricultural use, or land which is not viable for commercial agricultural use. Where appropriate, applications should

be accompanied by a viability assessment to demonstrate land is not viable for commercial agricultural use. The site lies on grade 1 agricultural land and therefore is subject to the sequential criteria in Neighbourhood Plan Policy EN2 and NPPF Para 180.

It is considered the proposal for glamping pods in a remote countryside location with limited benefit to wider tourism uses would not give rise to any significant community benefits. Secondly, the applicant has not submitted any detailed information to demonstrate that there are no alternatively available sites within Upwell Parish, or on any other selected search areas, upon previously developed land, land not in agricultural use or otherwise within the Development Boundary that could host the development. Finally, it has not been demonstrated that the land subject of this application is not viable for commercial agricultural use. Officers note that under 19/00842/F, permission was granted for an agricultural store on the land immediately to the east of the glamping pods to support a new agricultural enterprise which was justified via a business case. No persuasive evidence has been provided with this application that indicates that the land could not be viable for agricultural use.

Policies CS06, CS10 and CS12 of the Core Strategy, Policy DM11 of the SADMPP 2016 and Policies EN2 and ET2 of the Upwell Neighbourhood Plan set out the strategy to protect the countryside, the most versatile agricultural land and its landscapes while supporting the provision of tourism accommodation where it would be sustainable and not detrimental to the qualities of the area. Policy DM11 of the SADMPP 2016 also requires that proposals for new tourism accommodation can demonstrate that it would support other tourism uses in the area. It is considered the proposal fails to meet the requirements of these policies as the site lies in a remote location, would adversely affect the character and qualities of the landscape, would not support other local tourism uses and does not otherwise provide sufficient justification to warrant development of this grade 1 agricultural land.

Form and Character:

As indicated above, the character of the surrounding landscape is open, flat, and undeveloped and this is supported by the Kings Lynn and West Norfolk Landscape Character Assessment. It is considered an unjustified encroachment into this open landscape would be harmful to its special characteristics and would fail to enhance the qualities of the area contrary to Policies CS06 and CS12 of the Core Strategy 2011.

Highway Safety:

Squires Drove is single track width but due to the relatively low numbers of vehicles which use the road, it is considered a small increase in traffic originating from the site would not have any significant adverse impact on highway safety. It is worth noting that the highway authority has indicated they would likely object to any further intensification of the site which may include the unauthorised gym / wellness facilities on which the proposed glamping use relies.

Policies CS11 of the Core Strategy and DM15 of the SADMPP 2016 state that development should provide safe and convenient access. While the site lies in a remote location which would be reliant on the private car, it is considered the proposed glamping site would not result in any significant adverse highway safety conditions.

Flood Risk:

The site lies in Flood Zone 3a and the proposed development is classed as 'more vulnerable'. Such development is considered acceptable subject to passing the sequential and exception tests. Proposed mitigation includes raising floor levels of the pods and

shower/toilet facilities to 0.4m above surrounding ground levels. The operator has also subscribed to the EA flood warning service and there is a simple evacuation plan in the event of a flood warning. It is considered these. The EA don't object to the application on this basis of these mitigation measures being implemented. However the EA does not consider the sequential or exception test in their response.

Paragraph 169 of the NPPF 2023 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source limited information is provided to the LPA to enable it to complete the sequential test, but its own records indicate that only 2 permissions for holiday accommodation have been granted in the last 3 years. Following application of the sequential test, the exception test is required. NPPF Paragraph 170 states that development should both provide wider sustainability benefits to the community that outweigh the flood risk, and that the development can be made safe for its lifetime. While it is considered that the proposal could be made reasonably safe through appropriate mitigation as set out in the flood risk assessment, the limited benefits from the provision of 4 glamping pods in an unsustainable location would not be considered the outweigh the flood risk.

Other material considerations:

There are no residential neighbours within close enough proximity to the site to experience any significant adverse impacts as a result of the proposed development.

Concerns have been raised by third parties regarding a potential increase in anti-social behaviour. While it cannot necessarily be guaranteed that patrons of the glamping site will behave responsibly, it is considered that the site for 4 glamping pods would not result in any significant crime or public disorder as a whole. In any event the consideration would lay out with Planning Control and within an alternative spheres of legislation.

It is noted that willow trees surrounding the site frontage may encroach into the highway verge and onto the carriageway in windy conditions. The Local Highway Authority have indicated that this is a matter for the owner to liaise with them as landowner. i.e. it is a civil matter.

The agricultural building permitted under 19/00842/F is annotated on the proposed site plan as being 'under construction'. It is acknowledged that this permission was implemented as excavations had begun on the foundations. This permission was subject to condition that the building be used for agricultural purposes in association with the connected land only. Since the land is not being used for agricultural purposes, the permission cannot currently be carried out without resulting in a breach of condition occurring, which may be subject to further consideration through the planning enforcement process.

CONCLUSION:

In considering the planning balance of this case officers find that the location of the site is distant from any supporting tourism uses, the sensitivities of the landscape would be adversely affected by the proposed development, and that the development of Grade 1 agricultural land has not been appropriately justified. The limited economic benefits to local tourism from the proposed glamping pods are noted. It is considered there are no significant benefits or other material considerations that would otherwise outweigh the harm identified and otherwise support departure from the development plan. Therefore, it is considered that the principle of development for the glamping site is not acceptable.

The proposed glamping site is situated a considerable distance from the nearest settlement and would not have any significant positive contribution to local tourism uses contrary to Policies DM11 and CS10 of the Development Plan. In addition, insufficient information has been submitted to demonstrate that the development of this Grade 1 agricultural land is justified contrary to Policy EN2 of the Upwell Neighbourhood Plan. The surrounding landscape is flat and open with long views. It is considered the unjustified development would materially harm the landscape characteristics of the area contrary to Policy CS12 of the Core Strategy 2011. Lastly, the limited benefits of the proposed development in an unsustainable location would not be considered to outweigh the flood risk of the site. For the reasons set out below, it is recommended that planning permission should be refused.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Policy CS10 of the Core Strategy states that permission may be granted for employment uses in the countryside where it is adjacent to the settlement. Policy EN2 states that development shall not be permitted on Grade 1 agricultural land unless there are overriding community benefits or no reasonably available alternative sites.

The location of the site is distant from any supporting tourism uses and does not lie adjacent the settlement of Three Holes. Furthermore, insufficient information has been provided to justify the development of Grade 1 agricultural land. As such it is considered the principle of development for the glamping site is not acceptable as it would represent unjustified development in the countryside contrary to Policies DM11 of the SADMPP 2016, CS10 of the Core Strategy 2011 and EN2 of the Upwell Neighbourhood Plan.

- 2 Policy CS12 of the Core Strategy 2011 states that proposals should demonstrate that their location, scale, design and materials will protect, conserve and enhance the special qualities and local distinctiveness of the area including landscape setting. The character of the surrounding landscape is open, flat, and undeveloped and this is supported by the Kings Lynn and West Norfolk Landscape Character Assessment. It is considered an unjustified encroachment into this open landscape would be harmful to its special characteristics and would fail to enhance the qualities of the area resulting in a detrimental impact on the character and appearance of the countryside contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011.
- 3 The application site falls within Flood Zone 3a of the SFRA 2018 and passes the sequential test; therefore the exception test is required. It is considered the proposal fails the exception test because the limited sustainability benefits of the development would not outweigh the flood risk. Therefore, the proposed development is contrary to Paragraphs 164 and 165 of the NPPF and Policy CS08 of the Core Strategy 2011.