

Committee Report**Date: 06.12.2023****Item Number 01****Application Number 23/00381/FUL****Proposal Change of use of land for siting of 6 chalets for holiday use and one managers accommodation cabin, hard surfacing for vehicle turning area and associated hard landscaping.****Location Low Mill Farm Calder Vale Road Barnacre With Bonds Preston Lancashire PR3 1SD****Applicant Mr Justin Hall****Correspondence Address c/o Mr Luke Godden Office A Bradley Hill Farm Claughton On Brock Preston PR3 0GA****Recommendation Refuse****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Hannah Dodgson**

Site Notice Date: 13/07/2023

Press Notice Date: 21/06/2023

1.0 INTRODUCTION

1.1 This planning application is presented before Planning Committee at the request of Cllr Ibison due to concerns over the sites sustainability and the scale and nature of the development being inappropriate in a sensitive location. Concerns also relate to the site access. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The site which forms the subject of this application is a parcel of land located south of the rural settlement of Calder Vale. The land is bound on all sides by established trees and woodland (Sullom Wood and Curwen Wood Biological Heritage Site), which is designated as Green Infrastructure in the Adopted Wyre Local Plan (2011-2031). The site is in an area of countryside, as well as the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The River Calder runs directly through the site and a large part of the subject land falls within Flood Zone 2 and 3. There is an existing path into the site which crosses over the river. The access to the land is taken down a single lane road with some passing places, off Calder Vale Road, which then runs past a row of terraced properties known as Primrose Cottages, before turning into a narrow track. This track is also a Public Right of Way (PROW).

3.0 THE PROPOSAL

- 3.1 The application proposes the change of use of the land for the siting of 6 chalets for holiday use and one managers accommodation cabin, hard surfacing for vehicle turning and associated hard landscaping. The chalets are proposed to be timber framed and partially faced in grey plasticoated box profile tin. The submitted business plan notes that the applicant owns approximately 15 acres of the land to the south of the village, and that the chalets are proposed to be sited on the 3 acre meadow at the bottom of the holding. It notes that there will be an additional cabin for an onsite manager to assist guests and a store selling fresh produce, essentials and firewood. The lodges would measure approximately 13m x 6m and would have a dual pitched roof with an eaves height of 3m and ridge height of 4.2m when measured from the ground. The business plan explains that it is intended for each lodge to have wrap-around decking with hot tub, outdoor kitchen/bbq and a seating area. The proposed access track would form a loop around the field with the cabins placed in a circular layout around the edges. The manager's cabin would be sited on its own to the north, near to the existing access, with a turning head adjacent.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site has the following relevant planning history:
- 4.2 16/00797/AGR - Prior notification for forestry development - the erection of a building for processing and storing timber and a building for a small office and facilities building. Prior Approval Refused.
- 4.3 17/00390/AGR - Agricultural prior notification for the erection of a building for forestry development comprising a timber-clad forestry building for the storage and seasoning of timber and machinery with staff facilities. Prior Approval Approved.

5.0 PLANNING POLICY

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (2011-2031)(INCORPORATING PARTIAL UPDATE OF 2022)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.1.2 The following policies contained within the WLPPU 2031 are of most relevance:
- SP1 Development Strategy
 - SP2 Sustainable Development
 - SP4 Countryside Areas
 - SP5 Forest of Bowland AONB

- CDMP1 Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 Design
- CDMP4 Environmental Assets
- CDMP5 Historic Environment
- CDMP6 Accessibility and Transport
- EP9 Holiday Accommodation

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2023

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 5th September 2023. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2023 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 6 - Building a strong competitive economy
- Section 12 - Achieving well designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.3 OTHER GUIDANCE AND LEGISLATION

5.3.1 Wyre Council Flood Risk Sequential Test Guidance for Applicants

5.3.2 The Conservation of Habitats and Species Regulations (amendment) (eu exit) 2019

5.3.3 The Wildlife and Countryside Act 1981 (as amended)

6.0 CONSULTATION RESPONSES

6.1 BARNACRE PARISH COUNCIL

6.1.1 Objections raised due to the access/dangerous junction, the access track being an unmade single carriageway without passing places which is also a public footpath, increased traffic movements past Primrose Cottages, the scale being out of proportion with the ancient woodland and inappropriate location for tourism as the site was formerly a sewage works with decaying mill ponds etc which have been partially hidden by woodland and may be dangerous to visitors.

6.2 CLAUGHTON ON BROCK PARISH COUNCIL

6.2.1 Objections raised, it is in the AONB and adjacent to ancient woodlands, passage to the woods is restricted to the public footpath. The number of

buildings to be erected is unclear, the scale of development is not consistent with Local Plan Policies EP9 and SP4, access is unsafe, increase in traffic which is unfair to residents, the proposed track will cover a large area and significant tonnage of crushed stone will displace plants and wildlife, unclear if the applicant is proposing site sewerage, potential dangers due to the previous use of the site, no evidence to support there being long-term viability.

6.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.3.1 No objections. The development will have direct access along definitive footpath FP80 and FP81, details of this application have been forwarded to LCC Public Rights of Way Section. The granting of planning permission does not authorise any stopping up, closure, obstruction or diversion of the Public Right of Way.

6.4 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)

6.4.1 No comments received at the time of compiling this report.

6.5 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.5.1 Request a condition for a desk study as the site is within 250m historical/industrial land use.

6.6 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)

6.6.1 No comments received at the time of compiling this report.

6.7 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.7.1 Recommend refusal as full foul and surface water drainage plans are required.

6.8 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)

6.8.1 The design seeks to utilise existing gaps where grassland is treeless however it is appropriate to request a tree protection plan to ensure there is negligible impact on the woods. The Ecological Report indicates the need for a buffer zone - a Tree Protection Plan in accordance with BS5837 2012 can show this.

6.9 THE RAMBLERS ASSOCIATION

6.9.1 No comments received at the time of compiling this report.

6.10 THE RAMBLERS ASSOCIATION (FYDLE)

6.10.1 No comments received at the time of compiling this report.

6.11 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.11.1 Recommend refusal. Development is proposed within the Biological Heritage Site which will result in the loss of semi-natural herb habitat within glade habitats. There is potential for direct loss of habitat in the BHS as well as indirect impacts such as lighting and noise. Adequate survey work has not been undertaken, nor adequate mitigation/compensation measures provided. Details of the buffer zone and other mitigation have not been provided and there is no information on drainage or lighting so it is not possible to fully assess the impact. The exact extent of assessment of the trees for roosting bats is not clear and more detail should be provided. No bat activity survey work has been submitted and no details to demonstrate that no impact on bats is likely, and so there is insufficient information. Otter have been but it is not possible to ascertain from the ecology report the length of the water courses that were surveyed. An increased survey buffer is required and depending on these results, further work to confirm the frequency of use of the corridor by otters may be required. The development free zone alongside the river corridor may need to be expanded should further survey work reveal otter resting places.

6.12 NATURAL ENGLAND

6.12.1 No objection. The development will not have significant adverse impacts on the statutorily protected nature conservation sites. Natural England will only provide bespoke advice on ancient woodland where they form part of a SSSI.

6.13 FOREST OF BOWLAND AONB BOARD

6.13.1 No comments received at the time of compiling this report.

6.14 ENVIRONMENT AGENCY

6.14.1 No comments received at the time of compiling this report.

6.15 UNITED UTILITIES

6.15.1 There are significant existing assets that lie within the site boundary that have not been taken into consideration. United Utilities will not allow building over or in close proximity to existing water mains. A large diameter aqueduct crosses the site and must not be built over. Concerns regarding the proximity of the development to the aqueduct. To demonstrate the layout can be achieved, a site plan which overlays the proven location of the water mains in relation to any proposed development should be submitted. Strongly recommend that this is resolved prior to determination. Full foul and surface water drainage scheme required.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report, 4 letters of objection have been received. Comments are summarised as follows:

1. Access

The development may invite acts of trespass and consequent damage to the woodlands.

The road adjacent to Albert Terrace is dangerous and has a very acute hairpin bend on a steep gradient. The road is single track with passing places with unprotected verges and a steep drop.

The direct access to the site is an unmade single track unpaved road which is also a public footpath.

Increased traffic movements would create an unfair burden on residents of Primrose Cottages.

There is no off-road parking for Albert Terrace so cars are parked along the road effectively make it single track in front of the cottages.

The section of highway suffers from continual subsidence. There are visible fissures in the tarmac that will continue to widen and landslip may occur.

There are numerous enormous potholes and no street lighting.

Unsuitability of access for emergency vehicles and there is no mobile reception.

2. Landscape/Amenity Impact

The scale and nature are inappropriate for the site and is inconsistent with Policies SP4 and EP9.

It will not conserve the landscape or scenic beauty.

The site is in the AONB and visible from the adjacent footpath, the cabins on raised platforms plus the parking/access will create a significant visual impact, plastic coated box profile tin in grey will not blend into the surrounding landscape.

External lighting needs to be addressed to be in keeping with the site. Harm to the woodland.

Detrimental impact on properties and on the normal activities of the rest of the village.

3. Business

The nature and purpose of the development cannot be ascertained without sight of the applicant's business plan. There has also been no viability assessment of what was proposed in 17/00390/AGR, there appears to have been no material forestry development.

It is not an agricultural diversification, the site, despite its name, is not a farm. It is a completely new business.

The application states that it is currently used for camping, it has been used for Bark and Brook camping but under the 28 day rule, there is no planning in place for a campsite.

Previous applications were allowed as they were small scale with little impact on the landscape. If permissions are granted piecemeal instead of holistically, it will establish a precedent for permanent residential occupancy.

4. Inaccuracies

The application is factually inaccurate, the site is within 20m of a water course and it denies any existence of the important habitats and plans do not contain details of how the chalets will connect to the mains sewer.

The building to the north of the river is noted as a small office/reception and store building on one drawing, and office with accommodation in others, the actual use is unclear. Opposite this building in an un-named stoned area, the purpose is unclear, it overlies the former Low Mill which has several hazardous deep holes.

5. Flood Risk and Contamination

The land may be contaminated due to former uses.

The additional hard surfacing will increase the flood risks.

Erosion to the river bank on the track to the side of the footbridge is likely to cause a collapse in the future.

The unmade track floods in periods of high rainfall.

The Flood Warning and Evacuation Plan is generic. There is no layout plan showing the flood evacuation routes.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact with agent throughout the application regarding concerns and additional information:

Email sent 12.07.2023 to request that the application demonstrates that the chalets meet the test for a caravan. Further email sent 17.08.2023 to advise of United Utilities and GMEU objections. Further email sent 18.09.2023 to request an update.

Email received from agent 25.09.2023 responding to Caravan Act query. Further email received 27.09.2023 advising that the applicant is happy for an unredacted version of the business plan to go online.

Email correspondence 27.10.2023 to request an update on the additional information requested and to advise that the application would be forwarded for determination.

9.0 ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of the Development
- Visual Impact, Design and Impact on the Landscape
- Impacts upon Residential Amenity
- Impacts upon Highway Safety and Parking
- Impacts upon Flooding and Drainage
- Impacts upon Trees
- Impacts upon Ecology
- Land Contamination

Principle of the Development

- 9.2 The application proposes the change of use of land for the siting of 6 holiday chalets plus 1 managers accommodation cabin and associated access road/hard landscaping. As the proposal is for a change of use of land, and not for the erection of new buildings, the 'chalets' must meet the criteria of a caravan as defined in the Caravan Sites and Control of Development Act 1960 (as amended) and Section 13 (1) of the Caravan Sites Act 1968. The original definition of a caravan in the 1960 Act states "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted". The Caravan Sites Act 1968 updated the size limits and case law cited in Secretary of State Brentall v Erewash 2002 establishes that to be deemed a caravan a habitable structure must conform to a size and mobility test, with a further construction test applying to twin unit mobile home type caravans. An email was sent to the agent requesting evidence that the chalets conform to the tests laid out in the 1968 Act. The agent responded advising that the internal height of the chalets would be no more than 3.05m in compliance with the Act, however, the plans show that the eaves height would be 3m and the ridge height 4.2m (when measured from the ground). As such, it is very possible that the internal height, floor to ceiling, could exceed 3.05m if the head space extends up to the ridge and depending on where the internal floor is. No evidence has been provided to prove that would not be the case, and that the chalets are made to comply with the definition of a caravan. Therefore, there is insufficient information submitted with the application to demonstrate that the chalets are 'caravans' and not buildings, in which case the applicant would need to apply for permanent structures, not a change of use of the land for the siting of the chalets. Should consent be permitted then a condition requiring the the structures to comply with the criteria of a caravan as defined in the Caravan Sites and Control of Development Act 1960 (as amended) and Section 13 (1) of the Caravan Sites Act 1968 could be added.
- 9.3 Notwithstanding the above, regardless of whether the chalets are buildings or caravans, the site is located within the countryside area outside of any defined settlement identified in the Wyre Local Plan (WLP) and therefore Policy SP1 is relevant. Policy SP1 directs new development to within settlement boundaries unless development in countryside areas is specifically supported by another policy in the Local Plan. Part 5 of Policy SP1 states that individual opportunities which will help diversify the rural economy or support tourism will be supported where they are appropriate in scale and in accordance with other relevant policies. In this case, Policy SP4 relates to countryside areas and seeks to control development in countryside areas. There are a range of uses which are considered appropriate with holiday accommodation being one, where proposals are in line with the provisions of Policy EP9 (Holiday Accommodation). Policy EP9 states that holiday accommodation sites will be permitted where they satisfy the following criteria:
- A) The totality of development, including on site services, is of appropriate scale and appearance to the local landscape;
 - B) Any new building and supporting infrastructure is necessary;
 - C) New tourism accommodation sites incorporating new build accommodation will need to be supported by a sound business plan demonstrating long term viability; and

D) Proposals for extensions to sites which include new built accommodation outside settlement boundaries will need to be supported by a viability assessment of the existing and proposed business.

- 9.4 In terms of A, the site is in a sensitive location, being in the countryside and the Forest of Bowland AONB. The overall scale and amount of development is not considered inappropriate, however this will be further assessed in the section on visual impact below. In terms of B, the purpose of this part is to stop overdevelopment of the built form. This could be in the form of economic necessity (i.e. the amount of development is proven to be viable and the minimum amount needed to breakeven and/or market evidence of need specific to that development) or operational necessity. Whilst the land has been used for camping previously, there does not appear to be any planning permission relating to this, and so for the purposes of this application the proposal is considered to be a new business venture. A business plan has been provided but it does not include any information as to why 6 holiday chalets are necessary to make the development viable, nor has any evidence of operational necessity been provided. There are also some inconsistencies relating to the supporting infrastructure (namely, the managers cabin) as the floor plans show it purely as accommodation, it is described as an 'office/reception', and in the business plan there is reference made to an onsite store selling 'fresh produce, everyday essentials and our own harvested firewood'. As the use of the manager's cabin is not clear, it cannot be ascertained whether it is necessary infrastructure. As such it is considered that the proposal does not satisfy Part B.
- 9.5 Part C of Policy EP9 is relevant as the proposal would be classed as a new tourism business. The Policy EP9 guidance produced by the Council states this should include a business overview including applicant's background, market research of the local area including comparison of appropriate competitor sites, the capital costs of establishing the business (including financing sources), costs of daily operational requirements (cleaning, change-over/check-in management, bookings), occupancy projections, nature of occupancy (short-term rental or privately owned), sales and marketing plan, annual income and expenditure projections (gross and net factoring in the capital costs) over a relevant period (minimum of 5 years), break-even projections and risk or sensitivity testing (best case/worst case scenario analysis) to establish the likelihood of meeting those projections. Explanations and/or breakdowns should be provided as necessary to justify the figures stated. The submitted business plan does give a detailed overview and background of the applicant, including the existing camping venture, and an overview of some competitor sites. An overview of operational processes has been provided i.e. housekeeping, toilet maintenance and accounting, but no breakdown of costs i.e. the employee costs in section 5 notes that in year 1 there will be 6 employees including 4 directors costing £62,000 but there are no specific details. Furthermore, annual income and expenditure projections have only been given in detail for pre start up and years 1-3, not for the minimum 5 years suggested in the guidance, only 'growth goals' have been given for years 4-6. No detailed explanations have been provided to justify the figures given. In addition, no accounts have been provided to show that the applicant has the necessary start-up money as it states that it would be 20% self-funded and 80% loan funded. For these reasons, it is considered that the business plan is insufficient in relation to the Policy EP9 guidance and does not provide enough specific evidence to satisfy the Council that the business would be viable. Therefore, the application fails to satisfy Part C of the Policy.

As the proposal is not for the extension to an existing site, Part D is not relevant.

- 9.6 Finally, Policy SP2 requires all development to be sustainable and contribute to the continuation or creation of suitable communities in terms of location and accessibility. Policy CDMP6 of the WLP requires development to include measures to encourage access on foot, by bicycle and public transport and reduce car reliance. Sustainable development is also a key requirement of the NPPF. It has been established that holiday accommodation can be suitable in countryside locations, and the Council accept that a greater dependency on car use is inevitable in rural locations. The site is located within the Forest of Bowland AONB (which is considered a regional/national tourist destination) with recreational opportunities and there are opportunities for scenic walks from the site. However, for all other aspects, there would be very heavy car reliance to access amenities. The location is extremely remote and inaccessible. There are very limited bus services in this area of the borough and the village of Calder Vale (the nearest settlement) has virtually no amenities, other than a village hall/social club. No statement outlining why the proposal should be considered to be sustainably located and how it would reduce the need to travel by car has been submitted. As noted above, there is mention in the business plan of an onsite store selling fresh produce and essentials, but no further details of this within the application i.e. whether it would be within the manager's cabin. Walking from the site would require using the narrow, single track road that runs past Primrose Cottages up to Albert Terrace. This road is in poor condition with no footpaths and no street lighting. It is considered therefore that the distance and undesirable route option to access limited services and facilities, particularly in the absence of any details of onsite facilities, will not encourage access by sustainable means of travel. As such, the Council consider that the location is unsustainable and inaccessible, resulting in almost complete car reliance for users of the site, therefore conflicting with the provisions of Policies SP2 and CDMP6 of the WLP along with the NPPF.
- 9.7 Policy SP2 also requires proposals to demonstrate how they respond to the challenge of climate change. No specific climate change statement has been submitted, however, conditions could be added for soft landscaping to be provided (to off-set the introduction of new hardstanding) and Electric Vehicle Charging Points to serve the new parking spaces should the application be supported by Members. As such, it is not deemed that there would be significant environmental harm.
- 9.8 Overall, whilst tourism accommodation can be considered to be appropriate development within the countryside, for the reasons laid out above, it is considered that the application has failed to demonstrate compliance with the provisions of Policy EP9, and it would be in an unacceptably isolated location that would fail to comply with Policies SP2 and CDMP6. As such, the proposal is not supported in principle by Local Plan Policy or the NPPF.

Visual Impact, Design and Impact on the Landscape

- 9.9 Policy SP4 of the WLP stipulates that the open and rural character of the countryside will be recognised for its intrinsic character and beauty. The impact of the proposed development on the local landscape is also a consideration of Policy EP9 criterion A. The application is also within a highly sensitive location, being in the Forest of Bowland AONB, and Policy SP5

notes that this landscape and scenic beauty will be protected from any development that will affect the appearance and setting.

- 9.10 Whilst the proposal would result in the introduction of 7 large lodges and associated decking/hardstanding, the site is largely screened away from wider views, surrounded by heavy woodland and it is not considered that it would have any significant impact on the wider landscape. Holiday lodges are common features in such locations and given the enclosed nature of the site, it would not result in unacceptable visual harm to the rural nature of the countryside or the AONB. That being said, there are some concerns over the materials detailed on the plans, where the cabins are partially faced in 'plastic coated box profile tin in grey'. No further details and specifications of this material have been provided and due to the sensitive nature of the area the materials are an important consideration. In the event of an approval of the application, a condition could be added for full details of materials to be provided prior to commencement of the development. For these reasons, it is considered that the development would not conflict with Policies SP4, SP5 and EP9 in terms of visual impact and harm to the natural landscape, along with Policy CDMP3 which requires development to respect its surroundings.
- 9.11 It is also acknowledged that there is a Public Right of Way (PRoW) to the north west of the lodges, however it is considered that they would be sited a sufficient distance away to not result in any impact to public enjoyment of the area or detract from the character of it, in accordance with Policy CDMP6 of the WLP. Further to this, the site is located at the southern boundary of the Calder Vale Conservation Area, but the Council's Conservation Officer has advised that the development is restricted to land just outside of the boundary and it would have no material impact on the Conservation Area. As such, there would be no conflict with Policy CDMP5 of the WLP which relates to the Historic Environment.

Impacts upon Residential Amenity

- 9.12 There are a row of terraced properties known as Primrose Cottages to the north of the site, however it is considered that the lodges would be sited sufficiently away from these dwellings to not result in any significant harm in terms of noise, disruption, overshadowing or loss of privacy. As such, no further issues are raised on these terms and the proposal would comply with Policies CDMP1 and CDMP3 of the WLP in respect of amenity.

Impacts upon Highway Safety and Parking

- 9.13 The site is accessed down a single track lane off Calder Vale Road which is shared with Primrose Cottages. The lane has some passing places that are adjacent to and drop onto the road below with no barriers. The proposal would result in increased vehicle movements down this lane. The access into the site itself is very narrow and largely covered by mud. It is also a PRoW. Relating back to the unsustainable location and heavy car reliance, there are some concerns over the increased intensity of the use of this road that is in poor condition. A concern also shared in the public and Parish Council objections. It is noted that the land has been used as a campsite previously, but this has been carried out taking advantage of the limited allowance in the General Permitted Development Order (GPDO) and not with planning permission, therefore the Council have no control over the vehicle movements for the existing use. This site would be permanent and potentially operate

year round, with multiple comings and goings every day. However, LCC Highways have raised no objections to the proposal, given that it is an existing road and access. In the absence of an objection from the Highways Authority, it is not considered that the matters of access would be a sufficient refusal reason for the application. Parking is proposed within the site which would be acceptable to serve the development. It is also noted that the narrow access into the site is shared with a PRow. There may be some conflict between vehicles and pedestrians, however as the access is existing and already used for vehicular purposes, this is not considered detrimental to the application. No comments have been received from LCC PRow department or the Ramblers Association at the time of compiling this report. For the reasons laid out in this section of the report, it is deemed that the application does not conflict with Policy CDMP6 in terms of highway and parking matters, or in relation to the PRow. However, as noted in the principle section, the application does conflict with Policy CDMP6 in terms of the unsustainable location due to the lack of access on foot and by public transport, thereby increasing car reliance.

Impacts upon Flooding / Drainage

- 9.14 The River Calder runs directly through the site and a large portion of the central area of the land which runs from north to south is in Flood Zone 2 and 3, as identified on the Environment Agency Flood Maps. No comments have been received from the Environment Agency at the time of compiling this report. Some parts of the site are within Flood Zone 1, however it would appear that some of the lodges and new hardstanding overlap Flood Zones 2 and 3. A Flood Risk Assessment has been provided which the Council's Drainage Engineer has advised is acceptable. However, the NPPF in paragraph 159 says that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk'. The sequential test is required to be applied in 'areas known to be at risk now or in the future from any form of flooding'. Policy CDMP2 of the Adopted Local Plan similarly requires the application of the sequential test for development in areas at risk of flooding. The NPPG guides that 'the applicant will need to identify whether there are any other 'reasonably available' sites within the area of search.' 'The Local Planning Authority need to consider whether the test is passed, with reference to the information it holds on land availability'. In this case, the area of search is determined to be the entire Borough of Wyre, as there are no local circumstances, nor is there an existing premises or use, that justifies a smaller area of search, and the applicant has not demonstrated that the entirety of the development could fit within the parts of the site that are within Flood Zone 1. This is in line with the council's guidance for applicants on the sequential test. No sequential test has been provided with the application, therefore the applicant has failed to demonstrate that there are no other sites within the borough that could reasonably be used for the proposed development that are at lower risk of flooding.
- 9.15 Further to this, Annexe 3 of the NPPF (Flood Risk Vulnerability Classification) designates sites used for holiday/short-let caravans/camping as 'more vulnerable'. Figure 4-4 in the Council's Strategic Flood Risk Assessment (SFRA) notes that an exception test is required for more vulnerable development. As no sequential test has been submitted and passed, the exceptions test can not be applied. Therefore, in line with the SFRA, the development must be concluded to be inappropriate and should not be

permitted in this location. The Council's Drainage Engineer has also commented that full foul and surface water drainage plans are needed. This could be added as a pre-commencement condition on any permission granted.

- 9.16 It should also be noted that United Utilities have objected to the proposal due to concerns regarding the proximity of the proposed development to their aqueduct and that the applicant must submit a detailed site layout plan which overlays the proven location of the water mains in relation to any development. The applicant was given the opportunity to submit this but no details were forthcoming. That being said, United Utilities have noted in their response that should the Council approve the application, a condition can be attached to the decision notice for no construction to commence until these details have been submitted and approved.
- 9.17 Overall this section has concluded that matters relating to drainage and United Utilities assets could be dealt with by way of pre-commencement conditions, however insufficient information has been submitted to allow the Council to assess that there are no other available sites within the borough that could reasonably be used for the development with lower risk of flooding than the application site. As such, the sequential and exceptions tests have not been passed and the application is not in line with the NPPF and Policy CDMP2 of the Wyre Local Plan.

Impacts upon Trees

- 9.18 The site is bound on all sides by heavy ancient woodland recognised as a Biological Heritage Site (BHS). The Council's Tree Officer has been consulted on the application and has not objected to the proposal but has stated that a tree protection plan would be appropriate to ensure that there is negligible impact on the woodland. This could be added as a pre-commencement condition to any permission granted. There are no further issues raised at this stage in terms of impact upon trees in accordance with Policy CDMP4 of the WLP.

Impacts on Ecology

- 9.19 The application site is within and adjacent to Sullom Woods and Curwen Woods which is a Biological Heritage Site (BHS) and identified as Ancient Woodland by Natural England. The woodland is designated as Green Infrastructure (GI) in the WLP although the development does not appear to directly overlap the area identified as GI on the Policies Maps. The River Calder also runs through the site. A Preliminary Ecological Appraisal has been provided and Greater Manchester Ecology Unit (GMEU) have been consulted and recommend refusal of the application. They state that development is proposed within the BHS which will result in the loss of semi-natural herb habitat within glade habitats. The ecology report includes a plan which shows car parking in the location of the proposed turning circle on the plans and is therefore inconsistent. Buffer zones have been recommended in the ecology report but have not been reflected within the proposed layout. There is potential for direct loss of habitat in the BHS as well as indirect impacts such as lighting and noise. Adequate survey work has not been undertaken, nor adequate mitigation/compensation measures provided.

9.20 Ancient Woodland is considered to be irreplaceable habitat and Natural England's Standing Advice states that planning permission should be refused that results in the deterioration of ancient woodland unless there are exceptional reasons or there is a suitable compensation strategy in place. Details of the buffer zone and other mitigation have not been provided and there is no information on drainage or lighting so it is not possible to fully assess the impact. The exact extent of assessment of the trees for roosting bats is not clear. The edge habitat between the woodland and grassland will have higher suitability for bats, and as the proposed chalets are arranged along this edge habitat, further information and consideration of the impact on bats is required. No bat activity survey work has been submitted and no details to demonstrate that no impact on bats is likely, and so there is insufficient information. Further to this, otter have been confirmed present as footprints were identified close to the bridge over the river that dissects the site. It is not possible to ascertain from the ecology report the length of the water courses that were surveyed. No further otter survey work has been undertaken. An increased survey buffer is required and depending on these results, further work to confirm the frequency of use of the corridor by otters may be required. The development free zone alongside the river corridor may need to be expanded should further survey work reveal otter resting places. The applicant was given the opportunity to provide the additional ecology information as suggested but no details were forthcoming. As such, the Council is unable to conclude that the proposal would not have a harmful impact on the BHS and protected species including bats and otters. Therefore the proposal fails to comply with Policy CDMP4 of the WLP in terms of ecology which seeks to protect habitats and species and specifically it states that development in a BHS will not be permitted unless harm is demonstrably outweighed by other planning considerations and appropriate mitigation can be secured. The application has failed to demonstrate this and insufficient information has been provided.

Land Contamination

9.21 The Council's Environmental Health Officer responsible for Land Contamination has requested a condition for a desk study as the site is within 250m of historical/industrial land use. This can be added as a pre-commencement condition to any permission granted. At this stage there are no further issues identified and the proposal would not conflict with Policy CDMP1 in respect of contaminated land.

10.0 CONCLUSION

10.1 The proposed development for the siting of 6 holiday lodges and 1 facilities building is one of the listed exceptions within Policy SP4 of the WLP, however in order to be acceptable in principle, the proposal must also accord with Policy EP9. Using the Policy EP9 guidance note, officers are of the opinion that the applicant has failed to demonstrate that the new buildings are necessary and that the business would be viable in the long-term as a sound business plan has not been provided. Further to this, the proposal would conflict with Policy SP2 of the WLP in terms of its location, which is highly inaccessible and isolated, resulting in heavy car reliance which would not be sustainable. In turn this would conflict with Policy CDMP6 which requires that measures are included to encourage access on foot and by public transport. In addition to the matter of principle, insufficient information has been provided in respect of flood risk and ecology which are material planning

considerations. As such, the Council are unable to conclude that there are no other reasonably available sites for the development that are at lower risk of flooding in line with the SFRA and Policy CDMP2, or that there would be no detrimental harm to the Biological Heritage Site in line with Policy CDMP4. For these reasons, the proposal is not supported by Local Plan Policy or the provisions of the NPPF and refusal of the application is recommended.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

- 12.1 Refuse Full Planning Permission

Recommendation: Refuse

1. Insufficient evidence has been provided with the application to demonstrate that the new buildings and supporting infrastructure are necessary, and that the proposed new holiday accommodation would be viable in the long term. There are flaws and inconsistencies between the business plan and the other documents submitted with the application. Therefore the application fails to satisfy parts B and C of Policy EP9. In turn, the proposal does not amount to an appropriate form of development in the countryside and is considered unacceptable in principle, contrary to the NPPF and Policies SP4 and EP9 of the Wyre Local Plan (2011-31).
2. The application site is located in an isolated position within the countryside area. The development would involve the creation of new holiday accommodation in a poorly accessible location detached from any nearby settlement. There are no public amenities and very limited bus services in this location. As a consequence users of the proposed development would be heavily reliant on the use of a private motor vehicle to access services and attractions of nearby settlements, with very limited opportunity to access the site via alternative sustainable travel modes. No statement outlining why the proposal should be considered to be sustainably located and how it would reduce the need to travel by car has been submitted. Therefore, the development is considered to be sited in an unsustainable and inaccessible location which would increase vehicular movements. The proposal is therefore contrary to the provisions of the NPPF and Policies SP2 and CDMP6 of the Wyre Local Plan 2011-31.
3. The proposed development would be sited in part within flood zones 2 and 3. A sequential test has not been submitted in support of the application, and therefore inadequate evidence has been provided to show that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This would not steer development to areas with the lowest probability of flooding, thereby increasing the number of people and property at risk from flooding and fail the Sequential Test. Additionally, this would not form sustainable development or demonstrate adequate response to climate change. This would be contrary to Section 14

of the NPPF and the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policies SP2 and CDMP2 of the Adopted Wyre Local Plan and Wyre Council Flood Risk Sequential Test Guidance for Applicants v1.2 April 2021.

4. Insufficient information has been provided with the planning application to address the potential impact of the development on the Sullom Woods and Curwen Woods Biological Heritage Site and associated direct and indirect loss of habitats. Adequate survey work has not been undertaken and adequate compensation measures have not been provided, particularly in respect of harm to bats and otters. As such, it cannot be concluded that the proposal would not have a harmful impact in terms of ecology, contrary to the NPPF, Policy CDMP4 of the Wyre Local Plan (2011-31), and The Wildlife and Countryside Act 1981 (as amended).