

**Committee Report****Date: 03.04.2024**

<b>Item Number</b>	<b>04</b>
<b>Application Number</b>	<b>24/00054/FULMAJ</b>
<b>Proposal</b>	<b>Change of use of land to allow siting of up to 9 holiday lodges and construction of associated infrastructure. (Resub 23/00439/FULMAJ)</b>
<b>Location</b>	<b>Brook Lodge Oakenclough Road Nether Wyresdale Scorton Preston Lancashire PR3 1DH</b>
<b>Applicant</b>	<b>Wyreside Hall Ltd</b>
<b>Correspondence Address</b>	<b>c/o Mr Jake Salisbury 2 Croston Villa High street Garstang Preston PR3 1EA</b>
<b>Recommendation</b>	<b>Refuse</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob Clewes**

Site Notice Date: 06.02.2024

Press Notice Date: 07.02.2024

**1.0 INTRODUCTION**

1.1 This application is presented to Planning Committee at the request of Councillor Alice Collinson. 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 application site is the existing Brook Lodge Fisheries site which is located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). From 22 November 2023 all designated AONBs in England and Wales became National Landscapes, therefore it is now formally known as Forest of Bowland National Landscape, however as the Local Plan Policies use the term AONB, that term has been used throughout this report for consistency. Any reference to AONB is interchangeable with National Landscape. It is located to the north of Oakenclough Road where the site is also accessed from. The nearest settlements are Scorton 2.4 miles to the southwest and Dolphinholme which is sited approximately 1.8 miles to the northwest.

2.2 The site consists of a dwelling and two dilapidated buildings to the east of the

dwelling which form part of the fishery the site was previously used as. The site boundaries are surrounded by well-established trees with a small wooded area immediately to the west.

- 2.3 The nearest neighbouring properties are to the northwest, on the corner of Oakenclough Road and Long Lane and to the south on the opposite side of Oakenclough Road.

### **3.0 THE PROPOSAL**

- 3.1 The proposal seeks the change of use of land for the siting of 9 static units (falling within the definition of a caravan) to be used for the purposes of holiday accommodation. The units are to form part of a business for rental in connection with Wyreside Hall i.e. a satellite development. The existing fishery business on the site will remain and form part of the overall business plan.
- 3.2 The proposal also includes the creation of new hardstanding areas for the units and internal access roads. Access to the site is to be taken from the existing access on Oakenclough Road.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 23/00439/FULMAJ - Change of use of land to allow siting of up to 16 holiday lodges and construction of associated infrastructure - Refused

### **5.0 PLANNING POLICY**

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 2011-2031) (INCORPORATING PARTIAL UPDATE OF 2022) AND BARTON NEIGHBOURHOOD PLAN (2019-2030)

- 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. The Barton Neighbourhood Plan (2019-2030) was adopted on 30 November 2023 and forms part of the development plan for Wyre, where decisions are made within the Barton Neighbourhood area. 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 Area of Outstanding Natural Beauty (AONB)
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental assets
- 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 19th December 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 9 - Promoting sustainable development
- 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

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 SPG2: Development and Trees

## 6.0 CONSULTATION RESPONSES

### 6.1 NETHER WYRESDALE PARISH COUNCIL

6.1.1 No objections

### 6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections subject to conditions

### 6.3 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.3.1 No objections

### 6.4 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.4.1 Reiterated the same advice as the previous application namely:

- Opinion is that there are no likely significant effects to the SPA as the site itself is unlikely to functionally linked being sub-optimal habitat, with no hydrological linkage, the site downstream and the development very unlikely to result in extra recreational pressure as its users visit to fish on the site.
- Issues relating to the Bowland Fells, bats, amphibians, nesting birds, other wildlife and rhododendron can be resolved via condition.

- 6.5 ENVIRONMENT AGENCY (EA)
  - 6.5.1 No objections
- 6.6 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)
  - 6.6.1 No objection subject to submission of Foul and surface water details
- 6.7 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)
  - 6.7.1 No objections, Subject to the standard Phase I desk study condition
- 6.8 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)
  - 6.8.1 Suggested condition relating to construction hours, lighting and no amplified music.
- 6.9 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)
  - 6.9.1 No objections subject to tree protection and bio-diversity improvements

## **7.0 REPRESENTATIONS**

- 7.1 None received at the time of compiling this report

## **8.0 CONTACTS WITH APPLICANT/AGENT**

- 8.1 The agent has been in contact to seek an update in relation not the progress of the application

## **9.0 ISSUES**

- 9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the AONB
- Impact on the residential Amenity
- Impact on Highway / Parking
- Flood Risk
- Drainage

### Principle of development

- 9.2 The application site lies within an area of Countryside area, as such Policy SP4 of the Wyre Local Plan (WLP31) is most relevant. Policy SP4 allows certain types of development within countryside, including holiday accommodation, provided they are visually acceptable and meet the requirements of relevant core development management policies. Holiday accommodation is also required to meet Policy EP9. Policy EP9 supports the expansion and/or creation of new holiday accommodation provided that the proposed development is of an appropriate scale, does not negatively impact

on the landscape (criterion a), new buildings and supporting infrastructure are necessary (criterion b), and that the proposal is supported by information demonstrating long term viability of the proposed business (criterion c) with the submission of a business plan.

- 9.3 In addition the site is located within the Forest of Bowland AONB and is included within one of the Landscape Character Areas for the AONB. As such it is necessary to give consideration to Policy SP5 as well. Policy SP5 sets out what criteria are materially relevant to assessing applications located within the AONB. A material consideration in the assessment of proposals within the AONB are the Forest of Bowland AONB Management Plan and the Forest of Bowland Landscape Character Assessment. With regards to the Management Plan this document set out key targets/goals in terms of managing the AONB and development within it. Some of these goals seek to aid tourism.
- 9.4 The proposal as put forward seeks to create a new tourist site linked with the existing fishery as well as to operate in conjunction with the existing nearby Wyreside Hall site which also operated by the applicant. If this position was accepted then the proposal would fall within criteria c) of sub-paragraph 2 of the Policy SP4 and therefore acceptable in principle subject to compliance with Policy EP9 (Holiday accommodation). As part of the previously refused application it was deemed that little substantive information had been presented that would sufficiently demonstrate that the fishery was in fact an on-going business of any meaning, if at all. In addition whilst the applicant had set out that it would run in conjunction with the wider Wyreside Hall complex facilities on offer, it was nevertheless deemed capable of operating on its own without relying on other sites or facilities and so it was primarily considered in isolation as an individual entity.
- 9.5 The planning statement submitted with this application disputes the Local Planning Authority's (LPA) position on both the status of the fishery and weight afforded to the Wyreside Hall masterplan. It is considered that the information presented as part of this application does not change the LPA's position on these matters. Whilst it is accepted that the proposal forms part of a wider business scheme there are no conditions that could be imposed, linking the sites, that would pass the 'tests' for conditions as set out within the National Planning Policy Framework (NPPF). In addition it is still considered that there is insufficient information which clearly demonstrates an on-going commercial fishery exists. As such there is no new information that would change the LPA's position and so it is considered criterion c) of Policy EP9 is most applicable.
- 9.6 No business plan has been submitted with this application however the proposal is for the same use with a reduction of 7 units proposed. As such it is considered that the previous business plan can be considered relevant to this application. It is proposed that the units will be for rental with the rental units operating as one entity/business. Due to it still being considered that the site is not reliant on Wyreside Hall to operate the Wyreside Hall masterplan is only given minimal weight when considering the viability of the proposal. As per the previous application as there is insufficient information as to the on-going existence and viability of the fishery this also carries minimal weight in the determination of the suitability of the business plan.
- 9.7 The business plan is supported by information including initial cabin costs, predicted occupancy rates, proposed rental rates as well as general running

costs, marketing and upfront expenses. Also included are details of repayment of the initial capital costs of the development. The suggested nightly rates are considered reasonable and justifiable and comparable to other holiday sites in the area. However some of the details within the business plan appear to be based on assumptions without any evidence of how these have been reached. In addition some of the figures quoted appear not to align with other figures e.g. the average daily rate and resulting gross income when calculated against the stated level of occupancy. It is also stated that the initial capital costs would be repaid over 4 years but no clear detail/breakdown is provided to confirm this. Taking the above into account the proposal has not been demonstrated to represent a viable business model as an individual entity. As such taking the above into account it is considered that the proposal does not comply with criterion c) of Policy EP9.

- 9.8 The proposal must also be considered against other relevant policy requirements such as matters of sustainability required under Policy SP2 of WLP31. Policy SP2 states that all development in Wyre should be sustainable and contribute to the continuation or creation of suitable communities in terms of its location and accessibility. Alongside Policy SP2, Policy CDMP6 of WLP31 requires development to include measures to encourage access on foot, by bicycle and public transport and reduce car reliance. Sustainable development is also a requirement of the NPPF. The concept of sustainable development in this context means that development should be in the 'right place', accessible to local services, protect the natural environment and foster a low carbon economy. However, it is accepted some forms of development where vehicle movements are less for example, holiday accommodation, may be appropriate locations in rural areas depending on the individual merits of each site.
- 9.9 In terms of accessibility, whilst the application sets out that the proposal is linked with the existing on-site fishery and Wyreside Hall complex, as set out above, it has not been sufficiently demonstrated that the fishery is in fact an on-going business and that the proposal is dependent on Wyreside Hall. As such, it must be considered in isolation as an individual entity capable of operating on its own. The application site is located outside the nearest settlements of Scorton (Main Rural Settlement) 2.4 miles away and Dolphinholme (Small Rural Settlement) 1.8 miles away. Routes to these settlements are down rural roads which are unlit, with no foot paths and subject to national speed limits (60mph). These routes would not be desirable for sustainable modes of travel and would most likely require vehicular movements due to the self-catering nature of the accommodation and therefore there being a requirement for goods and services. Although its location within the AONB would mean visitors would be within reasonable distance of other tourism destinations such as walking/hiking routes this is not sufficient to out-weigh the concerns identified to the overall isolated and detached nature of the location of the site. As such it is concluded that the application site is not within an accessible location and so is not considered in accord with Policy SP2 of the WLP31.

#### Visual Impact / Design / Impact on the AONB

- 9.10 Both Policies SP4 and SP5 of the WLP31 seek to protect the landscape and scenic beauty of the AONB and proposals that damage or adversely affect the character, appearance and setting of the AONB will be refused. A material consideration in the assessment of proposals within the AONB are the Forest

of Bowland AONB Management Plan and the Forest of Bowland Landscape Character Assessment. The site falls within Landscape Character Area G1 (Wyresdale) which is characterised as an area of estate management which takes the form of park woodlands and in field trees which are set within a predominantly pastoral landscape.

- 9.11 This proposal has been reduced by 7 units, down to 9 units, following the refusal of the previous application. The previous proposal was considered to have an unacceptable impact on the character of the AONB. This reduced proposal, notwithstanding the reduction in numbers will still have an impact on the character of the area, albeit reduced, due to the change in character of the site that would occur as a result of the development. As such consideration needs to be given on whether the reduction in units and the proposed layout is sufficient to enable a conclusion that the impact is acceptable.
- 9.12 Footpath FP-02-19-028 crosses through the field which is immediately to the north of the application site and whilst the setting of the foot path would not be unacceptably impacted views of the proposal from it would result. The revised scheme still has the majority on the units projecting northwards into the site creating an extended 'arm' of development. This would still result in an impact to the wider landscape which would be unacceptable in the AONB as people using the PROW would have views of the development which extends north up the site. Furthermore in terms of the number and appearance of the units, whilst details of the exterior appearance have been provided, the application is for the change of use of the land, not the erection of buildings. Therefore they will not be classed as permanent structures, however their siting is unlikely to change once sited. As such the development would offer a real sense of permanence within this highly sensitive location. As established the site is located in the AONB as such the area has a certain character that would be sensitive to visual receptors. When taking the above into account the harm to the character of the AONB would still be unacceptable despite the reduction in unit numbers.
- 9.13 Whilst there is some natural screening to the north of the site and along parts of its boundaries this is not considered to sufficiently mitigate the resulting harm by the development to the character of the AONB and wider landscape. As such it is considered that the proposal would have an unacceptable adverse effect the character, appearance or setting of the AONB and would therefore not comply with Policies SP4 and SP5 of the WLP31 and the Forest of Bowland Management Plan.

#### Impact on the residential Amenity

- 9.14 The proposed development will not have an unacceptable impact on neighbouring amenity as there are no neighbouring residential properties in such close proximity that would be affected by the operation of this development. The nearest properties are to the northwest on the corner of Oakenclough Road (over 150m away from the site boundary) and to the south on the opposite side of Oakenclough Road (over 125m from any of the proposed development). These distances are considered sufficient to act as appropriate mitigation in terms of limited any potential noise and disturbance from the site if used for holiday accommodation purposes. In terms of the impact to the existing dwelling at Brook Lodge, this is to be retained in the ownership of the applicant, however notwithstanding this it is not included

within the application site and so consideration must be given to the impact on its amenity. Although immediately adjacent it is not considered that an unacceptable impact will occur due to the orientation of the nearest unit. As such the proposal is considered to comply with Policies CDMP1 and CDMP3 of the WLP31.

#### Impact on Highway / Parking

- 9.15 The proposal seeks to utilise the existing access off Oakenclough Road. LCC Highways have assessed the proposal and are of the opinion that there will be no detrimental impact to highway safety. They have requested that the junction onto Oakenclough Road be improved and this can be achieved via condition. The submitted plans show the locations of the units but there are no dedicated parking spaces shown. However it is considered that this can be adequately achieved via condition. Taking the above into account it is considered that the proposal complies with Policy CDMP6 of the WLP31.

#### Flood Risk

- 9.16 The site lies within Flood Zone 1, at the lowest risk of flooding, therefore there is no requirement for a flood risk assessment.

#### Drainage

- 9.17 With regards to drainage of the site the additional access roads and cabins will result in some additional run-off. However it is not considered that this increase in run-off will impact on adjacent sites and the natural run-off rate of the site will remain unaffected due to the large area of undeveloped land within the site that will remain. With regards to foul drainage the Council's drainage engineer has raised no objections in principle provided details are submitted. It is considered that this can be adequately done via condition. As such the proposal is considered to comply with Policy CDMP2 of the WLP31.

#### Trees

- 9.18 Whilst the site does contain many trees the proposal does not require the removal of any trees from the site. Notwithstanding this it is considered that a condition requiring a tree protection plan is required.

#### Contamination

- 9.19 The Council's EHO has requested the standard pre-commencement Phase I desk study condition. This is considered reasonable taking into account the nature of end users of the proposed development.

#### Ecology

- 9.20 The application has been assessed by the LPAs ecological consultants who have raised no objections subject to conditions including illumination, trees works, reasonable avoidance measures and bio-diversity gains. The applicant's ecology survey sets out that Natural England may need to be consulted and a Habitats Regulations Assessment required. The LPAs ecological consultants concluded that there are no likely significant effects to the SPA as the site itself is unlikely to be functionally linked being sub-optimal habitat, with no hydrological linkage, the site downstream and the



development very unlikely to result in extra recreational pressure as its users visit to fish on the site. As such the LPA do not consider it necessary to consult Natural England in this case. Taking the above into account it is considered that the proposal complies with Policy CDMP4 of the WLP31 subject to the imposition of conditions.

## Climate Change

- 9.21 Sub-paragraph 6 of Policy SP2 of the WLP31 requires proposals to demonstrate how they have responded to the challenge of climate change. The bio-diversity gains required by condition would achieve benefits in terms of tree and hedgerow planting as well as habitat creation. In addition as the proposal involves parking provision at the site an electric vehicle charging point scheme should be included. Such a scheme would address the requirements of Policies SP2 and CDMP6 of the WLP31 which can be secured by condition. It is therefore considered that this element of the policy is met.

## 10.0 CONCLUSION

- 10.1 The proposed development is considered unacceptable as it has not been demonstrated that the submitted business plan is viable. Furthermore the site is not considered to be located in a sustainable (accessible) location that would promote sustainable modes of transport and is located away from settlements and accessed via unlit rural roads subject to national speed limits.
- 10.2 In addition the proposal will have an unacceptable impact on the landscape character of the area and AONB by way of the number of units and their proposed layout and the views obtained of the site within the wider landscape.
- 10.3 There are no issues regarding highway safety, flood risk nor residential amenity. There are no other material planning considerations which raise any specific issues. Taking the above into account the proposal fails to comply with policies SP2, SP4, SP5 and EP9 of the adopted Wyre Local Plan (2011-2031).

## 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

### Recommendation: Refuse

1. The application site is located within the open countryside area and the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The proposed development by reason of the scale, siting and projection of the holiday accommodation units and supporting infrastructure into an undeveloped area

of countryside, would adversely impact on the character, appearance and setting of the AONB, and stand out as prominent and obtrusive, resulting in significant visual harm. There are no substantial public benefits arising from the scheme that would outweigh this harm. As such the proposal does not comply with Policies SP4, SP5 and EP9 of the Wyre Local Plan, along with Section 15 of the NPPF, which require development to respect and enhance the character of an area and not have a harmful impact on the open countryside.

2. Insufficient evidence has been provided with the application to demonstrate the long-term viability of the proposed new holiday accommodation business. Therefore, it has not been demonstrated that the proposal, including new build infrastructure, would form justified and sustainable development in the countryside. As such the proposal is not compliant with the NPPF and Policies SP4 and EP9 of the Adopted Wyre Local Plan (2011-2031).
3. The application site is located within the open countryside/AONB, and the development would involve the provision of development in a poorly accessible location detached from the nearest settlements. The site would be accessed via an unlit rural roads that are subject to national speed limits and without pedestrian footpaths. Future users/guests of the proposal would be heavily reliant on the use of a private motor vehicle to access services and attractions, with very limited opportunity to access the site via alternative sustainable travel modes and with no on-site services to reduce likely daily travel movements. The proposed development is considered to be sited in an unsustainable and inaccessible location and would increase the need to travel by car. The proposed development on balance would not form sustainable development. The proposal is therefore contrary to locational guidance contained within the NPPF, in particular Section 9, and contrary to Policies SP1, SP2, and CDMP6 of the Adopted Wyre Local Plan 2011-2031.