|  |
| --- |
| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **SK** | **Date:** | **21.10.22** | **Manager:** | **NH** | **Date:** | **21.10.22** |
|  |
| **Application Ref:** | 2022/0574 |  |
| **Date Inspected:** | Various |
| **Officer:** | SK |
| **DELEGATED ITEM FILE REPORT:**  | **REFUSAL** |
|  |
| **Development Description:** | Retention of storage containers, vehicle parking and turning area. Reduction in the width of the track to an average width 2.9m. Proposed cladding and roofing over storage containers and the construction of a welfare unit. |
| **Site Address/Location:** | Rann Woodland Off Saccary Lane Mellor Blackburn |
|  |
| **CONSULTATIONS:**  | **Parish/Town Council** |
| Mellor Parish Council have objected to the application on the following grounds:*The Parish Council was made aware of activity at this site in approximately November 2021 & sought**advice from Ribble Valley Borough Council (RVBC) Officers. Mellor Parish Council had previously applied for and obtained Asset of Community Value for part of The Rann Woodland – an area which Forestry Commission considered to be a young woodland, which had been planted approximately 20 years ago using grant funding. Parts of this larger parcel of land are therefore subject to a Tree Preservation Order.**Due to funding issues, Mellor Parish Council did not pursue its Right to Buy the Rann Woodland.**Mellor Parish Council has continued to work with RVBC officers in order to ensure compliance with all**legislation. Unfortunately this has proved to be difficult at least, since it has become obvious that the**Applicants have not been prepared to comply with legislation. I received an email from xxxxxx (RVBC**Enforcement Officer) on 07 December 2021 stating that he had been contacted by Applicants who confirmed that they would stop all works. That has not been the case and it has taken six months for them to even apply for Planning Permission (RVBC Planning Ref /3/2022/0574) for works which they have continued to carry out, despite numerous visits by RVBC officers in the intervening period.**Mellor Parish Council therefore supports the view of local residents the Applicants have acted contrary to RVBC Policies:**DS1 – Development Strategy**DS2 – Presumption in favour of sustainable development**ENV2 – Landscape**DM12 – Transport Considerations**DMG1 – General Considerations**DMG2 – Strategic Considerations**DMG3 – Transport & Mobility**DME1 - Protecting Trees & Woodland**DME2 – Landscape & Townscape Protection**It is evident that the Applicants have not been prepared to follow due process, but have continued to use the site as a commercial premises, without even seeking necessary consents. RVBC Officers have visited the site on numerous occasions, as requested by this Parish Council, xxxxxxx has advised Applicants and their Agents to cease all works, but advice has not been followed. This Parish Council submits that the applicants have had more than sufficient time to prepare a full Planning Application, rather than to continue with their abuse of the site. It may be considered that the Applicants’ approach, including the perceived lack of co-operation with Ribble Valley Borough Council Officers has been contrary to any legal use of the site, despite its protected status.**Concerns have been expressed by residents, but also by Mellor Parish Councillors of the hazards posed by such a site. Storage of highly flammable substances at such a site proves a fire hazard to the neighbouring woodland, but also to residential properties. The narrow, winding lanes with sharp, blind bends are unsuitable for heavy plant & machinery. Hearsay evidence is that on occasion the lane has been obstructed by a large vehicle, when the driver has refused to clear the public highway. It is vital that emergency vehicles may access all properties & incidents in the wider area. The nearby A59 road has been closed on numerous occasions due to Road Traffic Incidents, when the lanes & minor roads of Mellor are utilised for emergency access. These lanes are used frequently by walkers and horse riders, as well as local residents: activities which could be deemed more suited to this rural environment, but an increased hazard if HGV’s are frequently using a commercial site.* |
|  |
| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** |  |
| No objections subject to the imposition of conditions. |
| **CONSULTATIONS:**  | **Additional Representations.** |
| Six letters of representation have been received objecting to the application including one representation from the Forestry Commission. The representations object to the proposal on the following grounds:* Workstations/welfare units excessive
* Impacts upon wildlife/biodiversity
* Storage of chemical on-site
* A business is being run from the site
* Inappropriate development

One letter of support has been received in respect of the application. |
|  |
| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1 – Development StrategyKey Statement DS2 – Sustainable DevelopmentKey Statement DMI2 – Transport ConsiderationsKey Statement EN2 - LandscapePolicy DMG1 – General ConsiderationsPolicy DMG2 – Strategic ConsiderationsPolicy DMG3 – Transport & MobilityPolicy DMH3 – Dwellings in the Open CountrysidePolicy DME1 – Protecting Trees & WoodlandPolicy DME2 – Landscape & Townscape ProtectionNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:**No recent planning history directly relevant to the determination of the application. The site is currently subject to an on-going enforcement appeal (APP/T2350/C/22/3301926). |
|  |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to an area of woodland that is currently afforded protection by way of a Tree Preservation Order (TPO 7/19/3/212). The woodland is located outside of any defined settlement limits, being located within the designated open countryside. The woodland area is located to the west of Sacarry Lane, being accessed by way of an existing private access track.  |
| **Proposed Development for which consent is sought:**The application seek consent for the retention of storage containers, vehicle parking and turning area. Reduction in the width of the track to an average width 2.9m. Proposed cladding and roofing over storage containers and the construction of a welfare unit, as such the application is considered to be part-retrospective in nature.It is proposed that the containers on-site will be retained in their current location albeit being re-clad in timber cladding with an intermediate profile sheet roof being erected over both structures, creating a covered work area between. The submitted details propose that the ‘welfare cabin’ will benefit from a footprint of 6m by 4m, being of a flat-roofed appearance primarily clad in Yorkshire board cladding. It is proposed that the cabin will accommodate a welfare area, kitchen/tea area, WC and store/changing area. The welfare cabin will be sited to the east of the existing storage containers on an area of land that has already been excavated and formally surface, albeit in loose materials. |
| **Principle of Development:**Given the proposal is located outside of any defined settlement limits, Policy DMG2 is engaged which states that the development outside of defined settlement limits and within Tier 2 settlement limits, must meet one of the inherent criterion within the Policy, in respect of current proposal, that the development is ‘needed for the purposes of forestry or agriculture’.In this respect, it must be demonstrated that the proposal is ‘needed’ or that such a need exists. In this respect, taking account of the size of the woodland area to which the proposal relates, the authority is of the view that it cannot be argued that such a need exists insofar that the woodland area is modest in size and as such will require minimal on-going management/maintenance. As such it is not considered that the associated activities would not warrant the siting of a permanent welfare cabin or two storage containers and associated ‘work’ areas. Furthermore, the authority is aware that there are a number of significant forestry operations on-going within the borough that generate activities of a significantly larger scale than that of the current proposal, which in their won right would also not necessitate the ‘need’ for permanent structures to be located on-site.Notwithstanding this matter, site visits undertaken have revealed that activities being undertaken on-site are not solely related to that of forestry, in this respect site inspections have revealed the following:* Dismantled exercise equipment stored externally
* Storage of reclaimed stone
* Storage of Stone paving
* Dumping/storage of construction debris including floor-tiles/tiling and bags of sand
* Storage of fence-panelling
* Storage of railway sleepers
* Storage of skip trailer
* Storage of Decorators tools, tyres and highways barriers

As such and taking account of the above, the proposed development/facilities are not considered to be deemed necessary for the purposes of forestry, nor is it considered that the quantum and scale of the facilities are considered commensurate with that of the scale of the operations associated with the management of maintenance of the protected woodland to which they relate. As such the proposal is considered to be in direct conflict with Policy DMG2 insofar that it is not ‘needed’ for the purposes of forestry or agriculture. |
| **Impact Upon Residential Amenity:**Given the proposals relative remoteness from any nearby residential receptors, save that Throstle Croft to the east, it is not considered that the proposal will result in any undue impacts upon existing residential amenities. |
| **Visual Amenity/External Appearance:**Given the proposal relates to land located outside of defined settlement limits, within a protected woodland, Key Statement EN2 and Policies DMG1, DMG2, DME1 and DME2 are engaged in respect of assessing the potential impacts of the proposal, particularly in relation to any impacts on the visual amenities or inherent character of the area.In this respect it cannot be reasonably argued that the proposed welfare cabin, surfaced areas or storage containers are typical of the character of the area, particularly given its largely rural context. The extent of artificial engineering works alone associated with the proposal have proved significantly injurious to the character of the woodland. As such, the further siting of structures on the land, in concert with the aforementioned engineering works, results in a form of development, that cumulatively has caused and will cause significant measurable harm to not only the inherent character of the woodland but also the inherent character and visual amenities of the wider open countryside.As such, taking account of the above it is considered that the proposed development, by virtue of the extents of surfaced areas, including the scale, design, configuration and number of structures proposed, would result in the introduction of an incongruous, unsympathetic and discordant from of development in the defined open countryside, within a protected woodland area (TPO 7/19/3/212) that cumulatively results in significant harm to the inherent character and visual amenities of the open countryside and that of the inherent character of the woodland setting. As such the proposal is considered to be in significant direct conflict with Key Statement EN2 and Policies DMG1, DMG2, DME1 and DME2 of the Ribble Valley Core Strategy. |
| **Landscape/Ecology:**The RVBC Countryside section has offered observations in respect of the proposed development which can be summarised as follows:* Storage of materials likely to compromise long term integrity of protected trees
* Structures likely to compromise long term integrity of protected trees
* Extent of facilities and associated structures are excessive and unwarranted

It is noted that a number of the structures are currently located within the root protection area of a number of trees, with excavation works having also been undertaken within these protection areas. It is also noted that the proposed ‘welfare cabin’ is proposed to be sited within such areas, also on an area that has also been excavated and surfaced. As such, taking account of the damage already inflicted upon the woodland and taking account that the proposal seeks to intensify the number of structures on site it can only be considered that the proposal will result in further harm to a woodland afforded protection by way of a Tree Preservation Order.Taking these matters into account, the proposal is considered to be in direct conflict with Policies DME1 and DME2 of the Ribble Valley Core Strategy insofar that the proposed development, by virtue of compaction associated with surfaced areas, the siting and proximity of buildings/structures and outdoors storage of materials/paraphernalia, will cause undue harm and significantly compromise the long-term integrity of trees of high landscape visual amenity value, that are afforded protection through a Tree Preservation Order (TPO 7/19/3/201). |
| **Observations/Consideration of Matters Raised/Conclusion:**As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. |
| **RECOMMENDATION**: | That planning consent be refused for the following reason(s). |
| **01:** | The proposed development/facilities are not considered to be deemed necessary for the purposes of forestry, nor is it considered that the quantum and scale of the facilities are considered commensurate with that of the scale of the operations associated with the management of maintenance of the protected woodland to which they relate. As such the proposal is considered to be in direct conflict with Policy DMG2 insofar that it is not ‘needed’ for the purposes of forestry or agriculture. |
| **02:** | The proposed development, by virtue of the extents of surfaced areas, including the scale, design, configuration and number of structures proposed, would result in the introduction of an incongruous, unsympathetic and discordant from of development in the defined open countryside, within a protected woodland area (TPO 7/19/3/212) that cumulatively results in significant harm to the inherent character and visual amenities of the open countryside and that of the inherent character of the woodland setting. As such the proposal is considered to be in significant direct conflict with Key Statement EN2 and Policies DMG1, DMG2, DME1 and DME2 of the Ribble Valley Core Strategy. |
| **03:** | The proposal is considered to be in direct conflict with Policies DME1 and DME2 of the Ribble Valley Core Strategy insofar that the proposed development, by virtue of compaction associated with surfaced areas, the siting and proximity of buildings/structures and outdoors storage of materials/paraphernalia, will cause undue harm and significantly compromise the long-term integrity of trees of high landscape visual amenity value, that are afforded protection through a Tree Preservation Order (TPO 7/19/3/201). |