DATE INSPECTED: Various 20121

Ribble Valley Borough Council

DELEGATED ITEM FILE REPORT - REFUSAL

Ref: GT

Application No:	3/2012/0972/P
Development Proposed:	Proposed replacement of agricultural building with 4 no. holiday cottages and new package treatment plant at Shays Farm, Tosside, Skipton, Yorkshire, BD23 4SY.

CONSULTATIONS: Parish/Town Council

Slaidburn and Easington Parish Council – No observations or comments have been received within the statutory 21-day consultation period.

CONSULTATIONS: Highway/Water Authority/Other Bodies

LCC Highways Officer - The sight line to the south along Dugdale Lane at the farm access is currently very poor due to the frontage stonewall. Although the speed limit is 60mph, the carriageway width, road alignment and low traffic levels mean a visibility splay of 2m x 50m to the centre of the carriageway would be appropriate in the circumstances. This could be achieved by rebuilding the wall from the existing field gatepost in a straight line for 25 metres to the existing wall line. This would in my view be adequate for the highway conditions and the likely increase in turning traffic from the proposed holiday cottages. I understand from the applicant's agent that they have control of the land required and are prepared to undertake the work. I therefore have no objection to this proposal, subject to the imposition of an appropriate condition.

Environment Agency – No comments.

CONSULTATIONS: Additional Representations

No additional representations have been received.

RELEVANT POLICIES:

NPPF.
Policy G1 - Development Control.
Policy G5 - Settlement Strategy.
Policy ENV1 – Area of Outstanding Natural Beauty.
Policy ENV7 – Species Protection.
Policy RT1 – General Recreation and Tourism Policy.
Policy H2 - Dwellings in the Open Countryside.
Core Strategy 2008/2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft
Policy DMG1 – General Considerations.
Policy DMG2 – Strategic Considerations.
Policy DME2 – Landscape and Townscape Protection.
Policy DME3 – Site and Species Protection.
Key Statement EN2 – Landscape.
Key Statement EN3 – Sustainable Development and Climate Change.
Policy DMH3 - Dwellings in the Open Countryside and AONB.
Policy DMB3 – Recreation and Tourism Development.
Key Statement EC3 – Visitor Economy.

POLICY REASONS FOR REFUSAL:

Contrary to Policies G1, G5, RT1 and ENV1 of the Local Plan, Reg 22 Submission Core Strategy Policies DMG1, DMG2, DME2, DMH3 and DMB3 and Key Statements EN2 and EC3; and guidance within the NPPF. Unsustainable development, tantamount to the creation of four new dwellings within open countryside without sufficient justification, and the intensification of the development; and it's scale, siting, material and design, would be to the visual detriment of the character and appearance of the AONB.

COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

Shays Farm sits some 3km (as the crow flies) to the south west of Tosside, and 4km (as the crow flies) north east of Slaidburn. The track that leads to Shays Farm from Holden Lane is some 400m south of the access to the nearest residential property, Quarry House, with the site subject to this application positioned some 150m down the 250m long track to Shays Farm, which also serves a bridle path, BW16. The access track serves Shays Farmhouse and Shays Cottage. Planning permission is sought for the demolition of an existing large agricultural building adjacent to the group of residential properties at Shays Farm in order to erect 4 holiday cottages on the site together with associated car and cycle parking facilities and additional landscape planting. The site lies within the Forest of Bowland Area of Outstanding Natural Beauty. There are no highways concerns with the proposal and the scheme will have no impact upon European protected species.

With regards to the principle of the proposed development, Local Plan Policy G5 allows for small-scale tourism and recreational development appropriate to rural areas subject to Policy RT1. RT1 allows for small-scale tourism development, which is physically well related to an existing group of buildings, and does not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, material or design. It must also be well related to the existing highway network and be large enough to accommodate car parking and service areas. On this basis, providing a scheme is small scale and does not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, material or design then permission should be granted. In order to consider the impact of the scheme on the character, quality or visual amenities of this sites location within the AONB, Policy ENV1 of the Local Plan must also be considered. ENV1 states that 'The landscape character of the AONB will be protected, conserved and enhanced, and development will need to contribute to the conservation of the natural beauty of the area. The environmental effects of a proposal will be a major consideration with the design, materials, scale, massing and landscaping important factors. The protection, conservation and enhancement of the natural environment will be the most important consideration in the assessment of a proposal.' The supporting text of this Policy is also important as it advises that where possible new development will be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build, and that whilst other policies in the Local Plan accept that there maybe a need for appropriate employment generating facilities/countryside recreation, this policy ensures that this should not be at the expense of those qualities that make the area special. The principles of these policies are continued within the Regulation 22 Submission Draft Core Strategy 2008/2028 - A Local Plan for Ribble Valley, and the following policies have been considered when assessing this application namely DMG1, DMG2, DME2, DMH3 and DMB3. The following key statements within this document are also considered important material factors, namely EN2, EN3 and EC3.

The recently released National Planning Policy Framework (March 2012) is a material consideration in the determining of such application, with paragraph 115 noting that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight.' It also advises in paragraph 28 in relation to development such as that proposed that 'Planning

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

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

It is accepted that the siting of the proposed holiday cottages will be physically well related to an existing group of buildings (Shays Farm), however there are two main concerns with the scheme namely the sustainability of the site in question and the visual impact of the proposed development on the wider landscape character.

SUSTAINABILITY

The site is located some distance outside any settlement, the nearest being Tosside (3km) and Slaidburn (4km), and a substantial distance from the nearest service centre Clitheroe (10km). It lies within the AONB/countryside, which is to be recognised for its intrinsic character and beauty, and is a nationally designated area with the highest status of protection in relation to landscape and scenic beauty. Within such areas, Policy ENV1 of the Ribble Valley Districtwide Local Plan (LP) notes that the environmental effects of proposals are important factors in making planning decisions. The National Planning Policy Framework (the Framework) carries forward many of the guiding principles of earlier national guidance in seeking to ensure that, amongst other things, development takes place where it will enhance or maintain the vitality of rural communities. As the site occupies a remote location in relation to any settlement, travel by visitors to the development site to any shops, services and facilities would be heavily reliant on the private car. Irrespective of the length or duration of such trips, this would be inconsistent with the underlying sustainability objectives of national guidance.

The applicant has referred to the proposal as a method of diversifying his farming business to provide an income for the long term. Whilst the running of four holiday cottages would undoubtedly provide a suitable income for the applicant, the history of this building and its use is an important consideration. The building itself was granted approval in October 2008, and at the time this proposal was considered the delegated report considered the following,
Whilst the applicant does not farm the land himself at present, it is his intention to do so as he has recently acquisitioned 44 acres of land. By doing so the applicant has created a unit, which has the ability to undertake a small agricultural operation albeit not at a scale which could justify full-time employment. In view of this, and having consulted the Land Agency Manager on this matter, it is considered that if the applicant is to undertake his own agricultural enterprise based upon keeping cattle and sheep involving winter housing, housing for breeding purposes both of which the applicant feels will apply to his operation that a new modern design building is justified for the scale of stocking for the size of this unit.

It is therefore questionable that the justification of the scheme is a diversification of recently ceased operations on site, especially considering that it would appear that the applicant's business is still being run from this site (the estimate provided in relation to the construction of the cottages by J & R. Hall Joinery Ltd who are based at Shays Farm).

There is also a question mark relating to a need for additional holiday accommodation within this area, as there have been a number of applications submitted recently to remove the

restrictive holiday letting conditions from applications to allow such buildings to be used as independent dwellings. These applications site a lack of demand for this type of holiday accommodation and have questioned the viability of the use by providing summary income and expenditure accounts which have (on most occasions) shown a net loss. The application has been submitted with no supporting details relating to the need for such accommodation within this area.

VISUAL IMPACT

Local Plan Policy ENV1 states that within the AONB the landscape character will be protected, conserved and enhanced, and development will need to contribute to the conservation of the natural beauty of the area. The environmental effects of a proposal will be a major consideration with the design, materials, scale, massing and landscaping important factors. Whilst other policies in the Local Plan accept that there maybe a need for appropriate employment generating facilities/countryside recreation, this policy ensures that this should not be at the expense of those qualities that make the area special. This location is classed as 'Upland fringe farmland' within the RVBC Local Plan Landscape Types. The supporting text to this section (Appendix II within the Local Plan) highlights that within such areas there are few recent buildings and new development as so far been more or less controlled so that it does not significantly detract from the qualities of the area, with there being an absence of intrusive development.

It is accepted that the existing agricultural building on site presents built form within the landscape, however this is in the form of a building that is typically found within this location within the AONB and is generally provided on the basis of a justification for its size, scale and design. In addition, the layout of the site is again driven by the use of the site and in this case the use of the building for agricultural storage requires limited additional visual intrusion on site. The same cannot be said for the introduction of new build holiday lets within such a location. The proposed site layout plan indicates the introduction of formal parking areas, timber cycle/refuse sheds and landscaped garden and planting areas, with the introduction of further domestic paraphernalia associated with such a use a mere formality. Whilst the site may not be significantly visible from every viewpoint along the adjacent highway, it will be clearly visible from the bridleway that runs past the site as well as from long distance views of the site, and it is considered that the replacement of a typical timber built agricultural building with essentially a terrace of stone built properties would be incongruous and harmful to this rural setting and would materially harm the character and appearance of the AONB.

At the heart of national guidance is a presumption in favour of sustainable development. The proposal would fail that requirement because it is not appropriately located, being in an isolated position in the countryside and the AONB, where travel to and from it would heavily rely on the use of the car. As such, the balance of national guidance and development plan policies do not support the appeal scheme. In addition, the reasoning and level of information provided and set out by the Applicant for the proposed new development is not considered to provide sufficient justification to warrant the approval of this application. Finally, in visual terms, there is also concern that the intensification of the site as a small holiday village would have a harmful effect on the character and appearance of the area due to the likely impact of the erection of the residential properties, the additional domestic landscaping and associated domestic paraphernalia, a fact that would undermine the character, quality or visual amenities of the AONB by virtue of its scale, siting, material and design.

As such, in considering suitability in this context, given the isolated location of the site, the distance to nearby amenities and that the proposal does not comply with the relevant Local Plan Policies, the principle of this proposal cannot be supported and I therefore recommend accordingly.

RECOMMENDATION: That planning permission be refused.