

Parish: Sowerby
Ward: Sowerby & Topcliffe
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Committee Date: 4 February 2016
Officer dealing: Mr R Greig
Target Date: 22 December 2015

15/02284/FUL

**Change of use of agricultural land to touring caravan park for a maximum of 40 pitches, with associated works to provide access track and caravan standing
At land at York Road, Thirsk
for Mr B Calvert**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises two fields within an area of open countryside, equating to approximately 2.60 hectares, located adjacent to Sowerby Flatts, situated between Thirsk to the north and Sowerby to the west. The site is adjacent to the A170 York Road and the A168 lies approximately 300m to the south.
- 1.2 The site itself is situated outside of any designated Development Limits. For the avoidance of any doubt the application site is not located within the Thirsk and Sowerby Conservation Area. The extent of the Conservation Area lies to the immediate west of the application site. The majority of the site is situated within Flood Zone 2, as defined by the Environment Agency Flood Map.
- 1.3 The application proposes a 40-pitch touring caravan park. The proposal does not specify that the use is for holiday purposes, however the supporting statements seek to gain support for the proposal on the basis of a tourist/holiday use. The existing field entrance would be altered to provide a formal access leading on to a 5m wide plastic grid vehicular surface that in turn would provide a means of access to each pitch. Additional landscaping is proposed to the perimeter of the site. No permanent structures are proposed under this submission; the illustrative information provides that "No sanitary facilities are provided on site"

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01209/FUL - Change of use of agricultural field to Holiday Park for siting of 30 static caravans, with associated works to provide access track, caravan standing, formation of bin store, amenity area and pumping station; Refused 1 October 2014 for the reason that:

"The formation of a caravan park would have a significant adverse impact on the open character of Sowerby Flatts and the landscape setting and separation of the settlements of Thirsk and Sowerby."

Appeal Dismissed 14 July 2015.

- 2.2 The Inspector identified the main issues as the effect of the proposal on the character and appearance of the local area. The Inspector observed that views from York Road would be limited to glimpses but that the development would be highly noticeable from the public footpaths that cross the site, that the experience of users of the public rights of way would be harmed and that the proposal would diminish the landscape setting of the Thirsk and Sowerby Conservation Area. He concluded that the development would be highly intrusive within the predominantly undeveloped landscape causing serious harm to the character and appearance of the local area and would fail to preserve the appearance of the Conservation Area, a matter to which he attached considerable importance and weight.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP6 - Utilities and infrastructure
Development Policy DP10 - Form and character of settlements
Development Policy DP25 - Rural employment
Development Policy DP28 - Conservation
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Development Policy DP31 - Protecting natural resources: biodiversity/nature conservation
Conservation Area Appraisal Thirsk and Sowerby Supplementary Planning Document - adopted 21 December 2010
National Planning Policy Framework - published 27 March 2012

4.0 OBSERVATIONS

- 4.1 Sowerby Parish Council - Concern raised regarding the visual impact from Sowerby Flatts and the increased traffic on a busy road and the need for it to slow to enter the site.
- 4.2 Highway Authority – No objections are raised. However, it is recommended details relating to the following are to be secured by condition:
- Discharge of surface water;
 - Private Access/Verge crossings;
 - Visibility splays;
 - Details of pedestrian crossing.
- 4.3 Environment Agency – No objections are raised subject to the proposed development being in accordance with the submitted FRA.
- 4.4 Planning Policy & Conservation Officer – The area is important in maintaining the separation between Sowerby and Thirsk and by allowing the two settlements to be viewed from a distance. Whilst there are many character areas within this open space, essentially it is open. The formation of a caravan park, be it static or touring would have a significant adverse impact on the form and character as well as the setting of this open space. Whilst there would be some local economic benefit, this could be the same for any site located within reasonable distance of the town and does not outweigh the adverse impact to the setting of the Conservation Area.

- 4.5 Environmental Health Officer - No objection in principle to the proposed development. However, it is noted from the submitted details that it is proposed not to include sanitary facilities in the development. The site will require a Site Licence under the Caravan Sites and Control of Development Act 1960 and the Local Authority's standard conditions would require among other things the provision of sanitary accommodation, laundry facilities, and pot wash facilities.
- 4.6 Yorkshire Water (YW) - The site layout details submitted are not acceptable as currently shown. The following points should be addressed:
- The submitted drawing appears to show new tree planting over and near to the line of public sewer crossing the site.
 - The submitted drawing should show the 'site-surveyed position' of the public sewer crossing the site with required stand-off distances.

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

- 4.7 Ramblers Association – Wish to object. The two footpaths within the site are used by walkers. The mix of walkers, cars and caravans is not compatible and would give rise to safety concerns.
- 4.8 Corporate Facilities Manager (Flood Risk) - Content with the proposal from a flood risk perspective.
- 4.9 Following the public consultation period, seven letters of representation have been received raising objections to the proposed development. Those comments are summarised as follows:
- The site lies outside of Development Limits;
 - This scheme represents an intensification of use compared to previous application (increase from 30 to 40 pitches);
 - Additional facilities (structures/buildings) will be required on site as indicated by Environmental Health;
 - The proposed site access is inadequate;
 - The footway is on other side of road, therefore access to the site is unsafe for pedestrians;
 - The development would add greater pressure to an already congested road;
 - The development of a holiday park is likely to prevent expansion of local businesses due to issues of amenity;
 - It would adversely affect the setting of the site, the Conservation Area and the character of Sowerby Flatts;
 - The information provided is insufficient and inaccurate. No reference is made to public footpaths and a wildlife pond;
 - Adverse impact upon protected species/wildlife;
 - Adverse impact upon the amenity of local residents;
 - The site is not large enough to accommodate 40 pitches;
 - The laurel hedge would appear out of character with area and would take years to mature; and
 - The development would set an unwelcome precedent.

5.0 OBSERVATIONS

- 5.1 The proposed development must be considered under the current LDF policies and with regard to the NPPF wherein the policy emphasis is to concentrate development within defined Development Limits. This must also be balanced with the need to

support the rural economy; to protect the openness and character of the countryside; to protect the special interest of heritage assets and their settings; to adequately protect natural resources and the amenity of neighbouring land users and to maintain highway safety.

Principle of Development

- 5.2 The Core Strategy has established a Settlement Hierarchy which provides a spatial guide to the location of development. The application site is situated outside of any designated Development Limits. With this in mind policy DP9 of the LDF will only permit development in exceptional circumstances, having regard to the provisions of Policy CP4 of the LDF Core Strategy. Exceptions to the presumption against development contained under policy CP4 may include tourism and other enterprises with an essential requirement to locate in the countryside and which would help to support a sustainable rural economy. With this in mind the principle of development may be permissible in policy terms.
- 5.3 It is acknowledged that the proposal would positively contribute to the local economy and provide tourist accommodation, both of which are encouraged by the LDF and the NPPF. These considerations would provide public benefits to which appropriate weight should be given. However, the core principles of the LDF and the NPPF are that planning should recognise the intrinsic open character of the countryside and contribute to conserving and enhancing the natural and historic environment. These objectives are reflected in the Development Plan policies and require further consideration.

Character of Countryside/Setting of Conservation Area

- 5.4 Policy CP16 of the LDF Core Strategy seeks to protect natural and man-made assets. Development will not be supported which has a detrimental impact upon the interests of such assets. Furthermore, paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contributions made by their setting.
- 5.5 The changes from the earlier proposal that was refused and dismissed on appeal include:
- The specified use of 40 touring caravans as opposed to 30 static caravans;
 - A reduction in the size of the pitches;
 - The omission of any permanent structures; and
 - A reduction in hard surfacing.
 - Touring caravans and campervans to be occupied only between 1st April and 1st October of each year
- 5.6 The omission of permanent structures would clearly be an improvement compared with the previous proposal for 30 static caravans. However, the Environmental Health Officer's comments at paragraph 4.5 indicate that the licencing requirements for a caravan site are likely to require buildings on site to provide sanitary accommodation, laundry facilities, and pot wash facilities and it is reasonable to expect such facilities would need to be provided in order for the site to attract users. It therefore appears that this claimed improvement over the previous proposal cannot be realised.
- 5.7 The Heritage Statement (October 2015) submitted in support of this application concludes that 40 smaller pitches would have minimal effect on the Conservation Area and would benefit the area with specific regards to tourism and employment

opportunities and creating a visually pleasant, sustainable and biodiversity-rich environment.

- 5.8 As previously highlighted the application site is located outside of any designated Conservation Area. Notwithstanding the above the Thirsk and Sowerby Conservation Area Appraisal (2010) states that the area to which the application site forms a part of, is important in maintaining the separation between Sowerby and Thirsk and by allowing the two settlements to be viewed from a distance.
- 5.9 It is noted that there are many character areas within this open landscape (including grazing, recreation, footpaths, paddocks, gardens and watercourses); nonetheless this landscape is defined by its informal open character. The proposed use of the site and the associated movements of vehicles, pedestrians and cyclists are considered to be likely to have a significant detrimental impact upon the intrinsic openness of this undeveloped landscape, contrary to policies CP16, DP10 and DP28.
- 5.10 It is acknowledged that the introduction of a caravan park is likely to result in some benefits to the rural economy. However, such an argument could be made for any site located within reasonable distance of a service centre or related settlement.
- 5.11 In this instance it is considered that the high landscape value, historical significance as an open landscape and its contribution to the setting of the Conservation Area are likely to be adversely affected by the scale and nature of the proposed development. Moreover, any benefits likely to arise from the proposed scheme are considered not to outweigh the harm to the setting of the Conservation Area and the proposal is thereby deemed to be contrary to policies CP16, DP10 and DP28.
- 5.12 Furthermore, promoting development within this sensitive landscape setting is likely to make further incremental development of this and other sites difficult to resist. The cumulative effect of which is likely to further erode the open landscape character of this area.

Natural Environment

- 5.13 Policy DP31 of the LDF establishes general principles applicable to protecting natural resources, including nature conservation. In this instance the application site is not recognised or designated as a site of nature conservation importance. The 2015 appeal decision concluded that whilst several additional objections to the proposal had been raised, and claims that the proposal could enhance bio-diversity, the findings on the main issue were such that these additional issues were not matters on which the decision had turned. This conclusion remains applicable to the current application.

Amenity

- 5.14 The position of the development and degree of separation relative to neighbouring land users is such that the proposed scheme is not considered to cause unreasonable harm to amenity and thereby complies with the requirements of policies CP1 and DP1.

Flooding

- 5.15 Policy DP43 of the LDF will only permit development where it has an acceptably low risk of being affected by flooding. In this instance it is concluded that subject to the implementation of the recommendations contained within the Flood Risk Assessment

the proposed development would comply with the requirements of policy DP43. These findings are endorsed by the Environment Agency.

Highway Safety

- 5.15 The public concerns expressed with regard to highway safety are fully acknowledged. However, the Highway Authority has raised no objection subject to appropriate conditions being fulfilled. With this in mind it is considered justifiable to resist the development on grounds of highway safety.

6.0 RECOMMENDATION

- 6.1 That planning permission is **REFUSED** for the following reason:
1. The proposed development is contrary to policies CP16, DP10 and DP28 of the Hambleton Local Development Framework in that the formation of a caravan park would have a significant adverse impact on the intrinsic openness of this undeveloped landscape and the setting of the Thirsk and Sowerby Conservation Area.