

## **PLANNING COMMITTEE – 6 NOVEMBER 2018**

<b>Application No:</b>	<b>18/01563/FUL</b>	
<b>Proposal:</b>	<b>Proposed removal of existing timber storage building and erection of holiday lodge</b>	
<b>Location:</b>	<b>2 Forestry Holdings, Edwinstowe NG21 9JL</b>	
<b>Applicant:</b>	<b>P &amp; M Blanche</b>	
<b>Registered:</b>	<b>24.08.2018</b>	<b>Target Date: 19.10.2018</b>
		<b>Extension of Time Agreed: 09.11.2018</b>

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Kings Clipstone Parish Council has objected to the application which differs to the professional officer recommendation.**

### **The Site**

The application site is a rectangular plot of land adjacent to the existing residential curtilage of the dwelling known as 2 Forestry Holdings. The host dwelling is a semi-detached property with the attached neighbor to the north. Both dwellings are accessed via a private track from the B6030 to the north.

There is an existing building within the site which comprises a single storey timber cabin with a pitched slate roof and an existing wrap around flat roof extension to the east and south elevations. The building is approximately 4.25m in height to the pitch and 2.5m in height to the eaves (with some variations to the land level across the footprint of the building). The overall footprint of the building is approximately 62m<sup>2</sup>. Boundaries to the site include fencing and tree planting.

The site is within the open countryside within the Sherwood Forest Landscape Area between the settlements of Clipstone and Edwinstowe. Nearby land uses include the Sherwood Pines Visitor Centre.

### **Relevant Planning History**

**18/01158/FUL** - Conversion and change of use of timber storage building for use as tourist accommodation. *Application approved 24 July 2018.*

**14/00424/FUL** - Householder application to demolish single storey side accommodation and erection of two storey side extension. *Application approved.*

**11/00384/FUL** - Erection of a log cabin to be used as a holiday let.

*Application refused May 2011 for the following reason:*

*"Planning Policy Statement 4 'Planning for Sustainable Economic Growth' advocates economic growth through sustainability and in the case of tourism development, PPS4 states that Local Planning Authorities should strictly control economic development in open countryside away from existing settlements and support the provision of tourist facilities through appropriate conversions, extensions of existing facilities and diversified uses, thus ensuring that the countryside is protected for the sake of its intrinsic character*

*Policy 42 of the East Midlands Regional Plan states that LPA's should commit to developing sites close to popular destinations that have adequate infrastructure, improve the quality of existing facilities and improve accessibility by non-car means.*

*Both Spatial Policy 3 and Core Policy 7 (identified by Area Policy ShAP 1) directly address the issue of new tourist development and state that, inter alia, attractions and facilities will only be supported in principle villages and only in rural areas where they are to meet an identified local need or form the conversion/extension of an established/existing use.*

*The proposals represent the erection of a wholly new use in the open countryside which, by virtue of its location would have to rely on car means to travel to and from. The proposals do not fall within any of the exception criteria presented by Strategic Policy and would therefore represent an unsustainable pattern of development that does not meet any identified local need. Consequently therefore, the proposals would also represent an inappropriate use in the open countryside which would be contrary, to the commitment to its protection for its own sake and intrinsic character.*

*The proposals are therefore contrary to the key aims of Planning Policy Statement 4 'Planning for Sustainable Economic Growth', Policy 42 of the East Midlands Regional Plan 2009 and Spatial Policy 3, Core Policy 7 and Area Policy ShAP 1 of the Newark and Sherwood Core Strategy DPD 2011."*

*A subsequent appeal was dismissed June 2012.*

The application submission has also made reference to another appeal at a site in Bilsthorpe (application reference 15/00975/FUL). The relevance of this will be discussed further in the appraisal section below.

### The Proposal

The current application seeks full planning permission for the demolition of the existing timber shed which exists within the site and the erection of a single storey unit of tourist accommodation along the south western boundary of the site (in broadly the same position as the existing building). Internally the accommodation would provide two bedrooms; open plan living area; and a bathroom. There would also be a small external deck accessed from the west elevation. The maximum eaves height of the unit would be approximately 2.7m and maximum pitch height approximately 3.6m. The proposed footprint of the accommodation would be approximately 57m<sup>2</sup>. Materials proposed are timber walls with a tiled roof.

The application has been accompanied by the following plans:

- Revised Site Location Plan – FH-01
- Existing Floor Plans and Elevations – FH-02
- Proposed Floor Plans and Elevations – FH-03
- Proposed Site Plan – FH-04

### Departure/Public Advertisement Procedure

Occupiers of one property have been individually notified by letter. A site notice has also been displayed near to the site.

## **Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 7 – Tourism Development

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Sherwood Area Policy 1 – Sherwood Area and Sherwood Forest Regional Park

#### **Allocations & Development Management DPD**

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

### **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Kings Clipstone Pre-Submission Draft Neighbourhood Plan
- D2N2 Visitor Accommodation Strategy
- Newark & Sherwood Plan Review - Publication Amended Core Strategy July 2017

### **Consultations**

**Kings Clipstone Parish Council** – Object to the proposal – The Parish Council are in the process of consultation for the neighbourhood plan and need to wait for it to be adopted before making comment. Please holdover decision until such time.

#### **Three letters of representation has been received, details of which are summarised below:**

- Forestry Holdings is not a road but a 10ft wide private access lane
- The visibility on the lane is not good
- Concerns over neighbours peace and privacy
- The area is oversubscribed with holiday accommodation
- The cabins referred to at Deerdale Lane are over 3 miles away
- There are concerns over the water supply to the other properties on Forestry Holdings
- The deeds say that properties on Forestry Holdings cannot run a business from their property
- There are currently 83 holiday cabins at Forestry Holdings, 2 lodges, permission for a 200 pitch camping site and Centre Parcs all within a couple of miles of the village as well as cabins further afield
- Traffic through the village is ever increased and has doubled between 2012 and 2016
- There will be an increase of vehicles accessing the property from the B6030
- Support for the proposal on the basis of support for tourism supporting local economy and businesses

## Comments of the Business Manager

### Principle of Development

Newark and Sherwood District Council's Economic Development Committee designated the parish of Kings Clipstone as a Neighbourhood Area for the purposes of Neighbourhood Planning at its meeting on 25 June 2014. The community are now progressing the development of their Neighbourhood Plan and as part of the consultation process have conducted household surveys, an open meeting, a drop in consultation session and an exhibition. The Pre-submission Draft NP was out for a period consultation during October and November 2017. The Plan is yet to be made and therefore the weight to which can be attached to it is limited. Officers disagree with the Parish Councils suggestion that any decision should be held until such time as the Neighbourhood Plan is made.

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The policies of the Development Plan are considered up to date for the purposes of decision making.

The settlement hierarchy for the district is set out in Spatial Policy 1, whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of geographically defined village boundaries. Given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. The policy states that *'Beyond Principal Villages, proposals for new development will be considered against the following criteria'* then lists location, scale, need, impact and character for consideration. It goes on to say that development away from the main built-up areas of villages (i.e. outside of the village and therefore in the open countryside) will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry and directs readers to the Allocations and Development Management DPD for policies that will then apply.

The site is subject to an extant planning permission for the retention and conversion to a holiday let of the existing timber shed which is proposed for demolition in the current submission. Moreover, as outlined above, the site has planning history in relation to a proposal for a log cabin for tourism use which was refused by the LPA and subsequently dismissed by an Inspector at appeal. It is worthy of note that whilst these applications remain of relevance, each application must be considered on its own merits against the current Development Plan.

It is useful to note that the Inspectors decision in respect to the LPA's previous refusal confirmed the positioning of the site within the open countryside. This does not appear to be disputed by the applicant and therefore it is accepted that the development should be assessed against Policy DM8 (a policy which has notably been introduced since the 2012 appeal decision). Policy DM8 does accept certain limited types of development of which one of the types is tourist accommodation. The policy states that such development *"will be supported where it is necessary to meet identified tourism needs, it constitutes appropriate rural diversification, including the conversion of existing buildings, and can support local employment, community services and infrastructure."* The policy then directs assessment to other relevant Development Management Policies to which Core Policy 7 (Tourism Development) and ShAP1 (Sherwood Area and Sherwood Forest Regional Park) are of most relevance.

Sherwood Area Policy 1 outlines an intention for the District Council to work with its partners to maintain and enhance the ecological, heritage and landscape value of the Sherwood Area whilst promoting sustainable and appropriate leisure, tourism and economic regeneration.

It should be explicitly stated that the wording of CP7 has been fundamentally altered and essentially completely re-written through current plan review process. However, elements of the justification text remain identical including the acknowledgment that a healthy tourism industry within the District can help sustainable economic growth, and contribute to prosperous communities and attractive environments. Equally it remains the case that increasing the proportion of visitors who stay overnight is identified as a priority for future tourism development.

The weight attached to emerging policies is a matter for consideration of the decision taker. In reaching a judgement of how much weight should be attached to the emerging policy I am conscious that the extant policy wording does give rise to issues in terms of its consistency with national policy. Moreover, there were no objections to the revised policy at the recent publication stage and the Inspector did not identify the revised wording for discussion at the hearings. On this basis, Officers are content that significant weight can be attached the wording of CP7 as presented in the emerging plan document.

The revised wording confirms that, within the open countryside proposals should meet one or more of the following criteria:

- Forms part of a rural diversification scheme;
- Supports an existing countryside attraction;
- Has a functional need to be located in the countryside;
- Constitutes the appropriate expansion of an existing tourism or visitor facility;
- Supports local employment;
- Meets an identified need not provided for through existing facilities within the main-built up areas of 'settlements central to the delivery of the spatial strategy', or villages covered by Spatial Policy 3 'Rural Areas'; or that
- Supports rural regeneration through the appropriate re-use and conversion of existing building.

Proposals would then need to be assessed against their design and layout and individual local character impacts.

Clearly some of the above bullet points would hold little to no relevance to the current application (for example those that relate to existing tourism facilities). In terms of assessment against the other points of potential relevance, I have had regard to the Planning, Design and Access Statement submitted to accompany the application. This identified that Sherwood Forest is a major international tourist attraction which is to be further enhanced through the provision of a new visitor centre. This statement is by no means disputed.

As with the Statement in relation to the extant proposal, the submitted Design and Access Statement states that:

*"The development proposed will complement the range of other tourist attractions in the locality, by providing overnight accommodation for visitors wishing to stay in this area, seeking to visit Sherwood Forest, the Paintball / Adrenalin Jungle, the Karting centre, Rufford Abbey and Park, Clumber Park and Edwinstowe, amongst others, as well as opportunities to walk and cycle."*

In this context, I find it relevant to refer to a previous appeal decision for application 15/00975/FUL (also referenced in the current application submission). This application related to the siting of a log cabin for tourist accommodation at 9 Deerdale Lane in Bilsthorpe. The LPA refused the decision however it was subsequently allowed at appeal. Clearly this was assessed in the context of the extant wording of CP7 rather than the policy advancing through plan review. I do however consider the following statement of the Inspector to be of relevance to the current application assessment:

*“7. Despite the position of the appeal site relatively close to the A614, it is a tranquil and peaceful location, set within an extensive area of woodland. I consider that this together with the availability of leisure facilities nearby means that it would be an attractive location for visitors. This is evidenced by the high occupancy rates at the existing tourist accommodation further along Deerdale Lane, evidence not disputed by the Council.*

*8. Though I acknowledge that the other occupancy figures put forward relate to much larger holiday parks, they do nevertheless relate to sites close to the appeal site and serve to demonstrate that there is a demand for overnight accommodation in the area. This evidence together with the general support of Experience Nottinghamshire for new accommodation particularly in the Sherwood Forest area leads me to conclude that there is an identified tourism need for the proposal in this rural location and that this need could not be met elsewhere.”*

Matters of character will be discussed in further detail below, but the assessment of a tranquil and peaceful location would apply to the current application site as well. The agent has also submitted details of occupancy rates to accompany this application which I would have no reason to dispute. In acceptance of this position, and the precedent which has been set by the appeal decision referred to above, I consider that the proposed tourist accommodation unit would meet a need for additional tourism provision in an established tourist location. The proximity of the site to the Sherwood Pines Visitor Centre would also be deemed to offer support for a countryside attraction.

Policy DM8 places a requirement on tourist accommodation to support local employment, community services and infrastructure. As well as the support to the nearby facilities already identified, the agent has identified that, based on a separate proposal for new log cabins, each cabin would generate around £354k over its lifetime as well as approximately £100k build value for local contractors. Whilst these figures have not been independently verified as part of the current determination, it is not disputed that the proposed end use would make some contribution, albeit likely to be marginal given it relates to one unit, to the local economy.

The D2N2 Visitor Accommodation Strategy 2017 aims to provide a robust assessment of the future opportunities for visitor accommodation development across Derbyshire & Nottinghamshire and the requirements for public sector intervention to support and accelerate visitor accommodation. In addition to considering and analysing existing provision, the study looked at new provision of accommodation across the above area. As part of the assessment the strategy identified a number of potential areas for expansion with the research findings showing clear scope for significant expansion of glamping accommodation. The D2N2 Visitor Accommodation Study also shows significant interest in, and market potential for, the development of all forms of non-serviced accommodation (holiday cottages, holiday lodges and lodge parks, golf lodges, fishing lodges, eco lodges, holiday resorts, holiday parks, caravan and camping sites, camping pods, glamping, treehouses, hostels, bunkhouses and outdoor education centres) across the D2N2 area, particularly in Sherwood Forest.

On this basis I find that the proposal would comply with both the extant and the emerging SP7 and therefore represent appropriate development in the open countryside in the context of Policy DM8. It nevertheless remains that the proposal will need to be assessed against the remainder of the Development Plan including in respect of character; amenity and highways impacts.

#### *Impact on Character*

The District has undertaken a Landscape Character Assessment in order to assist interpretation of Core Policy 13. The application site is within the Sherwood Policy Zone 6: Sherwood Pines Wooded Estatelands. The landscape condition of this Policy Zone is very good with a low sensitivity. In terms of built features it is explicitly stated that the expansion of the recreational and leisure facilities should respect the landscape character of the setting within the woodland.

Despite permission being granted (which remains extant) for the conversion of the existing timber building to a unit of holiday accommodation, the current application seeks full planning permission to demolish this building and erect a new unit of accommodation along the south western boundary. Having assessed the visual character of the building, I have identified no objection to its demolition in principle.

The proposed unit is of relatively modest construction with the intention of utilizing timber and tiles as per the existing building. Whilst offering a more consolidated building (the existing building has a flat roof lean to addition), overall the proposed building would be visually comparable with the building which exists on the site. I therefore do not consider that the proposal would amount to any perceptible character impacts which would amount to harm worthy of refusing the application against Core Policy 9; Core Policy 13; or Policy DM5.

#### *Impact on Highways*

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The proposal relates to a single unit of tourist accommodation accessed via an existing private road from the B6030. The very nature of the development is to attract visitors into a rural landscape which can be enjoyed by sustainable modes of movement such as walking and cycling. However, it is fully appreciated that occupiers are likely to have to use private vehicles upon arrival and departure to the site. Even if there were to be a turnover of occupation every night, the level of vehicular movement would be comparable to a single residential dwelling (i.e. usual work commutes etc.) The access is narrow at points and the comments regarding visibility are noted, but the existing users (including the host dwelling and their attached neighbour) would be familiar with such arrangements such that I do not anticipate that a single tourism unit would materially change the established position. There is adequate space within the site for parking away from the access which would not cause obstruction. The application has been informally discussed with the Highways Authority and they have confirmed that they have no objections to the proposal. On this basis I have identified no harmful highways impacts which would warrant resistance of the proposal.

### *Impact on Amenity*

An assessment of amenity, as confirmed by Policy DM5, relates both to an assessment in relation to existing neighbouring residents but also to the proposed occupiers.

The very nature of the end use is that occupiers would be using the building for short term holiday use. I therefore do not consider that the level of amenity required would be as strict as that associated with a residential dwelling. Nevertheless, the building is well separated from the host dwelling and relatively secluded. It is situated south of the closest neighbouring property (no.1 Forestry Holdings) with the attached host dwelling intervening. There is a distance of around 15m between the boundary of no. 1 Forestry Holdings and the proposed application site and clearly there is built form (albeit proposed for demolition) established such that I do not anticipate additional overbearing impacts. The building is single storey and well screened within the site such that I do not consider that the proposal would introduce additional overlooking impacts.

I appreciate that there will an increased level of activity at the site such as vehicular movements or noise from the enjoyment of outside space but I do not consider that this would be perceivable against the amenity relationship already established by the adjacent adjoining neighbor. On this basis the proposal would comply with Policy DM5.

### *Impact on Ecology*

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 8 of the NPPF confirms that one of the overarching objectives of the planning system is its environmental objective which includes the need to improve biodiversity.

Whilst not referenced through the application submission, the site is within close proximity to the Site of Special Scientific Interest (SSSI), Birklands and Bilhaugh Special Area of Conservation (SAC) and the Sherwood Forest Natural Nature Reserve (NNR).

The site is also within the 5km buffer zone of the Potential Special Protection Area (pSPA) relating specifically to the presence of woodlark and nightjar. Within this area, a precautionary approach should be adopted by LPAs to ensure that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse impacts upon these birds within the Sherwood Forest Area.

The development relates to the development of a single tourism unit. Whilst there would inevitably be increased human activity arising from the development, I do not consider that this would be to a significant degree which would warrant concern to this application.

The building is currently used for storage however is clearly not in frequent use and given its nature presents a potential for ecological value for bats. On this basis the application has been accompanied by a Preliminary Roost Assessment dated June 2018. The building was identified as having negligible suitability to support roosting bats and also negligible potential for foraging and community bats. The report does however go on to make recommendations that work should be conducted outside of the bird breeding season.



## *Other Matters*

Comments received during the consultation period have raised concern in respect to issues on the water supply stating that the pressure is already poor. However, I do not consider that it would be reasonably justified to resist the current application on this basis. The additional unit is small scale in nature and issues with existing water supply issues would require resolution with the relevant provider outside of the current application process.

Comments were also made in terms of the deeds of the properties preventing the operation of businesses. This would be a private legal matter and therefore not a material planning consideration. In any case the agent has advised that this covenant is in the process of being removed by solicitors.

## *Conclusion*

The application site has been subject to a refusal for a holiday unit in the past, a decision which was supported by the Planning Inspectorate. However, more recently, planning permission has been granted for a tourist unit through the conversion of the building now sought for demolition. In the intervening time since this the refused decision, there have been other appeal decisions also within the Sherwood Forest area which in Officers submission must be afforded weight. The decision referred to at a site in Bilsthorpe accepted that even a single tourism unit can contribute towards the need for additional accommodation within the District. In a careful consideration of the current proposal against both the extant and emerging Core Policy in relation to tourism, Officers find the current proposal to be acceptable in meeting a need for tourism accommodation in the open countryside. No other detrimental impacts have been identified which would warrant resistance of the application and therefore the recommendation of Officers is one of approval subject to the conditions as outlined below.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**  
**Conditions**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- Amended Site Location Plan – FH-01
- Proposed Plan and Elevations – FH-03
- Proposed Site Plan – FH-04

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be used for holiday accommodation and for no other purpose including any other purpose within Class C3 'Dwelling Houses' of the Town and Country Planning (Use Classes) Order 1987. It shall not be used by any person as their sole or main residence.

Reason: To avoid the creation of a separate residential unit in a location which would not be considered sustainable for such and in acknowledgement of the intentions of the application.

04

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be implemented prior to the occupation and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

06

The owners/operators of the visitor accommodation hereby approved shall maintain an up-to-date register of the names of all owners/occupiers of the accommodation on the site. This register shall be made available within 1 calendar month of a written request by the Local Planning Authority.

Reason: The proposed unit/visitor accommodation would be situated in the open countryside, outside any defined settlement boundary where new residential development will be strictly controlled. The proposed unit/accommodation is only acceptable as a tourism development. To grant permission without such a condition would be contrary to policies Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

07

The unit hereby approved shall not be occupied as a person's sole or permanent place of residence.

Reason: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation in the interests of sustainable development in accordance with Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

08

The development hereby permitted for use as holiday use and shall not be occupied by the same person or persons, for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the unit is not occupied for residential purposes in a location where new residential development would not normally be permitted in accordance with Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

#### Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

#### Background Papers

##### Application Case File

For further information, please contact Laura Gardner of 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**

# Committee Plan - 18/01563/FUL

