

# Agenda Item 5b

**3/10/0651/FP – Construction of 14 no. two-storey wooden holiday lodges with access track, small office and change of use of part of field to 28 space car park at Palletts Wood, Hooks Cross Farm, Oaks Cross, Watton at Stone for Mr Dan Collins**

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**Date of Receipt:** 29.03.2010

**Type:** Full – Major

**Parish:** ASTON

**Ward:** DATCHWORTH & ASTON

## **RECOMMENDATION**

That planning permission be **REFUSED** for the following reasons:-

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. In this case, whilst the potential demand for the proposed development (including its business plan justification) and its particular operational characteristics have been considered, along with all other arguments advanced in its favour, it is not considered that there are any very such special circumstances to which such weight could be given that the normal presumption against development should not prevail. The proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and national planning advice in PPG2, Green Belts.
2. The proposed car park, by reason of its size and siting, would result in an intrusive form of development harmful to the open and rural character of the Green Belt, and detrimental to the visual amenity of the Green Belt. The proposal is therefore considered to be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPG2, Green Belts.
3. The proposed development is in close proximity to trees within/adjacent to the site of significant amenity value. Due to inadequate safeguarding distances for site working; encroachment of tree rootplates and shadowing by existing trees of the proposed development resulting in subsequent pressures for tree removal or tree thinning/lopping; the development would prejudice their long term health and retention. The loss and/or diminishment of these trees will be detrimental to the appearance of the site and surroundings and the proposal is therefore contrary to Policy ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007
4. The proposal fails to make adequate provision for the management of

waste water generated by the proposed development, and would pose a risk to groundwater sources in the surrounding area. The proposal would therefore be contrary to policy ENV20 of the East Herts Local Plan Second Review April 2007.

5. The location of the proposed development is such that it is remote from public transport facilities resulting in the majority of access to the site being by private vehicle use. The access arrangements proposed are such that the majority of those vehicles are likely to access the site via the A602 and Frogmore Hill. The site location and access arrangements will result in the introduction of unnecessary and conflicting traffic movements on the public highway exacerbating the use of the Frogmore Hill/ A602 junction which has poor visibility and layout, without any mitigating proposals. As a result, the proposals are contrary to policies TR1 and TR20 of the East Herts Local Plan Second Review April 2007.

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## **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It mainly comprises a small wood of approximately 2.5ha, as well as proposed access tracks linking the woods to a car parking area and Frogmore Hill to the east. Palletts Wood is not a designated wildlife site, although there are two designated areas which lie to the west and south of the site. Footpath 30 runs along the south west boundary of the application site. The site is part of the 170 acre Oaks Cross Farm estate, which is used for limited agricultural (hay cropping) and equestrian uses.
- 1.2 The proposal is for the erection of 14 wooden holiday lodges (10 detached, 4 semi-detached) within the canopy of the trees along the western edge of the wood. The lodges would be used for self-catering holiday accommodation. The aspiration is that the development would provide an environment for low impact holidays encouraging cycling, walking, supporting local businesses and allowing occupiers to explore the local area and the natural environment of the site.
- 1.3 The lodges fall within C Class of the Use Classes Order, and are comparable in planning terms to self-contained dwelling houses. The use proposed is for short term holiday lets for tourism and leisure but not for permanent residential use. If permission were to be granted, the use would be controlled by planning condition.

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- 1.4 Parking would be provided for 31 cars, 28 in a car park separated from the lodges at a distance of around 150 metres, and 3 disabled spaces within the canopy of the trees and close to the proposed cabins.
- 1.5 Each lodge would provide accommodation for a maximum of 8 people with external first-floor balconies and ground floor terraces. The lodges are all two storey buildings with pitched roofs and in footprint would measure approximately 11m by 8m.
- 1.6 One cabin would include site staff office accommodation on the upper floor and a communal larder (stocked by local businesses and accessed by those staying in the accommodation on an honesty basis) on the ground floor.
- 1.7 The application has been supported with a Planning Statement, Design and Access statement, a Site Development Assessment provided by East of England Tourism and a Habitat Survey.

### **2.0 Site History**

- 2.1 This specific site has no previous planning permissions. Hooks Cross Farm has previously been the subject of a number of planning applications. The following are considered to be of some relevance to the existing proposal:

3/88/1027/LB – Change of use of two barns to stables – Approved March 1989

3/88/1048/FP – Change of use of two barns to stables – Approved March 1999

- 2.2 The livery and riding use continues on the wider farm site, and would be available for guests at the site.

### **3.0 Consultation Responses**

- 3.1 County Development Unit have no objection in principle, but draw attention to the relevant policies of the Waste Local Plan
- 3.2 Herts Biological Records Centre note that although the site is not a designated wildlife site protected species are likely to be present. If the Council is minded to support the proposals a number of conditions are recommended including species surveys, woodland management etc to ensure the protection of any species from harm during development and occupation of the site

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- 3.3 The Environment Agency object to proposal on grounds of potential impact on groundwater resources
- 3.4 The National Farmers Union support the scheme as it would allow environmentally friendly diversification of farmland
- 3.5 East of England Tourism are supportive of the scheme
- 3.6 The Councils Landscape Officer has objected on grounds of absence of tree survey and other information that would allow a full assessment of the proposal.
- 3.7 County Highways question whether the proposal is well located in terms of access to means of transport other than private vehicles. Visitors and staff will be heavily dependant on private vehicles and that local public transport facilities are remote from the site and not particularly accessible.
- 3.8 Technical highways issues relate to the point at which access to the site is to be created and traffic which the use would generate. The Highways Officer sets out that two points of access to the A602 have been considered but discounted on safety grounds. As an alternative, described as 'probably the best of a bad lot' is that access would be via the minor roads through Aston or Watton at Stone. Improvements, in the form of passing places would be required which do not appear to feature in the planning submission.
- 3.9 In terms of traffic generation, it is considered that the proposals would not give rise to significant traffic flows and would be acceptable in highway safety terms if further expansion and the provision of other facilities and attractions at the site are avoided. A range of conditions are suggested.

#### **4.0 Aston Parish Council Representations**

- 4.1 Aston Parish Council prepared an extensive response to the proposal in which the following comments were raised:
- That the development was inappropriate in the Green Belt
  - That the application did not show that very special circumstances were present to justify the proposed development
  - That trees within the wood are worthy of protection
  - That the proposed use would disturb wildlife in the woods
  - That the level of development is overly intense for this site
  - That the development would have an adverse impact on the local highway network

- That the development could result in permanent residential accommodation

## **5.0 Other Representations**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 Letters of representation have been received from nine local households, as well as one from the Aston Village Society. The additional objections can be summarised as follows:

- That the use could result in additional activities on site i.e. quad biking, shooting etc.
- That no evidence of demand for tourist accommodation has been shown
- Disturbance to neighbouring residents

5.3 Councillor Poulton has written in support for the proposals pointing out the benefit in terms of farm diversification, support to local businesses and the environmentally friendly credentials of the proposals.

## **6.0 Policy**

6.1 The relevant 'saved' Local Plan policies in this application include the following:-

ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV10	Planting New Trees
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Local Sites
ENV17	Wildlife Habitats
GBC1	Appropriate Development in the Green Belt
GBC8	Rural Diversification
LRC5	Countryside Recreation
LRC9	Public Rights of Way
LRC10	Tourism
OSV1	Category 1 Villages
OSV8	Village Shops, Community and Leisure Facilities
SD3	Renewable Energy
SD4	Sustainable Development and Nature Conservation
TR2	Access to New Developments
TR7	Car Parking – Standards

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Guidance Note 2: Green Belts  
Planning Policy Statement 7: Sustainable Development in Rural Areas  
Good Practise Guide on Planning for Tourism

## **7.0 Considerations**

7.1 The site lies within the Metropolitan Green Belt. The proposed development of the site for tourist accommodation is not one of the accepted uses recognised by policy GBC1 or PPG2. It is recognised by all parties as inappropriate development within the Green Belt.

7.2 The main planning issues to consider in the determination of this application are as follows: Impact on local highway network; Impact on trees; Impact on local wildlife; Impact on landscape and the Green Belt; Potential future development of the site; Evidence of demand for accommodation; Disturbance to neighbouring residents; Drainage concerns, and finally having regard to all policies, issues and other considerations whether very special circumstances exist that would clearly outweigh the harm to the Green Belt.

### Applicant's justifications

7.3 The applicant has stated that the following represent very special circumstances to justify the siting of 14 cabins within the Green Belt. The applicants justification is set out below followed by Officers comments on the issues raised. I have then returned to a commentary on the basis of the issues set out in para 7.2 above.

- *Provision of self-catering tourist accommodation, considered to be in short supply in the District; High quality of accommodation*
- *Creation of a landmark tourist scheme*
- *Management of the woodland; Creation of nature trails and measures to increase wildlife on site*
- *Promotion of better access to woodland on and off the site; High standard of maintenance of paths across the site, including rights of way where appropriate, to improve access for visitors and the general public*
- *Possibility of use by athletes at the London Olympics*
- *Entering into partnerships with local shops to provide food and other supplies to visitors*
- *Use of environmentally friendly materials; Cabins designed to maximise natural resources; Potential use of renewable energy*

- *The cabins are designed to blend in with and respect the woodland; The development is designed to have a minimal impact on the openness of the Green Belt; Low key, unobtrusive activities*

Officer response

- 7.4 Members will know well that East Herts has an interesting and pleasant environment created by its historic market towns and the surrounding rural landscape. As a result, there are many sites in the District that have the potential to be put forward as suitable for tourist accommodation. Within the Green Belt, the Councils policies support the conversion of farm and other rural buildings and use of these as tourist accommodation is a suitable way to meet this need. New build tourist accommodation however is not generally considered appropriate as a matter of policy.
- 7.5 The proposed high standard of accommodation is noted, as is the use of environmentally friendly materials and the use of renewable energy sources. Officers also understand the applicants aspirations for the use of the site. This generally seeks that visitors pursue a 'lower impact lifestyle' during their stay at the site encouraging them to walk, cycle, visit local attractions and businesses and enjoy the natural environment. Whilst this is undoubtedly the case, the applicant also points to the range of attractions in the wider Hertfordshire area, as a supporting basis for the development of tourism in the County. There is an element of conflict here as accessing these sites is likely to be by private vehicle use. Despite the laudable aspirations, no significant management detail has been advanced by the applicants at this stage. Even if it were, the degree to which the Council could control that in the longer term would be a matter of some concern. In addition, the Council would generally expect new development to maximise its use of efficient and renewable resources in any event, as well as to be constructed to a high standard.
- 7.6 The promotion of better access to woodland on site and in the area, and the improvement of the paths and rights of way in and around the site is to be encouraged. However, landowners are required to maintain public rights of way to a usable standard. The applicant is not promoting any additional rights of way and it is understood there have been no discussion with the County Council as to whether this would be desirable. The maintenance of paths across the site will be of greater benefit to users of the facilities than the general public. I would not advise that any significant weight is given to this

- 7.7 The car park proposed is adjacent to public footpath 30. However well landscaped this might be, this development by its size and location must have an impact on the current enjoyment of the countryside around the footpath route the open rural character of the site and the visual amenity of the Green Belt.
- 7.8 Providing improved access to the woodlands, and improving the condition of the woodlands would be beneficial to the local area and the wildlife in the area and could possibly be controlled by planning condition. However, the applicants have not provided sufficient information to show the extent of this work, how the maintenance would be achieved, or how it would be maintained when the site would only be open to occupants of the cabins. It is acknowledged that subject to details this would be of some merit.
- 7.9 The use by Olympic athletes would be for a short period only and is something I would give little weight. It may have the potential to increase wider awareness of the local area and the facilities but officers consider it to be too limited to be of significant lasting benefit.
- 7.10 It is noted that the applicant intends to enter into partnerships with local business to supply food, bicycles and other items to visitors to the site. This would clearly be of benefit to the local area, but as indicated above, control for the Council over how the site is managed in the longer term would be minimal. Officers therefore do not consider that it would constitute particular justification for the proposed development.
- 7.11 The proposal would involve the construction of fourteen lodges within the tree line of the woods. The new buildings would be of timber construction, and would be designed to blend in with their surroundings. The woodland setting does aid the assimilation of the proposed built development into the landscape and reduces its impact. It remains that it would have an impact on the openness of the green belt. A location that is away from widescale public view does not, in itself, justify development.
- 7.12 The applicants consider that the proposal would represent a landmark tourist scheme that would be unique in the local area. Officers are not aware of any comparable schemes within the District and, as set out above, the environmental principles along which it is proposed to be run are laudable. Officer concerns remain that control over this in the longer term, once development is in place, would be limited.



Traffic impact

- 7.13 The proposal would introduce additional vehicle movements on the local highway network. In pre-application discussions the applicants have indicated that they would promote the use of the local road minor roads for visitors. However, the submitted application information is not immediately clear. The Design and Access Statement refers to the use of Frogmore Hill to access the A602 – at one of the points identified as raising safety concerns by the Highway Authority. The mitigating requirements, referred to by Highways are not acknowledged in the submission and the detailed access drawings are not immediately clear where access is to be created to the public highway and how links will be made between that and the actual parking location/ lodges. At this point concerns remain that highway safety issues have not been fully addressed.
- 7.14 The proposed parking provision would be for 31 spaces. This is in line with the Council's parking standards for four bedroom houses. These are shown to be remote from the actual built accommodation (except for the disabled provision). Again this is to encourage a stay on site where the private car is 'left behind' for the duration and cycling/ walking is encouraged. Given the distance to the accommodation, some 150m, if it is not provided there is likely to be pressure for dropping off/ picking up of luggage and, it seems to your Officers, further pressure for close by parking for young children/ security reasons and night time arrivals and departures. Very strict management control would have to be exercised to ensure that the site did not soon operate with parking ancillary to each building. Remote parking is likely to lead to pressure for vehicle security in terms of fencing and lighting increasing the impact of the proposals in the landscape.

Impact on trees

- 7.15 Policy ENV11 of the Local Plan requires that development provides for the maximum retention of mature trees.
- 7.16 The proposal includes the sighting of a several cabins within the canopy spread of the mature trees in the wood. The cabins would also lie within the root protection zones of the trees. It is proposed that a piled foundation method would be utilised in order to minimise ground and root disruption. Subsequent to the submission of the application, further detailed tree assessment information has been provided. Timescale of provision has not enabled this to be considered in detail and, at this stage, the concern remains that the actual development of the buildings would lead to harm to and potential loss of the trees. This would be harmful to the character of the area both through the loss of the trees, and because it would result in the increased prominence of the cabins.

Impact on local wildlife

- 7.17 Palletts Wood is a relatively small area of woodland, and is not considered to be of such a size that it forms an important part of the local ecological community. However, it is likely to be home to a number of protected species. Policy ENV16 of the Local Plan states that development will only be permitted where harm to protected species can be avoided.
- 7.18 Officers consider that it would be sufficient, if the proposals were to be supported, that conditions as suggested by the Hertfordshire Biological Records Centre be attached to ensure that protected species were not harmed by the proposed development.

Impact on landscape and the Green Belt

- 7.19 The proposal involves the siting of a number of timber lodges within the canopy of trees on the edge of a small woodland area. The woodland location assists in the screening of development from outside the immediate site. The visitors would have access to the woodland, as well as the open land to the south and west of the site.
- 7.20 There are no specific requirements for space standards for holiday accommodation, and it is not uncommon for holiday accommodation to be provided at a significantly greater density than proposed on this site. The proposal is aimed at inter generational family use, with each lodge providing accommodation for up to eight people. The location and density of development at the site has been selected by the applicant to maximise the amenity of residents at the site and the reduce the visual impact of the development.
- 7.21 Considering the relative isolation of the site (c. 200m from the nearest house), the wider landscape impact of the proposal is relatively contained. However, as set out above, the lack of widescale public views does not justify a development and there will clearly be a degree of impact on the openness of the green belt. This is exacerbated by the remote car park and Officers do have concerns in relation to any impact that security measures (both for the car parking area and the lodges) and lighting may have.

Potential future development of the site

- 7.22 A number of letters received in objection to this proposal have cited concerns regarding possible future uses for the site.

- 7.23 Any development that would involve a material change of use of the site, such as converting the cabins to private dwellinghouses, would require planning permission. If permission were to be granted for the development in its current form, the applicant has indicated a willingness to accept a condition requiring the removal of the buildings should they fall into disuse for an extended period of time. It is understood that the design of the building allows for them to be dismantled and re-erected elsewhere. However it should be noted that a planning condition could be challenged at a later date and your Officers consider that a condition of that nature may well be considered not in accordance with the normal tests.
- 7.24 The use of the lodges for general residential or other commercial use raises policy objections as well as significant problems of sustainability, wider impacts on setting and the woodland. For instance, the lodges will be completely overshadowed by the wood and, whilst acceptable on a short term basis, would generally not be acceptable for permanent residents. These issues indicate that there would be different consideration to be taken into account if other uses were proposed. In addition, Members will know that precedent, or concern over what may happen in the future if development is permitted, should not be given significant weight.
- 7.25 Additional uses of the site, such as the introduction of quad-biking or paintballing, would be likely to require planning permission or could be controlled by a planning condition.
- 7.26 The accommodation, if approved, could be used for a range of activities such as corporate retreats. Such uses fall within the same Use Class as tourist accommodation, and are considered to essentially be of such similar character that they do not require planning permission. The anticipated market for the accommodation is for family holidays.
- 7.27 The woodland location would be likely to result in a low general level of natural light to the buildings, particularly at the rear.

Demand for accommodation

- 7.28 The applicant has provided a Site Development Assessment from East of England tourism to support their proposal. It is clear from this assessment that there is a demand for self-catering accommodation in the general area.
- 7.29 In its favour, the site benefits from reasonable access into London, as well as the wider Hertfordshire area. Self-catering accommodation is commonly sited in rural areas. Other sites in the District such as Westmill caravan park continue to be successful in offering tourist accommodation. In principle, it does not appear that the site would be particularly unlikely to attract

custom.

- 7.30 Of course, demand in itself is not a strong argument to allow otherwise unacceptable development. In addition, given the market target for the proposals and the costs that a more remote development may entail, the question of viability has been pursued with the applicants. Information has been submitted, subsequent to the application, in the form of a Business Plan. This appears to cover only running costs, not the costs of development and construction, and relies on assertions that occupancy levels will increase over time. Whilst the report needs to be subject to further detailed consideration, at present it comprises only limited financial justification for the development either in principle or in scale.

#### Disturbance to neighbouring residents

- 7.31 The site is located in a relatively isolated location, with around 200m to the nearest dwelling. It would be the largest concentration of habitable buildings in the area, and it is likely that in this rural location any noise generated would be audible from some distance.
- 7.32 Residents have noted that sound can be heard at a considerable distance in the area, and part of the rural character is the low level of background noise.
- 7.33 The lodges would be sited within the tree canopy of the woodland, but would sit on the edge of the wood. It has been clarified that the lodges would have barbeques on the outer decks rather than in the woodlands. Residents would be likely to spend time outside the cabins, especially during the summer months. At this time, local residents could be reasonably expected to have windows open throughout the evening and into the night, and so would be more vulnerable to increased noise levels.
- 7.34 There is no provision in the application for exterior lighting, however such a proposal would be unlikely to receive favourable consideration. The lack of exterior lighting would discourage prolonged night-time activity by visitors as well as reducing the adverse impacts on wildlife habitat.
- 7.35 During daylight hours, there may be some additional noise audible to local residents. However, officers consider that this is unlikely to be of such a level that it would warrant a refusal of permission in accordance with policy ENV1 of the Local Plan.

#### Drainage concerns

- 7.36 The Environment Agency has objected to the proposal on the grounds that

drainage from the site would be likely to pollute groundwater resources in the area. Policy ENV20 of the Local Plan requires that developments be refused where contamination would be likely to occur.

7.37 The applicant has stated that the proposed drainage scheme was developed in consultation with the Environment Agency before the application was submitted. Discussions are ongoing to resolve this matter, however, unless or until the Environment Agency is prepared to remove its objection it is considered that the proposals should not be supported by the Council.

## **8.0 Conclusion**

8.1 The proposed development is located within the Metropolitan Green Belt Planning permission will only be granted for inappropriate development in the Green Belt where very special circumstances are shown to exist that clearly outweigh the harm to the rural character of the area.

8.2 The applicant has put forward a number of matters that they consider represent very special circumstances. Officers have considered these against the local plan policy background. While suitable tourism proposals may be supported and the particular aims and objectives of this proposal have been taken into account, it is not considered that there are very special circumstances to which sufficient weight could be given on this occasion to outweigh the policy objections.

8.3 In particular there is a lack of persuasive information about the business plan, the appropriateness of the scale of the development, the impact on the woodland and trees and the adverse impact of the proposed car park on the visual amenity of the Green Belt.

8.4 Officers are cautious about the lack of information relating to the business plan of the development given recent instances of tourist accommodation that have been unsuccessful and moved back into residential use.

8.5 The submitted construction and landscaping information are insufficient to show that the proposed development could be carried out without causing undue harm to the surrounding mature trees.

8.6 The proposed drainage scheme would result in a significant risk to groundwater resources in the local area.

8.7 For these reasons it is recommended that planning permission be refused for the proposed development.

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