

Report of the Chief Executive

**18/00328/FUL
CHANGE OF USE FROM AGRICULTURAL LAND TO RECREATIONAL
USE, INCLUDING THE SITING OF SIX GLAMPING PODS
MILL FARM, 62 MILL ROAD, STAPLEFORD, NOTTINGHAMSHIRE**

Councillor Longdon has requested this application be determined by Planning Committee and if approved, the development would constitute a material departure from policy.

1 Details of the application

1.1 The application seeks permission to change the use of a parcel of land from agriculture to recreational use including the siting of six glamping pods. Each pod will be 6m by 3.2m, have a maximum height of 3m and be raised 0.6m above ground level. A raised decking area will extend to the rear of each pod with associated ramps to the side. There will be six parking spaces and 14 cycle spaces. Each pod will be constructed with timber and will have a kitchen/dining area, a living/sleeping area and a bathroom. The proposed use of the pods is intended for tourism.

2 Site and surroundings

2.1 Mill Farm is located on the edge of an urban location, north of Meadow View. The site is within the Nottinghamshire Green Belt and Flood Zones 2 and 3. The land is used for general storage and farming equipment. The farm is mostly surrounded by a 2m high metal fence.

2.2 Residential properties are positioned directly to the south of the farm and beyond a field to the east. Agricultural land mainly surrounds the site and the River Erewash runs adjacent to the west of the site.

2.3 The site is served by two footpaths, one leading north towards Stanton Gate and the other leading west over the River Erewash towards Stanton by Dale.

2.4 The site is within walking distance to regular bus services which provide access to Stapleford, Beeston and Long Eaton and is approximately 1.5m miles from junction 25 of the M1.



Fig 1. Northern boundary of Mill Farm



Fig 2. Southern boundary to Mill Farm and entrance



Fig 3. Entrance to Mill Farm



Fig 4. Northern boundary of Mill Farm



Fig 5. Proposed western boundary



Fig 6. Proposed northern boundary

3. Relevant planning history

3.1 There is no relevant planning history in association with this site.

4. Policy context

4.1 National Policy

4.1.1 The National Planning Policy Framework (NPPF) March 2012, outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured and high quality design should be demonstrated. The document outlines that full account should be taken of flood risk, the natural environment should be conserved and enhanced and development should be located in sustainable locations.

4.1.2 Section 7 of the NPPF relates to achieving good design. Paragraph 60 outlines how it is appropriate to seek to promote or reinforce local distinctiveness. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

4.1.3 Section 9 of the NPPF relates to protecting Green Belt land. It states that the Green Belt serves five purposes which includes to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst the construction of new buildings should be regarded as inappropriate, there are certain exceptions including the provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However, changes of use are not listed as exceptions.

4.1.4 Paragraph 81 of the NPPF describes that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation.

4.1.5 Paragraph 145e of the draft revised National Planning Policy Framework (NPPF) states that the forms of development which are “not inappropriate” in the Green Belt will include “material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it”. The draft NPPF gives an example of “outdoor sport or recreation” and, subject to the details of the proposals, this could include camping/glamping.” This appears to be a ‘common sense’ improvement to the current NPPF and it seems very likely to be included in the final version, which is expected to be published in July this year. However, it should be noted that as this is a draft version, it can only be afforded limited weight.

4.2 Broxtowe Aligned Core Strategy

4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

4.2.2 Policy A 'Presumption in Favour of Sustainable Development' - reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 1 'Climate Change' - development will be supported that avoids areas of current and future flood risk, which, individually or cumulatively does not increase the risk of flooding elsewhere and, where possible, reduces flood risk.

4.2.4 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

4.3 Saved Policies of the Broxtowe Local Plan

4.3.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy E8 'Development in the Green Belt' - states that permission will not be granted for development except where it constitutes appropriate development. Appropriate development includes essential facilities for outdoor recreation.

4.3.3 Policy E29 'Contaminated Land' - explains that development of land which may be contaminated may not take place unless a site investigation to assess the degree and nature has taken place, details of remedial measures have been approved, there is no significant risk to health and safety to occupants of the land and there is no contamination to any surface water, groundwater or adjacent land.

4.3.4 Policy RC17 'Outdoor Recreation Pursuits' - states that planning permission will be granted for outdoor recreation facilities provided that there would be a satisfactory access and appropriate parking facilities, the development would not detract from the open character, environmental and landscape value of the area and there would be no unacceptable harm to local amenity.

4.3.5 Policy T11 Guidance for parking provision - new development will not be permitted unless appropriate provision is made for vehicle parking and servicing.

4.4 Part 2 Local Plan (Draft)

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council's Jobs and Economy Committee on 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

- 4.4.2 Draft Policy 1 'Flood Risk' - development will not be permitted in any areas at risk from flooding unless there are no suitable and reasonably available alternative locations in a lower-risk area outside the Green Belt.
- 4.4.3 Draft Policy 8 'Development in the Green Belt' - the health and well-being benefits of changes of use of open land to outdoor sport and outdoor recreation will constitute 'very special circumstances' which clearly outweigh the 'by definition' harm to the Green Belt, subject to assessment of their effect on the openness of the Green Belt, and on the purposes of including land in the Green Belt.
- 4.4.4 Draft Policy 17 'Place-Making, Design and Amenity' - states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area, integrates well into its surroundings, provides, or is close to community facilities, has sufficient, well-integrated parking and incorporates ecologically sensitive design, with a high standard of planting and features for biodiversity.
- 4.4.5 Draft Policy 19 'Pollution, Hazardous Substances and Ground Conditions' - development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.

5. Consultations

- 5.1 The Environmental Health Officer raises no objections to the proposal but suggests conditions relating to the accompanying contamination report and an advisory note to applicant regarding noise.
- 5.2 The Coal Authority advises if the application were to be granted permission, standing advice should be applied in the interests of public health and safety.
- 5.3 Nottinghamshire County Council Highways Authority advise they have no objection in principle to the development subject to a standard condition relating to surfacing of parking areas.
- 5.4 Nottinghamshire Wildlife Trust (NWT) have raised no objection subject to the site being both previously developed land and the development proposal not covering any of the Local Wildlife Site (LWS). Nottingham Biological Record Centre was consulted in regards to the site boundary with the LWS. They have stated that the LWS boundary will be redrawn to account for this.
- 5.5. The Environment Agency has raised no objections to the proposal, but has suggested that the development must be constructed in line with the measures recommended within the accompanying Flood Risk Assessment. They have advised conditions accordingly.
- 5.6 The Town Centre and Regeneration Officer supports the proposal stating it would have a positive impact on the locality and in particular the Town Centre of Stapleford. The development would also align with the main aims of both the Council's Economic Regeneration Strategy and the Strategic Enterprise Plan for the D2N2 Local Enterprise Partnership. However, it has been advised that a development of this small scale would not have a significant impact on local trade.

5.7 Four consultation responses have been received. Two state they have no objection and support the proposal. Two objections suggest this development would result in a loss of privacy, increase in traffic, cause noise and disturbance and impact on personal safety and children.

6. Appraisal

6.1 The main issues to consider as part of this application relate to whether the change of use for recreational purposes is an acceptable use in principle and constitutes appropriate development in the Green Belt, whether it would preserve the openness of the Green Belt and the potential very special circumstances relative to development in the Green Belt. Also relevant are amenity, design, parking and flood risk issues.

6.2 Principle and Green Belt

6.2.1 Section 9 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC). Whilst the construction of new buildings should be regarded as inappropriate, there are certain exceptions including the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy E8 also states that essential facilities for outdoor sport and outdoor recreation are appropriate uses in the Green Belt. However, the NPPF does not list changes of use as a type of development which may be considered as not inappropriate.

6.2.2 The proposed glamping pods are considered to be an appropriate facility for outdoor recreation use which could be seen as an exception and appropriate development in the Green Belt. However, the change of use of the land is considered to be inappropriate development (as it is not included as an appropriate form of development in the NPPF). Case law has established that even if an application contains elements that on their own would be appropriate development, for example the facilities for outdoor recreation, the Courts have held that that the whole of the development is still to be regarded as inappropriate. This means that the Green Belt test must be applied against the proposals as a whole and whether there are any very special circumstances that outweigh harm by inappropriateness and any other harm.

6.2.3 The draft revised National Planning Policy Framework (NPPF) states that the forms of development which are “not inappropriate” in the Green Belt will include “material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it”. Within this draft document, examples are given which include outdoor sport and recreation, of which this development would be a form. If this document is formally published and updated in its current form, this development could be considered a form of ‘appropriate’ development within the Green Belt. However, as this document is only in draft form, it can only be afforded limited weight.

6.2.4 Based on the current NPPF, the proposed change of use for recreational purposes would be regarded as inappropriate development in the Green Belt.

The potential harm to the Green Belt must be assessed alongside any other harm which may occur from the development. Following this assessment, it will then be considered if any Very Special Circumstances exist and if the harm is clearly outweighed by other considerations.

6.2.5 Openness is the essential characteristic of Green Belt and relates to an absence of development. The lawful use of this parcel of land where the glamping pods are proposed to be situated is currently agricultural. The site is surrounded by a 2m high wire fence but otherwise the site is open. The six proposed glamping pods would be approximately 3.6m in height (including the raised decking area), 6m in length and are grouped together around a central car park area. Whilst it could be argued the buildings may be appropriately designed (see later section), there would be some impact on the openness of the Green Belt through the construction of these buildings. To lessen the impact on the openness of the Green Belt, it would have been favourable to position these further south, closer to the existing agricultural building. However, to reposition these closer to the farm would mean a more unattractive outlook from the pods and as the structures are rather unobtrusive and not of any significant scale, they would not look out of keeping within a Green Belt setting and do not have a significant impact on the openness of it. The pods are also grouped relatively close together, further reducing their impact. Therefore, it is considered this development would not have a significant impact on the openness of the Green Belt, and it is also considered that the general character of open countryside would remain unaffected.

6.3 Very Special Circumstances

6.3.1 The change of use of the land is not considered a form of appropriate development as outlined within the NPPF meaning Very Special Circumstances (VSC) must be demonstrated. The applicant has suggested this development would generate extra income from tourism and associated uses that would be beneficial to the local area. Whilst this is likely, it has not been quantified with any facts or statistical information, and it is therefore difficult to conclude on how much extra income would be generated. Nevertheless, it is considered that the addition of six glamping pods would result in some benefit to the local economy, including Stapleford town centre due to tourists staying in the pods and spending their money in the area. Given the number of pods, it is not considered that this would be significant. Additionally, this is a form of farm diversification which should be encouraged in line with the NPPF. Albeit on a small scale, this also supports the Council's Economic Regeneration Strategy and the aims of the D2N2 Strategic Economic Plan. This is in line with promoting the aims of inward investment. This development would then have a positive impact on the locality, from a tourism perspective, but only some planning weight can be attached based on the lack of information submitted and the small scale of the development.

6.3.2 As part of the VSC case, the applicants state that this development would not significantly impact on openness and that a suitably tailored landscaping scheme to screen the development would reduce its impact. With regard to landscaping, it is considered that a suitable landscaping scheme would reduce the visual impact of this development within its wider Green Belt setting. However, this would only serve to lessen the impact of the development, it would not be considered VSC in support of it. This is a limited beneficial impact.

- 6.3.3 Within the VSC case argued by the applicant, reference is also made to changing the use of a 'Brownfield site'. Paragraph 89 of the NPPF states that development of brownfield sites, which would not have a greater impact on the openness of the Green Belt, should not be viewed as inappropriate development. However, the glossary of the NPPF defines 'Previously Developed Land' (PDL) and specifically excludes land that is or has been occupied by agricultural buildings. There would be some visual benefit to the local landscape in securing an appropriately designed development with landscaping, but in line with the NPPF definition, this does not amount to the redevelopment of a previously developed site.
- 6.3.4 The current emerging changes to the NPPF suggest that changes of use in the Green Belt for forms of appropriate development that maintain openness, should be approved, if all other factors are acceptable. This approach would clarify the current arguably contradictory view of the NPPF where 'appropriate' buildings can be appropriate development, but any associated change of use is considered inappropriate. Whilst only in draft, the potential changes in the NPPF can be used in conjunction with the VSC case.
- 6.3.5 When assessing all of the factors above, it can be argued that due to the developments positive impact on the local area, the visual improvement to the site, the limited impact on the openness of the Green Belt, and the current and emerging planning policy position, VSC do exist that would justify this form of inappropriate development within the Green Belt.

6.4 Amenity, Design and Parking

- 6.4.1 The pods would be positioned beyond the existing agricultural building and residential properties on Mill Road. Due to the positioning of the pods, the single storey height and the significant separation distance to nearby dwellings, it is considered that they would not have a detrimental impact on the amenity of the nearby neighbours. An objection has suggested that this development would have a detrimental impact on privacy. However, considering the distance from the neighbour's rear boundary/elevation is in excess of 70m, and the view of the development would be partially obscured by an existing farm building, the impact this development would have on privacy is considered to be minimal.
- 6.4.2 It is acknowledged that the development would increase the amount of traffic via Mill Road. However, as the development is considered to be of a modest scale and there are only six pods, it is considered highly unlikely the traffic generation would have a significant impact on parking or highway safety issues.
- 6.4.3 It is considered there will not be a risk to personal safety of residents or children as a result of this proposal.
- 6.4.4 There is a substantial amount of hardstanding proposed as a parking area but it is noted that there is already a hard, bound material where the proposed parking would be located. The hardstanding will be a porous material to allow for surface water drainage and is considered to be an improved situation to the current hardstanding.

6.4.5 Six parking spaces and 14 cycle spaces are proposed which is considered sufficient for the number of pods. The County Council highways officer raises no objection to this proposal.

6.5 Flooding

6.5.1 The applicant has engaged with the Environment Agency to ensure the development is in line with flooding guidance. The development has been designed with flood mitigation measures in mind which include locating the pods on stilts and having an eight metre wide exclusion zone around the development which is clearly denoted on the plans. The Environment Agency has not raised any objections to it. They have suggested conditions to ensure this development is appropriately mitigated against potential future flood risk.

6.5.2 As the site is located within Flood Zones 2 and 3 and is classed as a more vulnerable development type, a sequential test is necessary. The proposed pods are deliberately located within an attractive setting within close proximity to Erewash Valley Trail. It is considered that there are no other reasonable available alternative sites that could benefit from the Erewash Valley Trail that are outside Flood Zones 2 and 3, therefore sequentially, there are no other favourable sites and the development is considered acceptable in this location.

6.6 Nottinghamshire Wildlife Trust

6.6.1 Nottinghamshire Wildlife Trust (NWT) have raised no objection subject to the site being previously developed and the development proposal not covering any of the Local Wildlife Site (LWS). Notwithstanding the definition in the NPPF, there are significant areas of hardstanding and the LWS boundary will be redrawn to reflect this. Therefore, it is considered unnecessary to impose a condition to carry out an Ecological Appraisal report as initially advised by the NWT.

7. Conclusion

7.1 The change of use of the land from agricultural to recreational use and the associated construction of six pods would constitute inappropriate development within the Green Belt. This application should therefore only be approved in very special circumstances and very special circumstances will not exist unless any potential harm to the Green Belt or any other harm is clearly outweighed by other considerations. Harm would result from the inappropriate change of use and from some loss of openness from the proposed buildings.

7.2 It is considered that in this case very special circumstances exist. The NPPF advises local planning authorities to plan positively to enhance the beneficial use of the Green Belt. Recreational buildings are considered acceptable uses within the Green Belt and this development would enhance the local economy. Furthermore, it is considered that the impact on openness is not significant and there are no other factors that would warrant refusing this application. Very special circumstances can be demonstrated as the potential harm to the Green Belt, by reason of inappropriateness, is outweighed by the economic benefits, the visual improvements to the site and the lack of any other significant harm. The proposal therefore is in general accordance with Policies E8, E29 and RC17 of the Broxtowe Local Plan, with Policies 1 and 10 of the Broxtowe Aligned Core

Strategy, Policies 1, 8, 17 and 19 of the Draft Part 2 Local Plan and with Sections 7 and 9 of National Planning Policy Framework.

Recommendations

The Committee is asked to **RESOLVE** that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbers: 3384/01B received by the Local Planning Authority on 10 May 2018 and 3384/02 received by the Local Planning Authority on the 18 May 2018.
3. No building works, including site clearance, shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
 - (a) numbers, types, sizes and positions of proposed trees and shrubs;
 - (b) proposed hard surfacing treatment;
 - (c) planting, seeding/ turfing of other soft landscape areas;
 - (d) details of the site boundary treatments and any pod curtilage boundary treatments;
 - (e) details of any external lighting; and
 - (f) a timetable for implementation of the scheme.

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 10 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.

4. No building erected pursuant to this permission shall be occupied or brought into use until:
 - i) All necessary remedial measures identified within the Phase 1 Desktop Study and Contamination Assessment Report (ref IV.84.18) dated April 2018 have been completed in accordance with details approved in writing by the Local Planning Authority; and
 - (ii) It has been certified to the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.
5. The glamping pods hereby approved shall not be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number: 3384/01B. This area shall be maintained in the bound material for the life of

the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.

6. Notwithstanding the details on the submitted plans, the glamping pods hereby approved shall have a finished floor level set no lower than 38.78m above Ordnance Datum (AOD). This is in accordance with section 5.5.1 of the accompanying flood risk assessment.

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing and to ensure the development presents a more pleasant appearance in the locality, does not adversely impact on the Nottinghamshire Green Belt, and in accordance with the aims of Policy 10 Broxtowe Aligned Core Strategy (2014) and Policy 8 of the Draft Part 2 Local Plan.
4. In the interest of public health and safety.
5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
6. To reduce the risk of flooding to the proposed development and future occupants.

Notes to Applicant:

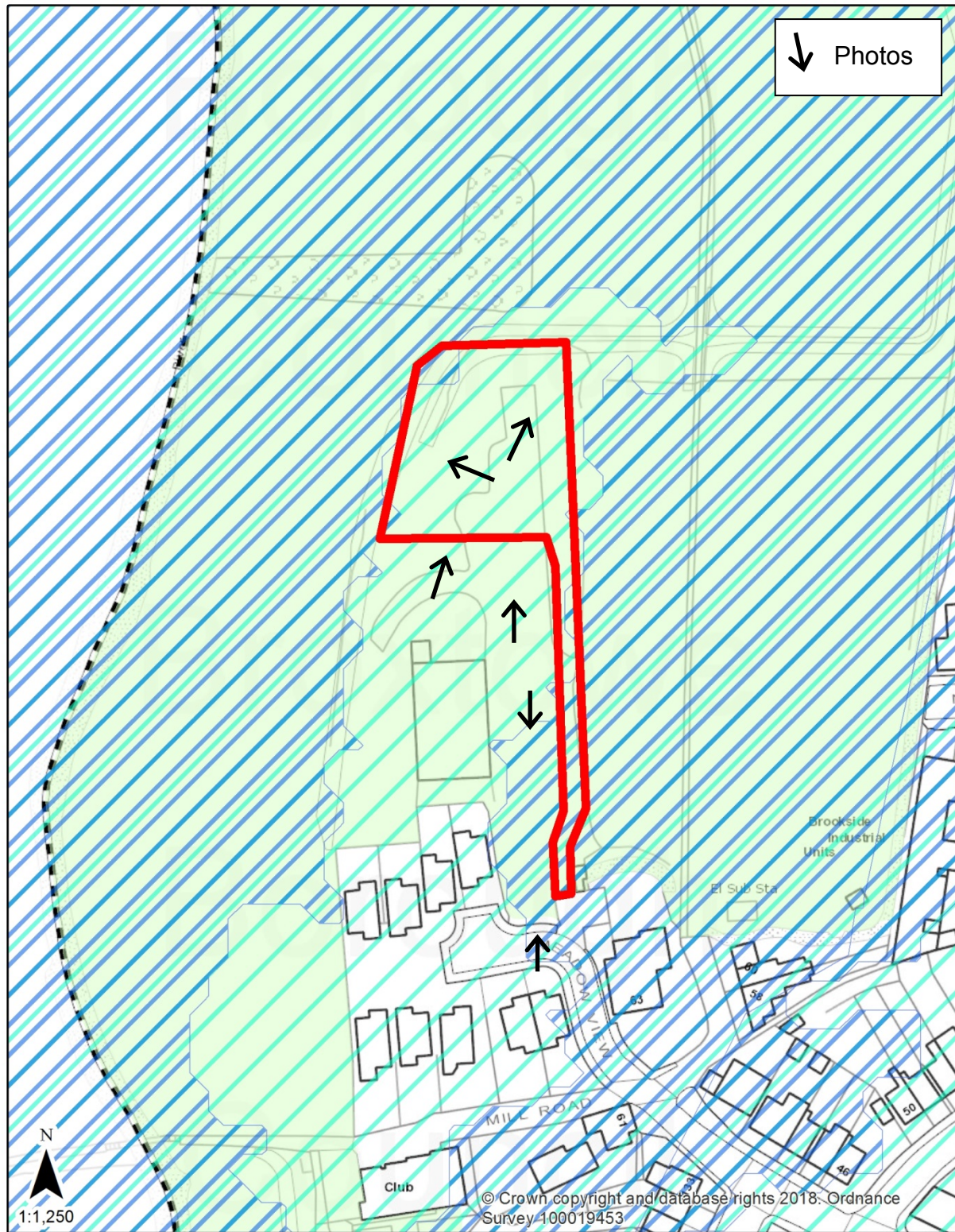
1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application within the agreed determination timescale.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>
3. The applicant should be aware that on advice received from the Nottinghamshire Wildlife Trust, any building materials and machinery are kept as far away from the Local Wildlife Site (LWS) boundary as possible at any time prior to or during works.
4. Noise from the premises should be controlled such that nearby dwellings are not adversely impacted. Failure to adequately control noise on site may

result in legal action being taken by the Council to address nuisance. Further information and advice can be obtained by contacting the Council's Environmental Health Team at health@broxtowe.gov.uk

5. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the toe of the flood defence or top of the bank of any watercourse designated a 'main river'. This includes storing any materials or machinery that will be used during the construction of the development. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Background papers

Application case file



Legend

-  Site
-  Flood Zone 3
-  Flood Zone 2
-  Green Belt