WRITTEN REPRESENTATION PLANNING APPEAL

against the refusal by High Peak Borough Council of full planning application HPK/2011/0312 for *'Proposed side conservatory on the existing Arnfield Fly Fishery clubhouse'* at Arnfield Reservoir Manchester Road, Tintwistle, Glossop, SK13 1HP

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1.0 INTRODUCTION

1.1 This appeal is submitted on behalf of Mr Steve Cuthbert following refusal by High Peak Borough Council of full planning application HPK/2011/0312 for *'Proposed side conservatory on the existing Arnfield Fly Fishery clubhouse'* at Arnfield Fly Fishery, Arnfield Reservoir, Manchester Road, Tintwistle, Glossop, SK13 1HP.

1.2 The application was refused under delegated powers on 5 October 2011 for the following reason:

'The conservatory by reason of its scale is inappropriate development in the green belt. The scale, design and materials of construction proposed would be detrimental to the character of the existing building and harmful to the visual amenities of the green belt and special landscape area. The development is contrary to Policies GD4, OC1, OC2, OC3 and OC4 of the High Peak Local Plan Policies 2008'.

1.3 The decision notice has been copied to the Inspector.

1.4 The following plans are subject of this appeal:

- Location Plan;
- Drawing 01 – Existing and Proposed Floor Plans and Elevations.

1.5 All plans were received by the local planning authority on 11 August 2011.

2.0 SITE LOCATION & DESCRIPTION

2.1 The appeal site is located to the north-west of Crossgate Lane, off Manchester Road, on the outskirts of Tintwistle village. The site is outside the settlement boundary, washed over by the Green Belt and within a Special Landscape Area.

2.2 The appeal site, occupying 16.187 hectares, comprises a commercial fly fishery operating from the south-east corner of the Arnfield Reservoir. The infrastructure associated with the fishery includes a modest single storey lodge/club house, with outside, decked seating area and jetty providing access and mooring to fishing boats. In addition, fishing platforms/stations are located around the edge of the reservoir. A parking area in close proximity to the lodge provides parking for approximately 40 cars, including 6 disabled spaces.

2.3 During the fishing season the fishery regular has 40 or more people fishing at any one time. Families also often accompany these individuals and competitions are also held where 25 or more people are often in one group alone. The fishery also provides fishing facilities for wheelchair users.

2.4 The extant club house is single-storey, constructed from natural stone with tiled dual-pitch roof and stained hardwood timber fenestration. The lodge currently provides refreshments, fish tackle accessories and toilet facilities.

3.0 RELEVANT PLANNING HISTORY

3.1 North Somerset Council record three recent previous planning applications at the appeal site as set out below:

Application Number	Proposal description	Decision	Decision Date
HPK/0003/8211	Fishing Lodge	Approved	1991
HPK/2011/0312 (Appeal Application)	Proposed side conservatory on the existing Arnfield Fly Fishery clubhouse	Refused	05/10/2011
HPK/2011/0650	Proposed side conservatory to club house	Approved	07/02/2012

3.2 The Inspector will note planning application HPK/2011/0650 for *'proposed side conservatory to club house'*. The application was granted in February 2012 for a similar development to that of the appeal application, albeit for a smaller scheme, with a footprint measuring 4m in length and 5m in width.

The Appeal Application - HPK/2011/0312

3.3 The appeal application proposed a side conservatory to provide an indoor seating area to cater for customers purchasing food and drink from the existing club house.

3.4 The proposed conservatory has been sensitively designed to match the character of the lodge and would be constructed using a dwarf stone wall with uPVC glazing over forming a dual pitched roof.

3.5 The conservatory would measure 6m in length, 5m in width, 2.1m to the eaves and 4.65m to the ridge. The conservatory is the same height and width as the scheme approved under application HPK/2011/0650, but 2m longer.

3.6 County Highways raised no objection to the proposed parking spaces and no letters of objection were received from neighbours. The officer's delegated report does not refer to any comments provided by the parish council.

3.7 The larger scheme is required to accommodate existing and future customers, particularly during inclement weather as it would provide shelter and warmth to customers eating refreshments. The additional space that would be provided by the approved scheme would be beneficial to the fishery's facilities, but the extra 10m^2 provided under the appeal application would afford greater flexibility, more room to seat customers and sufficient room to grant accessibility to wheel chair users; currently the additional space approved is too small allow this.

3.8 The appeal application was refused under delegated powers on 5 October 2011 for the following reason:

'The conservatory by reason of its scale is inappropriate development in the green belt. The scale, design and materials of construction proposed would be detrimental to the character of the existing building and harmful to the visual amenities of the green belt and special landscape area. The

development is contrary to Policies GD4, OC1, OC2, OC3 and OC4 of the High Peak Local Plan Policies 2008'.

4.0 PLANNING POLICY

4.1 Section 38 (6) of the Planning & Compensation Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 The most relevant policy document in this instance is:

- Adopted High Peak Local Plan (Saved Policies) 2008

Adopted High Peak Local Plan (Saved Policies) 2008

4.3 Policy GD4 – Character, Form and Design

Planning Permission will be granted for development, provided that:

Its scale, siting, layout, density, form, height, proportions, design, colour and materials of construction, elevations and fenestration and any associated engineering, landscaping or other works will be sympathetic to the character of the area, and there will not be undue detrimental effect on the visual qualities of the locality or the wider landscape.

Policy OC1 – Countryside Development

The Countryside will cover all land beyond the Built-Up Area Boundaries defined on the proposals map, including the Green Belt and Special Landscape Area.

Within the Countryside, Planning Permission will be granted for development which is an integral part of the rural economy and which can only be carried out in the Countryside provided that

individually or cumulatively:

- *The development will not detract from an area where the open character of the countryside is particularly vulnerable because of its prominence or the existence of a narrow gap between settlements; and*
- *The development will not generate significant numbers of people or traffic to the detriment of residential amenity, highway safety, landscape or air quality or otherwise have an unacceptable urbanising influence; and*
- *The development will not have a significant adverse impact on the character and distinctiveness of the countryside.*

Policies relating to specific categories of development acceptable in the Countryside can be found under individual headings elsewhere in the plan.

Policy OC2 – Green Belt Development

In the area of Green Belt defined on the proposals map approval will not be given, except in very special circumstances, for the construction of new buildings for purposes other than:

- *Agricultural and forestry;*
- *Essential facilities for outdoor sport and recreation and cemeteries;*
- *Limited extension, alteration or replacement of existing dwellings;*
- *Limited infilling or redevelopment at existing major developed sites;*

Other development, including material changes in the use of land and buildings, will only be permitted where it maintains the openness of the Green Belt and does not compromise Green Belt purposes.
Development within or conspicuous from Green Belts should not injure the visual amenities of the Green Belt.

Policy OC3 – Special Landscape Area Development

Within the Special Landscape Area defined on the proposals map, development in accordance with policies OC1 and OC2 will be permitted, provided that it will not detract from the special qualities

and character of the Special Landscape Area.

Where development is permitted in the Special Landscape Area the developer will be required to have special regard to the landscape quality of the area in relation to siting, design and landscaping.

Policy OC4 – Landscape Character And Design

Planning Permission will be granted for development considered appropriate in the Countryside provided that its design as appropriate to the character of the landscape.

Appropriate design of development shall accord with the characteristics of the type of landscape within which it is located including having regard to and conserving:

- The landform and natural patterns of drainage;
- The pattern and composition of trees and woodland;
- The type and distribution of wildlife habitats;
- The pattern and composition of field boundaries;
- The pattern and distribution of settlements and roads;
- The presence and pattern of historic landscape features;
- The scale, layout, design and detailing of vernacular buildings and other traditional man made features.

Existing features which are important to the local landscape character, shall be retained, incorporated into the development and protected during construction work.

Where appropriate the Local Planning Authority will impose planning conditions and /or seek to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990.

National Planning Guidance

4.5 As of the 27 March 2012 Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS) have been phased out to be replaced by the National Planning Policy Framework (NPPF).

National Planning Policy Framework (NPPF)

Chapter 3 – Supporting a Prosperous Rural Economy

Chapter 3 provides guidance promoting a strong rural economy. Paragraph 28 states, in part, *'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighborhood plans should:*

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- *Support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.*
- *Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship.*

Chapter 9 – Protecting Green Belt Land

Chapter 9 provides guidelines for development in the Green Belt. Paragraph 89 states *'local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *Provision of appropriate facilities for outdoor sport a, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*

5.0 THE CASE FOR THE APPELLANT

5.1 High Peak Borough Council has issued a decision with one reason for refusal with the main issue being, in their opinion, the scale of development would make it inappropriate development in the Green Belt. In addition the development's design and construction is also considered to be harmful to the existing club house and visual amenities of the Green Belt and Special Landscape Area. These issues can be broken down by considering the proposal's effect on visual amenity and its appropriateness within the Green Belt; however in essence, the main overarching consideration is whether the additional 10m^2 floor area proposed over the approved scheme under application HPK/2011/0650 is significant enough to harm the openness of the Green Belt and warrant refusal.

Effect on Visual Amenity

5.2 The LPA argue that the proposed scale, design and materials of the proposed conservatory would be harmful to the visual amenities of the Green Belt, the Special Landscape Area and the host building.

Scale

5.3 The footprint of the proposed conservatory is under half that of the host building's; 30m^2 compared with 62.4m^2. The proposed conservatory is also significantly lower to the ridge and eaves than that of the host building. The overall effect is the proposal appears subservient and in scale with the extant club house.

Design

5.4 The conservatory would sport a dual pitched roof design, with dwarf stone walls with glazing above and glazed pitched roof. The glazed design has a two-fold benefit; it reduces the conservatory's bulk and provides visual interest and character that would contribute to the overall design of the host building. The design ethos mirrors that of the extension approved under application HPK/2011/0650.

Materials

5.5 The conservatory would be mostly glazed with uPVC frames, supported at ground level by a dwarf stone wall. The Inspector should note that the proposed materials for the scheme under application HPK/2011/0650 proposed to replace the uPVC frames with rosewood coloured

hardwood. The appellant is happy for a condition requiring the use of hardwood timber frames to be attached to this appeal decision should the Inspector find this appropriate.

5.6 Other consideration when assessing the impact of the conservatory on the visual amenity of its surroundings is its siting and orientation in respect of the host building. The conservatory would be built off the north-west elevation. In this position, the conservatory would be mostly obscured from the public domain; particularly any views from the adjacent village, and subsequently this would limit its harm to the surrounding visual amenity.

5.7 In summary it is considered that the scale, design and construction materials of the proposed design would be in keeping with the host building and in keeping with the visual amenities of the Green Belt and Special Landscape Area.

Inappropriate Development in the Green Belt

5.8 As discussed above, the scale of the proposed conservatory is considered to be in scale with the host building and therefore in scale with its surroundings.

5.9 Very special circumstances justify the extension at the size proposed. The extension would provide a flexible sheltered seating area and sufficient room to allow safe wheelchair access around the tables; the approved extension, whilst beneficial to the business, is simply not adequate in size for this purpose and would seat fewer customers during inclement weather.

5.10 The fishery is a well-used rural enterprise. It is an import local leisure and tourist facility, and provides local jobs (3 members of staff are currently employed). The proposal would help the business sustain and expand its current vitality. This accords with Chapter 3 of the National Planning Policy Framework (NPPF) which states, *'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'.* The appellant subsequently considers that very special circumstances exist to justify the proposal under the relevant Green Belt policies.

5.11 Another material consideration in assessing whether the proposal constitutes inappropriate development is whether the development adversely impacts its openness of the Green Belt. The

appellant considers the additional 10m^2 proposed over that approved diminutive enough not to harm the openness of the Green Belt, especially when this is weighed against the benefits to the viability of the fishery the proposed extra space would provide. On balance, the appellant does not believe the proposal will have an adverse effect on the openness of the Green Belt.

6.0 CONCLUSION

6.1 The appeal site is a fishery which provides an important local outdoor tourist and leisure facility. It is proposed to extend the existing club house to provide a sheltered indoor seating area, which will accommodate wheelchair users.

6.2 A planning application for a reduced scheme was granted planning permission and the appellant seeks to reinstate 10m^2 lost from the original scheme, now the subject of this appeal. The appellant considers that given the very special circumstances and the diminutive scale of the proposed increase in the extension's size compared with that of the approved, the proposal would not constitute inappropriate development in the Green Belt, contrary to the LPA's claims. The design, construction materials (especially if altered under condition to that of the approved) and scale means the proposal would not harm character of the existing building or the visual amenities of the Green Belt or Special Landscape Area.

6.3 It is therefore respectfully requested that the Inspector allows this appeal on the grounds the proposal is compliant with development plan policies and nation guidance, and no material considerations indicate otherwise.