

DELEGATED DECISION REPORT

HPK/2022/0543
Valid 02/12/2022

LIME TREE PARK DUKES
DRIVE
BUXTON

ERECTION OF TOILET BLOCK
FACILITIES TO SERVE
EXISTING CAMPING AREA

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design and Landscape Character
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to a rectangular parcel of land that spans a length of approximately 100 metres and a width of 65 metres (0.65ha) of maintained grassland that is sandwiched between the main area of Lime Tree Caravan Site located to the west and a secondary extended area of the site located to the east, approved under HPK/2018/0501 in January 2019.

The site benefits from access from an existing single track that links the main part of the site with the extended area, which runs parallel with the northern boundary, and is bounded by a simple timber fence.

The site lies outside of the built-up area boundary in the open countryside.

An application for a new Toilet Block was assessed and positively determined under HPK/2021/0497 on 8th November 2021. This permission remains extant and could be implemented at any time.

Since this application was submitted, the site has been subject to an application for a Certificate of Lawful Development for the Existing Use of the land, set out on the First Schedule as "*Campsite (Extension to existing caravan and camping site)*". This application (HPK/2023/0458) was positively determined on 5th January 2024.

As such, the applicant has agreed to an amended description of development to reflect the fact that there is no longer a requirement to seek planning permission for a change of use, and simply seeks permission for new Toilet Block.

PROPOSAL

The application as submitted sought full planning permission for the change of use of the site to facilitate additional camping pitches for tents and the erection of a new toilet block.

Communications received from the agent alluded to the fact that the proposed change of use that required planning permission had already occurred thus amounting to a part retrospective application.

More recently, the applicant has, through the submission of an application for a Certificate of Lawful Development, contended that the site has an existing established lawful use as a Campsite, in connection with the existing Caravan Site. This application was assessed and determined positively under HPK/2023/0458.

As such, the application in its revised form now seeks full planning permission for a Toilet Block to serve the existing Campsite.

Taking account of the specific changes to the application, and that the amended description simply omits one aspect of development originally proposed, it is considered that re-consultation with statutory bodies is not necessary in this case.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S7 Buxton Sub-area Strategy
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ6 Design and Place Making
- E6 Promoting Peak District Tourism and Culture
- CF6 Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/0003/4914 Increase Touring Site from 30 to 64; Erection of one new toilet block and implement store. Extend season to 11 months (Refused 07/11/1995)

Appeal Allowed – T/APP/H1033/A/96/266519/P2 (15/08/1996)

HPK/0003/5866	Extensions to Existing Toilet Block (Approved 17/12/1996)
HPK/0003/6049	Conversion of Part of Existing Wardens Dwelling into Holiday Flat (Approved 06/06/1997)
HPK/2021/0497	Erection of Toilet Block Facilities (Approved 08/11/2021)
HPK/2023/0458	Certificate of Lawful Development for Existing Use to established that land is lawfully in use as a Campsite (Extension to Existing Caravan and Camping Site) (Approved 05/01/2024)

CONSULTATIONS

Publicity

Site Notice expiry date: 12th January 2023
Neighbour consultation period ends: 30th December 2022
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Peak and Northern Footpath Society

Thank you for the opportunity to comment upon this application. We note that although a Right of Way runs close to the proposed development, it should not be affected as the applicant says on the application form. However, we would ask that a condition is attached to any permission granted to the effect that all Rights of Way should remain open and safe to use before and after any works.

Environmental Health

No objections subject to conditions

Natural England

Further information required to determine impacts on designated sites. A nutrient budget must be calculated for the development and appropriate mitigation put in place to achieve Nutrient Neutrality.

Derbyshire County Council Highways

Initial Response

The proposals seeks the change of use of an agricultural field to extent an existing camping and caravan site (Lime Tree Park) and the erection of a previously approved toilet block in a revised location, there are no objections to the proposed toilet block.

It is noted on the Planning Statement that the agricultural field the subject of the application is already being used for camping purposes associated with Lime Tree Park, however, it is unclear how many tents/caravans can be sited on the field. Therefore it is recommended that the application provided further information confirming the number of tents/caravans which can be accommodated on the field.

Accordingly, before making my formal recommendations I would be obliged if you could ask the applicant to submit details plans in view of the above comments and in the meantime, please hold in the application in abeyance until revised details have been submitted.

Revised Response:

Thanks for the additional information.

On the basis that the field has been used for camping with up to 20 pitches over the past 20 years, the Highway Authority is satisfied that the proposed change of use would not result in any negative impact from a highways point of view.

Therefore, the Highway Authority has no objections to the proposal, please include the following note in any consent for the applicants information.

- a. Public Rights of Way, Footpath No1 King Sterndale and Footpath No27 Buxton, as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – ETE.PROW@derbyshire.gov.uk. If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

OFFICER COMMENTS

Principle of Development

The application seeks retrospective planning permission for the change of use of the land to facilitate additional camping pitches for tents, together with full planning permission for a new toilet block building, associated with a well-established Caravan and Camping business.

The application supports the aims and objections of Local Plan (LP) Policy E6 which amongst things supports the enhancement of existing tourism accommodation

provision, and relevant paragraphs under Chapter 6 of the NPPF, which requires significant weight to be attributed to the expansion and growth of rural businesses. The site lies within the open countryside and as such the application is subject to LP Policy EQ3 which refers to proposals in the rural areas outside of the built-up area boundaries which seek to restrict development to those that preserve or enhance the landscape's intrinsic character and distinctiveness. The site is not constrained by any sensitive statutory designation.

Given the nature of the proposed development, and the planning policy context set out above, the principle of development is supported subject to all relevant planning policy considerations.

Design and Landscape Character

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document. Proposals will be resisted which harm or be detrimental to the character and appearance of the local and wider landscape.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

The Landscape Character Assessment SPD (2007) and more recently adopted Design Guide SPD (2018) contains further useful guidance for designing new proposed buildings in an appropriate manner in the open countryside having regard to the existing context and characteristics.

Paragraph 135 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

This application follows a previous application granted under HPK/2021/0497 for a Toilet Block in November 2021.

The proposed Toilet Block subject to this application shows a minor relocation of the block to within the field which has recently been subject to a positive Certificate confirming that this land has a lawful use as a Campsite. The layout form and dimensions of the Toilet Block are broadly consistent with that approved under HPK/21/049. Minor changes are apparent to the appearance, with a minor canopy added to the northern and eastern elevations. Solar PV Panels adorn the roof.

The proposed Toilet Block is considered to be of an appropriate modest scale and height that would not be out of keeping with existing development and is considered to be appropriate for its proposed function. The use of stone and other complimentary materials are considered to respect the immediate rural character. A condition is recommended to secure the specific details of external facing materials.

Subject to this condition, it is considered that the proposed development accords with design principles set out under LP Policies S1, EQ2, EQ3 and EQ6, the Landscape Character Assessment SPD, Design Guide SPD and relevant paragraphs under Chapter 12 of the NPPF.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The proposed building is a modest structure that would serve as ancillary toilet facilities to residents/visitors of the Caravan Park and Campsite, thereby enhancing the amenity of users of the Park and would not be used in a manner that would give rise to any noise or disturbance that could potentially harm the amenity of other residents. There are no neighbouring residential properties that sit outside of the Caravan Park within a substantial distance (in excess of 500m).

Having regard to the above, it is considered that the proposed Toilet Block would not give rise to any adverse harm to the amenity of users of the Caravan Park or any neighbouring properties outside of the Park in accordance with LP Policy EQ6 and paragraph 135 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be

satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 114 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Since the Highways Authority made their initial and updated comments in connection with this application which sought clarification on the maximum capacity of the Campsite, the site has been subject to a positive Certificate which certifies that the site has a lawful use as a Campsite.

On this basis, there would be no material changes to the access to the Caravan Park and Campsite, and there will also be no increase in vehicle movements. In any event the Highways Authority are satisfied that there would not be any adverse impacts.

The application is thus considered to be acceptable with regards to Highway Safety in accordance with LP Policy CF6 and paragraph 114 of the NPPF.

Other Matters

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site.

Whilst Natural England have stated that further information is required in order to demonstrate Nutrient Neutrality (owing to the fact that the proposal seeks retrospective permission for use of the Campsite and thus increases overnight stays), it is the case that since Natural England made such comments, a Certificate of Lawful Development has been granted which certifies that the area of land in question has a lawful use as a campsite, which serves an extension to the original Caravan Park.

This Certificate is a material consideration that is pertinent to this application. As such, when taking into account the lawful use of the land as a Campsite, the proposal will not result in any increase in overnight stays.

However, the proposal does involve additional roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof it will not significantly increase run-off from the site.

Given that the revised application and amended description simply omits reference to the retrospective change of use of the land and introduction of a new Campsite area, in addition to the fact that there is an extant permission for a Toilet Block within very close proximity to that proposed, it is judged on this occasion it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application originally sought permission for retrospective change of use of an area of land to facilitate a Campsite. However, in light of a recent application granting a positive Certificate of Lawful Development which certifies that the land has an established lawful use as a Campsite (HPK/2023/0458), the applicant has agreed to an amended description which reflects the status of this land, and now simply seeks full planning permission of an ancillary Toilet Block.

This application follows a previous application for a new Toilet Block which was approved under HPK/2021/0497, of a similar size and scale, within close proximity to this application site. This application is live and can be implemented at any time.

The Toilet Block would amount to the enhancement of an established Tourist Accommodation facility and improve the quality of the facilities on site, thus supporting the aims and objectives of LP Policy E6 and relevant paragraphs under Chapter 6 of the NPPF.

An assessment of the application in its final revised form has judged that the proposed Toilet Block, with regards to its siting, scale, height, massing and visual appearance is of a high quality design that respects the immediate and wider rural landscape character, and would not result in any adverse impacts with regards to Amenity or Highway Safety.

Whilst it is acknowledged that Natural England did originally request further information, in order to demonstrate that impacts to the Peak District Dales SAC caused by an increase in overnight stays - by way of the introduction of campsite extension - can be neutralised, it is now the case that the lawful use of this site is a Campsite (as confirmed by HPK/2023/0458). As such, having regards to an amended description of development, the application now simply seeks permission for an ancillary Toilet Block. It has been judged through a Screening Assessment that the proposed development does not trigger an Appropriate Assessment with regards to the Habitat Regulations (2017).

As such, the proposed development in its revised form is considered to support and comply with all relevant Local Development Plan policies, Supplementary Planning Guidance and relevant paragraphs within the NPPF, and thus constitutes a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 30th January 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council