

Gillingham



Application Type: Full Application

Application No: 2/2018/1197/FUL

Applicant: Mr Lester James

Case Officer: Ms Cass Worman

Recommendation Summary: Approve

Location: Savage Cat Farm, Underground House , Bay Road, Gillingham, SP8 5QR

Proposal: Change of use of agricultural land to station 2 No. shepherd huts for holiday accommodation (retrospective).

Reason for Committee Decision:

Gillingham Town Council objected to the application "as the site is outside of the settlement boundary in open countryside".

Head of Planning requested that the matter be determined by Committee so that a clear understanding of the proposal against adopted tourism policies can be considered.

Planning Policies:

Local Plan:

Policy 1 - Sustainable Devt.
Policy 2 - C Spatial Strategy
Policy 4 - The Natural Env.
Policy 11 - The Economy
Policy 13 - Grey Infra.
Policy 20 - The Countryside
Policy 23 - Parking
Policy 24 - Design
Policy 25 - Amenity
Policy 31 - Tourist Ac. C'side

National Planning Policy Framework:

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

Planning policy and guidance:

NPPF July 2018:

4. Decision-making

6. Building a strong, competitive economy

- para 83. Supporting a prosperous rural economy

12 .Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change

Description of Site:

The site is part of Savage Cat Farm, an agricultural holding 2km northeast of Gillingham. The site is accessed from the highway to the north using existing farm track. The shepherds huts are located on the banks of the fishing lake, which is located to the west of the River Lodden. The huts lies close to the dwelling 'Underground House' to the east of the lake.

Constraints:

Agricultural Land Grade - Grade: GRADE 4

Flood Zone 2 - Floodzone Type: Flood Zone 2

Flood Zone 3 - Floodzone Type: Flood Zone 3

Parish Name - : Gillingham CP

Parish Name - : Motcombe CP

Ward Name - Ward Name: Motcombe & Bourton Ward

Consultations:

Motcombe PC

Consulted on the 29 November 2018 There was no response from this consultee at the time of report preparation.

Motcombe And Bourton Ward

Consulted on the 29 November 2018 There was no response from this consultee at the time of report preparation.

Transport Development Management - DCC

Consulted on the 29 November 2018, their comments dated 7 December 2018 are as follows: No objection

Principal Technical Officer NDDC

Consulted on the 29 November 2018, their comments dated 19 December 2018 are as follows: The majority of the site is within Flood Zones 2 and 3 of the River Lodden as shown in the attached Flood Zone map. The River Lodden along this stretch is 'Main River' for which the Environment Agency has supervisory powers. A Flood Risk Assessment is required.

To prevent flooding and minimise the risk of pollution, I suggest that no development shall take place until precise details of foul and surface water disposal shall be submitted to and approved in writing by the Planning Authority, as contained in the following conditions: DR001

Gillingham TC

Consulted on the 29 November 2018, their comments dated 20 December 2018 are as follows: Gillingham Town Council objects to the application as the site is outside of the settlement boundary in open countryside.

Representations:

There were no letters of representation.

Relevant Planning History:

Application: 2/2000/0305
Proposal: Erect managers house and ancillary accommodation
Decision: Approve
Decision Date: 14.06.2005

Planning Appraisal:

PLANNING ISSUES

- Principle of development
- Design
- Amenity
- Access and parking
- Flood risk

ASSESSMENT AND SUMMARY

Principle of development

This application is for change of use of a small parcel of agricultural land adjacent to a carp lake to site two shepherds huts for holiday accommodation. This application is made retrospectively, the Shepherds Huts currently being in situ.

Although the emphasis of Local Planning Policy in the countryside is on restraint, the Council will permit some forms of development to support the rural economy. As identified in the overarching countryside policy (Policy 20), the Council encourages rural tourist accommodation in sustainable locations.

The Town Council have objected to the scheme for being outside the settlement boundary and an unacceptable change of use of agricultural land. The site is very small and within a discreet parcel of land adjacent to the fishing lake. Just 2 shepherds huts are placed on the site. The shepherds huts are moveable structures which would not result in permanent loss of the agricultural land, sheep are grazed around the shepherds huts.

The Local Planning Authority recognises that tourist accommodation in rural areas has traditionally taken the form of static caravans, touring caravans or tent camping sites, as well as more unusual forms of 'tented' accommodation, such as yurts, tee pees and wigwams. In this respect, the proposed huts are effectively moveable caravans that are of a traditional, rural 'shepherd hut' aesthetic and design.

Policy 31 of the North Dorset Local Plan Part 1 "Tourist Accommodation in the Countryside" stipulates that:

"Proposals for, and extensions of, sites for static caravans, touring caravans and tent camping will be permitted provided that:

a) the proposal is in a sustainable location where local services that tourists are likely to want to use can be accessed by means other than the car; or

b) the proposal is small in scale and is proven to be needed and viable as part of a farm diversification scheme; and

c) the proposal is compatible in character, design and scale with the area in which it is proposed, particularly in areas of high landscape sensitivity, and any adverse impacts can be satisfactorily mitigated."

The application does not meet criteria a) being around 2 kilometres from Gillingham, within a relatively isolated location within a farm complex. Whilst it could be anticipated that some holiday makers would walk or cycle, most are likely to rely on the private car.

The application does however meet criteria b), the proposal is very modest being just 2 shepherds huts on the application site.

The application also meets criteria c), in that the huts are compatible in character, design and scale with the area in which they are sited; this is discussed further below.

The applicant has submitted supporting information which demonstrates that the two shepherds huts offer a form of alternative and quirky holiday accommodation, which are well reviewed by holiday makers. They are occupied around 7/8 months per year. The applicant promotes local tourist attractions and businesses to holiday makers.

Therefore the scheme is acceptable when assessed against Local Plan Policy 31 - Tourist Accommodation in the Countryside as it represents a modest and acceptable form of farm diversification.

The proposal is also considered to accord with NPPF paragraph 83:

Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside;

in that it represents growth and expansion of a rural business, and represents a form of rural tourism which respects the character of the countryside.

NPPF Paragraph 84 discusses how development in less sustainable areas should be sensitive to its surroundings, and this is discussed further below.

Design

With regards to Local Plan Policy 31 criteria c), the shepherds huts are traditional in their design, being timber structures with curved galvanised roofs. They are moveable, being

sited on a hay bailing trailer base on wheels. Whilst relatively substantial in size (being 10.5m long), they retain their traditional appearance due to their design and materials used.

The huts are distinctly rural in design and are not out of keeping or inappropriate within the surrounding countryside setting adjacent to the fishing lake. An undercover BBQ shelter, with a curved roof to match the design of the huts has also been erected adjacent to each hut. Pathways around the huts have been marked out with gravel, and a series of post and timber fences delineate the huts and fishing areas.

There are no public views of the huts, no footpaths pass near to the site. The development is modest in scale and appropriate in design. There are no public views of the shepherds huts, being located away from roads and footpaths, within the heart of the farm adjacent to a fishing lake. Considering the location and siting of the huts adjacent to a private fishing lake, and away from public views, it is considered that the huts are not obtrusive within the wider landscape and do not have an adverse impact on the visual amenities of the character of the site or locality.

Amenity

The huts are located close to the fishing lake, near to the 'Underground House' to the east. Due to the distance of the huts from this dwelling, there are no impacts with regards to overbearing or overshadowing as a result of the placement of the shepherds huts on the site. The huts are holiday accommodation and only occupied around 8 months a year. The development does not have a significant adverse impact on the living conditions of occupiers of neighbouring residential properties.

Access and parking

The proposal uses existing access through the farm from the highway to the north. The additional traffic movements from the huts would not compromise road safety and DCC Highways have no objection to the development. Parking for 6 cars is provided for users of the huts to the front of Underground House.

Flood risk

The site is mapped to be within Flood Zones 2 and 3. A Flood Risk Assessment has been submitted, which demonstrates that the huts are sited up the slope 23 metres from the river bank. The ground has been raised following the construction of Savage Cat Farm, and in reality the ground on which the huts are placed are most likely above the active flood plain. The huts are moveable structures on wheels (sited on a trailer base), the ground floor of the huts are raised up from ground level by 1 metre. There are tow hitches on the huts meaning that they can be moved should risk of flooding arise. The huts are raised off the ground on wheels, and permeable gravel has been laid on the paths surrounding the site, and under the huts, the BBQ shelters have floors constructed of patio paving slabs. The siting of the huts on the site therefore does not result in any material increase in impermeable areas, and it is therefore considered that the development does not increase the risk of flooding.

It is a more vulnerable use which is only allowed in zone 3 as per the Sequential and Exception Tests in the Technical Guidance to the National Planning Policy Framework on development in areas at risk of flooding. The sequential test does not need to be applied for change of use except for a change of use to a caravan site. The application is

considered to pass the exception test as per paragraph 160 of the Framework as the development provides tourist accommodation which in turn benefits the community which outweighs any flood risk; and the development will be safe for its lifetime: The huts are temporary, moveable and will be moved should a flood event occur, and not occupied by any holiday guests during times of flooding. The development does not increase flood risk elsewhere as there is no increase in impermeable surfaces as a result of the development.

Other matters

The site is mapped as being within Flood Zones 2&3. DCP Technical Services have requested that as the site is within the mapped Flood Zone, that details of the septic tank which serves the huts should be approved by the Council.

The land has been raised up during construction of Savage Cat Farm and Underground House. The land occupied by the huts sits up and above the fishing lake.

The septic tank used by the huts was in existence before the construction of Underground House, and therefore was in existence before the huts were sited on the land. Underground House was completed in 2014, and also uses this shared septic tank on the site. There are Building Control records and plans associated with this development (ref BN0/0445/2007) which refer to the means of foul water disposal for Underground House being "to holding tank and pumped to existing septic tank" and records are on file that foul drainage was tested at the time that the Building Control completion certificate was issued.

There is a consultation response on file from the 2/2000/0305 permission from the Environment Agency which had no objection to the proposed development on the proviso that finished floor levels were 600mm above the 1 in 100 flood level. This consultee response also had no objections to use of the existing septic tank for foul drainage from the development, subject to approval by Building Control. Therefore the existing septic tank on site was assessed to be acceptable at the time the completion certificate for Underground House was issued.

Underground House is a substantial dwelling with 4/5 bedrooms, and the existing arrangements for foul drainage are considered to be acceptable to cope with the additional output from just two 2 shepherds huts used for tourist accommodation, used for around 8 months per year. Run off from the septic tank runs off into the reed bed behind the huts, and according to the applicant, the Environment Agency have also confirmed that this system was suitable for the arrangements on the site.

Conclusion:

The shepherds huts are traditional in their design and use suitable materials. The huts are not visible from any public views and do not result in an unacceptable visual impact in the countryside. They are temporary structures on wheels and no permanent loss of agricultural land would result from their placement on the site. Due to the nature of their construction, they are not considered to be permanent structures.

The shepherds huts are modest in scale (just two in number), and represent an acceptable form of farm diversification which is supported by Policy 31 - Tourist Accommodation in the Countryside of the Local Plan.

Recommendation: Approve

Conditions:

1. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: Location Plan 10824-SCF Rev PRE1; 1:2500 Block Plan; Block Plan produced 23 Aug 2018; Bankside and Lakeside Front and Back Elevations; Lakeside Side Elevations; Bankside Side Elevations; Lakeside and Bankside Floor Plan; forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

2. The accommodation hereby approved shall be used solely for holiday letting and shall not be used for the purpose of providing permanent residential accommodation. Such accommodation shall not be let to any individual or group of individuals for any period which exceeds 28 consecutive days and there shall be no return by any such party within a further 28 days. A register of occupancy shall be kept and shall be made available to the Local Planning Authority following a written request at 14 days notice.

At the end of the ninth year following approval (i.e. by 31 January 2028;) details of the occupancy for that year to comply with this condition shall be submitted to the Local Planning Authority.

Reason: To ensure that the units are not used as permanent residential accommodation

Human Rights:

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

Public Sector Equalities Duty (PSED):

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

Removing or minimising disadvantages suffered by people due to their protected characteristics.

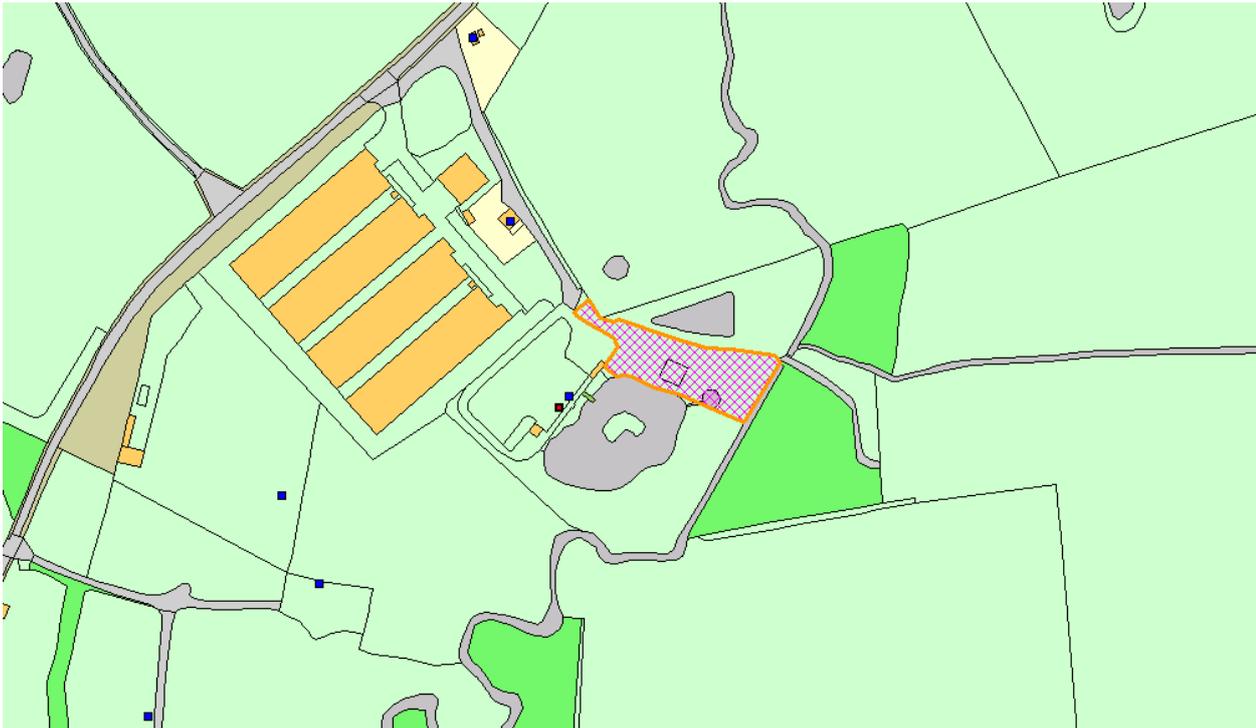
Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.

Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

DECISION:

LOCATION PLAN 2/2018/1197/FUL



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