

<u>Application Number</u>	WND/2021/0753
Location Description	WOODLAND, LAND OFF OXENDON ROAD, CLIPSTON, NORTHAMPTONSHIRE, LE16 9RQ
Site Details	CONSTRUCTION OF 2 NO, TIMBER CABINS FOR HOLIDAY ACCOMMODATION USE.
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Applicant	M J GOWLING & PARTNERS
Agent	MR J CLARKE, HOWKINS & HARRISON LLP
Case Officer	JONATHAN DOE
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Ward	BRIXWORTH WARD
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Reason for Referral	Called in_by Cllr Cecile Irving-Swift
Committee Date	8 JUNE 2022
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for two cabins for holiday use. The cabins would be set on stilts and have an adjoining raised deck and external staircase. The cabins and decks would be of timber. The cabins would be set in woodland in a rural location.

Consultations

The following consultees have raised **objections** to the application:

- Parish Council

The following consultees have raised **no objections** to the application:

- Ecology

One letter of objection has been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Biodiversity
- Impact on Character of Area
- Impact on Amenity
- Design

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

APPLICATION SITE AND LOCALITY

The application site is an area of woodland behind a barn which has been converted to a dwelling, Bobhole Barn. The site is located to the northeast of the village of Clipston.

The site has an existing vehicular access onto Oxendon Road via a track serving Bobhole Barn.

To the south of the site is Station Road Farm which fronts Church Lane.

CONSTRAINTS

The application site is outside the village confines.

The application site is that of an area of woodland of biodiversity significance as identified by the Neighbourhood Plan (figure 12, page 56 refers).

DESCRIPTION OF PROPOSED DEVELOPMENT

The development is described as construction of two stilted timber cabins for holiday accommodation use.

The two cabins would be handed versions of the same design. Each cabin would be a maximum of 9m wide by 6m deep. The cabins would have pitched roofs with a maximum height above ground level of some 5.3m. Both cabins, and their adjoining veranda type platform, would be set on posts, on timber stilts. The horizontal surface of the veranda, enclosed by a balustrade, and the floor

level of the cabins would be set 1m above ground level. The veranda areas would be accessed by an external staircase of 6 steps.

The cabins would have external walls of a timber cladding finish and the veranda areas and balustrading would be of timber. The roofs of the cabins would be of EPDM (ethylene propylene diene monomers), a 'rubber roof', similar to a felt roof.

Each cabin would have two bedrooms, a bathroom and an open plan sitting area/kitchen.

The cabins and the platforms on which they would be set would be supported on timber stilts and it is intended to use ground screw pile foundations requiring no digging and no concrete, having minimal impact on tree roots. The platforms on which the cabins would be set would be constructed of prefabricated panels which could be manually lifted into place, allowing for quick assembly with minimal site disturbance.

The cabins would be set in clearings in the woodland and a Tree Survey Report forms part of the application documentation.

Vehicular access would be by that existing to Bobhole Barn. An existing parking area for Bobhole Barn would be used by occupiers of the cabins. A pathway of bark chippings would lead from the parking area to the cabins.

There are no details in the application regarding employees involved.

RELEVANT PLANNING HISTORY

The following planning history relates to Bobhole Barn, the existing dwelling immediately to the north and part of the application site:

Application	Proposal	Decision
PD/2015/0015	Prior approval for change of use of agricultural building to dwelling (Class MB (A) Only).	Approved 5.6.2015
PD/2015/0046	Prior approval for change of use of agricultural building to dwelling (Class Q (b)) only)	Deemed Permitted Development 4.11.2015

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Daventry Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- E7 – Tourism, Visitor and Cultural Industries
- BN2 – Biodiversity
- BN7A – Water Supply, Quality and Wastewater Infrastructure
- R1 – Spatial Strategy for the Rural Areas
- R2 – Rural Economy

Daventry District Local Plan (Part 2) (LPP2)

The relevant policies of the LPP2 are:

- SP1 – Daventry District Spatial Strategy
- RA6 – Open Countryside
- ENV1 – Landscape
- ENV4 – Green Infrastructure
- ENV5 – Biodiversity
- ENV10 - Design

Clipston Neighbourhood Plan (NHP)

The relevant policies of the (NHP) are:

- HBE1 – Village Confines
- ENV2 – Protection of Sites of Environmental Significance
- ENV7 – Biodiversity, Woodland, Hedges and Habitat Connectivity
- BE2 – Support for New Businesses and Employment
- BE4 - Tourism

Material Considerations

Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG) – Natural environment
- Supplementary Planning Document – Clipston Village Design Statement, Biodiversity

RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report.

Consultee Name	Position	Comment
Clipston Parish Council	Object	Proposal is contrary to the Clipston Neighbourhood Plan. Contrary to Policy ENV2, Protection of Sites of Environmental Significance, in that it has not been demonstrated that the development's local value outweighs the environmental significance of the site. Contrary to Policy ENV7, Biodiversity, in that it has not been demonstrated that there would be safeguarding of locally significant habitats or creation of a net gain in biodiversity or that damage would not result in loss of woodland of historical or biodiversity significance. Would create noise and light pollution in an area of open countryside.
Great Oxendon Parish Council	No response	
Ecology	No objection	Satisfied that biodiversity impacts would be negligible so content for application to be determined. Any external lighting should be the subject of a condition to avoid disturbance to bats and other nocturnal wildlife.
Environmental Health	Further information required	It is unclear the amount of groundworks proposed, and whether the contaminated land condition is necessary. There is no information regarding utilities and waste disposal (septic tank).
Landscape	No objection	The two proposed timber cabins are within the woodland and constructed in

		<p>existing clearings and would appear to be well screened. The Report indicates the need to remove only two trees both leaning, one with an extensive wound and neither good specimens. The fact that the cabins are constructed on stilts further limits any immediate or future impact upon the existing and future tree roots. The cabins are accessed by path with the cars parked to the northern edge of the wood further limiting potential impact upon the trees. The fact that the cabins are set within the wood and with wooden construction should help to limit any views. The nearest road, Church Lane to the south is well screened to the south east by a well-established roadside hedge and immediately south by a variety of farm buildings.</p> <p>Planting a native hedge on the northern side of the wood immediately north of the proposed parking area would in time screen any parked cars. Finally consideration should be given in the form of a method statement to protecting the trees immediately next to the sites of the two cabins as well as the route in to move materials as I assume machinery will not be brought onto site. If the ground is disturbed within the method statement, how any reinstatement of the ground would be taken should be outlined.</p>
Policy	No response	

RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

There has been one letter of objection raising the following comments:

- Too close to a working farmyard where livestock kept

- Visitors to cabins would complain about noise and smell and prevent farm from developing in future
- Would be unsafe to have families with young children so close to a working farmyard

APPRAISAL

Principle of Development

The NPPF refers to building a strong, competitive economy at section 6 and to conserving and enhancing the natural environment at section 16. Both sections are relevant to this proposal.

Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth of all types of business in rural areas, both through the conversion of buildings and well-designed new buildings. Paragraph 84 of the NPPF goes on to say, at point c), that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

JCS Policy SA reiterates NPPF paragraph 11 in stating that plans and decisions should apply a presumption in favour of sustainable development which, for decision making, means approving developments that accord with an up-to-date development plan without delay, unless material considerations would indicate otherwise. In this case the proposed development is considered to accord with the up-to-date development plan as set out in this report.

JCS Policy S1 (A) (B) (C) of the adopted West Northamptonshire Joint Core Strategy seeks to distribute development and economic activity to the main towns of Northampton and Daventry, yet the development needs of the rural service centres and the rural areas will also be provided for (C).

The proposal is at an unsustainable location. In general terms the proposal is contrary to Policy SP1 of the Local Plan (Part 2) which amongst other aims seeks to protect the open countryside. However, the proposed cabins would be set in woodland and, being out of view, would have no material impact on the open countryside.

Policy R1 of the Joint Strategy refers to how development outside the existing confines will be permitted where it involves the re-use of buildings or, in exceptional circumstances, where it would enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy. The proposal would improve the local economy.

Policy HBE1 of the Made Neighbourhood Plan states that land outside the defined Village Confines will be treated as open countryside, where

development will be carefully controlled in line with local and national strategic planning policies.

JCS policy E7 states that tourism proposals will be supported where: (a) They contribute to regeneration aims and objectives (b) They strengthen the overall tourism offer (c) They benefit local communities and businesses (d) The use/form/scale does not harm the quality of the natural environment.

JCS policy R2(c) allows for small-scale rural tourism proposals, including visitor accommodation provided that they sustain and enhance the rural economy, are an appropriate scale for the location, respect the environmental quality and character of the rural area and protect the best and most versatile agricultural land.

SCLP policy RA6 relates to the open countryside and supports justified leisure and tourism uses that are of an appropriate scale for their location and that have no significant adverse impacts on its character, beauty or tranquillity.

Policy RA6 (Part 2) states that the intrinsic character, beauty and tranquillity of the open countryside will be recognised. As referred to above, it is considered that the cabins would be adequately screened by virtue of their woodland setting, hidden out of view by trees, and would be acceptable with regard to Policy RA6. Policy RA6 also states that in the open countryside outside the confines of the villages, development for tourism use that is justified and of an appropriate scale for its location, and has no significant adverse impacts on its character, beauty and tranquillity will be supported (point viii refers).

Policy BE2 of the Neighbourhood Plan states that proposals for new employment development will be supported where they comply with a number of criteria. The first criterion is that they fall within the boundary of the Village Confines, unless it relates to small scale leisure or tourism activities. The proposal would meet this criterion as it is for tourism. The second criterion is that, where practicable, they are sited in existing buildings or on areas of previously developed land. The attraction of the cabins would be that they would be set in woodland and it would not be practicable to be on previously developed land. The third criterion is that they are of a size and scale not adversely affecting the character, infrastructure and environment of the village itself and the Plan Area. This is considered to be the case. The fourth criterion is that they would not involve the loss of dwellings. The fifth criterion is that they would not increase noise levels or light pollution or introduce any pollution to an extent that they would unacceptably disturb occupants of nearby residential property. As referred to below, there is no nearby residential property other than Bobhole Barn itself. The sixth criterion is that they would not generate unacceptable levels of traffic movement and on road parking, providing off road parking. The proposal would meet this criterion. The seventh criterion is that they would contribute to the character, the design of the local built environment and the vitality of the local area. No

adverse impact to the character of the area is envisaged and it is thought that the proposal would contribute to the vitality of the area by creating some additional trade from holiday makers. The final criterion is that the proposal be well integrated into and complement existing businesses in terms of scale, mass and density. It is considered that an ancillary tourism element of business would integrate well with the farm business of the applicant.

In conclusion, the proposal is considered acceptable with regard to Policy BE2 of the Made Village Plan.

Policy BE4 of the Clipston Village Plan states that development proposals to enhance tourism facilities will be supported subject to a number of criteria. The proposal would accord with the criteria and accordingly Policy BE4 is considered to support the proposal in principle.

In conclusion with regard to the principle of development, the proposal is considered acceptable given that it is for tourism development, with an economic benefit, and would be in a screened setting with no significant impact on the character of its rural setting.

Biodiversity

Policy BN2 of the Local Plan (Part 1) states development that has the potential to harm sites of ecological importance will be subject to an ecological assessment. Development management decisions will reflect the hierarchy of biodiversity designations. The site has no statutory biodiversity designation.

Policy ENV4 of the Local Plan (Part 2) states, at vi., that the Council will protect green infrastructure assets by measures including supporting the recognition of important green infrastructure including designation within neighbourhood development plans.

Policy ENV5 of the Local Plan (Part 2) states that development affecting sites that are not formally designated but which make a positive contribution to biodiversity will be required to take into account their current or potential role in the District's wider biodiversity network.

The Clipston Neighbourhood Plan, at Figure 7.2, shows the site as being designated by the Neighbourhood Plan as 'Other biodiversity site'. Policy ENV2 of the Neighbourhood Plan states that development proposals that would affect the sites of natural environmental significance shown on Figure 7.2 should demonstrate that the development's local value outweighs the environmental significance of the site. It is considered that the local value would take the form of additional trade in the village from holiday makers and that there would be minimal detriment to the environmental significance of the site.

A Preliminary Ecological Appraisal forms part of the application documentation. The WNC Ecologist has commented that biodiversity impacts would be negligible. A condition to address external lighting disturbing nocturnal wildlife is recommended.

The site is shown on Figure 12 as 'Woodland of biodiversity or historical significance'. The site is shown on Figure 13 as forming part of the River Ise wildlife corridor as a 'Biodiversity site for which the corridor provides connectivity. Policy ENV7 states that development proposals should safeguard locally significant habitats and create a net gain in biodiversity; development proposals that damage woodland of biodiversity significance and amenity value will not be supported; and, should not damage or unacceptably affect the habitat connectivity provided by the River Ise wildlife corridor. The Preliminary Ecological Appraisal and the 'no dig' nature of the construction of the cabins indicate that the proposal would be acceptable with regard to Policy ENV7 of the Neighbourhood Plan.

Impact on Character of Area

Policy ENV1 of the LPP2 seeks to protect the landscape. Proposals are supported that maintain the distinctive character and quality of the District's landscape and incorporate mitigation measures to integrate development into its surroundings and enhance or restore the local landscape.

Policy ENV10 supports innovative design that integrates with the surrounding area. When defining high quality design this policy talks about promoting local distinctiveness, blending well with and enhancing surroundings, responding to wider landscape context and integrating with landscape features.

The site is not located in a Special Landscape Area and, whilst the site is generally located in open countryside, the cabins would be set in woodland such that surrounding trees would ensure the cabins would not be visible from public vantage points. Notwithstanding the screening provided by the woodland setting, the size of built form introduced to the site would be modest in proportion to the size of the site.

Overall the proposal is considered to be in accordance with ENV1 and ENV10 of the Settlements and Countryside Part 2 Local Plan.

Impact on Amenity

With the exception of Bobhole Barn, which is part of the application site, there is no neighbouring residential property.

There are only two overnight units on the site and each of these will accommodate a maximum of two people. The cabins would be spaced away from each other, by more than 20m, so not conducive to group gatherings. The

proposal is considered highly unlikely to harm the residential amenity of the area.

Similar proposals, for example for glamping sites, have had restrictions imposed upon them to say no music shall be played at the site between the hours of 22:00 and 09:00. To be consistent with other similar developments it would seem prudent to impose this condition on this site also in order to protect the tranquillity of the countryside.

Design

Policy S10 is concerned with sustainable development principles. The cabins and platforms would essentially be constructed of timber. As such the proposal would accord with a criterion of Policy S10, at c), that development is to make use of sustainably sourced materials.

FINANCIAL CONSIDERATIONS

The floorspace which would be created by the two cabins is below the threshold that would trigger liability for payment of CIL.

PLANNING BALANCE AND CONCLUSION

This proposal for tourist accommodation is a benefit to the local rural economy and accords with the relevant policies within the development plan. The proposal is acceptable visually and does not harm the character or tranquillity of the countryside or the amenity of properties in the locality. In accordance with JCS policy SA and paragraph 11 of the NPPF planning permission should be granted without delay.

RECOMMENDATION / CONDITIONS AND REASONS

The proposed development is recommended for approval subject to conditions.

CONDITIONS

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The development shall be carried out strictly in accordance with the drawings no. 01 and 02 received 12/11/2021.**
- 3. The two accommodation units hereby permitted shall be occupied for holiday purposes only and shall not serve as a person's sole or main place of residence. No person shall occupy any of the units for a period exceeding 14 consecutive days, or 28 days in any one year period**
- 4. No external lighting shall be installed to the development hereby permitted.**
- 5. No music shall be played on the site between the hours of 22:00 and 09:00.**

- 6. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until details of the proposed type and a plan of the proposed position of fencing for the protection of trees or hedges that are to be retained on the site, have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.**
- 7. The owner shall maintain an up to date register to record the occupation of the accommodation units hereby approved. Any such register shall be available for inspection by the Local Planning Authority at any time when requested and shall contain details of those occupying the units, their names, main permanent address and period of occupancy.**

REASONS

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To clarify the terms of this planning permission, to ensure that the development is carried out in accordance with the submitted details and to allow the Local Planning Authority to consider the effect of any changes.**
- 3. The application has been considered as a tourism proposal, and to permit the use of the accommodation for residential use would be contrary to the prevailing policies for the area.**
- 4. To avoid disturbance of nocturnal wildlife in accordance with Policy ENV4 and ENV5 of the Daventry District Local Plan 2020 (Part 2).**
- 5. In the interests of the amenity of the area and the tranquillity of the countryside.**
- 6. In the interests of the visual amenity of the area.**
- 7. The application has been considered as a tourism proposal, and to permit the use of the accommodation for residential use would be contrary to the prevailing policies for the area.**

NOTES

- 1. In making this decision, the Local Planning Authority has had regard to the requirements of Paragraph 38 of the National Planning Policy Framework and Article 35 (2) of the Town and Country (Development Management Procedure)(England) Order 2015 (as Amended)**

