

Date of Committee: 17 June 2021

Planning Application No: 21/0321 **Date Received:** 1 April 2021

OS Grid Ref: 360684 537791 **Expiry Date:** 27 May 2021

Parish: Culgaith **Ward:** Hartside

Application Type: Full Application

Proposal: Use of land for siting tourism accommodation of 3no Shepherds huts

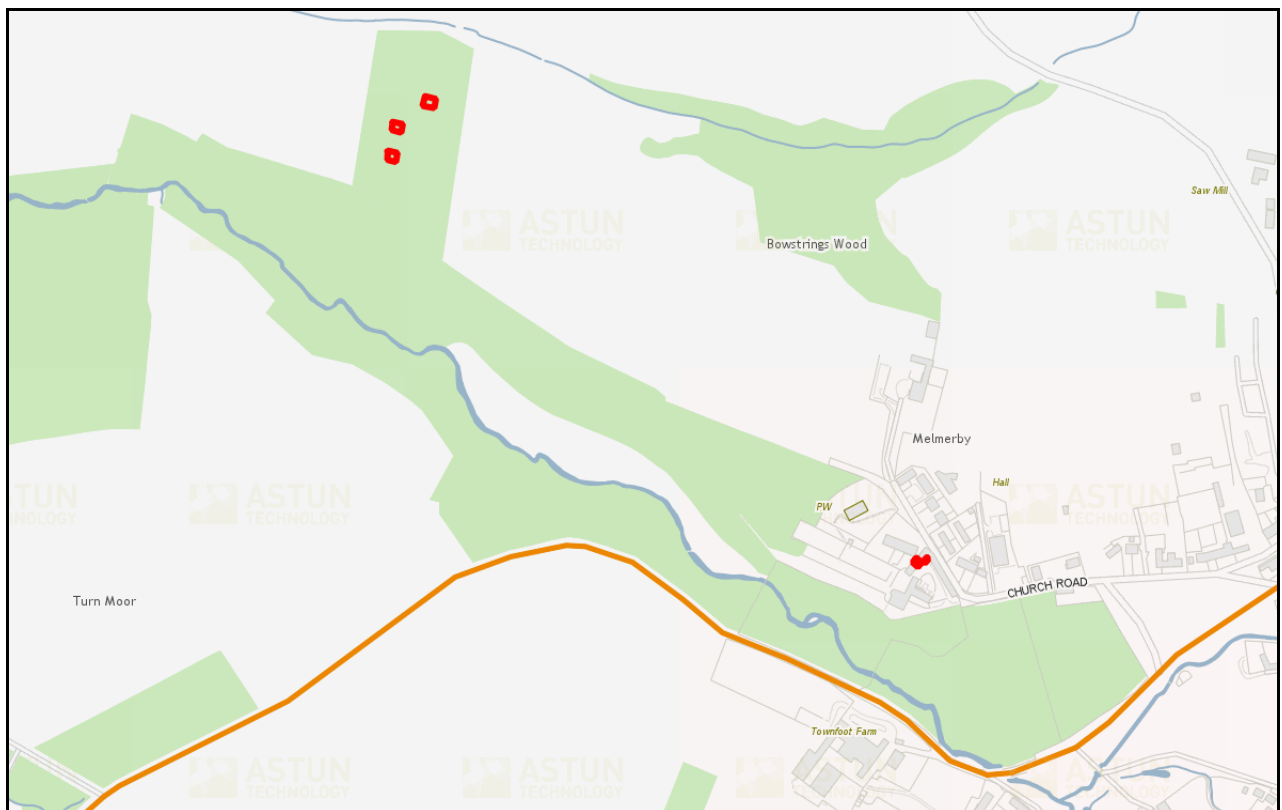
Location: Woodland adj Melmerby Hall, Melmerby, Penrith, CA10 1HB

Applicant: Mr and Mrs Rowley

Agent: Holt Planning Consultancy Ltd

Case Officer: Rachel Lightfoot

Reason for Referral: The recommendation is contrary to the views of the Parish Council.





1. Recommendation

That the application is granted subject to the following conditions:

Time limit for commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

- i. Location Plan 105-125J-02-E received 10 May 2021
- ii. Block Plan 105-125J-07A received 10 May 2021

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Ongoing conditions

3. The holiday accommodation hereby approved shall not be occupied other than for holiday purposes and shall not be used as a sole or main place or residence. The owner shall maintain an up to date register of names and addresses of the occupiers of the three shepherds huts together with their dates of occupation and shall make the register available to the local planning authority upon request.

Reason: To ensure the accommodation remains available for holiday accommodation and is not used for unauthorised permanent residential occupation.

4. The three shepherds huts hereby approved shall remain in use in association with Melmerby Hall and shall not be sold or otherwise disposed of separately.

Reason: To define the terms of the planning permission approved and ensure there is appropriate management and maintenance arrangements in place.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 The proposal requests full planning permission for the siting of three mobile shepherds huts to be located on land within a wooded area to the north west of Melmerby Hall.
- 2.1.2 As the huts are considered to be a caravan for the purposes of planning permission, this relates to the change of the use of the land only. The red line extends to the three areas in which the huts sit only.
- 2.1.3 The huts will be used for tourism purposes only. Car parking is to be provided at Melmerby Hall although cars will be permitted to use the woodland track at drop off and pick up times. A similar scheme is operated by the applicants at Blencow Hall.
- 2.1.4 The huts are single storey with a barrelled roof and potentially painted or natural wood in colour.

2.2 Site Description

- 2.2.1 The site lies within the woodland to the north west of Melmerby Hall. A forestry track was permitted under reference 18/0552 and the huts will be served by this track for vehicular drop off and pick up.
- 2.2.2 The woodland is actively managed by the applicants and is subject to a maintenance plan.
- 2.2.3 The trees are unaffected by the proposed development and all will remain. Views into and out of the site are limited by the woodland location.
- 2.2.4 The site is not subject to any formal ecological, historical or environmental designations and is located in a Flood Zone 1, being land at lower risk/vulnerability of flooding.
- 2.2.5 There is no intervisibility with any listed buildings (ie Melmerby Hall) and it is not considered that the proposal will have an impact on the historic environment.

3. Consultees

3.1 Statutory Consultees

Consultee	Response
Cumbria County Council - Local Highway Authority/Lead Local Flood Authority	Responded on 13 May 2021 with no objection to the scheme: <i>'Highways Response: No objections. LLFA response: This is a minor development which is below the Lead Local Flood Authority (LLFA) threshold for comment. As such the drainage arrangements for this development are to be scrutinised by Building Control. It should be noted that the surface water discharge rate should not be greater than the existing and if installing a soakaway we would advise it is not positioned within 5m of highway or property'</i>
United Utilities	No objection subject to a condition regarding drainage. The application documents confirm that this is to be provided by a tank under the shepherd's huts which will be emptied due to the location of the huts and surrounding trees. As such this condition is not considered necessary.

- 3.2 The application was subject to consultation by way of the erection of a site notice and letters sent to neighbours.

4. Parish Meeting Response

Town Council/Meeting	Object	Support	No Response	No View Expressed
Melmerby Parish Council	✓			

- 4.1 On the 18 May 2021 the Parish Council stated:

With regard to planning application 21/0321 a woodland adjacent to Melmerby Hall, Melmerby CA10 1HB for the use of land for siting tourism accommodation of 3no Shepherds huts, Melmerby Parish Council wish to object on the following material grounds:

- **Highways** – Access to the site entrance is via the U3097, Church Road. This road already experiences capacity issues, with residents' parked vehicles, current access to Melmerby Hall and access to St John the Baptist Church. This is further

exacerbated by parking for events taking place at Melmberby Village Hall. As a narrow road, fronted by residential properties, any further increase in traffic will exacerbate safety issues for both road users and pedestrians with the young and infirm at most risk.

5. Representations

5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on site on the 23 March 2021.

No of Neighbours Consulted	0	No of letters of support	0
No of Representations Received	4	No of neutral representations	1
No of objection letters	3		

5.2 The points of objection are summarised below:

- The road is already overused;
- The tourist development which has taken place has already significantly increased usage of the road which is a no through road;
- St John's Church and Gamblesby Church have started holding joint services so parking has increased;
- There are four old people's bungalows on Church Road so these householders walk on the road;
- Vehicles on Church Road do so on a blind bend;
- The safety of road users could be compromised.

5.3 Issues raised which are not considered to be material planning objections:

- Some people have to park on the lane;
- This could lead to further development;
- It is unnecessary to have more tourism development in Melmerby.

5.4 The letter of comment considered that a road sign would be a good idea to ensure cars slow down on the road, something the author considers the road would benefit from with or without the scheme.

5.5 In regards to road signage, this falls outside the planning process and would be addressed by Cumbria County Council as Highway Authority for the area.

6. Relevant Planning History

Application No	Description	Outcome
18/0552	Forestry Track	Approved
09/0271	Housing Development	Approved

7. Policy Context

7.1 Development Plan

Eden Local Plan 2014-2032:

The specific policies considered relevant in the determination of this particular application are as follows;

- LS1 – Locational Strategy;
- DEV3 – Transport, Accessibility and Rights of Way;
- DEV5 – Design of New Developments;
- EC4 – Tourism Accommodation and Facilities;
- ENV1 – Protection and Enhancement of the Natural Environmental, Biodiversity and Geodiversity.

7.2 Other Material Considerations

National Planning Policy Framework February 2019:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well designed places

National Design Guide (2019)

7.3 The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Access

8.2 Principle

- 8.2.1 Under Policy LS1 on the Eden Local Plan, the proposal site is on the edge of the village of Melmerby which is designated as a smaller village and hamlet and appropriate for small scale development. The development is in association with an existing tourism development.
- 8.2.2 Policy DEV3 of the Eden Local Plan ‘Transport, Accessibility and Rights of Way’ states that development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion.
- 8.2.3 Policy DEV5 of the Eden Local Plan ‘Design of New Development’ requires developments to show a clear understanding of the form and character of the districts built and natural environment, complementing and enhancing the existing area.
- 8.2.4 Policy EC4 of the Eden Local Plan ‘Tourism Accommodation and Facilities’ supports small scale tourism development for temporary accommodation (caravan, camping and chalet sites) where it meets all of the following criteria:
- The site is screened by existing topography and vegetation.
 - Suitable access and car parking arrangements are defined and the site does not give rise to unacceptable impacts on the local road network either through traffic generation from the site itself or through cumulative impacts from other sites.
 - The development is capable of being removed without damage or material changes to the land on which it was site.

The Council may impose planning conditions to avoid permanent residential use of such sites or reasonable restrictions where necessary to safeguard the landscape.

- 8.2.5 The site is being developed in association with an existing tourism facility where it can be appropriately managed and serviced from. The site is naturally screened by existing mature landscaping and suitable car parking arrangements which would service the development already exist, located within the existing car park of Melmerby Hall. The

units can be removed without damage or material change to the woodland area. In all regards, the proposal complies with the specific criteria for small scale tourism developments as set out within Policy EC4 of the Eden Local Plan.

8.2.6 The proposal is therefore considered to meet the policies in the Eden Local Plan, specifically Policies EC4 and LS1 and therefore considered to be acceptable in principle.

8.3 Design, Scale and Landscape

8.3.1 Within the Eden Local Plan, Policy DEV 5 requires that all proposed development demonstrates that it shows clear understanding of the form and character of the District's built environment, complementing and enhancing the existing area. Under DEV5, the Council will support proposals that '*protects and where possible enhances the district's distinctive rural landscape*'.

8.3.2 The proposed shepherds' huts would be constructed in larch timber cladding with a curved roof. They are considered to be of a good design and appropriate for a woodland location within which the development would effectively harmonise visually.

8.3.3 The proposal is similar to other tourism developments throughout the District with a similar design having been successfully integrated at Blencow Hall, also owned by the applicants. As such, the proposed is considered to be of an appropriate scale, mass, form and design which is in-keeping with this type of development and sympathetic to its woodland location. It is capable of being removed without damage or material change to the woodland due to the nature of the proposed construction which does not require foundations to be dug.

8.3.4 Consequently, the proposal is considered to meet the requirements of Policy DEV5 and EC4 of the Eden Local Plan in that the development would not result in any adverse harm to the character or amenity of the area or surrounding landscape, visually or otherwise.

8.4 Impact on the living conditions/amenity of neighbouring uses

8.4.1 Within the Eden Local Plan, Policy DEV5 requires, in part, that all development protects the amenity of existing residents and uses.

8.4.2 In the case of the current application, the development site would be located within a woodland which is accessed by a track. There are no neighbouring uses or residential dwellings which would be affected by the use of the woodland for low level tourism. In this regard it is reasonable to conclude that the proposed would not have any direct adverse impacts on the existing development in the area, to any neighbouring dwelling or business.

8.4.3 There would be no overlooking or loss of privacy created as a result of the development to any neighbouring dwellings. As such, the proposal is considered to protect the amenity of existing residents and provide an acceptable amenity for future users. The proposal therefore meets the requirements of Policy DEV5 in this regard.

8.5 Drainage, Flooding and Pollution

8.5.1 The application site is located within a Flood Zone 1, being land at lower risk/vulnerability of flooding. In principle, such locations would therefore be considered to represent suitable locations for development proposals such as this in terms of drainage, flooding and pollution.

8.5.2 The Lead Local Flood Authority has both confirmed that they have no objections. Drainage would be provided for on a closed system ensuring there is no potential issues for the woodland itself in terms of laying drainage.

8.5.3 It is considered that the scheme would not have any significant detrimental impacts in terms of drainage and flooding.

8.6 Highway Impacts

8.6.1 Policy DEV3 of the Eden Local Plan seeks to ensure that all development will not result in any severe adverse impacts upon highway safety or congestion. This position is supported by Paragraph 109 of the National Planning Policy Framework (NPPF) which confirms that, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe*'.

8.6.2 The Parish Council and three neighbouring residents have raised objections to the proposal in relation to an increased level of traffic. However, it is important to note that an increase in traffic alone does not in itself represent or demonstrate harm that warrants or justifies the refusal of planning permission. It is the impact of any increase in traffic that must be considered, specific to the individual highway conditions.

8.6.3 In the case of the current application the units are proposed to be accessed by the forestry track on drop off/pick up days. Outside of these days, cars will be parked within Melmberby Hall. The village is within walking distance for services such as the village bakery/shop and public house.

8.6.4 The units are single occupancy and therefore would potentially have one car associated with each use. It is not considered that this level of use would have a severe impact or material effect on the existing public roads from either a safety or capacity perspective. Furthermore, in consultation with Cumbria County Council in its role as Highway Authority it is noted that no concerns or objections have been raised to the proposal by this Statutory Consultee.

8.6.5 It is accepted that residents have to park on the road where there is insufficient car parking within plots. However, parked cars usually have the benefit of slowing road traffic speeds. There would be no requirement for users of the proposed units to park on the road or affect how residents are using the road as car parking is to be provided within the Hall.

8.6.6 On that basis, whilst the concerns of the Parish Council and objectors are duly noted, the concerns raised do not provide any demonstrable evidence to support their views that the development would result in harmful highway conditions or lead to an increase in congestion within the village. In the absence of any evidence to the contrary; in consideration of the small number of vehicle movements likely to be generated by this proposal; and with no concerns or objections having been raised by the Highway Authority the scheme is considered acceptable in terms of highway impacts, with no adverse harm being created. Therefore the development is considered to be in accordance with Policy DEV3 of the Eden Local Plan and paragraph 109 of the NPPF.

9. Implications

9.1 Legal Implications

9.1.1 No issues are judged to arise.

9.2 Equality and Diversity

9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

9.6.1 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

10. Conclusion

10.1 The development is considered, on balance to accord with the provisions of the Eden Local Plan 2014-32. The proposed development is situated entirely within a woodland which is under an active management plan and is in association with an established tourism use.

10.2 The benefits of the scheme in terms of tourism provision which supports local jobs and brings investment on a site which is well related to a village with a range of local services including public house, village bakery and shop is considered to be in accordance with the aims and objectives of Policy LS1 and EC4 of the Eden Local Plan.

10.3 The Highway Authority have no objection to the scheme and cars can be appropriately accommodated within the existing framework of Melmerby Hall. The representations from local residents and the Parish Council have been considered, however it is not considered that the impacts of three limited tourist units would have unacceptable levels of impact on the local highway network and in the absence of any evidence to the contrary the views of the Highway Authority as Statutory Consultee the application is considered to be in accordance with Policy DEV3 of the Eden Local Plan and Paragraph 109 of the NPPF.

10.4 Therefore, it is recommended that the application be approved.

Oliver Shimell
Assistant Director Development

Checked by or on behalf of the Monitoring Officer	03.06.2021
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Background Papers: Planning File 21/0321