

ITEM 4(a)

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: POLICY AND RESOURCES COMMITTEE

DATE: 26th NOVEMBER, 2020

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY AND RESOURCES COMMITTEE ON 26 NOVEMBER 2020

Application Ref: 19/0867/FUL

Proposal: Full: Change of use of land to mixed agricultural, educational and camping use, plus erection of timber cabin for educational use.

At: Harwes Farm, Cockhill Lane, Foulridge

On behalf of: Harwes Farm Community Interest Company

Date Registered: 14/02/2020

Expiry Date: 06/11/2020

Case Officer: Alex Cameron

The site of this application spans both West Craven and Colne Committee areas and therefore it must be determined by Policy and Resources Committee.

Site Description and Proposal

The application site is a farm location within the open countryside approximately 3km to the north east of the settlement of Colne and 2km to the south east of the settlement of Kelbrook. The site has two vehicular accesses, via a 1.5km track from Cob Lane and via a 950m track from Skipton Old Road. It appears that the Skipton Old Road access is the primary access as it is more direct and fully surfaced. The application site includes an area of moorland and woodland that is designated as a Biological Heritage Site (BHS).

The proposed development is the change of use of the land for educational and camping use alongside the existing agricultural use and erection of a 5m x 20m single storey timber cabin to provide a meeting space for the groups including kitchen, classroom space and bathroom facilities for the campsite.

The camping use would involve a triangular field adjacent to the proposed cabin, it is also proposed that occasional camping would be offered in the woodland.

The proposed educational use is to teach young people about the countryside and also help them grow personal skills in a non-traditional classroom environment. The use has been operating on a limited basis of up to 28 days per year under permitted development rights for temporary uses since 2016.

Relevant Planning History

13/05/0059P - Full: Erection of new stable block riding arena - Approved.

13/08/0093P - Full: Change of use from agricultural land to commercial boarding kennels and cattery. Including creation of kennels (270 sq m) and cattery (72 sq m) - Refused.

13/08/0294P - Full: Change of use from agricultural land to commercial boarding kennels and cattery, including creation of kennels (270Sq m) and cattery (72Sq m) and alterations to access track (Re-Submission) - Approved.

13/15/0143P - Full: Change use of part of existing dwelling to create holiday cottage - Approved.

Consultee Response

LCC Highways – Having considered the information submitted, together with site observations, the above proposal raises highway safety concerns. If these cannot be mitigated satisfactorily the Highway Development Support Section would object to this application on highway safety grounds.

Access from the public highway network

The applicant states that they have access rights to the public highway network from Skipton Old Road and Cob Lane. Both routes provide access to other properties via single vehicle width access tracks, with Harwes Farm being at the furthest point from the public highway.

Skipton Old Road (C681) is a rural, single two way derestricted road, categorised as a secondary distributor, and subject to a national speed limit of 60mph. It is unlit and there are no footways. The carriageway width allows the free flow of two-way traffic.

Cob Lane (U40347) is a rural, single two way derestricted road, categorised as a local access road, and subject to a national speed limit of 60mph. It is unlit and there are no footways. The carriageway width along considerable lengths does not allow the free flow of two-way traffic, with limited places for vehicles to pass, which may cause an issue with those unfamiliar with the road.

Having viewed both roads it is likely that visitors would approach from Skipton Old Road rather than Cob Lane. This view is supported by the applicant's website which generates directions for visitors via Skipton Old Road.

There is one formal passing place on the access track from its junction with Skipton Old Road to Jerusalem Farm. An existing parking area serving Jerusalem Farm may also be considered as an informal passing place, although this may not be available when fully parked up. There is a single place for two vehicles to pass on the remaining section of track beyond the gable end of Jerusalem Farm to Harwes Farm, which is approximately 700m long, with limited or no intervisibility on stretches.

A precedent has been established for the provision of additional passing places under planning permission 08/0294. As a stretch of the access track is not within the applicant's ownership they would need a legal agreement with the landowners and to service notice on them in order to provide those passing places outside their ownership.

In addition, Public Footpaths 20 and 21 (Colne) pass along the majority of this access track from Skipton Old Road and Harwes Farm.

Public Rights of Way

There are a number of Public Rights of Way within the immediate vicinity of the development site which have not been shown on the site plans submitted. These may be obstructed by the proposed camping field and construction of the community building.

Parking

The application form states that on-site parking for two minibuses would be provided. However these are not shown on any of the site plans submitted. Nor is any parking shown for the

community/educational events which are already taking place, together with parking for the household and the holiday let cottage. Whilst adequate parking may already be available on site this should be shown on a plan to also demonstrate that parked vehicles would not obstruct the Public Rights of Way network.

General

The applicant has not provided information regarding existing activities and, in particular, traffic management for the community events provided at the site. We have noted that numbers are not necessarily limited for the community events advertised on social media. Given that these are likely to be held at weekends there is a greater potential for conflict with traffic generated by the neighbouring riding school, which is likely to be higher at weekends/Bank Holidays.

Furthermore we do not consider that this site is in a sustainable location as it is not accessible by public transport and is remote from the public transport network. Adults attending community events would therefore rely on the use of private motor vehicles. This is a concern due to the intensification of vehicle movements over single vehicle width access roads carrying public rights of way.

Conclusion

Given the highway safety concerns this proposal raises, based on the information provided and site observations, unless satisfactory mitigation measures can be provided the Highway Development Support Section objects to this application.

However, should suitable mitigation measures be provided, and the local planning authority is minded to approve this application, a number of conditions should be applied. These should include, but not be exclusive to, all groups being pre-booked including community events and a limit to the number of visitors to any activity/event. The exact details would be dependent on the information provided.

PBC Environment Officer - Kelbrook Moor BHS was designated for meeting the criteria of Heathland (He1), Swamp and Fen (Fe2) and Grassland (Gr3). While the woodland itself may not be the greatest of quality it is designated for its ground flora which is species rich. I would also argue that while the track itself may not damage the biodiversity of the woodland to any great extent its intended use for educational groups will through disturbance. Essentially, it will encourage people to enter a habitat that has had very little disturbance.

I also want to understand the impacts of the track on the hydrology on the moorland. The track effectively takes a soil structure that soaks up and holds water and replaces it with a surface that will allow water to run off. It is my opinion that this has not been adequately addressed within the documents supplied with the application. Furthermore, I do not think the ecology report has taken into account the mosaic of priority habitats within and adjoining the site.

Revised comments in response to additional ecology report received 3/11/20:

No objection subject to a condition for details of the construction and drainage of the track.

Laneshawbridge Parish Council

Kelbrook & Sough Parish Council

West Craven Area Committee – West Craven Committee wanted the verbal comments made to committee to be reflected in the report to this Committee. Those members of the public attending

Committee were advised to set out their comments in writing as a verbatim record of what they said could not be given to Policy and Resources and to avoid ambiguity they needed to put their concerns in their own words.

The main thrust of the points made in favour of the application were that it provided a valuable contribution to the education of disadvantaged children, that there were not highway safety issues that could not be managed and that there would not be ecological damage caused by the operation of the site. Those objecting did so on a number of grounds but principally that there were unacceptable highway safety issues that could not be mitigated, there would be noise disturbance from the activities, there would be a conflict of users of the right of way, the right of way definitive map did not reflect the extent of the area to which the public had established a right to use and the development was in an unsustainable location.

Colne and District Area Committee - Resolved that the Policy and Resources Committee be asked to give very serious consideration and weight to the highway issue and be recommended to refuse the application.

Public Response

Site and press notices posted – 3 responses received objecting on the following grounds:

- The access road is insufficient to accommodate the additional traffic from the proposed use.
- Insufficient passing places on the track.
- Safety concern in relation to horse riders, including children, from Jerusalem Farm stables using the track.
- Residential amenity impact of increase use of the track.
- Previous permissions have imposed restrictions in relation to highway safety which should be carried forward.
- Civil law issues relating to private access rights across Jerusalem Farm's land.
- How would it be ensured that there is no contamination of Harden Clough by toilets.
- How would wildlife in the wood be protected and cared for?
- There appear to be temporary buildings, they should be finished to blend in more with the trees.
- Supportive of use by children and community groups but could it be ensured that it won't become a commercial camping ground?
- Noise impacts within the valley.
- The land is designated as a BHS and public access should be discouraged.
- The Council should make reference to their biodiversity audit when considering this application.

29 Responses received supporting the application for the following reasons:

- Benefits to local community and young people.
- The development supports the local economy.
- The current owners are sensitive enough to ensure that the concerns about access would not be an issue.
- Much needed access to the outdoors.
- It is an excellent way to protect our woodlands.
- It is valuable to encourage young people to visit and learn about nature.
- Support efforts to make the projects accessible to all.

- The proposed development would enable vulnerable children to experience the countryside in a safe environment, promoting their education and emotional development in a unique and life changing way.

Officer Comments

Policy

The following Pendle Local Plan Part 1: Core Strategy policies apply:

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG, or its replacement.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary. Proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SUP3 (Education and Training) states that facilities and services for the education and training of all age groups should be in locations that are conveniently accessible to users, including by walking and cycling.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. It states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services.

Policy WRK5 (Tourism, Leisure and Culture) States that proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

Expansion of the rural economy and farm diversification projects will be supported by promoting the re-use of existing buildings of traditional design and construction and by allowing extensions to existing business premises. Premises alongside the Leeds and Liverpool Canal provide a unique opportunity to preserve our industrial heritage, whilst creating new employment opportunities.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 31 sets out the required parking standards.

National Planning Policy Framework

Paragraph 83 states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 84 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Principle of the use

Policies SDP2 and ENV4 seek to minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services.

Policy SUP3 states that education and training uses should be in locations that are conveniently accessible to users and Policy WRK5 supports new tourist facilities where they do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport.

There is no nearby access to public transport the nearest bus stop being along the A56 2.8km walking distance from the site. The site is not adequately accessible by foot from any settlement, all being over 2km by foot and access by cycle would involve be likely to involve riding along, at times narrow and steeply sloping, national speed limit roads. Therefore, the site is not adequately accessible by sustainable transport modes, this would make access to the site likely to be entirely reliant on private motor vehicles.

Paragraph 84 of the Framework states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, this does not give blanket support to unsustainable development in rural areas, it is of note that this paragraph of the Framework uses the term 'not well served' by public transport, whereas this site has no feasible access by public transport, no feasible scope for access by foot and severely restricted cycle access.

This is not a sustainable location for the proposed education and tourism uses.

The applicant has proposed a travel plan to address this proposing pre-booked access by minibus only, however, this would not be practicably enforceable. Therefore, the proposed development is contrary to policies SDP2, SUP3, WRK5 and ENV4

Residential Amenity

The proposed development would not result in any unacceptable residential amenity impacts. Concerns have been raised relating to the impact of additional traffic on Jerusalem Farm, however, the site has an access via Jerusalem Farm's land and the proposed development would not result in a level or nature of traffic that would cause any unacceptable residential amenity impacts.

Visual Amenity and Landscape Impact

The site would not be excessively prominent in the wider landscape, however, public rights of way run directly adjacent to the site and the building would be prominently visible from them. The building by its nature would have a degree of adverse impact on the open rural character of the countryside, however, that impact could be outweighed by the benefits of the development.

Parking and Highway Safety

The site has two potential accesses as identified in the site description, both accesses are single track with no passing places for long sections and also follow the routes of public rights of way. It appears likely that the access from Skipton Old Road is the primary access as it is a shorter route and is fully surfed with bound surfacing, the other route from Cob Lane being a rough track in places.

A travel plan has been submitted proposing that access is split between the two routes on a daily basis and that access would be by pre-booked groups arriving by minibus only. However, whilst a travel plan can set out a general strategy for travel, the specific measures to control traffic proposed such as access by minibus only and marshalling of traffic on the access track would not be enforceable. There are other uses of the site and it would not be feasible for enforcement monitoring to distinguish between access by private car for those uses and for the proposed use.

The junction with Skipton road is acceptable to safely accommodate the additional traffic that would be likely to be generated by the development. However, LCC Highways have raised concerns in relation to the lack of passing provision. The access road to Skipton Road has a wide entrance with an approximately 20m section to enable vehicles to pass, it has a second passing place 100m beyond that. There is a 300m stretch between Jerusalem Farm and the land in the applicant's ownership which would have no passing place, only part of that section is a public right of way, as the definitive route of the right of way diverts off the access track for approximately 130m. Passing places on that section would be necessary which is land outside the control of the applicants. In addition to passing places on the land within the applicant ownership would be needed to allow vehicles to pass on that section and reduce the risk to users of the public right of way from reversing vehicles. That land is not within the application site or within the applicant's control and the land owner has indicated they would not be willing to grant any permission for passing places to be provided. It would not be appropriate to attach a Grampian condition as the owners of the land have indicated they would not give permission and hence the provision of passing places will not happen.

The access from Cob Lane is unsuitable to accommodate an increase in traffic, it would require significant improvements and passing places installing on land not within the applicant's ownership or control. It is narrow and tortuous and not suitable for minibuses.

Whilst the siting of the proposed building would not obstruct the adjacent public rights of way no details of proposed vehicular parking have been submitted, this is necessary to assess whether adequate parking can be accommodated without unacceptable visual impacts and impacts upon the adjacent public rights of way.

Therefore, the proposed development would result in an unacceptable impact upon the safety of users of the public rights of way following routes of the proposed access tracks contrary to Policy ENV4.

Ecology

The proposed track has potential implications for the hydrology of the moorland within the Kelbrook Moor BHS. The track would also enable an increase of activity within the woodland of the BHS. The special ecological value of the woodland identified when it was designated as a BHS was in its ground flora.

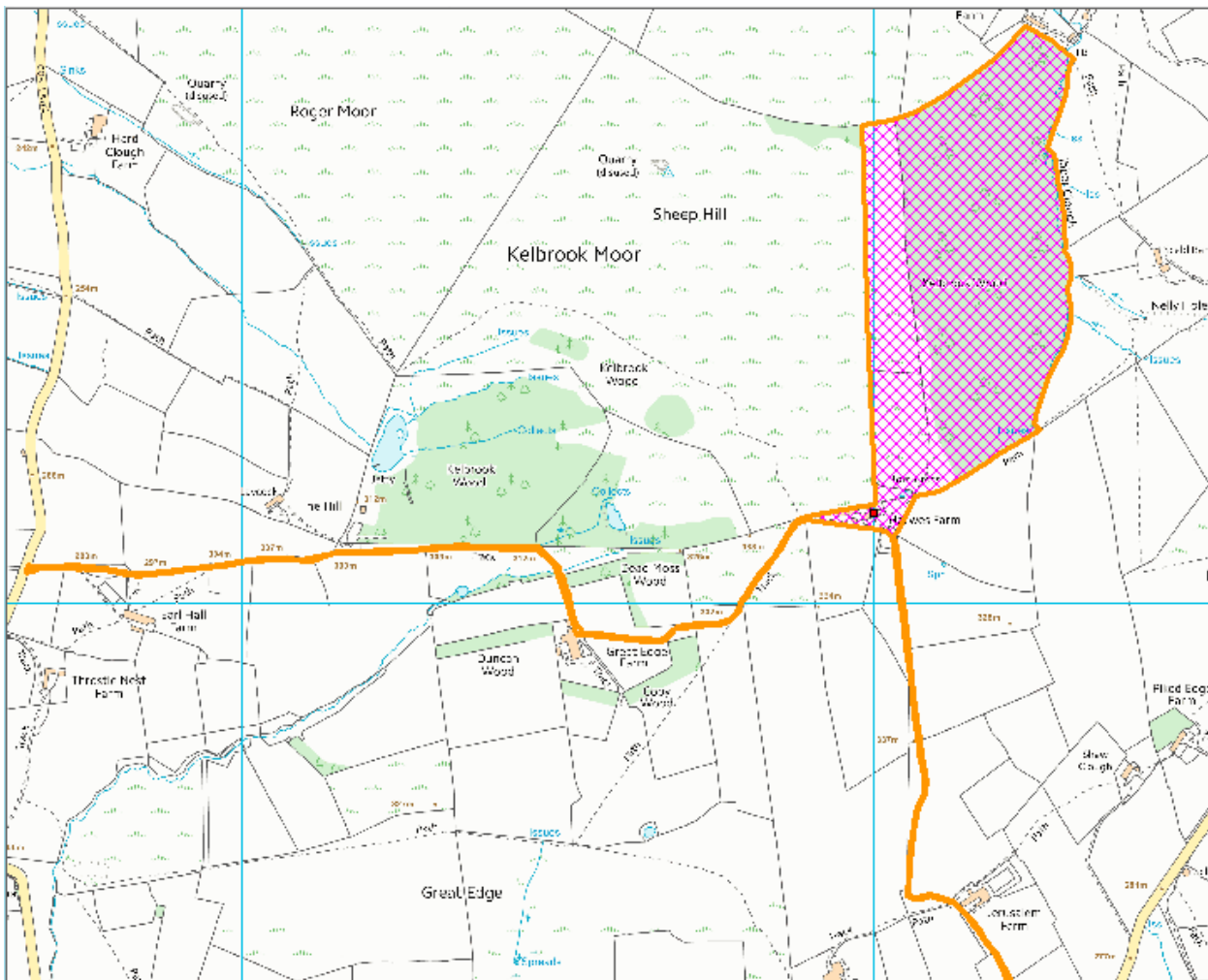
An additional ecology report has been received. The report addresses the concerns of the Council's Environment Officer in relation to the ground flora within the woodland, which the report details has changed since the area was designated a BHS and is no longer species rich, therefore the increase use of the woodland would not have an unacceptable ecological impact.

The proposed development is acceptable in terms of its ecological impacts in accordance with Policy ENV1.

RECOMMENDATION: Refuse

1. The application site is in a location with low accessibility that would not be readily accessible by public transport and sustainable modes of transport and the proposed development, it would not be conveniently accessible to users and would result in a significant increase in car usage contrary to policies SDP2, ENV4, SUP3 and WRK5 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 83-84 of the National Planning Policy Framework.

2. The proposed vehicular accesses to the site do not provide sufficient opportunities for vehicles to safely pass and insufficient provision has been detailed for parking and manoeuvring of vehicles, this would result in an unacceptable risk to other users of the public rights of way along those access routes contrary to policy ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 108-110 of the National Planning Policy Framework.



Application Ref: 19/0867/FUL

Proposal: Full: Change of use of land to mixed agricultural, educational and camping use, plus erection of timber cabin for educational use.

At: Harwes Farm, Cockhill Lane, Foulridge

On behalf of: Harwes Farm Community Interest Company