



 **Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 17/09/2021**

**COMMITTEE DATE**    06/10/2021                      **WARD**            Stanton Hill and Teversal

**APP REF**                      V/2021/0421

**APPLICANT**                      I Taylor & H Hemstock

**PROPOSAL**                      Change of Use of Agricultural Land to Camping Lodges and Parking Together with the Creation of a New Access

**LOCATION**                      Fackley Farm, Fackley Road, Teversal, Sutton in Ashfield, NG17 3HL

**WEB-LINK**                      <https://www.google.com/maps/@53.1459924,-1.2900446,248m/data=!3m1!1e3>

**BACKGROUND PAPERS**    A, B, D, & K.

App Registered: 07/06/2021                      Expiry Date: 01/08/2021

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Councillor Smith to discuss the impact upon the street scene.*

**The Application:**

This is an application for the change of use of agricultural land, installation of camping lodges and creation of a new vehicle access. The application site is currently overgrown, and comprises of a storage area for agricultural machinery and associated paraphernalia.

Directly along the northern boundary of the site runs the Silverhill Trail, which is situated atop a raised embankment. To the north and northeast are residential properties, with open fields to the south west.

The application site is located outside of the Districts main urban areas or named settlements, in an area designated as Countryside, as identified by policy EV2 of the ALPR 2002.

**Consultations:**

A site notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

**Resident comments:**

No comments received from any local residents.

**Ashfield District Council Planning Policy:**

Policy EV2 seeks to locate appropriate development in the most sustainable locations and to ensure that development does not adversely affect the countryside, emphasising that development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness.

Outdoor sport, outdoor recreation and tourism uses are identified as appropriate uses within the Countryside (EV2 b). Whilst the Neighbourhood Plan identifies a 'tourism trail' as being an opportunity within the SWOT analysis, no other specific reference to tourism is made within the Neighbourhood Plan.

Tourism is identified in relation to living accommodation in several of the other forms of appropriate development set out in Policy EV2 of the ALPR, such as (e) reuse of existing buildings and (g) infill development.

The ALPR in Chapter 8 sets out that 'the Council recognises that the provision and improvement of opportunities for recreation and tourism is of major importance in improving the quality of life for the local community and for attracting tourists and other visitors to the District.' The objectives in relation to Recreation, Tourism and Community Service include 'To consider the potential for tourist-related development and particularly the recreational benefits associated with the Greenwood Community Forest.' Tourism is specifically considered in ALPR paragraphs 8.50, 8.51 and 8.53.

This includes a recognition that pressure for tourism accommodation on land outside the Main Urban Areas and Named Settlements need to be considered against the provisions of Policies EV2. It is also identified in the Ashfield Corporate Plan 2019 to 2023 that, an independent Ashfield Place Board, Discover Ashfield, has been established. Their themes include support tourism and the visitor economy in the Ashfield area.

NPPF Paragraph 85 sets out that decisions should recognise sites to meet local business and community needs in rural areas. Development should be sensitive to its surroundings, and the use of previously developed land and those sites which are physically well-related to existing settlements should be encouraged.

The application site is not subject to any national or local environmental designations. A Priority Habitat Inventory - Deciduous Woodland (England) is identified to the former railway.

Fackley Farm, adjacent to the site, is a locally listed building (Site Reference 755), and the impact would need to be considered.

### **Teversal, Stanton Hill and Skegby Neighbourhood Forum:**

Application does not mention the Neighbourhood Plan, which is relevant to the proposal.

The application may meet some of the criteria for countryside development, it is within the green corridor between Teversal and Stanton Hill, which aim to separate settlements and preserve character.

Understand the re-siting of the access road for safety reasons, but this would mean erosion of green space.

This application could be a precursor to a much larger application, and the design of the units is unlikely to fit with any existing housing stock nearby.

If permission is granted a condition should be attached preventing the long-term occupation of the units – maximum of 28 days on any one occasion.

The access gate should be set back from the main road to avoid unsightly intrusion and to allow vehicles to pull off the road.

The site should be limited to the number of chalets proposed to avoid further expansion.

The existing footpath should be clearly identified as part of the general tidying of the site.

### **Natural England:**

No objection, subject to appropriate mitigation being secured in relation to SuDs details and the future management and maintenance of such systems.

The site is within 2km of the Teversal Pastures SSSI, which is sensitive to water quality.

### **Nottinghamshire County Council Highways:**

Initially objected to the proposal, however following revisions to the proposal and further consultation, the Highway Authority no longer objects to the proposal.

### **Nottinghamshire County Council Rights of Way:**

Footpath 35 runs through the application site.

Question whether the footpath is to be resurfaced, and the proposed width of the footpath.

Informatives advised.

**The Coal Authority:**

The application site does fall within the defined Development High Risk Area; however, the nature of development is exempt, and therefore there is no requirement for a Coal Mining Risk Assessment to be submitted. However the applicant may wish to consider the implications posed by the coal mining legacy of the site.

**Policy:**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

**National Planning Policy Framework (NPPF):**

Part 2 Achieving Sustainable Development.

Part 6: Building a strong, competitive economy.

Part 8: Promoting healthy and safe communities.

Part 9: Promoting sustainable transport.

Part 12: Achieving well-designed places.

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

Part 15: Conserving and enhancing the natural environment.

Part 16: Conserving and enhancing the historic environment.

**Ashfield Local Plan Review (ALPR) (2002):**

ST1: Development.

ST4: Remainder of the District.

EV2: Countryside.

EV8: Trees and Woodlands.

RC8: Recreational Routes.

## **Teversal, Stanton Hill & Skegby (TSS) Neighbourhood Plan (2016-2031):**

NP1: Sustainable development.

NP4: Protecting the Landscape Character.

NP5: Protect and Enhancing Heritage Assets

NP6: Improving Access to the Countryside.

### **Relevant Planning History:**

**V/1978/0254** - Site for residential development - Refuse.

**V/2017/0107** - Demolition of existing derelict buildings and erection of one implement store and one storage shed - FULCC.

### **Comment:**

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (ALPR)

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan must be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision

ALPR Policy ST4 sets out that permission will only be given for:

- Sites allocated for development;
- Development appropriate to the Green Belt (Policy EV1) or the countryside (Policy EV2).

### **Principle of Development:**

Fackley is washed over by the countryside and, therefore, the application site is in the countryside as defined by Policy EV2.

In combination with Policy ST4, Policy EV2 establishes a vision for the countryside and seeks to locate development in the most sustainable locations and to ensure that development does not adversely affect the countryside. The Policy restricts development in the countryside to defined appropriate forms of development. It also emphasises that development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. The NPPF does have a more flexible approach to development in the countryside, but also recognises the intrinsic character and beauty of the countryside (NPPF para 174 b). Therefore, it is considered that the objectives of the Policy EV2 are broadly consistent with the policies relating to the countryside in the NPPF.

Various forms of development are identified by Policy EV2 as being appropriate development in the countryside. This includes outdoor sport, outdoor recreation and tourism uses (Policy EV2 b). However, the supporting information to the Policy gives limited supporting information in relation as to what tourist activity this is associated with. Similarly, while the Neighbourhood Plan identifies that 'Tourism trails' are an opportunity in the SWOT analysis, the Neighbourhood Plan makes no other specific reference to tourism.

The ALPR in Chapter 8 sets out that "*the Council recognises that the provision and improvement of opportunities for recreation and tourism is of major importance in improving the quality of life for the local community and for attracting tourists and other visitors to the District*". The objectives in relation to Recreation, Tourism and Community Service include the need to consider the potential for tourist-related development, particularly in relation to associated recreational benefits.

This includes a recognition that pressure for tourist accommodation on land outside the Main Urban Areas and Named Settlements need to be considered against the provisions of Policies EV2. It is also identified in the Ashfield Corporate Plan 2019-23 that an independent Ashfield Place Board, Discover Ashfield, has been established. Their themes include support tourism and the visitor economy in the Ashfield area.

The NPPF is supportive of a strong local economy, setting out that decisions should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, subject to them respecting the character of the countryside. This includes development and diversification of agricultural and other land-based rural business (Para 84).

Given that the application site is in the countryside, ALPR Policy EV2 looks to ensure that development is located and designed so as not to adversely affect the character of the countryside, in particular its openness.

Paragraph 85 of the NPPF sets out 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. In these circumstances, it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. The use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Whilst Fackley Farm is located outside the Fackley village boundary, as defined by the ALPR Proposals Map, it is located in close vicinity to the Village. As well as NPPF Paragraph 85, in the case of *Julian Wood v SSCLG and Gravesham Borough Council* it was held by the Supreme Court that the boundary of a village is a matter of planning judgement. While a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the assessment of the extent of the village on the ground.

In terms of whether it is a sustainable location, Planning Policy Guidance 13: Transport explained that 'walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2 kilometres'. While this document has been replaced by the NPPF, it gives an indication of what amounts to a reasonable walking distance. In addition, The Institute of Highways and Transportation 'Guidelines for Providing Journeys on Foot (2000)' sets out that in areas beyond town centres, walking distances of 800-1000m are regarded as acceptable. On the basis of these distances, the application site is located within walking distance of the facilities within Fackley and the Cooperative Retail Store at Stanton Hill.

As such it is considered that in principle the proposal would represent a sustainable and appropriate form of development in this countryside location, in accordance with the aforementioned tourist related policies and initiatives.

### **Amenity:**

8 tourist lodges are proposed as part of this proposal. They will measure approximately 10m in length and 5m in width, with an eaves and ridge height of approximately 2.4m and 3.2m respectively.

Each lodge will have two bedrooms and an open plan kitchen-living-dining area, and also incorporate a covered veranda area to their frontage. The lodges will present a stained timber finish with felt singles utilised for the roof.

The lodges are located between existing farm buildings to the south, and a raised bank (Silverhill Trail) to the north. There will be limited views of the lodges from the public Highway of Fackley Road as they will be largely screened by existing development on site, with limited views of the site also achievable from the Silverhill Trail due to existing vegetation.

To the sites frontage (east) is an existing large paddock, which is separated from the public highway by an existing low level mixed hedgerow. A new access road is proposed through this area, with a section of hedgerow having to be removed to facilitate vehicle access. The new road links up with the existing access along the northern boundary of the site. New amenity planting is proposed at the new site entrance to help the development assimilate into the surroundings and to reduce the potential harm to the street scene.

Overall due to the siting, size, scale and design of the proposal, it is considered that the development would not have a detrimental impact upon the character of the street scene, nor detrimentally harm the character and openness of the countryside.

The nearest residential property to the proposed lodges is located approximately 70m to the north (Kynance, Fackley Road), although this is separated from the site by the former raised railway embankment (Silverhill Trail). Other nearby properties (1 & 2 Fackley Road) are located approximately 110m to the north east, with others (Oaklands, Fackley Road) being approximately 130m to the east. Due to the nature of the proposal (short term holiday accommodation) it is considered that there shall be a limited impact upon the residential amenity of nearby properties via the use of the lodges and the associated comings and goings.

### **Highways:**

The Highway Authority have provided comments at various stages as to the suitability of the proposal, particularly relating to aspects such as the new and existing accesses, visibility and parking/manoeuvring etc.

A new access is proposed for customer use only. The access has been positioned in the proposed location to ensure adequate visibility can be achieved at the egress point. 2.4m x 43m visibility splays have been demonstrated at the new access (which do not conflict with the existing tree to the north west of the access), which the Highway Authority are satisfied with. The Highway Authority have also confirmed that the new access width is acceptable to allow adequate forward visibility and the safe passage of vehicles.

The existing access point is to remain, and is to be utilised by the site owners only for farm/agricultural vehicles. The access gate will be repositioned to include a 20m setback from the edge of the carriageway to ensure any farm/agricultural vehicle using this access would not impede/block the public highway whilst the gate is open and closed. The Highway Authority are happy with this arrangement.

To the side of the existing access a new bin collection point is proposed. This will reflect current waste collection arrangements and also ensure a designated area is provided close to the highway to prevent footways becoming blocked on collection days.

Alongside the existing access is a public footpath. To ensure the safety of users of the footpath, a new 1.2m high timber post and rail fence is to be erected between the footpath and the vehicle access. The footpath at this section is also to be widened and maintained at a width of 2m, and is to be resurfaced with crushed stone as an improvement to the existing bare earth. This is an approach the Rights of Way team at Nottinghamshire County Council are happy with.

Within the site a new parking area is to be provided, allocating 1 parking space per lodge. Some additional parking spaces are also provided for ad-hoc usage by customers, staff, deliveries etc.

A new turning head is also provided within the site, which has been designed to accommodate cars, delivery vehicles and service vehicles such as refuse vehicles. Vehicle tracking plans have also been provided to demonstrate manoeuvring by utilising this turning head, which the Highway Authority are satisfied with.

In accordance with the above, it is considered that the proposal will not detrimentally affect highway safety or the capacity of the existing highway network.

#### **Other:**

Natural England identify that the site is within 2km of the Teversal Pastures Site of Special Scientific Interest, which is located approximately 1.1km+ away to the north east. It has been identified that the aforementioned SSSI is sensitive to water quality, and therefore any water or liquid which is discharged into the ground should flow away from the SSSI. A condition relating to SuDS details to be submitted and approved in writing is therefore suggested.

Fackley Farm is locally listed, with it being identified that the condition of the property was poor at the time of designation. Although no heritage statement has been submitted, the farmhouse is currently undergoing improvements. It is also considered that the proposal would not detract from the setting and significance of the non-designated heritage asset.

#### **Conclusion:**

It is considered that the proposal represents an identified appropriate form of development within the countryside,

The proposal is an appropriate use within the countryside as identified by policy EV2 of the ALPR, and it is considered that given the size, scale, design and siting of the overall proposal, that it will not detrimentally affect the character and openness of the countryside, nor detrimentally harm the character of the street scene.

Furthermore the highway aspects are to the satisfaction of the Highway Authority, and therefore it is considered there shall be no significant impact upon highway

safety. The use of a condition to ensure surface water drainage is implemented in a manner to avoid harm to the SSSI is also considered appropriate.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

**Recommendation: Grant planning permission.**

**Conditions:**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.
3. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.2118/LP Rev.A, Received 04/08/2021. Proposed Layout Plan, Drawing No.2118/BP Rev.E, Received 16/09/2021. Proposed Elevations and Floor Plans, Drawing No.2118/P1, Received 27/05/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
4. Each holiday let hereby permitted shall not be let to, or occupied by, more than four persons at any one time. The holiday lets shall not be occupied as permanent dwellings and shall not be occupied for more than 28 days in any calendar year by any individual person or group of persons. A register of occupancy shall be kept and made available for inspection by the Local Planning authority on request.
5. Prior to the lodges being brought onto site full details of drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include sustainable drainage principles where appropriate, and be implemented in accordance with the approved details before the development is first brought into use. Any surface water drainage plans should take account of comments made by Natural England during the determination of this application.
6. Prior to the hereby permitted development being brought into use a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the

next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

7. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.0 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
8. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
9. No part of the development hereby permitted shall be brought into use until visibility splays of 2.4metres x 43metres are provided on each side of the vehicle access as illustrated on the submitted layout plan (Drawing No. 2118/BP Rev.E). The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections.
- 10.No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.
- 11.The existing farm access (along the north boundary) shall not be used in association with the hereby permitted tourism use, which includes but is not limited to customers and deliveries, and shall only be used in association with the farming/agricultural enterprise.
- 12.Prior to the hereby approved development being brought into use, the gate associated with the existing farm access (along the north boundary) shall be relocated to the position as shown on the proposed layout plan (Drawing No.2118/BP Rev.E).

**Reasons:**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

4. To enable the Local Planning Authority to maintain satisfactory control of the activities involved.
5. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
6. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
7. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
8. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
9. In the interest of general highway safety.
10. To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.
11. In the interest of highway safety.
12. In the interest of highway safety.

**Informatives:**

1. The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
2. There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team. I would be happy if the applicant would be amenable to applying a crushed stone surface to the path. I'm happy to discuss this further.
3. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
4. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
5. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

6. The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0300 500 8080 to arrange for these works to be carried out.
7. This planning permission does not grant advertisement consent for the display of any advert(s)/sign.