

**REPORT FOR WESTERN AREA PLANNING COMMITTEE****Report No.**

|                            |  |
|----------------------------|--|
| <b>Date of Meeting</b>     | 12/12/2018   |
| <b>Application Number</b>  | 17/08216/FUL   |
| <b>Site Address</b>        | Land North of 146, Upper Westwood BA15 2DE   |
| <b>Proposal</b>            | Provision of one self-contained camping pod with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL).<br><br><b>Note: Members are advised that since the November WAPC meeting, the applicant has formally revised the application removing one of the proposed camping pods and the area subject to Change of Use to include only the access and the Pod. This application now only seeks one self-contained pod. This revision has been subject to a fresh consultation period limited to 10 days mindful of the 12 December committee meeting.</b> |
| <b>Applicant</b>           | Mr & Mrs John Blake  |
| <b>Town/Parish Council</b> | WESTWOOD   |
| <b>Electoral Division</b>  | Winsley and Westwood – Cllr Johnny Kidney  |
| <b>Grid Ref</b>            | 380247 159451  |
| <b>Type of application</b> | Full Planning  |
| <b>Case Officer</b>        | Matthew Perks  |

**Reason for the application being considered by Committee**

This matter is brought back to Committee following the elected members' resolution at the 14 November 2018 meeting "*To defer making a decision until after a member site visit*" – which is scheduled for 10 December 2018 at 1.15pm.

Cllr Johnny Kidney requested that this application be called-in for the elected members to determine (should officers be minded to grant permission). Cllr Kidney identified the following issues for Members to consider:

- Environmental or highway impact; and
- There is significant local concern regarding access and impact on the AONB.

**1. Purpose of Report**

Officers have followed up on member discussions at the previous meeting and the agent has submitted revised proposals and further information. A fresh consultation exercise has been carried out and is reported on below within this revised officers report. Any additional representations received following the publication deadline for the committee meeting will be verbally reported to committee members by the case officer.

The purpose of the report is to assess the merits of the revised proposal against the policies of the development plan and other material considerations and to recommend that the application be approved.

## 2. Report Summary

The report submitted to the previous Committee meeting is appended below for ease of reference.

As before, the main issues to consider with this application are:

- The Principle of Development;
- Landscape: Green Belt, Cotswolds AONB and Conservation Area
- Impact on neighbour amenity; and
- Highways.

Officers will verbally report on responses to the re-consultation exercise on 12 December. In respect of the previous proposals, Westwood Parish Council objected and the LPA received 51 letters of objection and 25 letters expressing support.

## 3. Legal Opinion, Additional Information and Appraisal of the Revised Proposal

Following on from Member discussion at the November meeting, the Council's Legal team were asked to provide a legal view on whether or not camping facilities constitute an exemption as "sport and recreation" under Green Belt Policy. Due regard has been given to the court ruling a member of the public and representor referenced at the November committee meeting (which is understood to relate to The Queen on the application of Amanda Boot and Elmbridge Borough Council [2017] EWHC 12 (Admin) case which resulted in a permission being quashed for a *new football and athletics facility* in Walton-on-Thames in Surrey.

Due regard has also been given to a recent (i.e. a post July 2018) appeal decision in Shropshire (under ref APP/L3245/W/18/3198157) which was pursuant to a "*change of use from agricultural land to a glamping site for 5 temporary wooden structures and temporary bell tent along with a kitchen area and WC/shower block*" wherein the appointed planning inspector found that the appealed development constituted inappropriate development in terms of applying paragraph 145 of the Framework and that it would introduce new buildings onto land that was previously open land used for agriculture, thus constituting an harmful encroachment into the countryside and in conflict with paragraph 143 of the framework.

The Council's legal officer advises that: "*Other than the Shropshire decision (referred to above) I have not been able to find any definitive answer on whether what is being proposed would amount to "appropriate facilities for ...outdoor recreation".*"

*There are a number of cases where proposals for camping sites have been considered in the Green Belt but which have been considered inappropriate development as they did not involve "buildings". However, the implication is that caravanning/camping could be seen as outdoor recreation otherwise. Interestingly paragraph 146 of the NPPF 2018 now includes an express reference to a change of use of land for ...outdoor recreation purposes" which was not present in the 2012 version of the NPPF.*

*As far as the high court is concerned the only cases I have been able to find that are vaguely relevant are a little contradictory;*

*In Fordent Holdings Ltd -v- SoS CLG and Cheshire West and Chester Council [2013] EWHC the court considered a challenge to an Inspector's decision to refuse permission for a change of use of an agricultural field to use as a caravan and camping site with the construction of a*

*shop, reception, office and amenity blocks. Although the court didn't specifically consider whether the use was in fact an outdoor sport and recreation use, it did note that the Inspector had determined that it was such a use and that this had not been challenged by the Secretary of State in the course of the proceedings (paragraph 9 of the judgement). However the Inspector went on to determine the proposals were inappropriate development because of the impact on the openness and purpose of the Green Belt and that "very special circumstances" were not demonstrated by the applicant. The decision was upheld.*

*Similarly in R(xp Wildie) v Wakefield MDC [2013] EWHC which concerned a challenge to an application for a change of use of land from agricultural field to 20 pitch caravan and camping site with some office, storage buildings and access, it was "common ground" between the parties that the development was inappropriate development in the Green Belt as it did not fall within "other forms of development" in paragraph 90 of the NPPF 2012. Arguably this must mean that the parties were satisfied that the use did also not fall within paragraph 89 (Paragraph 25 of the judgement).*

*In the Delamere Forest case the Inspector seems to infer that paragraph 89 would be the appropriate paragraph to consider proposed log cabins/chalets under as exemptions to permit buildings in the Green Belt but didn't expressly state this given that he was satisfied the number/scale would impact on the openness of the Green Belt so they amounted to inappropriate development.*

*On that basis, in the absence of any case law from the applicant I would suggest that the Shropshire case must be the most relevant given the nature of the use proposed at Upper Westwood.*

*The point about the case cited by the local objector (the Boot case) is that the Council (and the case officer) found that the proposed stadium and playing fields were buildings associated with outdoor sport and recreation but would have only limited effect on the openness. This limited effect meant that they should then have gone on to consider if there were very special circumstances supporting the development. This they did not do. However, had they come to the conclusion that the buildings did not impact on the openness and purpose of the green belt then presumably their decision would have been fine.*

*The case is not strictly relevant if the Council were satisfied that the proposals were buildings (para 145) or a change in the use of the land (para 146) providing facilities for outdoor recreation which did not impact on the openness or purpose of the Green Belt – it would only be relevant if the Council were satisfied that there was such an impact in which case there would need to be a very special circumstances justification to permit the scheme.*

The agent representing the applicant has, in turn, submitted further supporting information and has revised the application for one pod only. In respect of whether or not glamping pods would fall within the exception criterion under NPPF paragraph 145 (b), the agent submits that there are appeal decision and local precedents that reflect differing interpretations. Three cases are cited:

i. Land at Highfield Farm, Bridgnorth (PINS Ref: 3198157) – this 2018 appeal precedent related to a proposal for 5 No. wooden accommodation structures (pods), a bell tent and a WC/Shower Block) in the Green Belt. The proposal was judged by the Inspector not to be a sport and recreation use and was dismissed on grounds of an adverse landscape impact and loss of openness. This case included 3 pods plus a "grotto" structure, bell-tent, kitchen and ablution block. The Inspector found that the development constituted "holiday accommodation" and introduced additional built footprint and volume onto land that was previously open and was clearly visible in longer views and appeared as an encroachment into the countryside, thus not preserving openness of the Green Belt.

ii. Land at Bookham, Surrey (PINS Ref: 3029773) – this 2015 appeal related to the erection of 2 amenity blocks and change of use to a campsite in the Green Belt and an AONB. In considering this case the Inspector noted that, with the exception of the amenity blocks, the proposal was for a change of use and therefore, under the then applicable 2012 NPPF, would have been inappropriate development. [As noted by Council’s Legal Officer (above) paragraph 146 of the *NPPF 2018 now includes an express reference to a change of use of land for ...outdoor recreation purposes*]. The Inspector in allowing the Appeal in the 2015 case went on to find:

*“17. Two new amenity buildings are proposed. The larger of these would be located in the north western corner of the site, replacing an existing substantial wooden shed. The proposed building would be less than one metre taller than the existing shed and have a marginally larger footprint. However, the front part of the building would consist of an open veranda. Consequently, I consider that the proposed increase in size would not adversely affect the openness of the Green Belt.*

*18. A new smaller wooden shed is proposed at the entrance to the site. The new building would be of limited dimensions and located in the south western corner of the site adjacent to the boundary. As a result I consider that the new building would not adversely affect the openness of the Green Belt.*

*19. Finally, the proposal would result in the removal of an existing toilet block and a further small storage shed and consequently I consider that there would only be a marginal increase in the permanent structures at the site.*

*20. Paragraph 79 of the Framework indicates that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open. Given the location of the site in open countryside and the limited effect on openness that I have outlined above I conclude that the proposal would not result in the spread of the urban area or erode the overall openness of the Green Belt.”*

Whilst this case is different in scale to the proposals now under consideration, it does reflect an Inspector’s interpretation on what constitutes harm to the openness of the Green Belt.

iii. Land at Hartley Farm, Winsley (Ref: 15/05252/FUL) – this was a planning application where the proposal related to a campsite in the Green Belt. Although the application was refused for highway reasons, the planning case officer stated in the delegated report:

*“The provision of glamping facilities is considered to be a form of outdoor recreation and as such buildings associated for such a use are not inappropriate by virtue of Paragraph 89 of the NPPF”. (i.e. the 2012 Version)*

In respect of (iii) above it should further be noted that a revised proposal under application 17/02879/FUL was subsequently granted, with the officer observing:

*“The provision of glamping facilities is considered to be a form of outdoor recreation and as such buildings associated for such a use are not inappropriate by virtue of paragraph 89 of the NPPF.*

*The land however is currently not in any lawful recreation use; rather a change of use of agricultural land has occurred. Paragraph 90 of the NPPF makes further provisions as to what other developments in the Green Belt are not inappropriate. However changes of use are not included. As such it is assessed that the change of use proposed is inappropriate and by definition harmful. Paragraph 88 of the NPPF is clear that “when considering any planning*

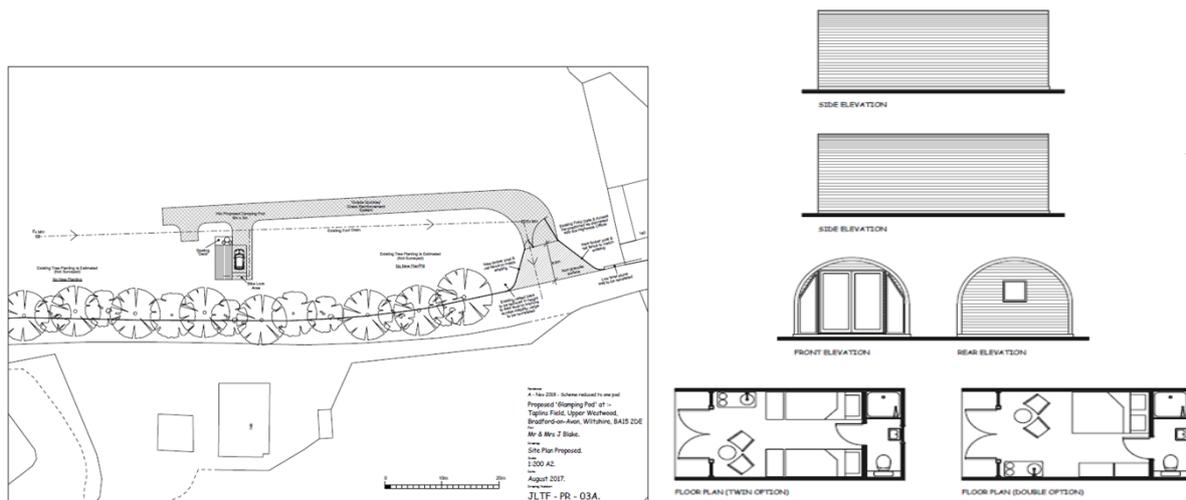
application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Change of use of the land for the provision of glamping facilities would be entirely consistent with the purposes of including land within the Green Belt designation. Specifically it would clearly encourage outdoor recreation. Paragraph 81 of the NPPF states "local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

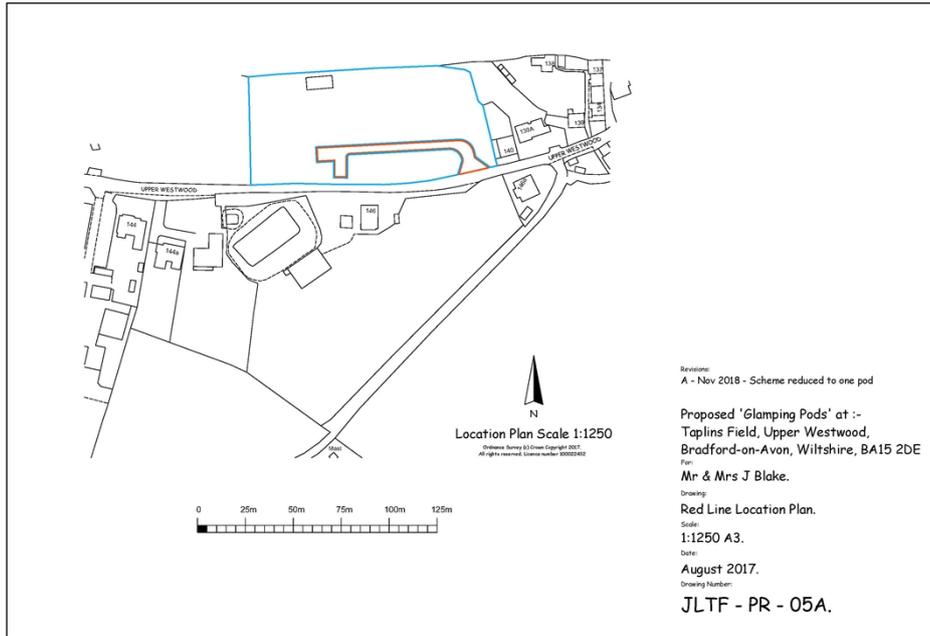
The proposals would result in a beneficial use of the Green Belt, by providing access for those people using the development; providing recreation facilities, albeit private; and by providing a diversification project to a local farmer who by virtue of their management of the wider area helps retain and enhance the landscape and thus ensures the ongoing visual amenity and biodiversity of the area. Therefore against the tests of paragraph 81 of the NPPF it is assessed that there are very special circumstances that would allow the approval of this development; namely that it accords with the actual purpose of the Green Belt designation; which is not actually to seek the retention of the land for agricultural purposes only.

The proposals are sympathetic to the openness of the Green Belt being quite minimal and spacious, even when compared to other similar camping type developments. The impact on the landscape will be considered below, but suffice to say the proposals are of a scale, form and siting so as to preserve the openness of the Green Belt and any relatively minor concern is mitigated by the established and young landscaping on and adjacent to the site. Further conditions can be used to minimise the amount of development to that being proposed which will further protect the openness of the Green Belt. ...As such, in terms of openness, it is considered that there is no substantive harm".

The agent has submitted amended proposals for the current application which would now provide only for a single self-contained glamping pod of the same design and materials as per the original proposal:



The revised application site furthermore restricts the change of use to the access and pod area. This was a concern raised by objectors, where the application site extended beyond the immediate area of the pods into the field.



The revised planting plan shows the provision of new screening and landscaping proposals:



Recognising the fact that the elected Members also discussed the management of the site at the November committee meeting, the agent provided further information advising that: “The applicants are well qualified to run a low impact tourism business of this nature. For 40 years Mr Blake has organised walking holidays for students and adults in National Parks, and has more recently organised treks for adults in Spain. As a qualified nurse, Mrs Blake, can provide

*medical support / advice, if required. The applicants also attend the site on a regular basis to manage poultry and maintain the site which has been in their ownership for 40 years.”*

In light of the above, the following is submitted for consideration by members :

- i. No clear-cut case law has been found reflecting the identical circumstances this case presents, i.e. the provision of self-contained movable “glamping pods” with no other supporting buildings, albeit that fixed drainage and access would be provided as ancillary facilities;
- ii. Whether or not “glamping” in the absence of any other buildings comprises “outdoor recreation”;
- iii. Appeal decisions reflect that Inspectors in the past have taken the view that a change of use for the provision of “*tourist facilities*” is inappropriate development in the Green Belt;
- iv. It is considered that, where the pod (albeit not built on foundations), would be located on the site permanently, or at least most of the year, and would be served by attached services and an access track, there would be a change of use. It is however also the case that the LPA has taken the view previously that “*glamping*” meets the ‘*outdoor recreation*’ exception to Green Belt Policy; criterion of NPPF: 145 (b) on the basis that they would be used for recreational purposes (in association with walking, cycling etc.).
- v. The proposed pod would be sited in a location where it is expected to meet demand from walkers, cyclists and canoeists, but would nevertheless be a permanent/semi-permanent feature, which would, it is considered, constitute a change of use;
- vi. An exception criterion in paragraph 145(b) to the NPPF (2018) excludes from inappropriate development “ *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*”;
- vii. Para. 146 (e) also states that “...*material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate development. This exception was not part of the NPPF 2012 (the old para. 90), but is now included.*
- viii. If Members take the view that the proposed pod would serve outdoor sport/recreation then the key matter for consideration would be whether or not the proposal meets the para 141 of the 2018 NPPF test, viz: “...*local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.*”  
It is considered that, given the minimal impact on the landscape, the provision of a facility to provide access to the Green Belt and AONB where sport/recreation would be served, the proposal meets Para 141 requirements;
- ix. However, should Members be of the view that the pod would indeed constitute “*inappropriate development*” primarily as a tourist accommodation facility then the question becomes whether or not very special circumstances apply justifying approval. It is considered that the proposal would not only meet the NPPF para 141 requirement but also meets the important aspiration of the AONB Management Plan of providing low key tourist facilities to enhance access to and use of the AONB. It is considered that these factors, again together with the minimal visual impact and diversification (albeit to a limited extent) of the local economy, constitute the very special circumstances envisaged by the NPPF.

In the interests of brevity, the other Policy considerations (in particular CP39 Tourism and CP 51, relating to the AONB) which were addressed in detail in the previous report have not been re-assessed as they are covered in the attached committee report copy. It is also considered

that the ecology matters as previously reported including the case officer verbal update at the previous meeting, have been satisfactorily addressed. As noted, the ecologist assessed the proposals and concluded “... it is evident that that there are a number of embedded measures which are features and characteristics of this application which have the effect of mitigating impacts on the Bath and Bradford on Avon Bats SAC. These allow me to conclude the application will not give rise to significant effects on the SAC and no further assessment is therefore required.” The Ecologist suggested conditions, which have been included in the recommendation of this updated report. Highway and neighbour amenity issues were also previously assessed.

**4. Conclusion (The Planning Balance)** Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In view of the above additional considerations and the amendment to the proposal to provide for a single pod, it is considered that the proposed development accords with relevant policies on tourism, the AONB, green belt, heritage and highway safety. Planning permission is therefore recommended subject to the following planning conditions.

**5. RECOMMENDATION - Approval subject to conditions:**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan JLTF - PR - 05 A received on 30 November 2017  
Existing Site and Access JLTF - PR – 02 registered on 7 December 2017  
Proposed Site Plan JLTF - PR – 03 A registered on 26 November 2018  
Site Plan JLTF - PR – 04 A registered on 26 November 2018  
Pod Design JLTF - PR - 01 registered on 7 December 2017  
Planting Scheme 274\_PP\_01 V3 received on 03 December 2018

REASON: In order to define the terms of this permission, highway safety and to protect the rural scene.

3. The development hereby permitted shall take place in accordance with the methodology contained in the submitted “Ecological Assessment” (January 2018: Environmental Gain Ltd) and shall include the installation of the owl and bat boxes prior to the first occupation of the pods hereby permitted.

REASON: In the interests of nature conservation and the promotion of biodiversity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes of a camping site comprising a maximum of 1 camping pod.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to vary the accommodation provision.

5. The pod hereby permitted shall not be first brought into use until a Site Operational Statement with respect to the site management has been submitted to and approved in writing by the Local Planning Authority. The statement shall include information relating to the responsible person(s) and their contact details.

REASON: In the interests of neighbouring amenity and the proper management of the site.

6. No external lighting shall be installed.

REASON: In the interests of the prevention of light pollution, to protect dark skies within the AONB and protected species.

7. The development hereby permitted shall not be first brought into use until foul water drainage works have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that the development is provided with a satisfactory means of drainage.

8. The back wall of the pods shall be located at least 1 metre from the existing uncut edge of the hedgerow / trees along Upper Westwood and any work to improve the access into the site will be undertaken under the supervision of an ecologist who shall be present on site while such works are undertaken.

REASON: In the interests of protected species and enhanced biodiversity.

9. The new tree and hedge planting shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**REPORT FOR WESTERN AREA PLANNING COMMITTEE****Report No.**

|                            |   |
|----------------------------|---|
| <b>Date of Meeting</b>     | 14/11/2018  |
| <b>Application Number</b>  | 17/08216/FUL  |
| <b>Site Address</b>        | Land North of 146, Upper Westwood BA15 2DE  |
| <b>Proposal</b>            | Provision of two self-contained camping pods with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL). |
| <b>Applicant</b>           | Mr & Mrs John Blake   |
| <b>Town/Parish Council</b> | WESTWOOD  |
| <b>Electoral Division</b>  | Winsley and Westwood – Cllr Johnny Kidney   |
| <b>Grid Ref</b>            | 380247 159451   |
| <b>Type of application</b> | Full Planning   |
| <b>Case Officer</b>        | Matthew Perks   |

**Reason for the application being considered by Committee**

Cllr Johnny Kidney requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The key issues identified by Cllr Kidney for Members to consider are as follows:

- Environmental or highway impact; and
- And where there is significant local concern regarding access and impact on the AONB.

**6. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

**7. Report Summary**

The main issues to consider with this application are:

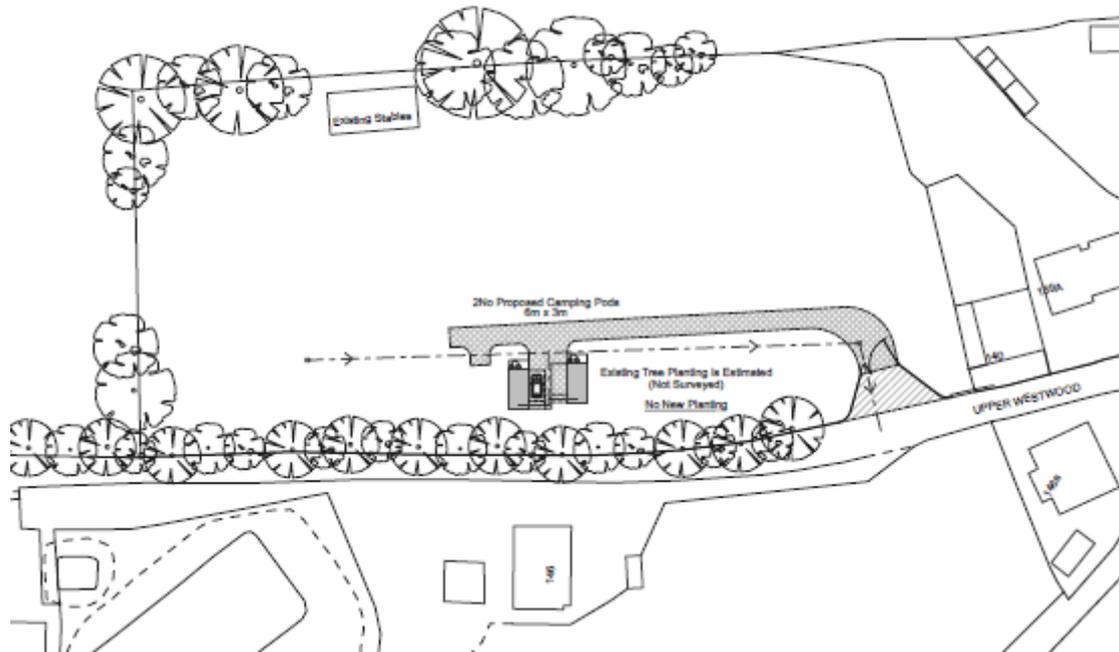
- Principle of development;
- Landscape: Green Belt, Cotswolds AONB and Conservation Area
- Impact on neighbour amenity; and
- Highways.

Westwood Parish Council objects to the proposed development for the reasons set out within section 7 of this report. Section 8 summaries the letters of representation the LPA has received which comprises 51 letters of objection and 25 letters expressing support.

**8. Site Description**

The application site comprises circa 0.2 hectares of an existing paddock measuring 0.7ha in extent located approximately 150m to the west of the Westwood village settlement boundary.

Westwood is classified as a 'Large Village' in the settlement hierarchy as set out under WCS Core Policy CP2; with the site being open countryside and located within the Green Belt and AONB; and, adjacent to the Westwood Conservation Area. As illustrated below, the site is roughly rectangular in shape and is well enclosed by dense and mature tree planting. The paddock has a structure in the form of a stable block near the northern boundary.



## 9. Planning History

W/76/01194/FUL - Make safe existing entrance to land with new gate and slab – Approved

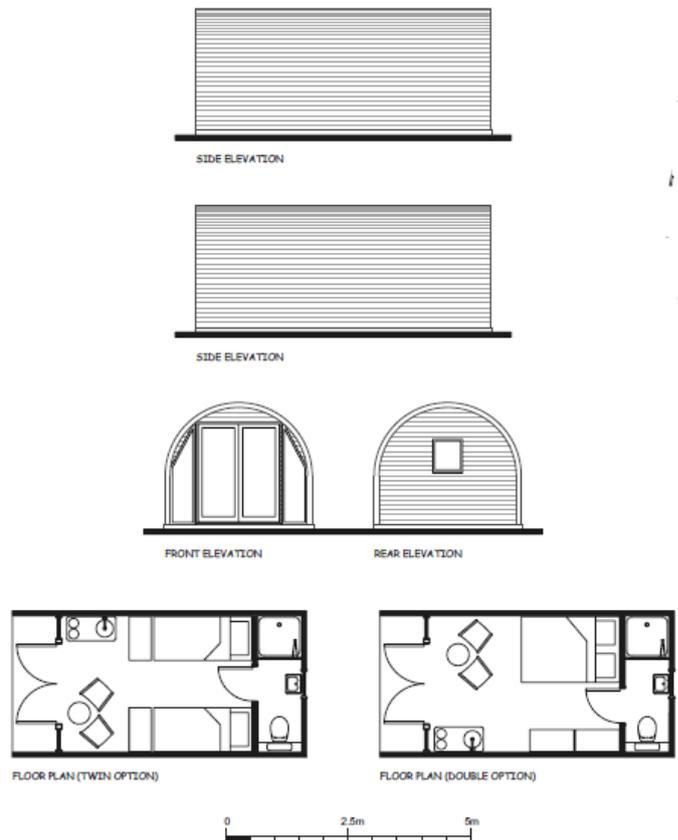
W/77/00975/HIS – Erection of stable block – Approved

17/02852/FUL - Provision of four self-contained camping pods with parking. Change of use of land to leisure / tourism – Withdrawn before a decision was made by LPA.

18/02852/CLE – Re-opening of existing field gate – Lawful development certificate issued.

### 10. The Proposal

The application proposal seeks full planning permission for the provision of two self-contained camping pods with access, parking and the associated change of use of paddock land to leisure / tourism purposes. The proposed pod dimensions would be 6m x 2.8m with the maximum height being 2.6m (taken from ground level to the top of the roof arc). The following inserts illustrate the proposed pod structure, the internal layout and elevation treatment



## **11. Planning Policy**

Local context: Wiltshire Core Strategy (the development plan) - CP1, CP2, CP7, CP39, CP50, CP51, CP57, CP60, CP62, CP64, CP67 and appendix D's 'saved policy U1a of the West Wiltshire District Plan 1<sup>st</sup> Alteration (2004)

Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 - adopted 20 September 2018

National Context: National Planning Policy Framework 2018 (NPPF); and, Planning Practice Guidance (PPG)

## **12. Summary of consultation responses**

**Westwood Parish Council** - The Parish objects to the proposal development and the change of use of the paddock on the grounds that they are "...contrary to the adopted Wiltshire Core Strategy (especially Core Policies 39 and 51) and the National Planning Policy Framework (especially Section 9 – Protecting Green Belt Land and Section 11 – Conserving and Enhancing the Natural Environment). The proposed development site is in the West Wiltshire Green Belt, it is designated an Area of Outstanding Beauty, of High Ecological Value and is directly adjacent to the Westwood Conservation Area. These protections must be respected. The proposed development site is highly visible throughout the Limpley Stoke Valley and the proposed development would represent an alien intrusion into a hitherto rural landscape. Highway access to the proposed site is severely restricted and wholly unsuitable for such a development. This proposed development and change of use will result in a severe loss of amenity for the neighbouring residential area and an irrevocable loss of, and a severe impact to, the character and appearance of the landscape.

**Wiltshire Council Highway Officer** - The Officer notes that the proposal relates to the erection of two camping pods, which would cater for two people with the provision of 1 car parking space per pod. It is recognised that the site is accessed via a rural road that is predominately of single width carriageway with no formal passing places; however, this section of Upper Westwood is not considered to be a 'through road' and therefore is largely used by residents, neighbours or customers of the Nursery. The Officer considers the camping pods to be a seasonal use and as such, there would be periods where the site does not attract many vehicular movements. Given the low level of traffic movements which would be generated by the proposal the Officer does not consider that a highway objection could be sustained in the light of NPPF (2018: now Para 109). In addition to the above, the revised access will slightly improve the access in terms of width and achievable visibility, and as this section of Upper Westwood is 'subject to/on the border of' a 20mph speed limit, the Officer would not expect traffic speeds to be significantly higher.

**Wiltshire Council Environmental Health Officer** - The Officer notes that the proposal for 2 camping pods is acceptable. However if the intention is to expand the site in the future there is the potential for loss of amenity to existing residential properties in which case a Noise Management Plan for the site would be requested.

**Wiltshire Council Landscape Officer** - The Officer advises that there is no landscape objection to the proposal for the 2 glamping pods. While the site is in a sensitive landscape location, within an AONB, Green Belt and near to the Conservation Area, the development is low key and not perceived to have an adverse impact in terms of landscape and visual effects. This is clearly demonstrated in the supporting landscape appraisal and the photos of the 'mock pod'. The Officer also confirms that she cannot find any conflict with NPPF Green Belt policy (no perceived coalescence) and the AONB Management Plan which is very supportive of low key camping sites such as this. Mitigation measures such as a natural colour for the

Pods, additional enhancement planting and reinforced grass track at grade all help to assimilate the development. The additional planting will strengthen the local landscape character and provide additional visual amenity to the site (CP51/NPPF) and a net gain for biodiversity (CP50/NPPF).

**Wiltshire Council Ecologist** - The Officer requested further information which was provided in the form of an Ecological Assessment. The assessment is discussed further below.

**Wiltshire Council Tree Officer** - No objections.

### **13. Publicity**

The public notification exercise comprised advertisement by site notice and neighbour notifications. There were 76 respondents to the public notification and advertisement of the applications. 51 objection letters raised the following concerns:

- Inappropriate to change the use of this field to allow for camping & caravanning within the Green Belt & Area of Outstanding Natural Beauty and Conservation area.
- Narrow lane is unsuitable for extra vehicles and already dangerous for pedestrians
- Application focusses on the Pods not the change of use from agricultural to leisure and camping in particular.
- Area of High Ecological Value
- Impact on local property values
- Pictures taken from the other side of the valley clearly show the existing caravan marooning an otherwise beautiful hillside
- Previous objections not addressed
- Landscape Impact assessment doesn't properly assess the harm from the pods in a prominent locality in the AONB
- Visual impact of vehicles
- If impact is negligible there should be no need for mitigation planting
- Impact on wildlife
- Construction vehicles would create a problem on the narrow access road
- Number 94 bus service only runs Monday to Friday, no public transport to or from the village in the evenings or on weekends.
- Drivers unfamiliar with the area would create delays at the narrowest part of the village.
- There is no footpath for pedestrians and children along roadway
- Contrary to WCS Policies 39 & 51 & NPPF Policy on Green Belt and AONB
- Impact on views on countryside
- Harm to openness of the greenbelt
- Nuisance from noise, campfires etc..
- Potential precedent for a caravan park
- No onsite presence from the owners to address any issues that arise
- Granting leisure and tourism use will allow owners, either current, or in the future to increase the number of pods, chalets, caravans and tents
- No permanent physical boundary between the area which is subject to the proposed change of use and the rest of the site.
- Development is situated in a village and a residential area.
- Light pollution
- Attention must be paid to the Cotswold AONB Management Plan which states "It is a legal requirement for 'relevant authorities', including all public bodies, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB
- Inappropriate in an area which is designated as a highly protected environment in both local and national policies.

Photographs taken from various points, including from across the valley, were submitted in support of the objection in relation to visual impact concerns.

25 respondents supported the application and made the following observations:

- This development would be good for the village to have extra accommodation for family and visitors and also to help the viability of local services shop pub etc. and it will also encourage tourism in the AONB
- Siting close to very popular walking and cycling routes and only a short distance from a local mainline train station
- Will also be able to cater for the less active with vehicle access.
- Limited impact of 4 extra people using the pods - proportionate and as minimal as guests using the facility of a nearby B&B.
- The size of the two pods not excessive in terms of the visual impact on others either in the village or beyond.
- Limit to 2 people groups with a maximum of 4 on site at any one time shows applicants are conscious of need to limit impact, In fact small local businesses will undoubtedly benefit from the extra passing trade.
- Scare mongering such as concern about large Hen/Stag parties is unfounded.
- Pods are positioned in an area that is not steep and are erected on ground screws, eliminating the need for any excavation.
- Good for Westwood and Wiltshire tourism.
- Have experienced similar facilities and a great would be a wonderful way to share the environment.
- The field is an oasis of beauty and peace and would offer respite to walkers and cyclists who want to enjoy the beautiful Wiltshire countryside.
- Fact that planning application is only for 2 pods means that that peace and tranquility can be maintained but shared.
- The property is maintained by its owners to a very high standard
- Previous objections and concerns have been addressed
- Small amount of extra traffic that the pods will create would not be an issue
- Totally in keeping with the environment.
- One supporter who use to live across the valley in Turleigh and asserts to know the views intimately expressed the opinion that the development would have no impact on the visual landscape.
- Two additional cars in this area would have no detrimental impacts.
- A planning application in Lower Westwood (14/01659/FUL) for two adjoining holiday lets was approved and is currently under construction. This comprised a much larger scheme and impacts.

## **14. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### **9.1 Principle of Development**

Adopted Core Strategy Core Policy 39 (Tourism) sets out the key considerations for assessing the proposed development enshrined under this application. The Policy supports camping and touring caravan sites (including extensions) where they can be accommodated without adverse impacts on the character and appearance of the landscape. Westwood is a "Large Village" in the WCS settlement hierarchy, and where the application site is in close proximity to the settlement boundary, the principle is accepted under CP39.

CP39 states, inter alia that:

*“Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages”*

And that

*“Proposals for camping and touring caravan sites (including extensions) will be supported where they can be accommodated without adverse impact on the character and appearance of the landscape and meet criteria iii to v...”*

The policy provides for exceptional cases development may be supported away from the settlements in instances where it can be demonstrated that all of the following criteria are met:

- i. There is evidence that the facilities are in conjunction with a particular countryside attraction; and.*
- ii. No suitable alternative existing buildings or sites exist which are available for reuse.*

In this instance the site would provide a camping facility and is in close proximity to the Westwood Development limit boundary, with the pods themselves roughly 150m west of the boundary line. It is therefore considered that Criteria (i) and (ii) to CP39, which relate to application sites away from development limits, do not apply in this instance where the site is clearly close to a Large Villages.

**Criteria (iii) to (v)** therefore must be assessed.

**Criterion (iii)** of CP39 requires that *“The scale, design and use of the proposal is compatible with its wider landscape setting and would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*

The two proposed glamping pods would be small-scale and clad in timber which would be screened by the substantial existing boundary vegetation along the road. The accommodation in each would be limited to 2 people, making it highly unlikely that more than two vehicles would be present on site at any one time. No external lighting is proposed and this could be conditioned if necessary. It is acknowledged that a many of the objectors raise concern about the potential visual impacts. However, the application is supported by a Landscape Visual Assessment which concludes that the perceived and intrinsic effects on landscape character would be ‘negligible’. The Council’s Landscape officer (who would normally only be consulted on large scale applications) confirmed that the completed assessment was accepted and that landscape harm would not arise from the proposed development.

**Criterion (iv)** of CP39 relates to access and requires that sites be served by an adequate means of access and infrastructure. The highway officer was consulted on this application and is satisfied that the proposals would be acceptable in highway terms, given their very limited scale and likely traffic generation. The highway officer observed that the road primarily serves local residents and visitors to the nearby nursery and has a limited function as a through road. The existing field gate access measures 4.5m wide and lies within a 20 mph restricted zone. The access has sufficient exit visibility splays, and can be safely accessed by vehicles. The field access can be lawfully used by associated vehicles accessing the paddock and stabling and there is no evidence to substantiate concern relating to highway safety or inappropriate levels of traffic generation.

The site has mains electricity already installed and the application would make provision for foul and surface drainage disposal.

**Criterion (v)** of CP39 states that sites must have reasonable access to local services and a local employment base. The application site is in close proximity to the settlement of Westwood, which is a large village, which benefits from having very good access to the Avoncliff railway station some 650m distant; and, the Bradford on Avon railway station only 2.5km away. The site is located in an area with very good cycle routes and the canal tow path at Avoncliff provides additional transit route options for cyclists and walkers. In addition, there is a bus service providing connections to Bath and Trowbridge which serves Westwood.

With regard to National Policy, the July 2018 iteration of the NPPF within paragraph 83 requires:

*“Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside...”*

It is considered that the proposals meet the relevant criteria to CP39, as well as the aims of the NPPF with regard to supporting the rural economy.

In addition it is noteworthy to acknowledge that the “Cotswolds Area Of Outstanding Natural Beauty Management Plan 2018-2023” which was adopted on 20 September 2018, includes as one of its four key ambitions: The *“Promotion of the Cotswolds as the Walking and Exploring Capital of England”*.

Para. 3 to Policy Ue1 (Sustainable Tourism) of the Management Plan states that: *“Visitors should be provided with a range of type and priced accommodation options that are compatible with conserving and enhancing the natural beauty of the AONB”*. The supporting text to the Policy further states: *“The natural beauty of the Cotswolds AONB is the foundation on which the tourism industry in the Cotswolds is based. This natural beauty is an asset which needs to be managed and maintained. The tourism sector should, therefore, contribute to the conservation and enhancement of this natural beauty. New tourism products that increase the sustainable tourism offer should be encouraged”* and that *“Limited availability of low-cost accommodation, including camping, can exclude families and those on low incomes from staying in the area, reducing the diversity of visitors. Provision of such accommodation should be compatible with the purpose of conserving and enhancing natural beauty.”*

The Management Plan is a material consideration under the WCS, and the proposal is considered to support this ambition. (CP 51 States that *“Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs)... shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.”*). The site is situated in nearby proximity (in walking and hiking terms) to local visitor attractions, the canal network and the wider AONB pathway network.

## **9.2 Landscape: Green Belt, Cotswolds AONB and Conservation Area**

The NPPF para. 144 requires that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and ensure that inappropriate development is not approved except in special circumstances. Para. 145 identifies the exceptions to inappropriate development which include:

*“b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and*

*allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.*

NPPF para. 146 further notes that certain other forms of development, including material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are also not ‘inappropriate’ in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

It is considered that the proposal, in meeting an aspiration of the AONB Management Plan of providing a low key tourist facility meets the criterion of being a facility serving outdoor sport and recreation within the AONB Green Belt setting. The submitted LVA confirms that no harm would arise in terms of unacceptable impacts on the landscape, and Council’s landscape officer is also of the view that the small scale development would not be contrary to Local Plan or NPPF policy on the Green Belt or the AONB.

### **9.3 Highway Impacts**

As noted by objectors, the access to the site is via the narrow Upper Westwood Road. The highway officer advises that pursuant to the very limited nature of the proposed development, it would not give rise to unacceptable highway issues or impacts. Vehicles would be parked on site, using an access and surface treatment appropriate to the setting of the field. It is also acknowledged that the pods could very well appeal to people seeking a short term base for walking and cycling holidays and trips. Even if the pods result in being used by visitors accessing them by motorised vehicles, the volume of traffic to be generated would be limited to an extent that would not justify refusal in terms of NPPF para. 109.

### **9.4 Neighbouring Amenity Impacts**

Objections include the potential impact on neighbouring amenity arising from nuisance such as noise, fires, loss of privacy, visual impact and vehicular movement. In this regard, the pods would be fairly isolated from existing local residents and would be largely screened from the roadway. The nearest neighbouring dwelling with a direct sightline would be about 55m away to the east. The proposed pods would be small structures which, at the distance stated, would not give rise to loss of privacy or an unacceptable visual impact in planning terms. With respect to potential noise and smoke nuisance, the pods would cater for two people with a maximum of four and two vehicles being on site at any time, on a seasonal basis. The environmental health/public protection officer confirmed that, at this scale, substantive material nuisance is unlikely to arise, albeit, any future expansion plans would require a more detailed assessment and consideration given to the proximity to existing development. It is appropriate that the LPA only appraises the application duly presented on 2 pods being proposed; and on this basis, officers consider it necessary to condition any such approval to secure a site operation management plan prior to it being brought into use. No external lighting is proposed which can also be conditioned.

The occupation and use of the pods would unlikely be any more intrusive than camping on the field - which could occur under permitted development rights.

Objectors raise concern that if approved, a precedent could be set leading to a further expansion of the camping site facilities. The law however dictates that the application must be considered on its own merits and precedent is not a material planning consideration. It is however considered reasonable (given permitted development rights) to condition any approval to restrict the development to the two pods, as proposed.

With regard to the site management, concerns have been raised about the absence of supervision by someone on the property. The agent has advised officers that the applicant lives nearby and that a site operation management plan would be written to be held on public record to ensure the proper running of the site.

In view of these factors, there are no neighbouring amenity reasons to justify a refusal of this application.

### **9.5 Ecology Impacts**

Adopted WCS Core Policy 50 (titled 'biodiversity and geodiversity') requires that new proposals to protect features of nature conservation and geological value as part of the design rationale, and to make provision for appropriate mitigation and net biodiversity gain. The application is supported by an "Ecological Assessment" (dated January 2018) by Environmental Gain Ltd following a request made by the Council's ecologist. The assessment confirms that the pods would sit in an area of grassland of low ecological value. No light spill would occur onto the hedgerow to the south, and the use of "ground screw" foundations would avoid any significant ground disturbance. Ecological enhancements are proposed which extend to a "Planting Plan" as well as the provision of roosting boxes for owls and bats. The proposal includes re-alignment of the access gateway, some 6m to the east of its current position. This will locate it further away from the existing hedgerow.

The ecology assessment concludes that the proposed access realignment, the creation of a new access drive and the location of the pods would result in the loss of only a very small area of ruderal vegetation and a short section of defunct stone wall. No hedgerow, trees or shrubs (with the exception of an elder stump in the stone wall) would be removed.

Subject to appropriate precautionary working methods, the proposed development would not have any adverse effect on wildlife – with the working methods being adequately addressed by way of a condition. The ecology assessment confirms that: *"The applicant has agreed to provide ecological enhancements as part of the proposal, including erecting a barn owl box on a large tree on the southern boundary, and a bat roosting box on a tree on the western boundary. Given the rural location of these features, surrounded by good foraging habitat, both boxes are likely to be occupied and will provide a net enhancement for biodiversity. Wildlife and the natural landscape are one of the selling points of the camping pods, and there is therefore good incentive on the part of the applicant to maintain the wildlife value of the site into the future, as an integral part of the project."*

### **15. Conclusion (The Planning Balance)**

In view of the above, it is considered that the proposed development accords with relevant policies on tourism, the AONB, greenbelt, heritage and highway safety. Planning permission is therefore recommended subject to the following planning conditions.

### **16. RECOMMENDATION - Approval subject to conditions:**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan JLTF - PR - 05 registered on 7 December 2017

Existing Site and Access JLTF - PR – 02 registered on 7 December 2017

Proposed Site Plan JLTF - PR – 03 registered on 7 December 2017

Site Plan JLTF - PR – 04 registered on 7 December 2017

Pods JLTF - PR - 01 registered on 7 December 2017

Planting Scheme 274\_PP\_01 received on 22 May 2018

REASON: In order to define the terms of this permission, highway safety and to protect the rural scene.

3. The development hereby permitted shall take place in accordance with the methodology contained in the submitted "Ecological Assessment" (January 2018: Environmental Gain Ltd) and shall include the installation of the owl and bat boxes prior to the first occupation of the pods hereby permitted.

REASON: In the interests of nature conservation and the promotion of biodiversity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes of a camping site comprising a maximum of 2 camping pods accommodating a maximum of two persons per pod.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to vary the accommodation provision.

5. The pods hereby permitted shall not be first brought into use until a Site Operational Statement with respect to the site management has been submitted to and approved in writing by the Local Planning Authority. The statement shall include information relating to the responsible person(s) and their contact details.

REASON: In the interests of neighbouring amenity and the proper management of the site.

6. No external lighting shall be installed.

REASON: In the interests of the prevention of light pollution and to protect dark skies within the AONB

7. The development hereby permitted shall not be first brought into use until foul water drainage works have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that the development is provided with a satisfactory means of drainage.