

Steven Abbott Associates LLP
Chartered Town Planners

Planning Statement

Mr G Varty

Change of use of land for the site of holiday lodges

Land east of Donkleywood Farm, Donkleywood

March 2021



Report Details

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1. Introduction

- 1.1. This statement has been prepared to support a planning application for the siting of four no. holiday lodges on land to the east of Donkleywood Farm, Donkleywood as part of a diversification scheme.
- 1.2. Pre-application advice was obtained on behalf of the applicant in 2015 (NNPA Ref: 15/0033) in relation to the potential for 10 no. holiday chalets on the application site. Whilst the response was provided prior to the adoption of the current development plan, so the specific policy references are out of date, it provides guidance and feedback on the key issues affecting the development. A key point is that the response indicated that a proposal for 10 no. chalets was unlikely to be supported, but that 4 no. chalets are likely to be acceptable in principle, subject to site specific considerations.
- 1.3. The applicant has taken on board the advice provided by the authority and reduced the number of lodges to four. The development is proposed as a diversification scheme for the applicant's existing farming and forestry business.
- 1.4. The remainder of this statement is structured as follows:
 - Section 2 – details of the application site and surrounding area;
 - Section 3 – details of the proposed development;
 - Section 4 – lists the planning policy against which the application must be considered;
 - Section 5 – consideration of the proposed development against relevant planning policy; and
 - Section 6 – summary and conclusions.
- 1.5. This statement should be read in conjunction with the documents and plans listed in the Schedule of Application Documents (**Appendix 1**).

2. Site & Surroundings

- 2.1. The site is located to the east of Donkleywood. It lies within the applicant's wider landholding, which includes a mix of land which is covered by managed woodland and also agricultural land. The agricultural land is currently used for the keeping of livestock, including approximately 400 sheep, 1,000 pheasants and 200 partridge.
- 2.2. The application site consists of an area of land within an existing clearing in the woodland, this is where the lodges will be sited, an existing access route which will be used by guests and an existing area of hardstanding, which will be used for guest parking – as illustrated in the image below.

Figure 1 Application Site (Illustrative purposes only)



- 2.3. The topography of the application site is such that the ground level rises from the highway. Existing tree cover surrounding the site, means that only the existing parking area is visible from the adjacent road.
- 2.4. There are no public rights of way that path through the application site.

- 2.5. The site is located within the Northumberland National Park, but is not understood to be subject to any other statutory designations¹. The site is located in flood zone 1 and is therefore at the lowest risk from flooding².
- 2.6. Further details relating to the site and surrounding area are provided in the submitted Design and Access Statement.

¹ Source: <https://magic.defra.gov.uk/MagicMap.aspx>

² Source: <https://flood-map-for-planning.service.gov.uk/>

3. Proposed Development

- 3.1. The proposed development involves the siting of 4no. lodges, along with associated infrastructure.
- 3.2. Foul sewage will be discharged to a treatment plant, details of which are included in the submitted Drainage Strategy.
- 3.3. There is a private water supply within the applicant's land ownership, which will be utilised to serve the proposed lodges – based on recommendations from Northumberland County Council, appropriate treatment equipment will be installed to ensure that the water is safe and suitable for drinking.
- 3.4. Each of the lodges will be fitted with a solar and battery system to provide the necessary electric, therefore no electricity supply will need to be brought into the site.
- 3.5. Guests will not be allowed to drive their vehicles up to the lodges, all vehicles will be parked in the existing parking area that is indicated on the submitted plans.
- 3.6. There are no buildings proposed as part of the application, as the lodges fall within the definition of a caravan. For planning purposes, the definition of a caravan is set out in the Caravan Sites and Control of Development Act 1960, and the Caravan Sites Act 1968.
- 3.7. A caravan is defined in section 29 of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) as:

"any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include –

(a) any railway rolling stock which is for the time being on rails forming part of a railway system, or

(b) any tent;"

- 3.8. The definition in the 1960 Act was modified by Section 13 of the Caravan Sites Act 1968 (the 1968 Act) to define a twin-unit caravan as:

"A structure designed or adapted for human habitation which–

- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*
- (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway road when assembled."*

- 3.9. The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 further amended the definition of a caravan and provides the most up-to-date dimensions in relation to the size of a caravan. The maximum dimensions are:

- Length – 20 metres (65.616ft)
- Width – 6.8 metres (23.309ft)
- Height (measured internally from the floor at the lowest level to the ceiling at the highest level) – 3.05 metres (10.006ft)

- 3.10. The lodges proposed will measure 15.2 metres by 6.5 metres and have an internal height of 3.001 metres. In addition, proposed lodges will meet the construction requirements set out in the above definition, therefore they must be considered to be caravans as defined in the relevant legislation.

- 3.11. It is recognised, that there have been cases where caravans have been treated as buildings, for the purposes of planning, this can be due to a number of factors.

- 3.12. In *Measor*³, the Deputy Judge said that he would be wary of holding, as a matter of law, that a structure which satisfies the definition of, for example, a mobile home under s13(1) of the CSA 1968 could never be a building for the purpose of the 1990 Act⁴ – but it would not generally satisfy the well-established definition of a building, having regard to factors of permanence and attachment. It would be contrary to the purposes of the 1990 Act to hold that because caravans were defined as “structures” in the CSA they fell within the definition of “building” in the 1990 Act.
- 3.13. The *Cardiff Rating Authority*⁵ judgement is often treated as the authority on this matter. That judgement identified three tests when considering whether a structure is to be considered a building. The tests relate to the size, permanence and physical attachment of the structure.
- 3.14. In relation to size, as set out above, the lodges fall well within the definition of a caravan, therefore the size of the structure is not considered to be relevant to the consideration of whether the lodges are buildings, and the size test, referred to above is passed.
- 3.15. Due to the topography of the site, the bases will be created to provide a level surface on which the lodges can be sitting. In addition, areas of decking will be provided to allow access to the lodges and provide outside amenity space. The proposed lodges will be sited on these platforms and will not be permanently attached to the platform or the ground. It has been established through the Courts and numerous appeal decisions that when considering the mobility of a caravan, the degree of physical attachment is a key consideration. In an appeal in *Teddington*⁶, which related to a caravan being sited on concrete pad stones, the Inspector stated:

“As such, the unit’s degree of physical attachment to the ground and the effect on mobility would be minimal or non-existent. Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home

³ *Measor v SSETR* [1999] JPL 1821

⁴ Town & Country Planning Act 1990

⁵ *Cardiff Rating Authority v Guest Keen Baldwin’s Iron and Steel Co. Ltd* [1949] 1.K.B. 385

⁶ 27 Elmfield Avenue, Teddington TW11 8BU – Appeal Ref: APP/L5810/X/15/3140569

needs to be moved. The mobile home would not acquire the degree of permanence and attachment required of buildings. The mobility test would be met."

- 3.16. It must also be noted that the Inspector identifies that connection to services, which can be simple disconnected, would not influence the permanence or otherwise of a caravan.
- 3.17. The proposed lodges will not themselves be permanently attached to the ground and will be capable to being easily removed from the site. As such, it is considered that the permanence and physical attachment tests as passed.

4. Planning Policy Context

4.1. Planning law dictates that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In the present case, the development plan consists of the Northumberland National Park Local Plan, which was adopted in July 2020. The following policies are most relevant to the current application:

- Policy ST1 Sustainable Development
- Policy ST2 General Development Principles
- Policy ST4 Spatial Strategy
- Policy DM7 Rural Economy and Diversification
- Policy DM10 Habitats, Biodiversity and Geodiversity
- Policy DM11 Landscape, Tranquillity and Dark Night Skies
- Policy DM12 Trees, Woodlands and Forests

4.2. In addition to the Local Plan, the Landscape Supplementary Planning Document (SPD) has also been taken into consideration.

4.3. The National Planning Policy Framework (NPPF) is also a material consideration in planning decisions. In relation to the current proposals, the following sections are key:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 15. Conserving and enhancing the natural environment

5. Appraisal of Proposals

- 5.1. The first consideration in relation to any application is whether the principle of the development is acceptable.

Principle of the Development

- 5.2. A presumption in favour of sustainable development is adopted by the NPA through policy ST1 of the Local Plan. Policy ST1 sets out criteria which development must either achieve or not prejudice the achievement.
- 5.3. The proposed development will not prejudice the achievement of any of the aims of the policy. In addition, the proposed development will help to assist in the applicant's ongoing management of the land, which assists in protecting the landscape character.
- 5.4. The application site is located in the open countryside. Policy ST4 sets out the forms of development that will be supported in such areas, which includes development which is needed to support, *inter alia*, farming, forestry, and other rural enterprise or land management activities. As the proposed development is needed to support the applicant's wider agricultural, forestry and land management activities, it is supported by this policy.
- 5.5. Policy DM7 supports new sustainable rural economic development, including the diversification of existing agricultural or forestry businesses. The proposed lodges will be sited within an existing clearing in the woodland, therefore no trees will be impacted by the proposals. The surrounding woodland was planted as part of an ongoing woodland management plan. As set out in section 3 of this statement, there are no new buildings proposed as part of the development, the lodges fall within the definition of caravans.
- 5.6. The proposed lodges will provide a long term source of income to support the existing business and ensure that it remains viable. The scale of the development proposed, reflects that required to support the business. In addition, in the pre-application response, the NPA identified that, in principle, 4 lodges were likely to be acceptable.

- 5.7. Overall, the policies of the development plan are supportive of the principle of the development proposed. It is therefore necessary to consider specific matters and also any other material considerations, including the National Planning Policy Framework.
- 5.8. At the heart of the NPPF is a presumption in favour of sustainable development, which seeks to ensure that sustainable development is pursued in a positive way. The NPPF also recognises the importance of supporting a prosperous rural economy, including through the development and diversification of agricultural and other land-based rural businesses. This supports the principle of the proposed development.

Trees

- 5.9. As indicated previously, the proposed development will take place in an existing clearing in the woodland. The guest access to the lodges will utilise existing pathways. The submitted plans show the extent of the canopy of the woodland and clearly demonstrate that the proposed lodges will be sited clear of all trees.
- 5.10. There will be no vehicular access to the lodges, guest will park on an existing parking area close to the highway, therefore vehicle movements will not impact on trees.
- 5.11. It is not considered that the proposed development will cause any harm to the trees in the locality and it not be necessary to remove any trees to facilitate the proposed development.

Landscape

- 5.12. In considering the landscape impacts of the proposed development, policy DM11 has been taken into consideration, along with the Landscape SPD.
- 5.13. The NPPF also states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, and that, along with the Broads, and Areas of Outstanding Natural Beauty, National Parks have the highest status of protection in relation to these matters. This protection has been carefully considered in the context of the current proposals.

- 5.14. According to the Landscape Character Map in the SPD, the application site lies in an area characterised as Rolling Upland Valleys. The SPD sets out guidelines for development in these areas, which have been considered in relation to the current proposals.
- 5.15. As set out previously, the proposed lodges will be sited within an existing clearing in the woodland. The existing tree cover will largely screen the lodges from both local and more distant views.
- 5.16. The elevation of the land raises to the north and east of the application site, but this area is also heavily wooded. As such, there will be limited, if any, visibility of the lodges from the north and east due to both the surrounding topography and tree cover. Likewise views from the west will be limited, largely due to the existing tree cover. To the south, due to the position of the lodges within the woodland, there will be limited, if any, local views. Due to the topography of the application site, there may be some distant views of the application site, however the lodges will be located within the woodland and will be finished in appropriate materials to complement the surroundings. As such, in any glimpsed views of the lodges, they will not appear as alien features in the landscape.
- 5.17. Lighting on the lodges will be kept to a minimum and there is no intention of providing lighting on the access routes to the lodges.
- 5.18. Given the type of lodges proposed, the landform and presence of existing woodland, it is not considered that the proposed development will have a negative impact on the visual character or landscape of the area.

Access & Parking

- 5.19. The vehicular access to the site will utilise an existing access from the public highway.
- 5.20. Guests will use an existing area of hardstanding to park all vehicles, there will be no vehicular access to the lodges for guests. It is anticipated that each lodge will require parking space for 1no. vehicle, therefore 4no. spaces will be required in total. The existing parking area can comfortably accommodate this level of parking – there is sufficient space to provide 2no. parking spaces for each lodge, if necessary.

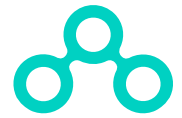
6. Summary & Conclusions

- 6.1. The proposed lodges will help to diversify an existing agricultural and forestry business, which will allow the applicant to continue managing the land within their holding.
- 6.2. The development can be comfortably accommodated on the application site without having a negative impact on biodiversity, trees or the landscape. Furthermore, the proposed accommodation will provide opportunities for visitors to stay in the area and better understand and enjoy the special qualities of the National Park.
- 6.3. The scheme accords with the policies of the development plan and there are no material considerations which indicate that planning permission should not be granted. As such, in accordance with paragraph 11 of the NPPF, planning permission should be granted without delay.

Appendix 1

Schedule of Application Documents





SCHEDULE OF APPLICATION DOCUMENTS

Subject: Proposed Holiday Lodges – Donkleywood

Document Ref No:	Prepared by:	Date:	Issued to:
3479-Docs rev A	Harry Tonge	06/03/2021	NNPA

Title	Author	Ref
Planning Statement	Steven Abbott Associates	3479 rev A – March 2021
Location Plan	In Architecture	DKWINA-00-00-DR-A-000-01 rev P4
Existing Site Plan	In Architecture	DKWINA-00-00-DR-A-010-01 rev P4
Proposed Site Plan	In Architecture	DKWINA-00-00-DR-A-110-01 rev P6
Typical GA Plans / Elevations	In Architecture	DKWINA-00-00-DR-A-120-01 rev P4
Existing Site Section	In Architecture	DKWINA-00-SN-DR-A-040-01 rev P4
Proposed Site Section	In Architecture	DKWINA-00-SN-DR-A-140-01 rev P4
Design and Access Statement	In Architecture	02
Drainage Strategy	Bell Munro Consulting	178-20-002 P01
Proposed FW Drainage	Bell Munro Consulting	178-20-001 P02
Preliminary Ecological Appraisal Report	Total Ecology	Version 1 August 2020
Reptile Survey	E3 Ecology	6409