

09/00033/FUL: ERECTION OF 2 BEDROOM BUNGALOW TO REPLACE MOBILE HOME FOR USE IN ASSOCIATION WITH THE OPERATION OF NORTHEY PARK AS ANGLING GROUNDS AND NATURE RESERVE (COUNTRY WILDLIFE SITE)

VALID: 9 JANUARY 2009

APPLICANT: MR E SYMAK

AGENT: MR JOHN DADGE

REFERRED BY: CLLR RAY DOBBS

REASON: THAT THE APPLICANT HAS OWNED THE PROPERTY FOR APPROXIMATELY FOURTEEN YEARS AND THAT HE HAS LIVED ON THE SITE AND SUSTAINED A LIVING SOLELY FROM THE SITE FOR THE LAST EIGHT YEARS

DEPARTURE: YES

CASE OFFICER: MRS J MACLENNAN

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of a permanent dwelling in the open countryside
- The benefits of the development to the County Wildlife Site

The Head of Planning Services recommends that the application is REFUSED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

- DA2** **The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- H7** **Housing development on unallocated sites** - Housing development on unallocated sites should make efficient use of the site and respect the character of the surrounding area.
- H16** **Residential design and amenity** - Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- H26** **Residential caravans and mobile homes** - Planning permission will only be given for residential caravan sites and mobile homes on sites which would be acceptable for permanent dwellings.

- IMP1 Securing satisfactory development** - Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.
- LNE1 Development in the countryside** - Will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, and outdoor recreation or public utility services.
- LNE16 Sites of Local Nature Conservation Importance** – planning permission will not be granted for development which would be likely to have an adverse effect on the Local Nature Reserve or County Wildlife Site, unless there are demonstrable reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site.
- LNE17 Other sites of nature conservation importance** - Seeks adequate provision of protection for wildlife habitats that are likely to be adversely affected by a development.
- LNE19 Protection of species** - Permission will not be granted for developments that would cause demonstrable harm to legally protected species. Where it is granted conditions or an obligation will be sought to help protect or relocate the population.
- T10 Car and motorcycle parking requirements** - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

Material Planning Considerations

Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas

The objective is the continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.

One of the key principles is '**Countryside protection and development in the countryside**' whereby planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development. When determining planning applications for development in the countryside, local planning authorities should: (v) conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.

Planning Policy Statement (PPS) 9 - Biodiversity & Geological Conservation

One of the key principles is that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted. Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education.

Regional Spatial Strategy - East of England Plan

Objectives are to ensure the protection and enhancement of the region's environmental assets, including the built and historic environment, landscape and water; protecting and, where appropriate, enhancing biodiversity through the protection of habitats and species and creating new habitats through development

Policies:

ENV3 Biodiversity and Earth Heritage - Proposals should ensure that internationally and nationally designated sites are given the strongest level of protection...Planning authorities should ensure that the region's wider biodiversity, earth heritage and natural resources are protected and enriched through the conservation, restoration and re-establishment of key resources by:promoting the conservation, enhancement, restoration, re-establishment and good management of habitats and species population in accordance with the East of England regional biodiversity targets and the priorities of the East of England Biodiversity Map.

Sustainable Community Strategy and Local Area Agreement (LAA) 2008-2021: One of the priorities is creating the UK's Environment Capitalso that Peterborough becomes the UK's greenest city with attractive neighbourhoods, surrounded by beautiful countryside and thriving biodiversity and targets within the LAA to improve local diversity.

3 DESCRIPTION OF PROPOSAL

The application seeks permission for the erection of a 2 bedroom bungalow in connection with the operation of the angling grounds and in the management interests of the Local Nature Reserve/County Wildlife Site, at Northey Park. The bungalow will replace a mobile home which the applicant has occupied for a number of years. The proposed dwelling would be sited approximately 400m into the site, in close proximity to an existing mobile home located at the north eastern end of the park's access roadway off Northey Road in an area that would have been used for vehicle loading and departure area of the gravel pit works.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is approximately 0.32 ha and lies within some 38 ha of disused gravel working land formerly known as Northey Pits. The site is accessed off Northey Road, close to the junction with North Bank to the east of Peterborough. Directly to the south is Northey Lodge Caravan Park. The site comprises an undulating, primarily wooded, topography and incorporates approximately 7 lakes of various sizes and depths created as a result of mineral extraction processes prior to the mid 1990s, now utilised for angling. Northey Park was identified as a County Wildlife Site by the Wildlife Trust (Cambridgeshire) and designated as a critical nature capital in the Peterborough Natural Environment Audit. The site provides an excellent example of the natural re-colonisation of an extraction area where a balance has been struck between a low-key commercial activity and environmental protection.

5 PLANNING HISTORY

Ref	Description	Status	Closed Date
96/P0458	Change of use of land from sand/gravel extraction to coarse fishery	PER	28.10.1996
99/01321/FUL	Temporary siting of mobile home and replacement office/WCs	PER	21.01.2000
04/01253/FUL	Erection of bungalow	WDN	23.09.2004
04/01814/FUL	Erection of bungalow	WDN	15.04.2005
06/00105/FUL	Erection of bungalow	WDN	10.12.2007
06/01630/FUL	Continued siting and use of temporary mobile home, angling storage shed and angler's mobile WC	PER	04.04.2007

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – As the proposal is for a replacement home, it will not present any increase in traffic generation. Parking and turning can be accommodated easily within the site. Therefore, the Local Highways Authority raises no objections to the proposal.

Environmental Protection – The site has been used for quarrying with some of the resulting void being infilled with inert waste. Therefore a condition should be appended to ensure that unsuspected areas of contaminated land/materials discovered should be reported to the Local Planning Authority.

NEIGHBOURS

No representations have been received from neighbouring properties.

COUNCILLORS

Cllr Dobbs supports the proposal as the applicant has owned the site for over 14 years and he has sustained a living, it being the sole source of his income for over eight years and has referred the application to be considered at the Planning and Environmental Protection Committee should the Officer recommend that the application is refused.

PARISH COUNCIL

Thorney Parish Council has no objections to the proposal.

7 REASONING

a) Introduction

Planning permission was granted for the temporary siting of a mobile home on the site in January 2000 (99/01231) where it was accepted that there was a functional need for a dwelling in association with the use of the site for coarse fishing. Under the 1999 consent it was decided, on balance, that a temporary consent be granted to allow investment into the fishing lake, and if there was no investment in the fishing lakes and there was no change in profits, then renewal of consent would not be forthcoming. In 2007 a further application was submitted for a temporary mobile home (06/01630/FUL) where planning permission was granted for 1 year to allow time for further consideration to be given to the acceptability of having either a temporary building or a permanent dwelling on the site in association with the fishing lakes. The Park is now an established fishing ground and it is argued that the need for a permanent residence remains and indeed has increased as the park and value of fish stock has developed which vary from hundreds to thousands of pounds. The permanent dwelling is required so that the applicant can continue to maintain security over the valuable stock, manage, police and provide for the safety of anglers on a full time basis as well as to protect, manage and maintain the nature wildlife asset.

b) The principle of the development

The Adopted Local Plan requires that new dwellings in the open countryside will not be allowed except where they are essential to the viable and efficient operation of agriculture, horticulture, forestry or outdoor recreation. The recreational merits of the site and the functional need for the mobile home have already been accepted and this is not challenged. The proposal however, is for a permanent dwelling in the open countryside and is considered against guidance contained within Planning Policy Statement 7, Annex A regarding 'Other Occupational Dwellings', at paragraph 15 which states 'There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same

stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.

Paragraph 3 (iii) of Annex A states 'the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so. In Paragraph 8 'New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns'.

Financial Information has been submitted by the applicant providing accounts for the year end at 30 April 2008 and for 2007. The Local Planning Authority has commissioned independent advice in the form of a desktop appraisal for the justification for the proposed dwelling. The appraisal has concluded that the profits shown are significantly less than the minimum agricultural wage for the years 2007 and 2008 and are not sufficient to pay the minimum agricultural wage and sustain the cost of the proposed dwelling. The enterprise is currently financially unviable and is unable to sustain the cost of the proposed dwelling and therefore fails the financial test as set out in Annex A to PPS7 by a considerable margin. However, within the information provided in support of the application the applicant has intimated the introduction of fishing matches to improve the profitability of the site. It is the view of the independent expert that if this was to be introduced and the profitability improved then the enterprise may well be able to sustain the cost of the proposed permanent dwelling. The existing temporary consent for the mobile home could be extended for 2-3 years to enable sufficient time for the applicants to improve the profitability of the enterprise and hence comply with the criteria within para 8 of the Annex to PPS7 and policy LNE1 of the Adopted Peterborough Local Plan (First Replacement).

c) Local Nature Conservation Interests

The flora and fauna on this site is well documented (P Kirby, 1996) as a result of an earlier application for a change of use of land from sand/gravel extraction to coarse fishery (96/P0458). Indeed without active management ponds will become overgrown with vegetation and willow and birch scrub will invade the grassland areas. The Wildlife Officer has been consulted on the application and considers that the site continues to have a substantial wildlife interest and that the site manager's efforts and full time presence on the site have been essential in achieving this. The temporary dwelling on site and occupied by the site manager has undoubtedly allowed a high degree of site supervision to take place which would otherwise have been impossible. This has been beneficial to the sites ecology through the facilitation of efficient site management and prevention of anti social behaviour which would have otherwise undoubtedly resulted. The proposal is highly unlikely to be detrimental to the County Wildlife Site interest and should through the continued presence of the site manager continue to facilitate the positive management of the site. It is the view of the Wildlife Officer that the proposal is not in conflict with Local Plan Policy LNE16 and would serve to facilitate the promotion and enhancement of biodiversity referred to in policy LNE17; and the continued presence in residence of the site manager is likely to contribute to the key principles as set out in PPS9.

In addition, under the Local Area Agreement, Peterborough City Council is committed to delivering positive management of County Wildlife Sites in the Authority area. The site manager appears to be genuinely interested and committed to the positive conservation management of this site and has carried out extensive works to enhance the habitats which are present. The site is also due to be professionally re-surveyed by the Wildlife Trust later this year in order to update the site's description. It is considered that the positive management of the site has been facilitated by the presence of the site manager. The proposal would therefore contribute in part to the achievement of the Local Area Agreement target for these sites and fulfilment of the Community Strategy which is a material planning consideration.

d) Design and amenity

The bungalow is modest in size 17.4m x 9.9m with a ridge height of 6m and 2.7m to eave height and will comprise a brick and tile construction. It will be positioned well into the site and enclosed by substantial tree coverage which will preclude direct views of the bungalow from outside the site. The proposal therefore will not result in any adverse impact on the visual amenity of the area. There are no neighbouring properties in close proximity to the site.

e) Highway implications

Access to the site will remain unchanged post development. The proposed bungalow will replace the existing mobile home and will therefore not result in any increase of traffic to the site. There is adequate provision for parking and turning within the site and the Local Highways Authority raises no objections to the proposal.

f) Flood risk

A flood risk assessment has been included with the application and demonstrates that given the standard of protection secured to the areas adjoining the River Nene's northern embankment renders the inherent risk of flooding affecting the site to be of low probability. The proposed dwelling would be at an 'acceptable' flood risk and thus in the context of PPS25 considered 'safe' for its envisaged 100 year life.

g) Securing Satisfactory Development

The proposal will not impose any additional burden on existing infrastructure/services within the City and therefore the proposal will not give rise to any S106 contributions.

8 CONCLUSIONS

The site provides a beneficial mix of recreation and nature conservation. The presence in residence of the applicant has undoubtedly contributed to the positive conservation management of the County Wildlife Site. The Park is now an established fishing ground and given the numbers and investment in fish stock there is clearly a functional need, as set out in Annex A of PPS7 to manage, police and provide for the safety of anglers as well as to protect, manage and maintain the wildlife asset that this enterprise provides. However, there is increasing pressure for development within the open countryside and a consistent and stringent approach needs to be taken when considering proposals for permanent dwellings. In accordance with advice contained within Annex A of PPS7 applications must pass both the 'functional' and 'financial' test. Indeed, the original consent for the temporary mobile home was to allow time for the fishing enterprise to become established and a viable business and if this was not achieved a further consent would not be forthcoming. The enterprise is currently financially unviable and is unable to sustain the cost of the proposed dwelling. There is however, the possibility to introduce measures to improve the profitability of the enterprise in order to achieve a 'minimum agricultural wage' and therefore pass the financial test. The proposal, at the current time, is contrary to advice given in Annex A of PPS7 and contrary to policy LNE1 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is REFUSED:

R1 The enterprise is currently financially unviable and is unable to sustain the cost of the proposed dwelling and therefore pass the financial test as set out in Annex A to Planning Policy Statement (PPS) 7 by a considerable margin. The proposal is contrary to advice given in Annex A of PPS7 and contrary to policy LNE1 of the Adopted Peterborough Local Plan (First Replacement) which states:

LNE1 Development in the countryside will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation or public utility services.

Copy to (Ward) Councillors

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