

APPLICATION NUMBER		21/00956/FUL	
SITE ADDRESS:		Farley Meadows Camp Site, Bent Farm, Farley Hill Farley	
DESCRIPTION OF DEVELOPMENT		Erection of shower block/ bin store and formation of access track (part retrospective)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr M Slack
PARISH	Darley Dale	AGENT	Roger Yarwood Planning Consultant Ltd.
WARD MEMBERS		DETERMINATION TARGET	15 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	More than 5 unresolved objections received.	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development in its context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of the area • Highway safety • Impact on residential amenity • Drainage

RECOMMENDATION
That the application be Refused.

INTRODUCTION

This application was withdrawn from the Planning Committee Meeting of 16th August 2022 as Darley Dale Town Council was not correctly informed of the time of the Committee site visit due to an administrative error in the changing of the site visit times and were prejudiced by such.

The application was subsequently presented to the Planning Committee on 13th September 2022, with a site visit having been undertaken in accordance with normal procedures. The Officer's report was amended to include late representations received from the Town Council with respect to concerns regarding the foul drainage on the site and the disposal of chemical toilet waste.

The application was then deferred at the Planning Committee meeting of 13th September 2022 for the following reason:

That consideration of the application be deferred to a future meeting of the Planning Committee to allow for further details to be gathered regarding the scheme/programme of works for the connection of foul drainage to the mains sewer.

Officers thereafter sought further details from the applicant with respect to the drainage proposals and ultimately an e-mail was sent to the Applicant's Agent (13th October 2022) to seek further details of the works for connection of the chemical and foul waste to the mains sewer. The Agent advised (20th October 2022) that the Applicant was away abroad and that they were seeking confirmation from Severn Trent about the practicality and cost of connection to the main sewer but that this would be done on his client's return.

To date there has been no further submission by the Applicant and it is understood that the Agent no longer represents the Applicant on this matter. As such, the application is being returned to the Planning Committee for determination.

1. THE SITE AND SURROUNDINGS

- 1.1 The appeal site is an enclosed field which has a modest slope downwards from north to south. The field is used for camping and caravanning for a maximum of five caravans under a site licence. There are 9 hook-up points within the field to serve this use.
- 1.2 The field is enclosed with stone boundary walls, fencing and a gated access. It lies within an area of open countryside to the east of Farley Hill. There are intervening fields to residential properties to the north, west and south. A public footpath runs directly adjacent to the site separated from the fencing.







2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the retention of an ablution and shower block. The applicant states that the application is submitted without prejudice to the issue of whether planning permission is required. It is the view of Officers that these are permanently sited structures and therefore buildings that require planning permission.
- 2.2 The structure is in two parts which are linked. The ablution block is constructed with timber boarding and contains washing facilities and a bin store. This is permanently sited. This measures some 3.7m wide and 2.5m deep (a floor area of some 10 sqm) and 1.8m high. The shower block could be moved, but this is unlikely and is, therefore a permanent structure. This is attached to the south side of the ablution block and constructed with timber boarding. This measures some 2.5m wide and 2m deep (a floor area of some 6 sqm) and is 2.4m high. The applicant has provided landscaping around the boundary fences and walls to the field, the ablution block and shower block, to seek to soften the structures and caravans and tents within the landscape.
- 2.3 It should be noted that the applicant also has a mobile toilet block on the site from time to time, but this is not permanently sited and, as such is not a building and does not require planning permission. When on the site, this is located to the north of the ablution block.
- 2.4 The access is proposed to be routed off the access off Farley Hill and along the south-western boundary of the site.
- 2.5 The applicant has advised that the facilities are essential and are required to serve the users of the site and provide shower and toilet facilities, wash points and a screened bin store.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
 - S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - PD9 Pollution Control and Unstable Land
 - EC8 Promoting Peak District Tourism and Culture
- 3.2 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

18/01328/FUL Installation of hook up points and retention of re-surfaced access track (4m wide) in association with use as a caravan site – Refused – Appeal Allowed.

5. CONSULTATION RESPONSES

Town Council

- 5.1 - Application does not mention including toilet facilities or septic tank installation
- Plans do not show any drainage provision
 - There is no ability to empty chemical toilet waste other than down a toilet
 - Unjustified development in open countryside
 - Planning inspectorate ruled in an appeal that the track and access splay would be 4m wide, and the entrance square to the road - to date this has not been carried out
 - Planting of screening vegetation has upon inspection not been successful with plants either being dead or not growing successfully leaving the site open to viewing from the road
 - Can the way that the current sewerage system works be explained to us.
 - What is done with the chemical toilet waste that is deposited in the collection point and where does that waste go to? Is this to be contracted to a licenced operator?
 - Can the plan for permanent connections to the sewer be explained (i.e. route and location of sewer on Farley Hill).
 - Request that the planning application be discussed at the District Council Planning meeting and that a decision be made by the full District Planning Committee.

Environmental Health (Derbyshire Dales District Council)

- 5.2 - no objections subject to an appropriate waste disposal plan to ensure bins are regularly emptied to avoid pest and odour issues.

Local Highway Authority (Derbyshire County Council)

- 5.3 - no objection subject to all use remaining ancillary to any existing authorised camping/caravanning activity on site.

6. REPRESENTATIONS RECEIVED

- 6.1 A total of five representations have been received objecting to the application. A summary of the representations is outlined below:

Principle

- seems that nothing can be done to prevent this use from a planning point of view because it is (supposedly) operated under a licence from the Caravanning and Camping Club - it does not require planning permission but any associated structures and facilities do need permission
- site is being used as a permanent tented campsite, not 56 days in the year
- this development is clearly contrary to many Local Plan policies relating to landscape, tourism, sustainable development and design standards
- The development is completely out of character for our tranquil rural environment and contrary to the letter and spirit of Derbyshire Dales Local Plan.

Impact on character and appearance of the landscape

- toilet/wash-block does not blend in with the countryside it merely stands out as an ugly feature and not in keeping with the countryside image
- two wooden units were erected in July 2019 and could not have been placed in a more prominent position on what is already a very exposed and widely visible site
- structures now look somewhat 'tired' and weathering has done nothing to improve their appearance or to mitigate their prominence
- the quality of the materials and construction are such that already the block looks in poor condition and appears to be slowly sinking into the mud
- are little more than poorly built wooden sheds, totally visible from all directions
- surely it is now time to remove this eyesore along with the campsite, not only because it infringes upon previous planning conditions, but also because it is a blight on the landscape
- attempt at creating a campsite is completely incongruous and is having a detrimental effect on our environment
- none of the campsite project does credit to Farley nor to its developer
- is a missed opportunity to raise standards in an area so badly affected by low quality development.
- every aspect of this campsite reflects an insensitivity and lack of finesse with which we are all too familiar
- Should always be considered that Farley Hillside is a major approach to our town and this site is visible from afar.
- the ablution block fails to stand in pride of place, seeking neither to blend in, nor to enhance the site.....and succeeding
- it couldn't be in a more prominent position
- remind the Planners of the Arboriculture & Landscape Report, Paragraph 4.6 Landscape Sensitivity, which states that: 'the proposed site is in an area defined as 'high landscape sensitivity', yet no details of proposed landscaping have ever been received
- if 'Landscape is about the relationship between people and place' (See Arboriculture and Landscape Report) then the Planners, when considering this application, should give cognizance to the strength of feeling against this proposal voiced by Farley residents and people in the local community
- the Report concludes that 'the presence of caravans would have significant visual impact, which will have detrimental impact on the landscape character, local views and longer range views from across the Derwent valley' and that 'the electricity bollards and post and rail timber fences indicate more intensive use of the site and the construction of the 'access track' has changed the character of the site and surrounding area'.
- We have a responsibility to protect and preserve our environment not only for our pleasure but for that of future generations.
- of the opinion that planning conditions should be enforced and the block to be removed to help to restore the beauty of Farley Hill countryside

Landscaping

- his removal of boundaries, trees and hedgerows has had a huge impact on wildlife and the environment, as well as making the whole site visible
- rather pathetic attempts at planted screening have been a total failure
- worth noting that the planning application claims that a screen consisting of two rows of native plants with each row made up of saplings 500mm apart is already established - a short inspection reveals this to be a fantasy
- site is so exposed that the planting scheme that was implemented did not have planting of two rows, at 500 centres with trees and what planting was half-heartedly done has now failed
- no amount of screening could adequately alleviate the visually intrusive nature of these structures
- promised 'improvement work' has not been delivered as claimed

Access Track

- refer to the Inspector's appeal decision (June 2019) in which he upheld an enforcement notice regarding alterations to the track and access - the applicant has made only a token effort to narrow the track width to 4m and has done absolutely nothing regarding the splayed access
- application is in effect asking for the Inspector's decision to be overturned
- the entrance to the site has never been restored to its permitted shape, and the grimly brutal track, lined with a few dead saplings, sets the tone for the campsite which remains in full and awful view to passers- by owing to the lack of landscaping
- both the track and entrance off the road are clearly excessive and present a very dominant feature in the landscape
- high time that the applicant was made to comply with the terms of the 2019 enforcement notice
- urge our planning authority to stay true to previous judgements on these matters and to not only refuse this application but also to actively pursue both the removal of the wooden structures and the necessary alterations to the access and track

Drainage

- very worried about the septic tank - does this have planning permission?
- this triumph of sanitary architecture is served by a septic tank which, to our belief has never had planning permission and, if we are correct, has therefore presumably not been subject to building control checks
- shower block houses a flushing toilet that leads into a septic tank buried in the field within metres of agricultural land
- septic tank was installed in 2019 and clearly has no planning or building control approval and question if an Environment Agency permit has been obtained
- additional facilities are brought onto site and connected to the septic tank – either the toilet block is sized to accommodate maximum usage on the site or there should be a condition to limit the amount of people on the site to match the available services
- note that no provision has been made for chemical toilet disposal and concerned that chemicals are seeping into the nearby agricultural land
- sometimes the smell in line with the septic tank is horrendous
- the block should be removed as soon as possible, and the other planning conditions enforced

Biodiversity

- has hugely altered the biodiversity of the area
- has created noise and visual harm in a rural area that once played host to a plethora of protected species, together with the removal of walls and hedging that once homed wildlife

Other matters

- have been residents of Farley Hill for more than 20 years, the last 10 years of which have involved considerable disruption as a result of the applicant's confrontations with the Planners and local residents - his development of Ameycroft Farm, Bent Farm (previously a traditional Derbyshire stone farmhouse) and Sunnyside Terrace has turned our rustic idyll into a never-ending building site as he devastates our area
- installation of nine hook up points, each with the facility for four caravans, which can potentially service thirty-six caravans is the first step in 'Grand Plan' to develop the site further evidenced by him building a fenced off seven metre wide roadway to the campsite, replacing what was a very modest narrow dirt track across a field
- Urge those responsible to repeat the Officer's initial refusal when the campsite was first imposed upon Farley hillside.

ISSUES:

Background

- 7.1 In order to assess the impact of the ablution block and shower block, it is necessary to understand the nature of the site and the decision of the Planning Inspector in allowing 9 hook up points for caravanning and camping purposes in 2019.
- 7.2 There are 9 hook-up points positioned around the field. Whilst it was noted that the site is visible from the north on Farley Hill and also from the public footpath, the Planning Inspector considered the hook-up points themselves, when viewed from these vantage points, did not detract from the character and appearance of the wider countryside as they were considered to be of moderate size, their colour appeared neutral when viewed alongside the existing vegetation, walls and fencing and it was considered that they would blend into the back drop of the rural character. As such, the Planning Inspector determined that they would not appear as an incongruous feature, or be excessive in their form, to be a visual intrusion.
- 7.3 At the time of the Appeal, the applicant had introduced landscaping on the boundaries and within the site. The Planning Inspector noted that the Council suggested that it may appear unusual to have a field within an area of pastureland dotted with trees/shrubs in an orchard pattern. However, the Inspector considered that suitable landscaping, which included additional planting of native species and appropriate boundary treatments, other than the post and rail fence around the site, could be agreed by a suitable worded condition and would make the development acceptable and further mitigate the overall visual impact of the hook-ups within the site. To this end, the Planning Inspector concluded that:

13. Furthermore, as the site could be operated without the need for planning permission to an extent and I consider there is a greater theoretical possibility this could take place (fallback), even if the hook-up points were not installed. In considering the effects of the current scheme on character and appearance, I have taken into account the fallback position and overall the scheme would not harm the character and appearance of the countryside...

14. The scheme would therefore accord with Policies S1, S4, PD1, PD5 and EC9 of the Derbyshire Dales Local Plan, (2017), which together seek sustainable development, development of high quality design and that developments in the countryside should ensure and where possible, enhance the landscape's intrinsic character and cultural environment and the setting of the Peak District National Park, whilst facilitating sustainable rural community needs, tourism and economic development.

In deliberating on the hook-ups, the Planning Inspector also advised the following:

19. Although reference was made to the capacity of waste and drainage, there is no evidence before me that the site could not be provided with adequate supplies or drainage. If permission was required for these this would be matters for future consideration by the Council.

Impact on the character and appearance of the area

- 7.4 Whilst the site is operated without the need for planning permission, it has to be accepted that, in allowing for 9 hook ups, there is the potential for 5 caravans to be on site and a number of tents. To this end, it is considered reasonable at least to provide facilities for campers, and alternative facilities for those in caravans. Given the general openness of the site, it is difficult to screen such facilities albeit, they are probably the minimum size required for the site to function as a camp site.

- 7.5 In terms of impact in the countryside, it may have been preferable to position the facilities closer to the boundary wall to the west, as the wall would have provided a partial screen and this could have been supplemented with the planting of a hedge along the wall. Nevertheless, the applicant has planted a hedge along the wall, and a number of trees within the field, which will serve to soften not only the views of the ablution block/shower block, but also the caravans and tents that may frequent the site.
- 7.6 Given the above, while the structure has a detrimental impact on the character and appearance of the open fields, it is considered that the development is acceptable provided that a planning condition is imposed to require full details of the landscaping on the site and that any of the landscaping, which may fail over the next 5 years, shall be replaced. It is also considered that a condition should be attached that, in the event of the use as a licenced caravanning and camping site ceasing, that the structures are removed and the land reinstated as field within six months.

Highway Matters

- 7.7 The Local Highway Authority has assessed the proposals and raised no objections. Nevertheless, the Planning Inspector required the access be reduced in width when approving the application for the hook-ups.
- 7.8 The reason for this work not being done is because the applicant requires the consent of the Local Highway Authority for works in the highway (the verge being highway land) despite the fact that the wide access was installed without consent of the Local Highway Authority. To this end, it is considered reasonable to attach a condition that such works are undertaken within 6 months of any planning permission which will allow time for the applicant to make the necessary application to the Local Highway Authority and to reinstate the verge.

Impact on Residential Amenity

- 7.9 It is considered that the proposals, whilst facilitating camping at the site, should not lead to a significant impact on the amenity of local residents. Any noise generation on the site would be the responsibility of the applicant who lives in the nearest property to the site.

Drainage

- 7.10 Concern has been raised by local residents, Darley Dale Town Council and existing and former members of the Planning Committee with regard to the adequacy of the drainage on the site for the ablution/shower block.
- 7.11 The applicant has provided a water supply to the site and a septic tank to serve the facilities. It was advised that this was a temporary septic tank which would be replaced with a sewer connection, as the main sewer ends close to the site entrance, as soon as planning permission is obtained, as the cost of connection would not otherwise be justified. The application was deferred from the planning Committee meeting of 13th September 2022 to allow the applicant to present a programme of works for connection to the mains sewer to ensure that this was feasible. To date, the applicant has submitted no further details. The Local Planning Authority should not allow the use of non-mains foul drainage unless it can be proven that a connection to the public sewer is not feasible. This is particularly important in respect of this site, where chemical waste is likely to be disposed of. Chemical waste cannot be disposed of in a septic or package treatment plant and could result in the pollution of the environment.
- 7.12 The National Planning Practice Guidance and Building Regulations Approved Document H give a hierarchy of drainage options that must be considered and discounted in the following order:

- 1 Connection to the public sewer
- 2 Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption)
- 3 Septic Tank
- 4 If none of the above are feasible a cesspool

7.13 In this particular case the applicant has been given the opportunity to demonstrate that the connection to the mains sewer is feasible in this case and that there is a reasonable prospect of this being delivered. The applicant has, however, failed to engage with officers and insufficient information has been submitted to demonstrate that foul sewage and chemical waste from the development will be appropriately disposed of and to not result in pollution of the environment contrary to the requirements of Policies S1, S4, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017) and national planning guidance.

7.14 The applicant disputed reports of chemicals seeping into the land and creating smell nuisance and has confirmed that there is proper on-site provision for chemical toilet disposal. It was advised that the chemical waste was put into the tank and the tank emptied as required. This identifies that the existing arrangement is inadequate and is already causing problems and potentially polluting the environment.

Conclusion

7.15 This is a retrospective application seeking retention of development carried out. Nevertheless, the application must be considered on its own merits. In allowing the hook-ups on site, the Planning Inspector has clearly allowed for some formality to the caravan and camping site, albeit this can only be operated under licence. The access has also been permitted in its current form, except where it meets Farley Hill, which still needs to be addressed by the applicant first applying to the Local Highway Authority to undertake works of highway verge reinstatement.

7.16 Notwithstanding the above, the facilities are considered reasonably necessary for the site to operate under the licence as, whilst caravans may have toilets and washing facilities, without such structures, the use as a campsite would be likely to be severely restricted or require the siting of portaloos. In allowing for 9 hook ups, the Planning Inspector clearly was of the view that the hook-ups would also serve camping, as the site is limited to five caravans at any one time.

7.17 Whilst the facilities could have been set closer to a wall to offer some screening, they would nevertheless be evident in the landscape. The site would be visible to most people from the properties to the south, the public footpath to the south and from Farley Hill. To this end, the applicant has provided some landscaping along the boundary fence to the west and within the site which, over time, should serve to soften not only the structures, but also the caravans and tents in the field in the primary views of the site.

7.18 However, notwithstanding the above, the applicant has failed to demonstrate that the development would be served by adequate foul drainage infrastructure and that the development is currently and is not likely to result in pollution of the natural environment. A recommendation of refusal is put forward on this basis. As this application seeks retrospective planning permission, if members are minded to follow officer recommendation, the Local Planning Authority will need to consider taking formal enforcement action to remedy this harm.

8 RECOMMENDATION

That planning permission be refused for the following reason:

1. Insufficient information has been submitted to demonstrate that foul sewage and chemical waste from the development will be appropriately disposed of and that such measures are deliverable for this retrospective application to not result in pollution of the environment contrary to the requirements of Policies S1, S4, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017) and National Planning Practice Guidance.

NOTES TO APPLICANT:

1. The Local Planning Authority has sought to engage with the applicant with respect to addressing matters of foul water drainage. As the applicant has provided no further details of the current or proposed drainage, the unauthorised development has been considered on the merits of the submitted application and it is judged that there is no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This decision notice relates to the following documents:

Site Location Plan (1:2500) and Elevation and Floor Plan Drawing (1:100) received on 26th June 2022

Block Plan (1:500) received on 26th June 2022

Design and Access Statement received on 26th June 2022.