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**Report of the Head of Development and Master Planning****STRATEGIC PLANNING COMMITTEE****Date: 29-Aug-2019****Subject: Planning Application 2018/90234 Erection of 4no. camping pods, shower/changing facility block and warden accommodation Land Off, Black Syke Lane, Holmfirth****APPLICANT**

Black Syke Springs Ltd

**DATE VALID**

22-Jan-2018

**TARGET DATE**

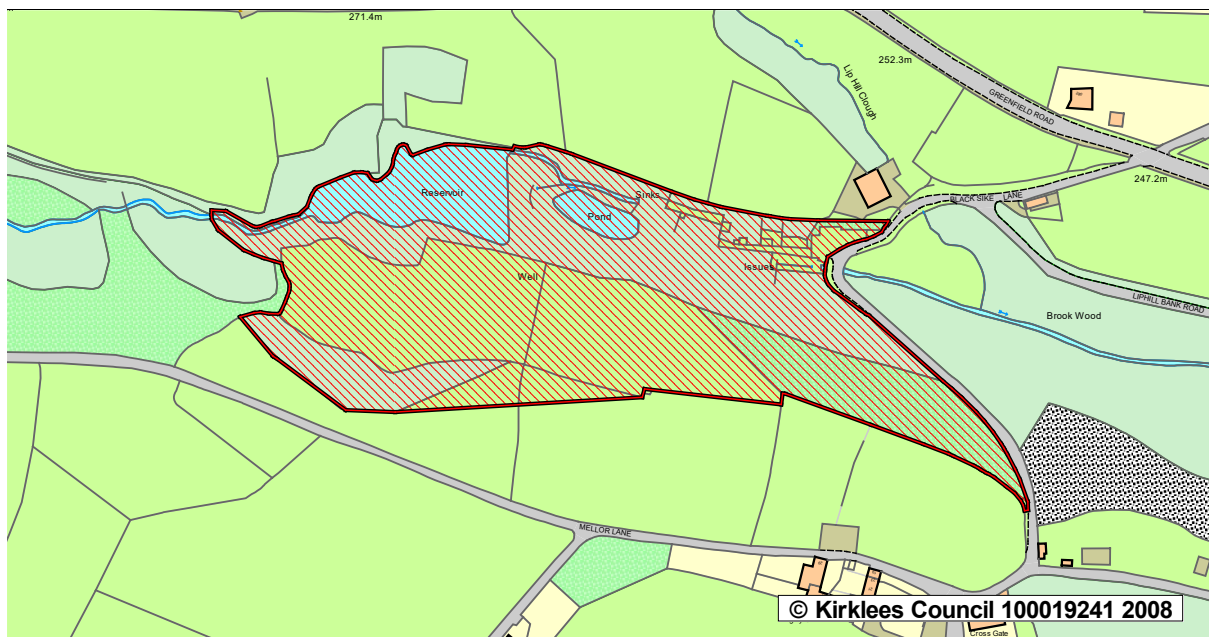
19-Mar-2018

**EXTENSION EXPIRY DATE**01-Dec-2018

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Holme Valley South**

Yes

Ward Members consulted

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

- 1.1 The application is brought forward to the Strategic Planning Committee in accordance with the Scheme of Delegation because it is for non-residential development on a site in excess of 0.5 hectares.
- 1.2 The application was presented to the Strategic Planning Committee on 1<sup>st</sup> August 2019 where members of the committee visited the site. At the committee some members raised concerns surrounding the residential nature of the warden's lodge in the Green Belt and the lack of a business plan with financial justification supporting the proposal. The committee resolved to defer the application to:
  1. Allow the applicant an opportunity to provide details of a business plan to enable consideration of the financial viability of the business;
  2. Review the permanency of the proposed warden's accommodation; and
  3. Provide details for the maintenance of the culvert running through the proposed site.
- 1.3 The applicant has provided information to address the above. This includes a financial plan and a business plan summary.
- 1.4 A summary of the business plan is included at paragraphs 1.5- 1.10 below. Officers have assessed the information and included the details within a confidential paper that will be circulated to committee members prior to the committee meeting as viability issues are considered to be commercially sensitive information.
- 1.5 The financial plan shows a gross profit of almost £110k after 5 years, with income exceeding expenditure after 12 months and profit being generated in year 4.

- 1.6 The income will come from the rental of tents, the sale of trout to restaurants and on-site sales. The on-site sales include rental of fishing tackle, sale of basic fishing equipment, fire pit rental and sale of firewood, sale of bird boxes and feeders and the sale of basic food supplies like milk, eggs and bacon.
- 1.7 The plan has used a nightly rate for the pods of £100. The applicant expects rates to be higher in the summer. The occupancy is set at 30% in the first year increasing to 70% at year three.
- 1.8 The number of tents has purposefully been kept to a minimum in order to provide a bespoke and tranquil experience for guests. The accommodation is principally aimed at anglers and their families but may appeal to other campers as well.
- 1.9 The applicant would be the warden and would live on the site with his family. The applicant would continue to work in a part-time role as Director of his own company with the remainder of his time spent on the proposed business.
- 1.10 In terms of the permanency of the building, the applicant has commented that the warden's accommodation and tents would be conditioned that if the business ceases to exist, each entity would be removed from site (as set out in the previous committee report). The proposed warden's accommodation specified as a temporary dwelling and therefore does not conform to building regulations. The warden's accommodation will always exist as being temporary and any enhancements on this would have to be applied for as a new planning application. This ensures the control of the site remains in the hands of the council.
- 1.11 With regard to the culvert, the applicant has advised that this (along with the spillway) is checked on a regular basis for both debris build-up and structural defects. Since acquiring the site, the applicant has repaired sections of the culvert and installed an inspection shaft and debris trap at the entrance to the culvert. The warden's presence on the site would mean that any debris can be removed from the spillway immediately during a flash flood for example. The proposed business formalises the maintenance of the dams and ponds, which otherwise could fall into disrepair with health and safety implications.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site lies to the west of Black Sike Lane, approximately 1.2 miles to the west of Holmfirth Town Centre. The site currently accommodates one large and one small pond which historically helped power mills that were on the site. The site includes wooded areas and open grassland. The site was previously used by a local fishing club, with 16 platforms located around the larger of the two ponds.
- 2.2 Access is taken into the site along a track that runs off Black Sike Lane. The track runs into a wooded area that is protected by a woodland Tree Preservation Order.

## **3.0 PROPOSAL:**

- 3.1 The application is for the erection of 4 no. camping pods and a separate shower/changing block and warden accommodation.

- 3.2 The camping pods comprise a 'safari tent' set on a raised timber deck. Each tent can accommodate up to 4 people and includes a chemical toilet and basic cooking facilities, although there will be no services running to the tents. The tents are located to the south of the larger of the two ponds.
- 3.3 The shower/changing and warden accommodation block is located towards the east of the site within a wooded area. The building is single storey and of timber construction.
- 3.4 The warden's block consists of a 2 bedrooms and includes a site office and reception. Toilet, shower and changing facilities for the camping pods are attached to the warden's block.
- 3.5 Supporting information states that the presence of a site warden is essential to manage the site activities as well as site security.
- 3.6 The proposals would provide a destination for trout and carp fishing. The use of the site would be for the occupants of the camping pods only.
- 3.7 Guests would park within the site and would be transported to their tent by an all-terrain vehicle or quad bike. A track providing access from by the warden's accommodation to the proposed tents is to be formed.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 No relevant planning history.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 Additional information was provided in respect of the impact of the development on ecology and trees.
- 5.2 The type of construction of the warden's accommodation and shower/changing block was amended so that it could be more readily removed from the site should the camping use cease. The building is to be sat on sleepers and entirely clad in timber instead of including brick elements. Solar panels and a biomass boiler have also been removed from the building. The intention of this was to create a structure that is less permanent in nature. The position of the building has also been repositioned slightly in an attempt to lessen the impact on protected trees.
- 5.3 The development was subject to a pre-application enquiry. This gave advice on the general planning constraints that the applicant would need to address as part of a future planning application.
- 5.4 Supporting information in the form of a business plan with financial plan was requested by Strategic Committee on the 1<sup>st</sup> August 2019. A summary of the information received has been provided as set out within the introduction to this report.

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- 6.2 LP1 – Sustainable development  
LP3 – Location of new development  
LP10 – Supporting the rural economy  
LP21 – Highway safety and access  
LP22 – Parking  
LP24 – Design  
LP30 – Biodiversity  
LP33 – Trees  
LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries

### Supplementary Planning Guidance / Documents:

- 6.3 Draft Highways Design Guide SPD

### National Planning Guidance:

- 6.4 NPPF Chapter 2 – Achieving sustainable development  
NPPF Chapter 4 – Decision-making  
NPPF Chapter 6 – Building a strong, competitive economy  
NPPF Chapter 13 – Protecting Green Belt land  
NPPF Chapter 15 – Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised by site notice and press advert. No representations were received in response to the publicity.
- 7.2 **Holme Valley Parish Council** – “Object to the application on the basis of insufficient parking. There should be no RH turn from Greenfield Road downhill into Black Sike Lane and no LH turn out of Black Sike Lane into Greenfield Road i.e. Bus turning circle to be used.  
Would support in principle, if more parking and above Highways issue regarding turning resolved.”

## **8.0 CONSULTATION RESPONSES:**

- 8.1 **Statutory:**

KC Highways Development Management – No objection subject to conditions that require the

- on- site parking provision to be provided in accordance with the submitted plan
- Passing Places on Black Syke Lane in accordance with Transport Assessment
- Removal of fishing day tickets to ensure traffic generation is below current usage.

## 8.2 Non-statutory:

KC Trees Officer – Objects to the shower/changing block and warden accommodation because it would introduce a use which would result in pressure to fell/prune protected trees.

KC Ecology Unit – Concerns raised with the warden's accommodation/shower block being located within the woodland and the impact on this Wildlife Habitat Network, including from the introduction of artificial light.

KC Environmental Services – No objections subject to conditions

KC Lead Local Flood Authority - The proposed development site is located within an area of high surface water flood risk. The applicant should provide appropriate access and egress in the times of flooding. There is a culvert running through the proposed site. The applicant should identify its exact location. No structures should be located over the culvert line or within a suitable easement – typically 6-10 metres.

Police Architectural Liaison Officer – Additional information sought on the proposed security measures.

## 9.0 MAIN ISSUES

- Principle of development
- Impact on the Green Belt
- Highway issues
- Trees
- Ecology issues
- Drainage issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site lies within land designated as Green Belt.
- 10.2 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.3 The National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 10.4 Policy LP56 of the Local Plan relates to facilities for outdoor sport and recreation in the Green Belt. It states that such facilities will normally be acceptable as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. Proposals should ensure that the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated and; the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas.
- 10.5 The proposed development is considered to constitute a facility for outdoor recreation and therefore the principle of development in the Green Belt can be accepted provided that the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. The proposal would also need to satisfy the criteria contained within Policy LP56.
- 10.6 The previous use of the site as an angling facility for a local fishing club has ended and it is proposed to reuse the site as a destination for trout and carp fishing, with occupiers of the camping pods having the sole use of the facilities. Supporting information indicates that there is limited opportunities for such fishing within the District. The development would therefore be providing a relatively unique experience which would attract tourists to the area.
- 10.7 Chapter 6 of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Planning decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 10.8 Policy LP10 of the Local Plan sets out how the economic performance of the rural economy will be improved. This includes through supporting and increasing tourism related development, including encouraging new facilities and accommodation for tourists.
- 10.9 It is considered that the proposal would complement and add value to the rural visitor economy by creating a bespoke visitor attraction which would increase footfall and secondary spend. The application form indicates that 1.5 jobs would be created. The development would benefit the rural economy and is consistent with the NPPF and LP10 of the Local Plan.

#### Impact on the Green Belt

- 10.10 The four camping pods (safari tents) are located to the south of the larger of the two ponds and would be relatively secluded within the landscape as a result of the topography of the land and the presence of woodland. The pods are spread out across an area of the site and are low impact structures because of their scale and nature. The tents and the low timber decking on which they would sit could readily be removed from the site thus allowing the site to be restored should the camping use cease. The applicant has confirmed that there would be no services to the tents and this can be conditioned.

- 10.11 The applicant considers the warden's accommodation block to be an essential facility for the proposal. It is stated that an on-site presence is necessary to provide security and to provide site management for guests. Security is needed to protect the fish stocks and to discourage theft or damage of the tents and equipment when not in use. Attached to the warden's block are shower and changing facilities for the guests.
- 10.12 The proposed warden's block has been altered in so much as it would be sat on sleepers instead of having traditional foundations and it would be entirely clad in timber instead of including elements of external brickwork. Solar panels and a hydro pump have also been removed from the building. The intention of this is to create a building which is more temporary in nature and can be more readily removed from the site should the camping use cease.
- 10.13 The warden's accommodation block would be occupied as a dwellinghouse and at the previous committee meeting some Members raised concerns with the introduction of this residential use onto the site and the justification for the building's presence in terms of local and national Green Belt policy and guidance. The applicant has sought to address this matter by providing further information which has been summarised in the introduction of this report.
- 10.14 Officers have considered the additional information. The profit levels appear to be quite optimistic and the sale of trout to restaurants and the smoking of trout is an additional aspect of the business that officers and the committee were previously unaware of. The sale of trout is not an insignificant contribution to the business plan. The applicant was requested to provide further detail on this element of the business and should be provided in the agenda update. Nevertheless, officers have accepted that an on-site presence is important for the business to operate effectively given the security benefits and so the inclusion of the warden's accommodation is considered to be acceptable in principle subject to the controls in place for the Local Authority by the imposition of conditions.
- 10.15 The warden's accommodation block is sited in an unobtrusive location within the site surrounded by trees and partly screened by adjacent land levels. It would not therefore be a prominent feature within the countryside. The scale of the building is, on balance, accepted as being no more than is reasonably required for the proper functioning of the enterprise.
- 10.16 It is however only acceptable on the basis of its association with the proposed recreational use of camping and fishing. A permanent dwelling in its own right would be contrary to local and national Green Belt policy unless very special circumstances exist. As such it is recommended that a condition be imposed requiring the removal of the warden's accommodation and shower/changing block in the event that the camping use ceases. This is in the interests of protecting the openness of the Green Belt.
- 10.17 Alternatively, Members may wish to consider a condition to time limit the permission to the end of the submitted financial plan (31<sup>st</sup> March 2025), upon which the applicant will be required to remove the warden's accommodation block from the site unless a new application has been submitted to extend its presence. This would enable an assessment to be made once the business has established itself as to whether the scale and nature of the proposed recreational use warrants a dwellinghouse on the site. This approach to controlling the warden's accommodation block could however be considered to



be unreasonable given that it is tied to the camping element of the proposal which is considered to be viable by the business plan submitted.

- 10.18 Guests would park within an existing informal parking area within the site and would be transported to their tent by an all-terrain vehicle or quad bike. A track providing access from the warden's accommodation to the proposed tents is to be formed. Details of the construction of the track have not been provided but subject to the track being constructed of a natural material, such as crushed stone for example, it is considered that the addition of the track would not have any significant detrimental impact on the openness or character of the Green Belt.
- 10.19 In conclusion the proposals would not result in any significant harm to the openness of the Green Belt or the purposes of including land within Green Belt and the application is considered to comply with Policy LP56 of the Local Plan and guidance in the National Planning Policy Framework.

#### Highway issues

- 10.20 Access to the proposed site is off Black Sike Lane, via its junction with A635 Greenfield Road.
- 10.21 Based on the submitted information the proposed development could potentially generate up to 14-16 vehicular movements in and out of this junction per day. This is considered a reduction compared with the established usage of 20-30 movements that was generated by the site when it was used as an angling venue. The reduction is because the site would solely be used by the guests of the camping pods and would not be open to use by any other anglers.
- 10.22 It is proposed to make some improvements to Black Sike Lane in the form of passing bays within existing highway verge. This is welcomed and the provision of the passing bays can be conditioned.
- 10.23 7 informal parking spaces are proposed within an existing compacted clearing within the site. It is not proposed to surface this area although supporting information indicates that the area could be surfaced if deemed necessary. A plan has been submitted showing the location of the 7x parking spaces. Highways officers have confirmed that these details are acceptable subject to a condition. The applicant has also advised that additional parking could be provided within the site; this is at the site entrance where an existing container is located. A condition could be imposed requiring details of additional parking provision within this part of the site if it was required.
- 10.24 The provision of storage and collection of waste from the premises is to be carried out by the on-site warden.
- 10.25 In terms of the sites operational requirements and potential use it is considered acceptable from a highway safety perspective.

#### Trees

- 10.26 The site includes a large area of protected woodland. The warden's accommodation block would be located within the woodland and the arboricultural officer has raised significant concerns with the introduction of a residential building into this area. This is because it would lead to long term

issues with shade, seasonal nuisance from fallen leaves and fears relating to the trees breaking or falling. This in turn will lead to future pressures to fell or excessively prune the trees.

- 10.27 The applicant has submitted additional information to try and mitigate the impact on trees. An Arboricultural Impact Assessment has been provided and an amended plan submitted which has shifted the building further to the east and re-orientated it slightly. The applicant has pointed out that the vast majority of main habitable rooms also face away from the body of the trees. In addition the applicant has stated that they will provide "extensive" new tree planting.
- 10.28 The council's tree officer retains his objection to the proposal and has commented specifically on the amended siting of the warden's accommodation stating that *The woodland TPO was served in 1983 to protect the longevity of the woodland and this proposal will degenerate the woodland over the long term. The likely long term impact is that the warden accommodation will become more widely visible as the area of woodland is permanently effected/depleted in which case the impact on the Green Belt increases over time.*
- 10.29 Whilst the warden's accommodation / amenity block could be re-sited away from canopy or roots system of the existing trees, the structure would have a greater impact upon the openness of the Green Belt. Consequently, with the addition of further tree planting officers consider that when assessed in the round the scheme is acceptable and can be supported.

#### Ecology issues

- 10.30 The application site incorporates part of a wooded valley, through which Hart Holes Clough/Black Sike Dike flows, as well as an area of grassland on the southern valley slope. The watercourse has historically been dammed and engineered, which has created a small reservoir and two separate ponds. The whole site is included within the Kirklees Wildlife Habitat Network and New Laith Fields and Carr Green Meadows Local Wildlife Sites are located approximately 40 m and 350 m from the southern site boundary. These sites are designated for their grassland habitats, which reflects the generally lower intensity management of much of the surrounding habitats. Due to the nature of the habitats present on site, their location in the landscape and the proximity of the site to other higher value habitats, development in this location has a greater potential to affect biodiversity.
- 10.31 The main ecological impacts arise from the warden's accommodation block given its location within an area of woodland. The introduction of a residential building would impact on the function and connectivity of the Kirklees Wildlife Habitat Network as a result of the building's presence within an ecological corridor and the use of artificial lighting. The Environment Unit have raised significant concerns with the application on this basis and consider that it is contrary to LP30 of the Local Plan.
- 10.32 Notwithstanding the significant concerns raised, some mitigation could be provided through new tree planting, a lighting design strategy to minimise light spill into the woodland and the development being carried out in accordance with the submitted Construction Environmental Management Plan and Landscape and Ecological Management Plan

### Drainage issues

- 10.33 Kirklees Lead Local Flood Authority (LLFA) have been consulted and no objections have been raised. It has however been noted that the site is within a high surface water flood risk area and so the applicant should provide appropriate access and egress in the event of flooding. A flood evacuation plan can be conditioned.
- 10.34 The LLFA have also commented that there is a culvert running through the site and it has been recommended that the applicant identify its exact location to ensure that no structures are located over the culvert line and that a suitable easement is provided. The applicant has identified the location of the culvert on a plan and included an appropriate easement.

### Representations

- 10.35 No public representations have been received. Holme Valley Parish Council have objected to the application on the basis of insufficient parking.  
**Comment:** The 7 parking spaces proposed are considered by officers to be sufficient for the 4 camping pods and warden's accommodation.
- 10.36 Holme Valley Parish Council have also suggested that there should be no right hand turn from Greenfield Road downhill into Black Sike Lane and no left hand turn out of Black Sike Lane into Greenfield Road i.e. the bus turning circle should be used.  
**Comment:** A traffic management plan could be conditioned to require guests and the site warden not to left out of Black Sike Lane and not to turn right off Greenfield Road although this would be difficult to enforce and so is unlikely to meet all of the tests for planning conditions. Highways Development Management also do not consider such a condition to be strictly necessary given that the proposals represent a reduction on the previous use of the site.

### Other matters

- 10.37 Environmental Services have stated that part of this site is recorded on our system as potentially contaminated due to its past use as a mill. This is in the general area where the warden's accommodation is located but the building is to be erected on sleepers which limits ground disturbance. The risk from contamination is low although a condition requiring the reporting of unexpected contamination is recommended as a condition.
- 10.38 A "biodisc" type package treatment plant is planned for foul water disposal. This is acceptable if mains drainage is not possible. As no further details have been provided it is recommended that a condition requiring details is imposed.
- 10.39 The Police Architectural Liaison Officer sought additional information on the security arrangements. Essentially security is to be provided by the on-site warden although there would be some CCTV cameras. The warden would live on the site and as such there would be a 24 hour security presence.

## **11.0 CONCLUSION**

- 11.1 This is a finely balanced recommendation. The negative impact on protected trees and the ecology of the area should be given prominent weight in the planning balance, however tourism benefits and the potential for secondary spend within the local area should also be recognised and this weighs in favour of the current application. A positive recommendation is made given that mitigation is proposed to minimise the impacts of the development including new tree planting and a lighting design strategy.
- 11.2 Officers consider that, on balance, the application is acceptable in terms of the impact on the Green Belt and the development would be less intensive in highway terms than the previous use as an angling facility which was based on day tickets.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development and Master Planning)**

1. Time limit (3 years)
2. Development in accordance with approved plans
3. Warden's block and pods to be removed from the site and the land reinstated in the event that the approved camping use ceases
4. Wardens block only to be occupied by staff in connection with the security and operation of the business and their dependants
5. No services to be run to the tents
6. Warden's accommodation block/changing facilities to be constructed on sleepers
7. Details of the surfacing of the track from the parking area to the tents
8. Approval of facing materials for warden's accommodation/changing facilities
9. Details of passing places to Black Sike Lane and passing places to be provided before development brought into use
10. Reporting of unexpected contamination
11. Details of package treatment facility
12. Details of flood evacuation plan
13. Scheme for new tree planting
14. Development in accordance with Arboricultural Impact Assessment
15. Development in accordance with Ecological Construction Management Plan
16. Development in accordance with Landscape and Ecological Management Plan
17. Parking provision in accordance with plans
18. Passing Places on Black Syke Lane in accordance with Transport Assessment
19. Removal of fishing day tickets to ensure traffic generation is below current usage.

### **Background Papers:**

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90234>

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