

Development Control Committee
Meeting to be held on 21st January 2015

Electoral Division affected:
Fylde West

Fylde Borough: Application LCC/2014/0160
Erection of a bund. Ream Hills Farm, Mythop Road, Weeton

Contact for further information:
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Executive Summary

Application – Erection of a bund. Ream Hills Farm, Mythop Road, Weeton

Recommendation – Summary

That planning permission be **refused** for the following reason:-

1) The development is not considered to be essentially required in order to support the continuation of the existing tourist facilities and by reason of scale and design would harm the character of the surrounding countryside. The development is therefore contrary to Policies SP2 and EP11 of the Fylde Borough Local Plan.

Applicant's Proposal

Planning permission is sought for the construction of a bund using soils and inert waste at Ream Hills Farm, Mythop Road, Weeton. The purpose of the bund, which would be landscaped with trees / shrubs, is to provide shelter from the wind to the tourist facilities on the site. The proposed bund would be constructed from soils and inert waste, and would run along the north-west boundary of the site towards the M55 motorway. The bund would measure 500m in length and approximately 30m in width, with a height of approximately 2.5m.

The development would involve the importation and deposit of 45,000 cubic metres of inert waste materials over a period of two years. The operations would take place on weekdays between 07:30 and 16:30 and on Saturdays between 07:30 and 13:30. The development would generate a maximum of 60 HGV loads per day.

Description and Location of Site

The application site is an area of agricultural land measuring 3.0 ha in area at Ream Hills Farm, which is located approximately 1.4km west of Weeton and 200m north of the M55 motorway.

The proposed bund is located adjacent to an existing field boundary with a hedge / ditch to west of the Ream Hills Farm itself. The ditch forms part of the Mythop Main Drain and is designated as a main watercourse by the Environment Agency. To the north east of the application area is a lake and surrounding land that is used for leisure / tourism purposes as a camping / caravan site with a number of lodge type accommodation units. Wildings Hill Wood is located to the south west of the application site but would not be directly affected by the proposed bund.

Background

Planning permission on land to the east of Ream Hills Farm was granted in October 2009 (ref no. 05/09/0437) for the raising of land levels to form a new horse paddock.

The Ream Hills Farm site also benefits from a number of planning permissions granted by Fylde Borough Council for the use of parts of the farm for leisure / tourism uses.

A planning application ref LCC/2014/0105 for the construction of a bund on a similar site to that currently proposed was refused by the County Council in October 2015.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 28, 99 – 103, 109 and 118 are relevant with regards to the protection of the character of the countryside, conserving and enhancing the natural environment and the flood risk issues of new development.

Joint Lancashire Minerals and Waste Development Framework Core Strategy (JLMWDF)

Policy CS7 Managing our Waste as a Resource

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF	Presumption in Favour of Sustainable Development
Policy DM2	Development Management

Fylde Borough Local Plan

Policy SP2	Development in Countryside Areas
Policy SP8	Expansion of existing businesses and commercial operations
Policy TREC7	Touring caravans and camping sites
Policy TREC10	Countryside Recreation
Policy EP11	Development in Rural Areas
Policy EP30	Development within Floodplains

Consultations

Fylde Borough Council – No observations received.

Environment Agency – Object to the proposed development on the basis that the submitted flood risk assessment is not adequate. The EA also comment that the adjacent ditch forms part of a main river and therefore their consent is required for any work within 8 metres of the watercourse. The EA state that consent is unlikely to be forthcoming for works adjacent to the watercourse.

LCC Developer Support (Highways): No observations received.

Representations – The application has been advertised by press and site notice. No representations have been received.

Advice

Planning permission is sought for the construction of a bund with soils and inert waste at Ream Hills Farm, Mythop Road, Weeton. The applicant states that the purpose of the bund would be to provide shelter from the wind to the tourist facilities on the site which includes a recently constructed caravan / camp site, accommodation lodges and a large lake that is used for wakeboarding, paddle boarding and a range of other water sports. The bund would be approximately 2.5 metres in height and would be planted with trees and shrubs to provide a landscaped feature which would shelter the areas of the site used for these activities from the prevailing south westerly wind.

A planning application ref LCC/2014/0105 for a similar bund was refused by the County Council in October 2014. The application was refused for two reasons: 1); the location of part of the bund within an area having a high risk of flooding and 2); that the development was not considered to be essentially required in order to support the continuation of the existing tourist facilities and that it would harm the character of the countryside by reason of scale and design.

The current application seeks to address those reasons for refusal by reducing the length of the bund from 860 metres to 500 metres, thereby removing that part of the bund lying within the flood zone.

It will be noted that the initial response from the EA maintains their objection to the application. However, the objection has been raised due to the applicant supplying a previous version of the flood risk assessment erroneously showing the area of the development. As no part of the mound would now lie within the flood zone, the bund would not have any flooding impacts and therefore the reason for refusal based on flooding impacts would be overcome. The applicant has sought to address this issue with the EA and any revised response from the EA will be reported via the update sheet.

The second reason for refusal of application LCC/2014/0105 related to the need for the development in terms of supporting the approved tourist facilities and the scale and design of the proposed mound in terms of landscape character.

Policy SP2 of the Fylde Borough Local Plan states that within countryside areas, development will not be permitted except for that essentially required for the

purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area or development essentially needed for the continuation of an existing enterprise or operation of a type and scale which would not harm the character of the surrounding countryside.

The applicant has secured a number of permissions from Fylde Borough Council for tourism / leisure uses which provide for a tenting area, location for touring caravans and a number of lodges providing holiday accommodation and for the creation of landscaped bunds on the northern and western sides of the site. These uses are located around the existing lake which is directly north of the farm buildings at Ream Hills Farm.

However, the majority of the proposed bund is located at some distance from the parts of the farm, including the lake, that benefit from the permissions for these activities and therefore it is considered that the mound in its proposed location would have very little sheltering benefit for these activities in any event. The tourism uses have been proposed taking into account the current wind conditions and therefore it is not considered that the bund is essentially needed for the continuation of the existing tourism / leisure enterprise. The applicant maintains that the construction of the bund is needed as the existing ground conditions are too wet to allow the development of a planting belt at existing ground level in the proposed location. However, it is considered that it would be possible to create a planting belt without undertaking the tipping simply by selecting tree species that would naturally occur in this area and which are therefore better adapted to wetter soil conditions. For these reasons, the development conflicts with a key criteria of Policy SP2 of the Fylde Borough Local Plan.

Policy EP11 of the Fylde Borough Local Plan requires that new development in rural areas should be in keeping with the distinct landscape character types identified in the Landscape Strategy for Lancashire. The site is located in the South Fylde Mosses landscape character area, the key features of which are the flat, open countryside. The Strategy aims to enhance landscape character by careful siting and design of development and limiting tree planting to locations where there is established tree cover. The proposed mound would extend over a considerable distance and whilst not particularly high needs to be of sufficient width to allow the development of a substantial belt of planting which the applicant maintains is required to provide shelter to the nearby recreational / tourism activities. The bund would therefore require the importation of a substantial volume of waste soils and clays over a period of two years. Whilst the bund is now shorter than was previously proposed, it would still be a substantial linear feature in a generally flat and open landscape, the impact of which would be amplified by the proposed tree planting along its length. The proposed mound would therefore conflict with the local landscape character in this area contrary to Policy EP11 of the Fylde Borough Local Plan.

Human Rights Issues:-

The proposal raises issues relating to the protection of amenity and property under Article 1 of the 1st Protocol of the Human Rights Act 1998.

Article 1 of the 1st Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The applicant has rights under this article. However, the County Council has a duty to secure the proposed location and design of waste development in order to protect the character of the countryside as set out in the policies of the development plan. The proposal would conflict with these policies of the development plan designed to achieve these aims and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by the refusal of permission and that the refusal of the application would not be disproportionate.

Recommendation

That planning permission be **refused** for the following reason:-

1) The development is not considered to be essentially required in order to support the continuation of the existing tourist facilities and by reason of scale and design would harm the character of the surrounding countryside. The development is therefore contrary to Policies SP2 and EP11 of the Fylde Borough Local Plan.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0160	Jan 2015	J Haine/ENV/34130

Reason for Inclusion in Part II, if appropriate

N/A