

APPLICATION NO	PA/2015/0409
APPLICANT	Mr M & Mrs A White, Haxey Study Centre
DEVELOPMENT	Planning permission to erect an extension to existing training and lecture centre and relocate educational centre (Haxey Study Centre) from Rose Cottage site to Lupine Woods site
LOCATION	Haxey Study Centre, Turbary Road, Haxey
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	Dave Lofts
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 11 – planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 19 – the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 – planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Paragraph 118 – when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for then planning permission should be refused.
- Proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on an SSSI, either individually or in combination with other developments, should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development at this site clearly outweigh both impacts that it is likely to have on the features of the site that make it of special scientific interest and any broad impacts on the national network of SSSIs.
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted.
- Opportunities to incorporate biodiversity in and around development should be encouraged.
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and loss of aged or veteran trees found outside ancient woodland, unless the need for and benefits of the development in that location clearly outweigh the loss.
- The following wildlife sites should be given the same protection as European sites: potential Special Protection Areas and possible Special Areas of Conservation, listed or proposed Ramsar sites; and sites identified or required as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation and listed or proposed Ramsar sites.

Paragraph 187 – local planning authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development, where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 – the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development framework unless material considerations indicate otherwise. This framework is a material consideration in planning decisions.

Paragraph 197 – in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Local Plan: Policies RD2, DS1, DS16, LC2 and LC14 apply.

North Lincolnshire Core Strategy: Policies CS17 and CS19 apply.

CONSULTATIONS

Highways: Does not wish to restrict the grant of permission.

Environment Team Ecology: The application site is adjacent to Haxey Turbary SSSI. A condition will need to be imposed preventing any impact on the hydrology and water quality of the neighbouring SSSI. Works could affect nesting birds, bats, badger, hedgehog, reptiles and amphibians. If permission is granted there will be a need to secure biodiversity enhancements in accordance with the National Planning Policy Framework.

Environment Officer (Trees and Landscape): Initial information submitted indicated green infrastructure to be placed on or near the site but did not show detailed information on the species/sizes or types of planting to be undertaken. However, the requirements of the council's ecologist were satisfied following the receipt of a revised tree planting schedule which included trees of UK origin and the creation of other priority habitat features.

Environment Agency: No objection to the application as submitted but advise that finished floor levels of the extensions should be set no lower than the existing building with flood resilience and resistance measures incorporated, where practicable.

LLFA Drainage Team: The Drainage Team has no objection to the proposed development subject to care being taken with finished floor levels, threshold levels and location of openings, and SuDS must be considered.

Environmental Health (Commercial): By expanding the Lupine Woods site the scale of activities possible on site is increased and there is, therefore, the potential for noise disturbance to local residents due to traffic movements to and from the facility and due to activities which may take place. A noise management scheme should therefore be submitted which demonstrates that the increased activity on site will not have an adverse impact on local residents. Also recommends a condition to prevent disturbance during more noise-sensitive times (late evening, night-time).

Historic Environment Record: No objection. The application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14). The HER is satisfied that the proposals will not cause substantial harm to the character or setting of the nationally important historic landscape.

Historic England: Do not consider that it is necessary for this application to be notified to Historic England.

Lincolnshire Wildlife Trust: Object to the proposal. Primary concern is that the application would result in additional vehicular movements further down Turbary Road requiring vehicles to drive through the first compartments of the SSSI. This could disturb habitats adjacent to what is currently a little used track. Concerned about light spill into the SSSI or into features which may be used by roosting, foraging or commuting bats. Concerned about creeping development on the site which is located outside development limits in the open countryside. No sufficient justification as to why replacement buildings cannot be provided on the Rose Cottage site. Would like to ensure that appropriate biodiversity enhancements

are secured which would aim to buffer the adjacent SSSI from the development and provide complementary habitats.

Public Rights of Way: No objection to the application with respect to public rights of way, commons, greens and other forms of statutory open access.

PARISH COUNCIL

Object to the application on the following grounds:

- The application seeks to move all businesses from Rose Cottage to Lupine Woods; this parish council is opposed to this and believes it would be better to have developed the businesses at the original site of Rose Cottage.
- The original grant of a barn for agricultural was not opposed by the parish council as it seemed appropriate for its original use associated with a forestry business.
- Concerned by the way the businesses have developed from dog training and printing at Rose Cottage into a multitude of courses, caravan and sales businesses.
- What is not clear in the 106 agreement is what, if any, restriction would be placed on these enterprises, and the details are not specific enough to be controlled by the planning authority.
- Any 106 agreement should identify what businesses can operate at the Study Centre and provide a basis for transparent planning in the future.
- It is completely unnecessary to move the business and the owners recognise its isolated position makes security difficult. This application appears a well thought through attempt to gain planning in an inappropriate area of what is a peaceful, tranquil place, which is about as far as you can get in this area from a settlement and transport links.
- The application entails creeping development into an historically important part of the Isle of Axholme landscape in an area which was one of the last parts of common land with rights to take peat (Turbarry).
- The business has been solely based around developing this site, without consideration to the original site at Rose Cottage when the North Lincolnshire Local Plan appears to favour development of established sites.
- Concerns with regard to development of human habitation and particularly the caravan site and other mobile habitations. Overnight accommodation of this site is at odds with its environment.
- We fully support the residents who are directly affected and object to the application.
- Access is over land owned by the parish council who has strongly opposed the granting or allowing of any right of way other than for actual agricultural or forestry purposes.
- The owners fail to understand the fundamental impact of student numbers and human impact which is already detrimental on this area of outstanding natural history.

The parish council feels that the following objection to the 2013 planning application is still relevant:

- The development of Lupine Woods will spoil the area which is close to an SSSI and in particular the amenity of other properties whose owners are deeply unhappy with the amount of traffic that uses the unmade bridal way due to the lack of any other transport infrastructure.
- The transfer of the business to Lupine Woods conflicts with NLC local plan and the NPPF; the parish council had no objection to a barn being built for the forestry business, but views its change of use with concern.
- It is clear from previous applications the site is not secure and further development would require, as again indicated in previous applications, a dwelling which would be opposed.
- It is located in a sensitive area of the Isle Axholme Historic Environment and next to an SSSI.
- We note a number of species which are not domestic animals which require a specialist environment and could be provided at Rose Cottage by investing in new buildings to replace the existing ones.
- There is concern over the introduction of some species which are not domestic animals and are not licensed under the Zoo Licensing Act 1981, concern for their escape and the effect on the ecosystem and SSSI.
- The caravan at Lupine Woods does not enjoy any grant of permission to be located at Lupine Wood. If planning for this is refused it should be removed from both sites.
- The applicants have failed to demonstrate why they need to further develop the site at Lupine Woods.
- This proposal does not comply with many policies in the Local Plan (RD2, RD6, RD7 and LC14), the NPPF (sections 3, 4, 9 and 11) or the Core Strategy (CS1, CS2, CS3, CS6, CS15 and CS17).
- Any grant of permission to relocate to Lupine Woods should carry an order to remove all non-domestic buildings at Rose Cottage and any grant of permission for business use at Rose Cottage should be removed.
- The applicant has highlighted in red the access track leading to the proposed site at Lupine Woods. However this is not owned by the applicant: there is only a right of access over this track which is owned by the parish council and rented to the applicant.

PUBLICITY

The nearest residential properties have been notified and site notices posted at the entrances to Rose Cottage and the Lupine Woods Haxey Study Centre. A petition objecting to the application and signed by thirteen respondents has been received, and several letters of objection have also been received which raise the following objections:

Environment/ecology

- Haxey Carr is of historical and conservation interest enjoyed by walkers, cyclists, scouts, school children, and horse riders
- Haxey Carr needs protecting, conserving and preserving for future generations
- the peace and tranquillity of Haxey Carr is disrupted
- litter has increased to become a serious problem
- the proposal is not for agriculture or forestry purposes and is therefore not suitable in the Haxey Turbary SSSI

Traffic/access

- speeding and dangerous traffic
- horse riders are put in danger by vehicles
- traffic is disruptive and has led to arguments and difficult situations
- traffic arrives seven days per week and leaves late at night
- no passing places along the lane
- bridleway is damaged by overuse by traffic to and from Lupine Woods, is affected by potholes, and verges are disappearing
- increased noise
- emergency vehicle access is restricted
- heavy amount of traffic leaving Lupine Woods
- although the applicants have right of access to the site they do not have right to use that access for business purposes.
- the parish council track is for agricultural use and the uses at Lupine Woods are not agricultural
- the bridleway is a recommended circular leisure route advocated by North Lincolnshire council
- road maintenance should be a priority

Business use

- this application is the same as the last one and should also be refused
- will lead to the need for a dwelling at Lupine Woods to provide proper husbandry, animal safety and security

- the number of animals will increase
- staff numbers will remain the same
- no proposals for the appropriate accommodation of animals
- no limits are proposed on student numbers, animal numbers/type, the range of facilities, the number/range of courses, the number of employees, the future scale of use or hours of operation
- will have a negative impact on the local community
- Lupine Woods is a camping and caravan site
- no need to relocate non-indigenous animals when there is adequate space at Rose Cottage to accommodate them
- it is not clear what business the applicants are operating and what their business development intentions are

Unilateral Undertaking

- does not take into account ownership rights of Haxey Parish Council
- it is not the agreement envisaged by the Inspector
- fails to address enforceable timescales for ceasing the use of Rose Cottage or the future of the structures at Rose Cottage
- fails to address the expansion of the business at Lupine Woods
- fails to acknowledge that there will continue to be a link between Rose Cottage and Lupine Woods
- fails to address how animal husbandry will be maintained
- refers to the Study Centre and 'any other business'
- fails to address the need for a Discontinuance or Revocation Order

Drainage

- does not state how foul and surface water drainage systems will be constructed and operated

Other

- Haxey Carr is a small community – why should one family disrupt this and ruin the lifestyles of local residents?
- negative impact on the local community as the increased traffic has restricted and interrupted leisure activities

- safeguarding issues for children if they are being educated on a camping and caravan site.

ASSESSMENT

Planning permission is sought to extend an existing single-storey building that currently provides a training and lecture facility. The application proposes to erect two extensions to provide an animal room/classroom and rear lobby in the northern addition and an office, shower/WC and WC in the southern addition. These facilities are to be provided in connection with the relocation of Haxey Study Centre (HSC) from its existing site at Rose Cottage to this site known as Lupine Woods.

This use falls within Class D1 (Non-residential institutions) of the Use Classes Order.

Haxey Study Centre is an established educational training provider that is utilised by many local authorities and other bodies to assist their students requiring individual tutoring. This includes, for example, children with learning difficulties, vulnerable young adults or special schools and colleges, Pupil Referral Units (PRUs), looked after children, autistic children, children from Doncaster Deaf School, as well as nurture groups from mainstream schools. In addition, many of the children are vulnerable, school excluded or unable to cope with the conventional school system.

HSC has students referred to it from several Local Education Authorities including North Lincolnshire Council, North East Lincolnshire Council, East Riding of Yorkshire Council, Doncaster Metropolitan Borough Council and Nottinghamshire County Council.

The centre has been running for over 10 years and is validated by the National Open College Network (AQA). Courses run at HSC are varied and include animal care, canine care and training, horticulture, conservation and woodland skills, workshop and construction skills, and music art and design.

The Centre can cater for up to 24 students at a time depending on individual need and a further 12 at the Lupine Woods site, thus, at the present time, with both existing centres open, a total of 36 students could be catered for.

However, with the proposed extensions to the Lupine Woods site the total number of students that could be accommodated would be reduced to an average of approximately 18 per day (which represents a 100% reduction in the numbers at the Centre).

At present the centre incorporates a number of separate buildings centred on Rose Cottage in order to be able to accommodate its students, equipment and animals. A number of small animals, mini beasts, reptiles and amphibians, farm animals and cats and dogs are kept on site for the education and instruction of the students.

In 2009 the applicants built a replacement agricultural barn at the Lupine Woods site which has since been used for educational purposes in connection with their business. The approved plans show the extension to have an educational area, disabled WC facilities and a canteen. The main area is used for canine training and educational seminars and is Kennel Club Approved. In addition to the main building there is also a small portable building used as male and female WCs with shower.

The extensions will match the existing building construction as close as possible; walls will be of matching brickwork and the roof covering again will be of the same terracotta

interlocking concrete roof tiles. Extending the existing building to provide the required additional accommodation will minimise the impact within the countryside rather than have a collection of separate buildings. The proposed extensions will continue the ridge line and will therefore be at the same height as the existing building.

The Lupine Woods site has planning permission for its present use as a training building associated with Haxey Study Centre; this is not, therefore, a new application for commercial development within the countryside. The council has already considered the use of this site for this purpose by the consideration of planning application PA/2004/0422 and granted planning permission, and it is considered that this application entails a translocation of an existing use and business to more suitable premises. The Lupine Woods site has been purpose built to accommodate activities in a single location and will replace the numerous buildings (in a variety of shapes, sizes, materials and conditions) found at the Rose Cottage site.

The key issues in determining this application are whether the development complies with planning policy, whether it would adversely affect the nearby SSSI, whether the access to the site is acceptable, and whether the development is sustainable given its rural location.

Previous application and appeal

The applicants propose a revocation of the existing planning permission at the Rose Cottage site under planning permission PA/2004/0422. This consent gave planning permission to change the use of a workshop to a field study centre. The workshop was erected on site following the grant of planning permission under reference PA/1999/0488. Controlling the future use of Rose Cottage is considered to be necessary to ensure that two sites do not exist for commercial uses.

The previous application for extensions to the Lupine Woods site was refused at planning committee against officer recommendation of approval (PA/2013/0108). Although the subsequent appeal against the refusal was then dismissed in September 2014 the reason for the Inspector to dismiss the appeal should be noted; following on from the reason for refusal at planning committee the Inspector considered there were three main issues:

- (a) whether a section 106 agreement is necessary to make the proposal acceptable in planning terms
- (b) whether or not the proposal would be in a suitable location, having regard to the principles of sustainable development and
- (c) the effect of the proposal on the character and appearance of the local area.

In his assessment the Inspector made the following comments:

- does not support the view that the current road infrastructure is inappropriate
- there is no conflict with Core Strategy policy CS13 that seeks, among other things, to ensure that educational facilities benefit from accessible and sustainable transport modes.

- NPPF paragraph 28 requires local planning policy to support the sustainable growth and expansion of all types of business in rural areas, not just those that are essential to the function of the countryside
- in the event that the study centre is moved to Lupine Woods and activities cease at Rose Cottage, the carbon footprint would be significantly reduced through a reduction in the vehicle movements between the two sites
- the proposed extensions are modest additions that would be subservient to the main building and, as such, would not alter its relationship with the surrounding landscape
- the proposal is not intrusive either in design terms or in terms of non-residential use
- the design integrates well with the existing building and its height and massing sits well with the landscape
- significant harm would not be caused to the character and appearance of the local area.

However, having regard to the information before him and his own observations on site, he concluded that “on balance the proposal would be unacceptable in planning terms due to its impact on the living conditions of local residents in the absence of a S106 agreement and that the appeal should, therefore, be dismissed”.

It is considered that the relevant wording is “*in the absence of a S106 agreement*”, and this assessment and decision by the Planning Inspectorate is given significant weight in forming the recommendation to committee of the current application. Although the Inspector considered that the proposal is sustainable and would not cause significant harm to the character and appearance of the local area because a S106 agreement had not been pre-agreed and signed the appeal was dismissed. A copy of the appeal decision is attached at Appendix 1.

The applicants have, therefore, addressed this matter and have resubmitted the proposal along with a draft Unilateral Undertaking that proposes to relocate all commercial activities relating to Haxey Study Centre to the Lupine Woods site. It is considered that the principle of the Unilateral Undertaking is acceptable.

Policy justification

The NPPF seeks to promote a strong rural economy, and Paragraph 28 supports the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through conversion of existing buildings and via well-designed new buildings. Indeed, one of the NPPF core planning principles is that planning should deliver sufficient community and cultural facilities and services to meet local needs.

In his assessment of the Appeal against refusal of planning permission the Inspector states that the proposal would be in a suitable location. This satisfies Paragraph 197 of the NPPF which states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

It is considered that the countryside is the appropriate location for the facilities provided and the animal husbandry/welfare elements of the business. The NPPF promotes the development and diversification of agriculture and other land-based rural business.

Therefore, it is felt that this proposal should be supported subject to the applicants agreeing to revoke the existing planning permission attributed to the Rose Cottage site under reference PA/2004/0422 which will be achieved when the current S106 agreement is agreed and signed.

Impact upon the SSSI

Haxey Turbary SSSI covers an area of 14.3 hectares and is effectively a square-shaped area to the north of Rose Cottage which is bisected by an access road/bridleway to Lupine Woods and an irregular-shaped area located to the south of Lupine Woods.

The proposed relocation would lead to a reduction in floor space used by HSC; the Rose Cottage buildings occupy approximately 475 square metres whereas the footprint of the Lupine Woods site would be approximately 390 square metres which will reduce the number of students and traffic movements accessing the site. Additionally, a reduction in heating and lighting costs and a reduction in the business's carbon footprint are environmental benefits attributed to this proposal.

The proposed extensions to the building (4.5 metres by 12 metres to the north and 3.6 metres by 12 metres to the south) do not represent a significant increase in terms of floorspace provided and, therefore, the proposal will not result in an unacceptable encroachment towards the SSSI. Natural England has not objected and neither did the council's ecologist or Historic Environment Record (HER) Officer.

In this rural location, adjacent to a woodland and wet heathland Site of Special Scientific Interest (SSSI), there is potential for construction works and ongoing activities to cause harm to protected and priority species including nesting birds, bats, badger, hedgehog, reptiles and amphibians. As the development is relatively small in scale, these impacts could be addressed by sensitive working methods.

Natural England did not object to the proposal providing that a condition was imposed preventing any impact on the hydrology and water quality of the neighbouring SSSI. The application site supports amenity grassland and a plantation.

Access

Vehicular access to the site is gained from an existing narrow access road that is also a bridleway which provides several residential properties with vehicular access. The council's Highways team has been consulted and raises no objections, nor do they recommend any conditions. Whilst concerns have been raised regarding maintenance issues for the vehicular access, the level of activity for vehicles accessing the site and highway safety, there are no reasons to withhold consent on highway grounds, and the Highways team does not wish to restrict the grant of permission.

Other matters

The applicants are both qualified college lecturers and Directors of HSC and they both actively participate in the education of the students. Haxey Study Centre employs four staff and the provision of this more modern accommodation will secure the centre's existing educational contracts and thus the jobs of the staff employed at the centre. The grant of permission will, therefore, secure four full-time teaching jobs.

A Unilateral Undertaking has been drafted by the applicant that is subject to the grant of planning permission for the extension to the building situate at Lupine Woods and for the transference of all commercial activities relating to Haxey Study Centre to that site (from Rose Cottage). As stated by the Inspector when considering the appeal, the site will not cause significant harm to the character and appearance of the local area, and it is considered that once the Unilateral Undertaking is agreed then the current application should be supported.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 and a discontinuance (or revocation?) order to restrict the future use of the existing premises at Rose Cottage to a residential use (Class C3 of the Use Classes Order 1995) only, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 29 January 2016 the Head of Development Management be authorised to refuse the application as inappropriate additional development in the countryside; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 817-13 2 of 3 (dated 13/06/15), 817-15 1 of 3 (dated 09/03/15) and 817-15 3 of 3 (dated 09/03/15).

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme will be maintained and managed after completion.

Reason

To ensure the proposal complies with policies CS17 and CS19 of the North Lincolnshire Core Strategy and to prevent harm to the adjacent Site of Special Scientific Interest.

4.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- details of measures to be taken to avoid harm to hedgehogs, bats, reptiles, amphibians and nesting birds during demolition and construction;
- details of bat boxes and bird nest boxes to be installed in the grounds;
- proposed timings for the installation of the above features in relation to the completion of works on each building;
- restrictions on external lighting to avoid impacts on bat roosts, bat foraging areas and sensitive habitats; and
- prescriptions for habitat features to complement the features of the adjacent Haxey Turbary SSSI.

Reason

To protect and enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

5.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter unless otherwise approved in writing by the local planning authority. Prior to the completion of the approved development the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

Reason

To protect and enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

6.

Prior to the commencement of development, details shall be submitted to and agreed in writing by the local planning authority of a scheme for biodiversity enhancement on the application site.

Reason

To ensure the proposal complies with paragraph 118 of the National Planning Policy Framework, policies LC2 and LC14 of the North Lincolnshire Local Plan and policy CS17 of the North Lincolnshire Core Strategy.

7.

Prior to development commencing a noise management scheme shall be submitted to and approval in writing by the local planning authority which demonstrates that the increased

activity on site will not have an adverse impact on local residents. The noise management scheme shall include the following:

- hours of operation
- details of activities to take place on site (to include expected times of day)
- plant and equipment to be used on site (if applicable)
- likely noise levels associated with site activities, plant and equipment and noise control measures to be employed.

Reason

To protect residential amenity.

8.

The operation of plant and all site activities shall take place in accordance with the approved noise management scheme. No changes shall be made to the approved noise management scheme unless agreed in writing by the local planning authority.

Reason

To protect residential amenity.

9.

Site opening and on-site activities shall be restricted to the hours of 7am to 9pm. The site shall remain closed with no activities outside of these hours unless otherwise agreed in writing by the local planning authority.

Reason

To protect residential amenity.

10.

The premises as extended shall only be used as an education and training facility and for no other purpose, including any other purposes in Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason

To enable the local planning authority to retain a measure of control over the future use of the premises in this sensitive location.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

Informative 3

The proposed development and/or adjacent land/properties have the potential to suffer from

a level of flooding due to surface or ground water run-off and/or drainage overflow. Care should be taken with finished floor levels, threshold levels and location of openings. SuDS must be considered. Further advice can be sought by contacting the council's Drainage Team on 01724 297522.

Informative 4

Land to the south of the development is higher ground; therefore the development could be at risk from flooding. Recommend provisions be made to safeguard against overland flow (ie a filter strip). Any further advice offered by the Environment Agency or Drainage Team should be acted upon.

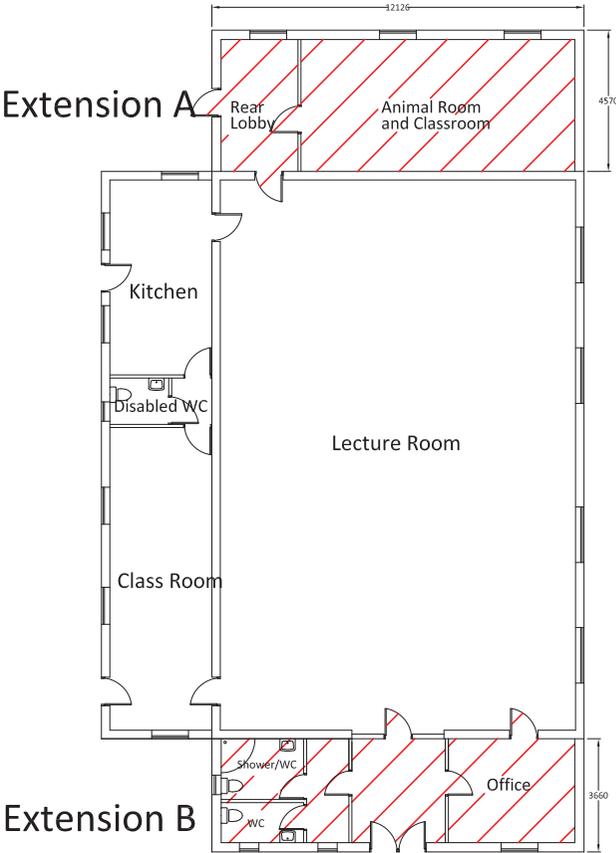
Informative 5

The applicant must have either lawful authority or excuse to drive mechanically-propelled vehicles on Turbary Road. This is because Turbary Road is Public Bridleway 84 and under section 34 of the Road Traffic Act 1988 it is an offence to so drive on a bridleway without such lawful authority or excuse.

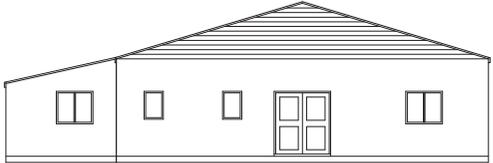
Informative 6

The bridleway/Turbary Road must not be altered in any way without the highway authority's prior consent (ie c/o the Environment Team for public rights of way).

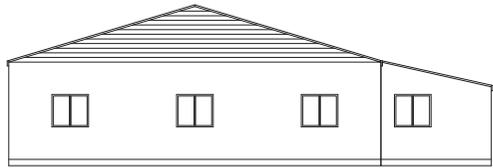
PA/2015/0409 Propsoed Extensions - Not to scale



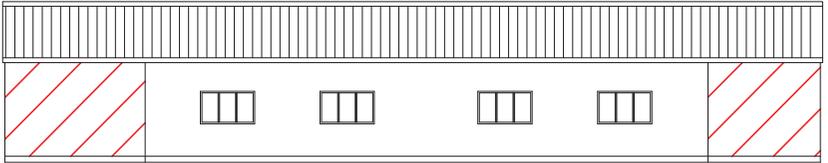
Proposed



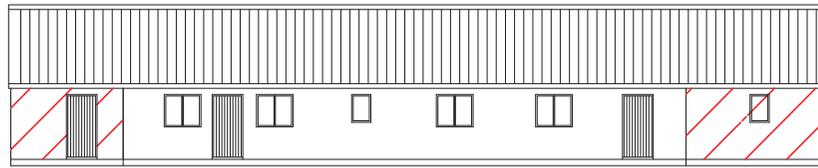
North Elevation



South Elevation



Extension A West Elevation Extension B



East Elevation

Appeal Decision

Site visit made on 19 August 2014

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 September 2014

Appeal Ref: APP/Y2003/A/14/2218187

Haxey Study Centre, Haxey Carr, Doncaster DN9 2JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Mike and Angela White against the decision of North Lincolnshire Council.
 - The application Ref PA/2013/0108, dated 30 January 2013, was refused by notice dated 12 February 2014.
 - The development proposed is to extend existing lecture room facility to accommodate animal room and classroom/office and WC and relocate existing study centre from Rose Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has modified the description of development in the planning appeal form. As this description more accurately reflects the nature of the development and is not disputed by the Council, I have used this description for the purposes of this appeal.
3. I have taken into account the Government's Planning Practice Guidance, which came into force on 6 March 2014, in reaching my decision. The relevant content of this guidance has been considered but, given the facts of this case, it does not alter my conclusions.

Main Issues

4. The main issues are:
 - a) whether a section 106 agreement is necessary to make the proposal acceptable in planning terms;
 - b) whether or not the proposal would be in a suitable location, having regard to the principles of sustainable development; and
 - c) the effect of the proposal on the character and appearance of the local area.

Reasons

5. The site is situated at the end of a road leading from Haxey village, Turbary Road, which serves a number of residential and agricultural properties. Although initially metalled, it becomes a loose stone track after some distance

whereupon it is designated a public bridleway. The site, known as Lupine Woods, comprises a single storey building in D1 use; an area of native tree planting; and amenity grassland that has a dog training area and an area for pitching up to 5 touring caravans. The appeal site boundary encompasses a smaller area within this plot, immediately around the building and including the access route. The proposal would extend the gable ends of the building to incorporate a small classroom for the handling of live animals, an office and two WCs.

Section 106

6. The case officer's report recommends the securing of a Section 106 agreement (S106) so that the existing facilities at Rose Cottage, approximately half a mile away from the site, are returned to C3 residential use. Although the appellants are willing to enter into such an agreement I note that none has been provided. I acknowledge that the activities of the training centre are currently split between Rose Cottage and the appeal site and that the proposal would allow the appellants to consolidate the operation of the business on one site. However, without such an agreement the Rose Cottage site could continue to be used.
7. The appellants have stated that Rose Cottage can accommodate up to 24 students and that the proposed extension to the building at Lupine Wood would allow them to accommodate the same number. However, if Rose Cottage was to remain in use, the increased capacity would lead to over-intensification of use in my judgement because the number of students could be doubled. Common sense dictates that this would lead to a concomitant increase in the number of vehicle movements along the length of Turbary Road.
8. Whilst I am satisfied that this would not cause significant harm to the safety of other highway users, because of the regular opportunities for passing along the route and the limitations that the road surface places on the speed of vehicles, I am not persuaded that harm to the living conditions of local residents would be avoided. This is because the disturbance caused by any increase in traffic volume would represent a significant material change given the tranquillity of the local area. Although I accept that the use of both sites is not the stated intent of the appellants, there would be nothing to stop a new owner using them in this manner to the detriment of local residents.
9. Given the above, I find that significant harm to the living conditions of local residents, with respect to noise, could be generated in the absence of a S108 agreement curtailing the use of Rose Cottage and that the development would therefore be unacceptable in planning terms. This would be contrary to paragraphs 9 and 17 of the National Planning Policy Framework 2012 (the Framework) that seek, among other things, to ensure that sustainable development improves the conditions in which people live, work, travel and take leisure as well as the places in which people live their lives. I therefore conclude that a S106 agreement is necessary to make the proposal acceptable in planning terms.

Sustainability

10. The Council are of the opinion that appropriate infrastructure would not be made available to serve the needs of the development and that the proposal would therefore be contrary to policy CS2 of the North Lincolnshire LDF Core

Strategy 2011 (CS). Whilst I acknowledge that there may be scope for the improvement of the Turbary Road surface, neither my own observations on site nor the professional judgement of the highways officer support the view that the current road infrastructure is inappropriate. I acknowledge that this view is not shared by local residents, however, I have no substantiated evidence before me to suggest that the physical infrastructure has already exceeded its capacity. Consequently, I can find no conflict with local policy in this respect.

11. The other aspect of the proposal that the Council have found contrary to policy CS2 of the CS is the sustainability of its location. In their statement of case, the Council have acknowledged that some of the activities are appropriate to the location but argue that some would be best placed closer to an existing settlement where the need to travel would be minimised. I am not persuaded as to the reasonableness of this argument, however, given the established nature of the business which, by and large, clearly requires a rural location. Bearing this in mind, I can find no conflict with policy CS13 of the CS that seeks, among other things to ensure that educational facilities benefit from accessible and sustainable transport modes.
12. The fact that some activities could be carried out in a less remote location is not, in itself, sufficient grounds for refusal in my judgement. Furthermore, paragraph 28 of the Framework requires local planning policy to support the sustainable growth and expansion of all types of business in rural areas, not just those which are essential to the function of the countryside. In this respect the proposal gains some support from the Framework.
13. Moreover, whilst the need to encourage more sustainable forms of transport play an important role in facilitating sustainable development, paragraph 7 of the Framework clearly states that sustainability has three dimensions: economic, social and environmental. In order to achieve sustainable development, the Framework advises that the planning system should ensure that economic, social and environmental gains are sought jointly and simultaneously. This means that explicit consideration should be given to the potential benefits arising from a scheme in any planning decision.
14. A number of benefits weigh in favour of the proposal in the event that the study centre is moved to Lupine Woods and activities cease at Rose Cottage. I accept that the carbon footprint would be significantly reduced through a reduction in the number of vehicle movements between the two sites as well as the reduced requirement for heating and lighting arising from the consolidation of activity within one building. The use of rainwater harvesting for the onsite watering of livestock and the flushing of toilets would also bring additional environmental benefits through a reduction in the use of potable water. In these respects the scheme would gain further support from the Framework.
15. However, paragraph 9 advises that sustainable development involves seeking positive improvements, not only to the quality of the built, natural and historic environments, but also the quality of people's lives. In this last respect I have found that the proposal could cause significant harm to the living conditions of nearby residents in the absence of a S106 agreement. In my judgement, having had regard to the policies of the Framework as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, it would not amount to a sustainable form of development and would thus be contrary to paragraph 14 of the Framework.

16. Given the above, I conclude that proposal would not be in a suitable location in the absence of a S106 agreement, having regard to the principles of sustainable development as set out in the Framework.

Character and appearance

17. I observe that the site is well screened from the surrounding landscape by hedgerows and woodland and that this fact is accepted by the Council. The height and massing of the host building is sympathetic to its setting with only limited views possible on approach from Turbary Road as well as glimpses from the neighbouring property, Timbertops. The proposed extensions are modest additions that would be subservient to the main building and, as such, would not alter its relationship with the surrounding landscape. Having viewed the site from the neighbouring property, I observed that highly restricted views are present that could be adequately mitigated by the appropriate management of the vegetation along the common boundary, which I note has a high proportion of evergreen species.
18. The Council have argued that the proposal would be outside the development limits and therefore detrimental to the open countryside setting as well as the Area of Special Historic Landscape Interest in which the site is located, as defined by policy LC14 of the North Lincolnshire Local Plan 2003 (LP). Whilst clearly beyond the development limits I do not find the proposal intrusive either in design terms or in terms of its non-residential use. Although utilitarian, I find the design integrates well with the existing building and that its height and massing sits well within the landscape, in contrast to some of the agricultural buildings in the surrounding area. Additionally, I have no substantiated evidence before me to suggest that the proposal would affect the setting of any heritage assets.
19. Given the above, as well as the fact that the proposal would provide local employment opportunities for a business that has a primary requirement for a rural location, I conclude that significant harm would not be caused the character and appearance of the local area. The proposal would therefore not be contrary to policies LC14 and RD2 of the LP or CS3 of the CS that seek, among other things to ensure appropriate development beyond settlement boundaries and protect areas of Special Historic Landscape Interest.

Other Matters

20. I acknowledge concerns expressed by local residents and the Lincolnshire Wildlife Trust regarding impacts on the Haxey Turbary Site of Special Scientific Interest (SSSI). However, I note that despite a suggested condition, Natural England has not objected to the proposal. Although the Wildlife Trust has referred to impacts that would arise from light pollution and disturbance from vehicular movements they have not provided any indication of how this would either affect the special interest features for which the site was notified or the individual species or habitats of principal importance that might incidentally rely upon the site. Since I have no substantiated evidence as to exactly which species or habitat would be affected, nor any indication of the specific impact mechanism, I am only able to give this concern negligible weight in the balance of this appeal.
21. Interested parties have raised a number of additional concerns that include the escape of non-native species; ownership of the access track; danger to horse

riders; and the limitation of access to emergency vehicles. Although I have considered these issues I find that they are either not planning matters or that there is a lack of substantiated evidence before me as to the stated impacts. In any event, these concerns have not been decisive nor would have led me to a different overall conclusion.

Conclusion

22. I have found that the proposal would not cause significant harm to the character and appearance of the local area. However, having regard to the information before me and my own observations on site, I conclude that, on balance, the proposal would be unacceptable in planning terms due to its impact on the living conditions of local residents in the absence of an S106 agreement and that the appeal should therefore be dismissed.

Roger Catchpole

INSPECTOR