

**4/00506/16/FUL - CHANGE OF USE FROM AGRICULTURAL TO CAMPING AND LEISURE (D2) AND ERECTION OF THREE TIPI (OR TEEPEE) TENTS.
LAND ADJACENT TO BROWNLOW FARM BARN, POUCHEN END LANE, HEMEL HEMPSTEAD, HP1 2SW.
APPLICANT: MR NIGEL DURRANT.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The proposal will not harm the openness or the visual amenities of the Green Belt. The proposal would diversify the mix of tourist accommodation within the Borough and contribute to the economic growth in this rural locality. The proposal would not impact upon the setting of the Brownlow Farm Barns as a non-designated heritage asset, nor would it significantly impact the surrounding road network. The existing landscape features will be retained. Subject to the imposition of conditions controlling activities on-site the residential amenities of the neighbouring occupants will not be adversely affected.

Therefore, the proposal is considered acceptable in accordance with the aims of the National Planning Policy Framework (NPPF) (2012); Policies NP1, CS4, CS5, CS11 CS12 and CS27 of the Core Strategy (2013) and saved Policies 58 and 95, and saved Appendix 5 of the Dacorum Borough Local Plan (1999-2011).

Site and surroundings

The application site is situated to the east of Pouchen End Lane and is separated from the road by a mature hedgerow. The site occupies a 2.402 acre agricultural field located within the Green Belt. There is agricultural land abutting the north and west of the site. To the south, Fields End Farm and the associated residential/agricultural buildings. There are a number of barns to the east which received planning permission to be converted into residential units back in 2003. The complex, comprising thirteen dwellings, is a mid-19th century barn group considered to be a non-designated heritage asset. The barns are visible from Pouchen End Lane and the fields to the north-east and make a positive contribution to the local landscape.

Proposal

The application seeks retrospective planning permission for the change of use from agricultural to camping and leisure (D2). The application proposes to use the south-western corner of the field (44.5m x 25m) for a number of tipi tents and a wagon. Although the tipi's would be removed for certain parts of the year, under the relevant policy they are considered permanent structures. The site also comprises a fire pit area with plinth seating.

The proposed camping area would include a portable toilet and shower enclosed by a green screen and soft landscaping. A parking area (30m x 6m) is proposed on the western side of the field; however, this location would change to avoid grass dieback/overuse. The field would be accessed from a gate to the north-west of the field, off Pouchen End Lane.

The use of the site is for outdoor recreation/leisure purposes and is proposed to be seasonal between 1st March and 31st October. The site may also be used during the month of December for seasonal arts and crafts events. The tipi's would be dismantled and stored off-site outside of the specified period. However, the ancillary structures will remain on-site.

Referral to committee

The application is referred to the Development Control Committee at the request of Councillor Graeme Elliot due to concerns raised by the neighbouring residents.

Planning history

4/00454/11/RET POLY TUNNEL Granted

Relevant policy

National Planning Policy Guidance

National Planning Policy Framework

Dacorum Core Strategy 2006-2031

NP1 – Supporting Development
CS4 – The Towns and Large Villages
CS5 – Green Belt
CS10 – Quality of Settlement Design
CS11 – Quality of Neighbourhood Design
CS12 – Quality of Site Design
CS14 – Economic Development
CS27 – Quality of the Historic Environment
CS29 – Sustainable Design and Construction

Dacorum Borough Local Plan 1991-2011

Policy 58 – Private Parking Provision
Policy 90 – Tourism
Policy 95 – Camping and Caravanning
Policy 109 – Farm Diversification
Appendix 5 – Parking Provision

Summary of Representations

Letters of support

Local residents

1 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, HP1 2SW

We object to this application.

The application site and adjoining Brownlow Farm Barns residential dwellings are

situated within the Green Belt, where both National and Local Planning policies seek to protect the openness, agricultural character and setting of the countryside. Brownlow Farm Barns is a Non-Designated Heritage Asset – namely ‘Locally Listed’. Since these buildings were converted to residential use circa 2003, Dacorum Borough Council has fought hard to protect the rural character, setting and integrity of this Local Heritage Asset. The application site and Barns complex occupy an elevated, exposed and highly visible location. Last year when the tipis and campsite operated unlawfully, the tipis could easily be seen from Berkhamstead Road, some 600m away, and from numerous viewing points and public footpaths.

Un-neighbourly Development

There is no visual screen between the proposed tipis, the campsite and the residential properties within Brownlow Farm Barns. Last summer residents endured disturbance almost every weekend without exception. We have experienced small families camping – as well as ‘hoards’ – on one occasion over 65 screaming kids and adults, dozens of cars and vans, and on another occasion, the sight of youths urinating openly in the field in daylight hours, directly in front of our residential property. This activity happens/may even be acceptable on campsites in wooded, isolated locations but surely cannot be imposed upon existing residents? Noise, camp fires, music – even the applicant’s stated desire for ‘tom-tom’ sessions adjoining residential properties and particularly in a protected Green Belt location surely cannot be acceptable? Otherwise a very dangerous planning precedent will be established.

Highways Safety

The previous withdrawn application 4/02846/15/RET was opposed by Herts County Highways on four grounds, namely:

Lack of adequate junction proposals

Lack of adequate visibility splays

Insufficient set-back of gates – to allow vehicles to leave the carriageway and so not block Pouchen End Lane

Lack of wheel washing facilities to ensure no mud is transported onto the highway

All of these relate to highway safety. The current proposals have not demonstrated how any of these four reasons for refusal have been overcome? The Transport Assessment document is incomplete. Pouchen End Lane is a single carriageway, narrow lane by nature with limited passing bays, no footpaths, no lighting and during the summer months is a particularly busy thoroughfare with not only cars, vans and motorcycles but also walkers, joggers, cyclists and horse riders – with no safe refuge. The official speed limit in Pouchen End Lane is 60 mph!

Planning Policy

The proposal is contrary to the National Planning Policy Framework. Paragraphs 58 and 60 seek to ensure development responds to and reinforces local character, distinctiveness – particularly sites of historical agricultural use. It acknowledges that rural buildings, such as the Barns complex, make a positive contribution to the countryside. Paragraph 79 sets out the essential character of the Green Belt – the openness and permanence. Paragraph 80 goes on to state the 5 purposes of the

Green Belt including to assist in safeguarding the countryside from encroachment by inappropriate development - such as 'alien' large North American tipis and sprawling, randomly located, tent structures and dozens of cars/vans parked in this location.

Dacorum Borough Core Strategy adopted in 2013, page 105 states that the Strategic Objective is "To protect and enhance Dacorum's distinctive landscape character, open spaces, biological and geological diversity and historic environment". Page 107, Enhancing the Natural Environment, clause 16.5 states "The character of some areas include their relative tranquillity and quietness" and further "Development proposals will be expected to adhere to the guidelines, conserving, restoring or improving the landscape". Policy CS25, Landscape Character, states that "All developments must help conserve and enhance Dacorum's natural and historic landscape. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition". Page 118 paragraph 17.7 states "The Council needs to evaluate heritage assets and their setting on a continual basis". Policy CS27, Quality of Historic Environment, states that "All development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced".

Therefore we contend that the proposed change of use of this agricultural land within the Green Belt and immediately adjoining a non-designated Heritage Asset to a camping site and leisure, with the permanent erection of 'alien' North American tipis and unlimited numbers of tents and vehicles is totally contrary to adopted National and Local Planning Policy and if approved, would set the worst possible planning precedent in the Green Belt.

What benefit of imposing restrictive planning conditions? There can be no reliance upon restrictive planning conditions being maintained. Planning conditions can be challenged and overcome on appeal.

Camping Site Licence Application

In November 2015 the applicant submitted to Dacorum BC an application for a campsite licence. This was agreed in principle, subject to further ratification. It is worthy to note that Dacorum's standard campsite conditions include:

Adequate provision for the storage, collection and disposal of waste – **no details provided.**

Site density should not exceed 30 pitches (tents) per acre. Therefore on circa 2.2 acres, up to 66 tents are permitted – how many vehicles and vehicular movements would this generate? A risk assessment is required to demonstrate how the campsite would operate safely during inclement weather. These fields get totally waterlogged during the winter months. A complete mud-bath would result both within the fields and onto Pouchen End Lane. Therefore not safe for 'campers' or users of the public highway. Roads and access must be designed to provide adequate access for emergency vehicles – **no details have been provided.** There is no bell-mouth to the field access – how will emergency vehicles get safe access?

There are **no waste provisions** provided.

There is a requirement for hot water to campsites of over 20 tents – **no details provided.**

Washing facilities should provide 3 deep sinks per tent with hot and cold running water – **no details provided.**

Foul drainage should be discharged to either a public sewer, septic tank or cesspool – **no details provided.**

Particular consideration should be given to the needs of the disabled – water points, washing, toilet and shower facilities – **no details provided.**

6 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, HP1 2SW

I am a resident of Brownlow Farm Barns and as such I have joined with the majority of the homeowners here in opposing the above planning proposal. In addition however I am submitting my objections founded on my experience working over 25 years in a multi cultural comprehensive school which had as a core value the teaching of cultural understanding by challenging ignorance and intolerance. I feel that the planning proposal has no place within present day multi faith, multi cultural Britain and certainly not in Dacorum for the reasons that I will detail here by answering this question.

Is there a place for stereotyping native Americans in present day multi-cultural Dacorum?

What are these stereotypes?

Stereotypes relate to the generalised, unfair, oversimplified characteristics and fixed ideas about a particular group of people.

The early depictions of Native American Indians were as whooping, warlike savages who lived in wigwams, painted their faces, wore feather headdresses and hunted buffalo. These stereotypes were perpetuated by early Presidents, politicians, soldiers, journalists, artists, advertisements, film producers and writers of pulp fiction. In reality they were a resourceful people who were forced to defend the land that they called theirs for many generations. American Indian stereotypes resulted in discrimination, prejudice, racism, misconceptions and ignorance about the indigenous tribes of North America.

Stereotypes perpetuated today through ill-conceived reenactments, costumes, arts and crafts etc. have contributed to a casual attitude and disregard of injustices that were heaped upon this minority group of people. They portray a false and inaccurate image which has no place in multi cultural, multi faith Britain.

There is certainly no excuse for recreating this image in Dacorum and further fuelling the misconceptions by exposing our children to it. There is no place for this in the National Curriculum of England and Wales, and for good reason. Young children are very receptive to influences imparted by adults and as such are not encouraged to play 'cowboys and indians' in the manner that previous generations did. We have the responsibility to model behaviour centred around tolerance and understanding of all cultures rather than ignorance and historical inaccuracy.

The sight of an Indian reservation (although of course reservations were designed to

constrain the indigenous American people, and still do today) is incongruous with the countryside we are surrounded by here in Dacorum. We do not need to have our community taught 'arts and crafts' such as how to make 'dreamcatchers' (originated by the Ojibwe people but heavily commercialised in the 1970s and are now regarded as offensive and misused), tom tom drums and sleep in brightly coloured tents. We should be championing the real history of this area from the Normans who built the castle in Berkhamsted through to modern history like the fact that Charles de Gaulle lived in Potten End during WW2!

The Dacorum Equal Opportunities statement includes;

'Discrimination is not tolerated'

'The council will take appropriate action wherever instances of discrimination and harassment occur'

'The council will fulfil its legal obligations under the: (amongst others)

Race Relations Act 1976 as amended 2000

The Human Rights Act 1998

The current Dacorum website has a section on Equality and Diversity and clearly states 'we are committed to creating a culture in which equality of opportunity is actively promoted' and 'when we make decisions which may have an impact on equality and diversity, we take into account The Equality Act 2010'.

Granting permission to construct three tipis (sic.) on agricultural land for the purpose of camping and arts and crafts would conflict with current thinking and legislation and perpetuate the ignorance generated by the confinement of the indigenous American people. We wouldn't expect to see sights in our Borough showing the confinement of Black African slaves or the effects of The British Empire on the incumbent people.

I was a senior leader in a central London comprehensive school which had over 90 languages spoken and a wide range of ethnic, cultural and faith backgrounds. There was never any place within this rich community to entertain the false historical imagery of how modern western society regards true Indian culture. There is similarly no place for this in Dacorum.

Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, HP1 2SN (Collective Petition)

We firstly feel that we need to bring you up to date with what has already been occurring re the Campsite.

In the middle of June 2015 three Tepees; toilet, shower and kitchen area appeared on the land adj. to Brownlow Farm Barns. We very soon became aware that this had become a holiday campsite mainly at weekends not only for the use of the Tepees but also for additional pitched tents. On the weekend of 31st July we had three tepees, 6 other pitched tents, 13 cars and 40/50 adults and children.

Our objections to change of use are;

Brownlow Farm Barns complex is a sensitive residential conversion of non-designated heritage asset located within the Metropolitan Green Belt. The heritage asset and its surrounding historic agricultural setting should be protected from incongruous harmful visual intrusion.

We object to the obtrusive appearance of "North American Indian" Tepees. We are very concerned that with the proposed change of use that the seemingly three permanent Tepees could intensify with 10,20,40 or more tents of all shapes and sizes, or even caravans. We assume if permission is granted then the campsite could be in use seven days a week.

National planning policy states that the provision of appropriate facilities for outdoor recreation are not inappropriate in the green belt so long as they preserve its openness, however, Local Planning Policy states that such development should be APPROPRIATE IN SCALE, UNOBTRUSIVELY LOCATED, EFFECTIVELY LANDSCAPED AND EASILY ACCESSIBLE FROM A PRIMARY ROAD. This Planning Application would meet none of the above.

The Campsite cannot be accessed from a primary road only via Pouchen End Lane which is a single track, winding road with no footpaths or street lights. This country lane is already very well used as a cut through from the A41 to Potten End, Ashridge and Berkhamsted areas. The campers will no doubt, access the site from Bourne end when leaving the A41, driving up the full length of Pouchen End Lane, increasing the risk of more accident day and night. The site does not have an approved entrance. The Tepees and toilet/wash areas do not preserve the openness of the Landscape and are not unobtrusively located. All residents of Brownlow Farm Barns are affected as our entrance drive runs alongside the campsite land.

A dangerous precedent would be set which could lead to further applications on other small areas of land surrounding Brownlow Farm Barns. We strongly object to the additional noise disturbance from adults and children during the day and late into the night.

An open camp fire poses a substantial fire risk to our mainly timber properties and the surrounding hedgerows and fields of corn/wheat during the summer months. The fire is allowed to burn out during the late night/morning so one ember could set the field the other side of the drive alight and Brownlow Farm Barns would probably disappear.

The toilet/wash area looks like a building site with 1 portable wc, 1 portable shower, one sink with waste water terminating in the hedgerow and only a green netting around it. Very obtrusive. On several occasions campers have been seen in full view of residential dwellings urinating in the open land.

Our sewerage/cess pit is at the bottom of the said land at the side of our entrance gate this could contravene public health guidelines?

We are a gated community and a private one more and more campers will know that our properties exist as they are so close to the site, therefore, the security of our development is and will be further compromised.

We strongly object to the closeness of the site to our properties .there is no solid barrier between our land and the site. Children and adults can easily gain access to our private land which has already occurred on several occasions, how can this be allowed to continue.

Extract from Dacorum Document of proposed Development at west of Hemel

Hempstead. The council considers that proposal LA3 represents the western limit of the Town. It will remain important to protect the surrounding countryside from further building to maintain Bourne End/Winkwell and Potten End as separate communities. To protect the Chiltern area of outstanding natural beauty and special area of conservation(The Chiltern Beechwoods). Vehicular access from Pouchen End Lane has been ruled out.

Surely with this major development close by it is essential no further developments that will further diminish the rural nature of Pouchen End Lane is allowed.

We all know that if change of use is approved further applications will follow for permanent buildings and facilities to accommodate the campers. This will completely destroy the very nature of this area. We would ask you to consider the residents of Brownlow Farm Barns who are so close and will be seriously affected by any change of use to this land. If the proposed change of use is approved with the resulting visual harm to setting and appearance of the Barns complex who will compensate the owners of the residential properties the value of which will significantly and adversely be affected.

We note that from the latest planning application that a private traffic survey was carried out during January 2016, we would point out that due to very poor weather conditions at the time of the survey much less traffic would have been using Pouchen End Lane due to the poor condition of the lane re pot holes etc.

Consultation Responses

Conservation and Design

This application is for the change of use of agricultural land to be used for camping / crafts – the parcel of land in question is adjacent to and accessed from Pouchen End Lane and is located next to Brownlow Farm Barns, a mid 19th century barn group which have all been converted to residential use. The group of barns is considered to be a non-designated heritage asset, the barns are visible from Pouchen End Lane and the fields to the north-east – they make a positive contribution to the local landscape

There are 3 tipis, a portable shower and toilet proposed, they are located adjacent to the lane and are set away from the residential properties at Brownlow Farm barns. The tipis are fairly large but are not permanent structures and I don't consider them or the other facilities on site to have an impact upon the setting of Brownlow Farm Barns, a non-designated heritage asset.

If consent is granted it may be advisable to restrict the amount of camping on site / number of tents or tipis.

Hertfordshire Fire and Rescue

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right

to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:
www.hertsdirect.org/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

I trust the above is of assistance if you require any further information please contact the Development Services team.

Hertfordshire Constabulary (Crime Prevention)

Security: Security for nearby dwellings would not be any more affected than it is at present, and the proposal has the potential for increased natural surveillance in the area.

As regards security for campers, then the information pack given to new campers, should have a section advising users that:

Should not leave anything on show within their vehicles, which should be left locked and secure.

They should not leave valuables within the Tipi's.

Hertfordshire Highways Department

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

SHC 18: Prior to the commencement of the use hereby permitted, visibility splays in accordance with the guidance given in HCC highway design guide Roads in Hertfordshire shall be provided to each side of the new access where it meets the highway by moving the adjacent fence 500mm into the site. These splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. These visibility splays will be agreed in writing with the LPA and shown on a scaled plan.

Reason: In the interests of highway safety.

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the

provisions of the Highway Act 1980.

AN1) Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal

The application is for permission for the construction of three tipis on agricultural land for the purpose of camping and arts and crafts.

Information provided to support the application consists of a completed application form, a one-page summary document headed 'Description of Proposal', a drawing showing the layout and location of the proposed site and what is described on the DBC website as a Transport Assessment but is in fact a 49-page document supplied by Nationwide Data Collection recording the results of the traffic speed and volume survey they carried out in January 2016. The Proposed Site/Location Plan (drg number 0624/01) originally submitted was revision B. In an amendment sent to the highway authority on 15 March 2016 revision D was supplied. This level of assessment is in keeping with the nature and location of the proposed development.

The site is bounded along on its western edge by Pouchen End Lane. This is an unclassified Local Access road. It is a narrow single vehicle width with intermittent passing places. It is subject to the national speed limit (60mph) but its narrow twisting alignment means that traffic speeds are in practice much lower than that. There is no street lighting and there are no waiting or parking restrictions in place. The road is 5m wide at the site access.

Collision data held by HCC indicate that during the last 5 years there have been no incidents resulting in personal injury on the stretch of Pouchen End Lane from its junction with Hempstead Lane/ Berkhamsted Road to the north and the bridge under which it passes the west coast main railway line.

The document described on the DBC website as a Transport Assessment is a 49-page document supplied by Nationwide Data Collection recording the results of the traffic speed and volume survey they carried out in January 2016. This was carried out in response to the earlier concerns of the highway authority about the interaction of traffic using the site entrance, vehicles using the adjacent entrance to Brownlow Farm Barns and traffic on Pouchen End Lane itself. The survey was taken over a full 7 day period

starting on 19 January 2016. Daily average flows were 141 vehicles northbound, 134 southbound and 275 two-way. Mean speeds were 26mph northbound and 26.4 southbound with corresponding 85th percentile values of 32.4 in both directions. During a site visit at lunchtime on Tuesday 27 October 2015 the following movements were observed over 20 minutes: one car, one van and two pedestrians. The weather was sunny and road surface was dry.

Trip generation and distribution and impact on highway network

The Description of Proposal Appendix gives no predictions of visitor numbers but the proposed camp is described as "small" and the accommodation that would be provided would consist of 3 tipi-style tents.

The answer to question 10 in the application form states that provision would be/ has been made for 3 to 6 vehicles to park on site. This level of off street parking space would generate a low number of two way trips. It follows that the number of visitors is likely to be anywhere between 30 to 40 in total. This level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Highway layout

The answers to the 5 elements of question 6 in the application form indicate that no changes to vehicular or pedestrian access to the site are proposed. That is because the application is in effect retrospective as a new entrance has already been created into the field to allow camping and the supporting events to take place.

A new access has been created to the field within which the camping and arts activities are taking place. The highway authority had concerns about this when consulted on the development in October 2015. More information is provided in support of this application to clarify (a) the exact location and design of the entrance (shown on the site layout drawing) and (b) the speed and volume of traffic passing the site (the traffic count data discussed above). This shows that there is adequate separation (10m) between the new camping field access and the access to the barns residential units and that by moving the fence line back by 0.5m adequate vicinity can be provided for the local traffic conditions.

Parking

The answer to question 10 in the application form states that there is currently no parking on the site and that provision would be made for 3 to 6 vehicles. A 6m x 30m parking area is shown on the site layout drawing and a note by it explains that its location will not be fixed so that grass on which vehicles park is not permanently lost. Informal cycle parking would presumably be available by dint of the site being a field.

Accessibility

The DBC document 'Accessibility Zones for the Application of Car Parking Standards' indicates that the site lies in accessibility zone 4, the lowest band in this assessment.

The answers to the 4th and 5th elements of question 6 in the application form indicate that no changes to Rights of Way in the vicinity of the site are proposed.

Servicing Arrangements

No information is provided regarding servicing of the site and a servicing arrangement is required refuse collection. Presumably the arrangements that are in place for the existing buildings around the site would apply.

Planning Obligations/Community Infrastructure Levy (CIL)

Not applicable to this development.

Considerations

The principal planning considerations in determining this application are:

- i) whether the development constitutes inappropriate development or adversely affects the openness of the Green Belt;
- ii) the impact of the proposal on the character and appearance of the locality;
- iii) the impact on neighbouring occupants' amenities; and
- iv) whether the development would be acceptable with regards to the impact on the local road network.

Impact on the Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt; effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt; if it is inappropriate development are there any very special circumstances to justify its approval.

Appropriateness

The site lies within the designated Metropolitan Green Belt where there is a presumption against inappropriate development. The NPPF (Paragraph 87) identifies that within the Green Belt *'inappropriate development is, by definition, harmful to the Green belt and should not be approved expect in very special circumstances'* and paragraph 89 continues *"A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: Provision of appropriate facilities for outdoor sport and outdoor recreation as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it."* The proposed use would support outdoor recreational activities but would introduce structures that would impact the openness of the Green Belt. This will be discussed further in the 'Openness' section below. The NPPF does not present any provision for the material change of use of land within the Green Belt and therefore the proposed change of use should be considered inappropriate unless there are very

special circumstances to outweigh any harm. The 'very special circumstances' supporting this application will be discussed later.

Openness

Paragraph 79 of the NPPF states that *"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* Policy CS5 of the Dacorum Borough Core Strategy ascertains that *"Within the Green Belt, small-scale development will be permitted: i.e. building for the uses defined as appropriate in national policy", provided that "it has no significant impact on the character and appearance of the countryside; and (ii) it supports the rural economy and maintenance of the wider countryside."* The proposal would have an extremely limited effect on views into and through the site. Mature hedgerows border the site and long distance views to the north and west are primarily obscured by lines of semi-mature trees. To the east and south, views are somewhat masked by the Brownlow Farm Barns complex and Fields End Farm. Overall, the application is considered to have an extremely limited impact on the openness of the Green Belt. The seasonal use and small-scale nature proposed development reinforces this. However, it must be noted that the site currently comprises an open field. This application would not preserve the current state of openness.

Purposes of including land in the Green Belt

It is necessary to consider whether the proposal would create undue harm when compared to the existing development. The NPPF, Paragraph 80, states, *"The Green Belt serves five purposes:*

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

The proposal would not result in the unrestricted sprawl of a large built up area, would not result in neighbouring towns merging and would not harm the setting and special character of historic towns.

Quality of design and impact on the character and appearance of the area

Saved Policy 95 of the Dacorum Borough Local Plan (DBLP) discusses the scale and siting of campsites. It states *"sites for tents will be acceptable if they are of an appropriate scale, unobtrusively located, effectively landscaped and easily accessible from a primary road."* The proposal is small-scale, close to existing landscaping and easily accessible from Berkhamsted Road. The drawing '0624/01B' also offers the option of additional planting to mask the tepees from the Brownlow Farm Barns complex. This additional planting has already been implemented. The Core Strategy (Policy CS11) states that development should preserve attractive streetscapes. It is not felt that the proposed tipi's would create any significant harm to the streetscene.

Very special circumstances

An aim of the NPPF is to promote sustainable development and paragraph 28, part 3 'Supporting a Prosperous Rural Economy' offers the guidance that economic growth should be supported in rural areas with a positive approach taken to sustainable new development in order to create employment and general prosperity. The document identifies that this should be achieved by local plans which:

- *“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; and*
- *Support sustainable rural tourism and leisure developments that benefit business 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.”*

This approach is echoed in Dacorum's Local Plan (Policy NP1) – *“The Council will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will work proactively with applicants to find solutions for development proposals that help to improve the economic, social and environmental conditions in Dacorum. Proposals which accord with the development plan will be brought forward and approved unless material considerations indicate otherwise.”*

The NPPF (paragraph 81) also identifies that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide outdoor recreation. Therefore, outdoor recreation represents an acceptable departure from the general presumption against development within the Green Belt. The provision of the tipi's and the ancillary structures relate to a form of outdoor recreation and tourism that is dependent on a rural setting.

The proposed use would produce income from a currently undeveloped agricultural field and provide some wider economic benefits. Tourism is acknowledged to bring considerable benefits to the Borough and a mix of tourist accommodation is an important component of the attraction to the area as a holiday location. Currently there are no licensed campsites in Dacorum. It is felt that this small-scale venture would be a positive approach towards introducing tourism-based outdoor recreation to the Borough. Moreover, the low impact and low intensity use of the land is considered to be appropriate to the rural setting and respects the character and appearance of the area.

Impact on the amenity of neighbours

Consideration has been given to the impact that the proposal would have on the neighbouring properties. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

Although there are no directly adjoining neighbours, the Brownlow Farm Barns

complex is situated just over fifty metres from the proposed camping area. The majority of the residents occupying these dwellings signed a petition in objection to the application. A number of other objection letters have been received from different parties. The main issues raised by the objectors have been summarised and addressed below.

Vehicular access and traffic

Neighbouring residents are concerned with the proposed access onto Pouchen End Lane, a single-track lane, which is unlit at night. Concerns have also been raised regarding the potential increase in traffic and consequent intensification of the surrounding road network. These points will be addressed later in the 'Access, Car Parking and Highway Safety' section.

Noise, light pollution, sanitation, litter and waste

The development site is situated in a tranquil location and many of the neighbours are anxious about the potential noise nuisance that could accompany the proposal. Furthermore, many residents are worried that the campsite may expand in scale and numbers of customers, encroaching on their properties and having a negative impact on their amenities.

This issue appears to have been exacerbated by a school event that was held at the site on the last weekend of July 2015. A number of vehicles entered the site and a number of additional tents were erected. One of the neighbours commented that *"the noise from the amount of cars using the lane was noticeable and constant"*.

It is apparent that the applicant would need to apply for a license for the campsite. Using the site without a licence would then be a licencing offence. Environmental Health (whom issue the license) responded to the application by saying *"In regards to the noise, the owners would have to ensure that the noise level is reasonable. We would look to take action under the Environmental Protection Act 1990 if we received complaints from neighbours that proved a statutory nuisance exists."*

Other issues that may be dealt with by conditions on the licence are as follows:

- Controlling the types of tents on the site, and their positioning;
- Potable drinking water and adequate drainage facilities;
- Good site housekeeping;
- Electric and gas safety;
- Fire safety and firefighting equipment; and
- Sanitary facilities, that services and equipment are supplied and maintained.

It appears that a number of issues raised by the objectors could be dealt with under the licence. A number of residents were concerned about sanitation, refuse and fire safety, all of which would be safeguarded by the licence. If noise disturbance is proven to be an issue, the Environmental Health Act 1990 would protect the neighbours.

The license may also restrict the numbers of customers and tents. However, if approved, a condition would be attached to the decision notice to ensure that the camping area does not extend beyond the 'tipi area' (44.5m x 25m) as defined on

drawing '0624/01B'. The site would also be conditioned so that it could only operate for certain months of the year (March-October and December).

Number of visitors, tents and vehicles

The campsite license states the following:

“The site density shall not exceed seventy five units (caravans, motor caravans, or tents) per hectare (thirty units per acre) calculated on the basis of usable area.”

The proposed campsite would have an area of 1112.5m² (44.5 x 25m). Based on the calculations above, the license would limit the proposed camping area to a maximum of eight tents. Further to this, the license states:

“A tent shall be so placed as to be at a distance of at least three metres from any other tent and so that at least one metre separates the guy ropes of one tent from those of any other tent; provided that any two tents may be pitched together to form one tent, in which case the distance shall apply to the tent so formed as if it were one tent.”

This further limits the area available for camping and ensures that the camping area would not be cramped. Regarding the information above, it is not considered that there would be a large number of visitors or vehicles entering the site.

Safety / security

The Brownlow Farm Barns petition noted that *“the security of our site is and will be further compromised.”* The proposed campsite is separated from the barns by low posted wooden fencing. The Brownlow Farm Barns complex is also separated from the road by low posted wooden fencing. Although the proposed campsite would be attracting more people to stay within close proximity to the barns, it may actually act as a deterrent to burglars.

Hertfordshire Constabulary (Crime Prevention Unit) were consulted for further guidance on this matter. They responded with the following: “Security for nearby dwellings would not be any more affected than it is at present, and the proposal has the potential for increased natural surveillance in the area.”

Due to the sensitive nature of the application site (being located within close proximity to a number of residential units and within the Green Belt), it is proposed that if approved, the application would be given a trial run and conditioned as a year-long temporary permission. If the proposal then raised ongoing security issues or created constant negative impacts on the neighbouring residents, the permanent permission would not be approved.

Visual intrusion

The petition submitted from the residents at Brownlow Farm Barns stated *“the tepees and toilet/wash areas do not preserve the openness of the Landscape and are not unobtrusively located.”* As mentioned previously, the proposal is small-scale and has been positioned close to existing landscaping. The proposed camping area is located over fifty metres from the closest barn and is only visible from a limited number of windows. Additional planting has been implemented to further soften the appearance of the proposed campsite.

It is considered that the application would not warrant a refusal with regard to the impact on the amenity of neighbours. The proposal would have a limited impact on the neighbouring properties in terms of visual intrusion and no impact in terms of loss of light in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP. Other issues raised by the neighbours can be safeguarded under various planning and licensing conditions.

Maintenance, litter and waste

The license covers this issue, stating: "The grass within the site and all natural boundaries shall be kept trimmed and the whole area maintained in a tidy and orderly state, free from accumulations or refuse and litter."

Discrimination

A neighbouring resident has commented on the application regarding discrimination to and the stereotyping of Native Americans. Although these comments should be acknowledged, they would not form a material planning consideration and thus, would not have any impact on the outcome of this decision.

Impact on access, car parking and highway safety

Hertfordshire Highways Department made the following comments on the application: *"Collision data held by HCC indicate that during the last 5 years there have been no incidents resulting in personal injury on the stretch of Pouchen End Lane from its junction with Hempstead Lane/Berkhamsted Road to the north and the bridge under which it passes the west coast main railway line. The document described on the DBC website as a Transport Assessment is a 49-page document supplied by Nationwide Data Collection recording the results of the traffic speed and volume survey they carried out in January 2016. This was carried out in response to the earlier concerns of the highway authority about the interaction of traffic using the site entrance, vehicles using the adjacent entrance to Brownlow Farm Barns and traffic on Pouchen End Lane itself. The survey was taken over a full 7 day period starting on 19 January 2016. Daily average flows were 141 vehicles northbound, 134 southbound and 275 two-way. Mean speeds were 26mph northbound and 26.4 southbound with corresponding 85th percentile values of 32.4 in both directions. During a site visit at lunchtime on Tuesday 27 October 2015 the following movements were observed over 20 minutes: one car, one van and two pedestrians. The weather was sunny and road surface was dry."*

"The answer to question 10 in the application form states that that provision would be/ has been made for 3 to 6 vehicles to park on site. This level of off street parking space would generate a low number of two way trips. It follows that the number of visitors is likely to be anywhere between 30 to 40 in total. This level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity. The Highway Authority does not wish to restrict the grant of permission."

Heritage / Conservation

The Brownlow Barn Farm complex is considered to be a non-designated heritage asset and is considered to make a positive contribution to the local landscape.

As required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard to the desirability of preserving listed buildings and their settings is required in assessing this proposal.

Dacorum's Conservation and Design department were consulted to assess the impacts of the proposal on the appearance and setting of the barns complex. They responded with the following:

"There are currently 3 tipi's on the site and a portable shower and toilet, they are located adjacent to the lane and are set away from the residential properties at Brownlow Farm barns. The tipi's are fairly large but are not permanent structures and I don't consider them or the other facilities on site to have an impact upon the setting of Brownlow Farm Barns".

Policy CS27 (Quality of the Historic Environment) explains that *"All development will favour the conservation of heritage assets", "The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."* Following the advice from the Conservation and Design team, it is not considered that the proposal would impact upon the setting of the Brownlow Farm Barns.

Permitted Development Rights

The following should be noted.

Classes A of Part 5 of the General Permitted Development Order (GPDO) 2015 allows the use of land as a caravan site for up to five caravans without the need for planning permission. However, the site must be approved by exempted organisations such as the Camping and Caravanning Club. Permitted development rights only apply to the use of the land and not any buildings such as those providing facilities for the users of the caravans, which would require planning permission.

Class C applies to tented camping and allows *"the use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use"*. Recreational organisations are those holding a certificate of exemption under section 269 of the Public Health Act.

Part 4 Class B of the GPDO allows for the temporary use of land for up to 28 days in total for the provision on the land of any moveable structure. On this basis, the site could be used for camping or caravanning purposes for up to 28 days a year in total; or for tents and up to five caravans for an unlimited period without the need for planning permission providing the site is approved by exempted organisations with the relevant certification. Any buildings would, however, be classed as development and planning permission would be required for their construction.

Conclusion

The NPPF does not present any provision for the material change of use of land within the Green Belt. Therefore, the proposal should be considered inappropriate unless very special circumstances are proven to outweigh the harm. The 'very special circumstances' are deemed adequate to warrant an approval on this application. To

summarise, the special circumstances comprise:

- First licensed campsite in Dacorum;
- Supports the sustainable growth and expansion of business and enterprise in the rural area;
- Promotes the development and diversification of agricultural and other land based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit business in the rural area, communities and visitors; and
- Respects the character of the countryside.

The proposal is considered to have a minimal impact on the openness of the Green Belt. Although the tipi's would create more of an impact on the Green Belt than an empty field, there would be no significant harm to the openness or visual amenities of the area. The proposal would diversify the mix of tourist accommodation within the Borough and contribute to the economic growth in this rural locality. If approved, a condition would be imposed to ensure that the campsite is only available for use for certain months. Further to this, the application would be subject to a 'one-year temporary permission' condition to safeguard the neighbouring residents if any consistent issues arise. The licensing agreement would also safeguard the neighbouring residents and ensure that the site is maintained in acceptable manner. Overall, it is felt that the proposal would have a positive impact on the Borough and therefore, the application is recommended for approval.

Additional Information

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable.

RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:-

RECOMMENDATION -

- 1 This permission is for a limited period expiring on the 23th October 2017 by which time the change of use shall have ceased and the teepees and ancillary equipment shall be removed from the site unless otherwise agreed with the Local Planning Authority.**

Reason: To enable the local planning authority to review the position in the light of circumstances prevailing at the end of the period.

- 2 No teepee or other tent shall be placed outside the designated 'teepee area (44.5 x 25m)' as defined on drawing 0624/01D.**

Reason: To safeguard the amenity of the neighbouring residents in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

- 3 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

0624/01D

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.