



Name and address of agent:

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C/o Email

Name and address of applicant:

Donna Barney
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NOTICE OF REFUSAL

Town and Country Planning Act 1990 (as amended)

Part 1 – Particulars of application

Date Valid:
10 March 2021

Application Number:
NE/21/00388/FUL

Location:

Land South Of Top Lodge, Top Lodge Road, Fineshade, Northamptonshire,

Description:

Change of Use of Land to a Camping/Glamping Site and Ancillary Warden's Accommodation

Part II – Particulars of decision

North Northamptonshire Council having considered a valid application for the above development, in pursuance of its powers under the above mentioned Act

REFUSE PERMISSION

for the development as described in Part I above for the following reasons:

1. The site is visible from adjacent public rights of way and public areas and lies at the centre of a well-managed network of paths and trails in the Rockingham Forest. The site is part of a landscape which has a valued openness and great degree of tranquility even when close to Top Lodge and the associated leisure activities at the Visitor Centre. Paragraph 174 of the National Planning Policy Framework (2021) requires landscapes that are not statutorily designated to have attributes of a sufficiently high quality to ensure protection and enhancement as a valued landscape. The site has some very positive landscape elements with an open rural quality and considerable wildlife and

cultural interest close to the grade II listed Top Lodge, sufficient to elevate this landscape to one that is highly valued.

The proposal would result in visual harm to the character and appearance of the locality and wider landscape arising from the stationing on the land of a Warden's Caravan, 15 no. glamping pods, hardstandings in the form of roadways and parking areas, toilet/washing block of indeterminate siting and appearance (toilet/washing block is subject to site license), transient siting of tents throughout the year along with the parking of vehicles, associated paraphernalia including receptacles for refuse and recycling, noise and disturbance arising from the use and illumination by artificial light.

This is contrary to Policy 3 of the North Northamptonshire Joint Core Strategy which requires new development to respect landscape character and to be located and designed in a way that is sensitive to its landscape setting, retaining and where possible enhancing the distinctive qualities of the landscape character area which it would affect. Furthermore, the site is located within a designated (by Policy 3) area of tranquility that should be preserved by minimising light and noise pollution and minimising the visual and traffic impacts of development.

The proposal is thereby contrary to policies 3, 21 and 25 of the North Northamptonshire Joint Core Strategy 2016 that aim to enhance tourism attractions where they strike an appropriate balance between visitor numbers and biodiversity, landscape, local amenity and heritage interests.

The proposal is also contrary to paragraphs 174 and 185 of the National Planning Policy Framework 2021 which state: Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a. protecting and enhancing valued landscapes, and sites of biodiversity value,
- b. recognising the intrinsic character of the countryside (paragraph 174),
- c. protecting tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value; and
- d. limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (paragraph 185).

The modest benefits of the proposal to the economy are outweighed by the policy conflict and harm identified. This conclusion applies irrespective of whether the proposed glamping pods are buildings or Caravans.

2. The application site has been designated as a Local Wildlife Site (LWS), for its populations of all four county reptile species (adder, slow-worm, grass snake and common lizard), which are partially protected under Schedule 5 of the Wildlife and Countryside Act 1981 and are listed under Section 41 of the Natural Environment and Rural Communities Act (2006) as species of principal importance for the conservation of biological diversity in England.

The proposed development is not compatible with the nature conservation interests for which the application site is designated as a Local Wildlife Site

and the presence of light, noise, vehicles, odours and other factors associated with construction activity and human activity from occupation of the site would pose too great a disturbance to the species using the site, harming those species. As such the proposal would cause significant harm to biodiversity contrary to 180 of the National Planning Policy Framework 2021, and Policy 4(a) of the North Northamptonshire Joint Core Strategy 2016, which requires protection of existing biodiversity and refusing proposals where significant harm to biodiversity cannot be avoided or mitigated.

3. The application site comprises an open field located within close proximity to the principal elevation of Top Lodge Farmhouse and associated barns/outbuildings, listed at grade II, and in use as the Fineshade Wood Visitor Centre. The site provides an important agricultural setting to Top Lodge Farmhouse and contributes to its historic significance. The proposal to construct a roadway through the site together with glamping pods, Warden's Caravan and a camping area would have an impact on the setting of Top Lodge Farmhouse, owing to the presence of built form, together with associated infrastructure (including car parking) and paraphernalia. This would cause harm to the setting, and in turn the significance of the listed building, falling within the "less than substantial" category to be weighed against the public benefits of the proposal in accordance with the requirements set out at paragraph 202 of the National Planning Policy Framework 2021.

The public benefits of the proposal in terms of providing local employment and attracting visitor spend to the area are modest (commensurate to the modest scale of the tourism accommodation enterprise) and whilst some of the benefits in terms of visitor spend will find its way to the Fineshade Wood Visitor Centre within the listed building, helping support the maintenance and upkeep of the listed building, the contribution would be modest. There is no evidence to suggest the heritage asset is at risk unless more tourist accommodation is permitted to help to increase visitor numbers and consequent visitor spend. Furthermore, planning policies support tourism accommodation in the countryside and therefore other less sensitive sites within the countryside may be developed that in turn generate visitors to Fineshade Wood and bring revenue income.

For these reasons the public benefits of the proposed development, both to the heritage asset itself and the wider economy do not outweigh the "less than substantial harm" to the heritage asset. The development is thereby contrary to the heritage policies in the National Planning Policy Framework 2021 and Policies 2 and 21(d) of the North Northamptonshire Joint Core Strategy 2016.

4. Safe and convenient access to the site is not possible given the hazards at the present junction of Top Lodge Road and the A43. Serious concerns remain with any proposal demonstrating intensification of use of Top Lodge Road given the insufficient carriageway width and lack of footway provision. Evidence also shows that the passing bays, with the present use, do not function for their designed purpose at peak times. Consequently, the useable carriageway is limited, and visibility commonly compromised to the detriment of highway safety. The addition of further passing bays will not assist. The

development is thereby contrary to Policy 8b of the Northamptonshire Joint Core Strategy 2016 that requires safe and convenient access to new development and Paragraph 111 of the National Planning Policy Framework 2021, which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

INFORMATIVES:

1. This decision relates to the following drawings:

- Location Plan (scale 1:2500) no. 1217-0007-01.
- Proposed Site Layout Plan (1:1000) no. 1217-0006-08.

And the following supporting documents:

- Planning Statement (ref. PPS 1217, dated October 2020)
- Arboriculture Report (JKK10543_750, dated November 2020)
- Preliminary Ecology Report (ref. ECO00477, dated December 2018)
- Ecology Reptile Report (ref. ECO00477, dated September 2020)
- Heritage Statement (ref. JAC26520, dated November 2020)
- Flood Risk Assessment incorporating Conceptual Foul and Surface Water Drainage Strategy (ref. RCEF77127, dated November 2020).
- Landscape and Visual Impact Assessment (ref. JSL3184 dated November 2020)
- Noise Impact Assessment (ref. Report VA2268.201019.NIA3 dated October 2020)
- Transport Statement (ref. JNY9693-04 dated October 2020).

Decision Date:

27 August 2021

Signed:



George Candler
Executive Director Place and Economy

NOTES:

1. In reaching this decision the Council has implemented the requirement in the National Planning Policy Framework to deliver sustainable development in a proactive and positive way in accordance with paragraph 38.
2. A full report is available at www.east-northamptonshire.gov.uk/planningapplications

RIGHT OF APPEAL:

If you are aggrieved by the decision of the local planning authority to refuse permission, then you can appeal to the Secretary of State under s.78 of the Town and Country Planning Act 1990.

The rules for lodging an appeal are set out in Article 37 of Town & Country Planning (Development Management Procedure) (England) Order 2015. The following is a summary of the rules:

1. If you wish to appeal against this decision you must do so on the Planning Appeal form. Appeals may be made online at <https://www.gov.uk/appeal-planning-inspectorate> . If you are unable to use the online service, please contact the Planning Inspectorate's Customer Services Team on 0303 444 5000.
2. Completed appeals (forms and supporting documents set out in the appeal form) must be received by the Planning Inspectorate within the relevant time scale set out in the table below. The Secretary of State has the power to allow a longer period for you to give notice of an appeal but will not normally exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeal Type	Time Period
Appeal against decision where no enforcement action taken or pending	Six months* from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none">• within two years before the date of the planning application, or• before the date of this planning decision and still in force.	28 days from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none">• on or after the date of this planning decision, and• is still in force.	The earlier of the following dates: <ul style="list-style-type: none">• 28 days from date enforcement notice is served, or• Six months* from date of this decision notice

* Please note appeals against householder/minor commercial decisions only have 12 weeks from date of the decision notice. The definition of minor commercial may be found at [Article 2 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).

These time scales are in relation to the appeal against the planning decision. **The time scales for appeals against the enforcement notice (as set out in the enforcement notice) are not affected by this decision.**

3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
4. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

PURCHASE NOTICES:

If permission is refused, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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