

**PLANNING COMMITTEE**

**Wednesday 11<sup>th</sup> March 2009**

This application is reported to Members because the Parish Council have raised an objection.

**Case Officer - Charlie Colling**

**BOWES - 6/2008/0468/DM**

Erection of lunch hut & shelter for hikers at North Moor, Bowes for Mr N.R. Graham (3 December 2008).

**THE SITE:**

The site is situated on North Moor, Bowes approximately 2.7 miles to the north west of the village of Bowes. The building would be sited immediately to the south of Deepdale beck and adjacent to the Pennine Way. The site is within an Area of Outstanding Natural Beauty and a Site of Special Scientific Interest.

**THE PROPOSAL:**

Erection of a lunch hut for the Bowes shoot and a hikers' shelter, combined in a single timber building, with a total footprint measuring 12.19m x 4.8m. The building would have dark stained timber boards to the exterior and a dual pitched roof covered with dark green corrugated pvc sheeting.

**PLANNING HISTORY:**

There is no planning history for this site.

**PLANNING POLICY:**

GD1 General Development Criteria  
ENV3 Area of High Landscape Value  
ENV6 Development in or likely to affect SSSI  
ENV2 Protection of Area of Outstanding Natural Beauty  
ENV8 Development affecting a protected wildlife species  
ENV1 Protection of the Countryside  
TR7 Outdoor recreational developments

**REPRESENTATIONS:**

**Statutory and Internal Consultees:**

**Natural England** – This response also represents Natural England's formal consultation response under Section 28 of the *Wildlife and Countryside Act 1981* (as amended).

The application site is within Bowes Moor SSSI. On the basis of the information provided, Natural England has no objection to the proposals being carried out in strict accordance with the details and plans of the application. The reason for our 'no objection' response is that the proposal is not considered to have a significant impact on the features of interest of Bowes Moor SSSI.

**North Pennines AONB** – comments awaited. Any response will be reported verbally.

**Conservation Officer** – The proposal is for a very simple shed in a very open location where, traditionally, one might expect to see a stone built and roofed shelter or field barn which would be an asset to the visual landscape. This is not likely to perform that function but should, in spite of its size and choice of materials, still not create a significantly jarring feature of this open landscape.

**Environment Agency** – no objection.

**Rights of Way Officer** – I have no objections to the proposal, but please note that the site is adjacent to Public Bridleway No.25 Bowes, which is part of the Pennine Way long distance national trail. I can see no direct impact on the bridleway, however please ensure that the applicant is aware of the following obligations if its is approved,

- No building materials must be stored on the right of way.
- Vehicle movements must be arranged so as to not interfere with the public's use of the way.
- The safety of members of the public using the right of way must be ensured at all times.
- No additional barriers are to be placed across the right of way.
- There must be no reduction in the width of the right of way available for use by members of the public.
- No damage or alteration must be caused to the surface of the right of way.

I note that the present application has included a sign to inform the public that they have access to the shelter.

**Parish Council-** Recommend that this application be refused on the following grounds:

- The wording of the site advertisement is not consistent with the phrase expressed in the application.
- Concerns regarding maintenance and rubbish removal
- Concern re: lack of toilet facilities.
- Possibility of misuse
- Concerns regarding litter.
- Timber construction not in-keeping with similar structures, stone was felt to be more appropriate.

### **Public Responses:**

There were no neighbouring properties to consult, although a site notice was posted at Pasture End, where the public right of way leading to the site meets with the A66. One letter of objection has been received from Mr A Hobbs, The Shambles, Main Street, Bowes. Concerns in summary are:

- The new building, taken together with hard standing and vehicle turning area, will unacceptably intrude into this open and wild landscape. The building will be particularly obvious along the Pennine Way Long Distance Footpath and will be visible for many long distance high level viewpoints to the north and south. The openness of this part of the AONB is a notable feature which needs protecting.

## AGENDA ITEM 4(v)

- The building would be just over one kilometre from a public highway, it is reasonable to expect that the building would become a focus for visits from members of the public for overnight stays and parties etc who are not perhaps wholly sympathetic to the ideals of the status of the AONB. The result being that the building and immediate surroundings would become a focus for rubbish and other human waste. Kielder Forest Bothy has now been closed due to this problem.
- The North Pennines AONB Partnership objected to the previous proposal on the grounds that the scale and nature of the proposed development, in an area that is recognised for its remoteness and lack of obvious man made features, is not an appropriate development. I support this opinion.

### **PLANNING CONSIDERATIONS:**

#### **Principle**

#### **Siting**

#### **Design**

#### **Impact on AONB/SSSI**

#### **Protected Species**

#### **Principle/Siting**

Planning permission is sought for the erection of a lunch hut for the Bowes Moor Shoot and hikers' shelter on North Moor, Bowes. The site is adjacent to the Pennine Way and is within a SSSI and an AONB.

The building would provide a facility to accommodate shooting and hiking facilities in accordance with Policy TR7. There are a number of lunch huts scattered across the moors of Teesdale. The materials of which they are constructed vary from natural stone, timber and corrugated tin sheeting. Most of these buildings have been in situ for a considerable length of time and have blended into their natural surroundings.

The site is within a depression of the land, with the topography of the surrounding land rising up away to the south, north and west. The site is adjacent to a beck which has a timber footbridge crossing it. There is an unmade track leading to the site from an unclassified road which terminates close to Levy Pool House, approximately 1.5 miles to the east.

The site chosen is considered to be acceptable, and due regard has been given to the topography of the area. It is accepted that the building would be visible from some long range views. However, as the building would effectively be in the bottom of a 'dip' then its impact would be limited, given the backdrop would be most likely to be vegetation as opposed to the skyline. In this respect the site is considered to be acceptable, with a limited impact upon the AONB. Obviously a building of this size will be visible and have some impact upon the appearance of the area, however in this instance it is considered that the site chosen would limit the visual impact upon the AONB and the open/natural character of the landscape.

#### **Design**

The building proposed is of a simple form, with stained timber boards to the walls and dark green corrugated pvc to the roof. The materials chosen are considered to be acceptable and should not be unduly prominent within the landscape. As mentioned

previously, these types of buildings range in construction materials, and those proposed in this application are similar to other similar structures within Teesdale. In this respect the materials are considered to be acceptable and in accordance with Policy GD1 of the Local Plan.

The majority of the building would be used to accommodate those attending the Bowes shoot, with a separate 'end' of the building being made available for hikers. The applicant has indicated that the lunch hut element is likely to be locked unless in use by the shoot, and the hikers' shelter will be available for use at all times. There is also a timber sign post proposed which would inform hikers of the position of the shelter, as it may not be obvious, being sited to the eastern gable of the building away from the public footpath but sheltered from the prevailing westerly winds.

### **Protected Species**

An ecological reasoned risk assessment has been submitted with the application, which concludes that the impacts of the proposed works are likely to be minor negative on the conservation status of the local populations of breeding birds and reptiles. Impacts upon a range of protected species investigated were determined as neutral/minor negative. The survey also advises that the removal of all vegetation in the working area will take place outside of the bird breeding season.

Natural England has advised that it is not considered the proposals would have a significant impact on the features of interest of Bowes Moor SSSI. Given the findings of the risk assessment and Natural England's comments; it is considered that the proposed development would not have any unacceptable impact upon protected species in accordance with policy ENV8 of the Local Plan.

### **Response to Objection**

The wording of the site notice was 'erection of lunch hut and shelter for hikers'. The detail of its use is included within the application. It is considered that the description accurately describes the key element of the development and that it is not misleading.

The building would be visible from long distance views, although it would be sensitively sited to ensure its backdrop is against the existing vegetation and not the skyline. The site is adjacent to a timber footbridge and an unmade track, in this respect this is considered to be a logical position for such a structure.

There is no formal parking area proposed and the applicant has indicated that it is not intended to create such an area. The applicant has advised that given the frequency of its use it is not necessary that a formal parking area be created. Vehicles travelling to this site would park along the existing track.

The possibility of misuse is not considered to be a material planning consideration which would justify refusal of this application. There are a number of these structures across Teesdale and the main part of this building would be locked when not in use. The proposed building is not just over one kilometre from the nearest public highway, it is at least 1.5 miles away from the nearest unclassified public highway, and it is not anticipated that this building would become a focus for 'overnight stays and parties etc'.

With regards to the materials proposed, this has been discussed in the report.

### **PLAN Nos AND DATE RECEIVED:**

08050-2 – Site Location Plan (3/12/08)

08050-1B – Proposed Plans and Elevations (3/12/08)

**RECOMMENDED: That planning permission be granted subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

To ensure that the development is carried out in accordance with the approved plans.