Planning Committee: 23 June 2015 **Item Number: 6**

Application No: W15/0674

Registration Date: 01/05/15

Town/Parish Council: Hatton **Expiry Date:** 26/06/15

Case Officer: Helena Obremski
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Hatton Country World, Dark Lane, Hatton, Warwick, CV35 8XA

Formation of earth mound incorporating steps, platform, and 2no. tubes to provide an outdoor slide facility (49m wide x 76.5m long and 10.5m high, with a 1.5m deep subterranean section), after removal of existing maze and spiral slide

FOR Hatton Country World

This application is being presented to Committee as there have been more than 5 letters of support for the application and it is recommended for refusal and Councillor Rhead has called in the application.

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission.

DETAILS OF THE DEVELOPMENT

The proposal involves the removal of the existing maze and 10.5 metre high spiral slide and the construction of a grassy mound 49 metres wide x 76.5 metres long and 10.5 metres high (with 1.5 metre deep subterranean section) incorporating steps, platform decking and two tubes to provide an outdoor slide attraction. The proposed development has been reduced in height by 1.5 metres since the previous application was refused in February 2015.

THE SITE AND IT'S LOCATION

Hatton Country World is a visitor attraction comprising a farm park and shopping village located in the open countryside on the east side of Dark Lane, Hatton. The site is located entirely within the Green Belt.

It forms an 11 acre site, made up of separate areas, including the open land which lies around the main group of buildings, the original brick and tile farm buildings of Georges Farm currently used to accommodate a range of craft and retail units and the steel framed former farm building adjacent to the silo which is occupied by a range of uses.

The proposed development will be located between the original farm buildings and steel framed building and will replace the existing maze and spiral slide.

PLANNING HISTORY

Hatton Country World has evolved and grown in size since the original temporary planning permission was granted in 1982. It now includes over 40 units, some of which operate as craft outlets, shops, a farm shop, restaurant and farm park.

Following growing concerns about the activities taking place at Hatton Country World, particularly over the level of shopping and growth of overall visitor numbers, the Council produced Supplementary Planning Guidance which was adopted in 2000. The purpose of the Guidance was to set out the Council's policy in respect of the site, whilst recognising the needs of Hatton Country World to be able to continue to trade and develop as market conditions changed.

Prior to the Guidance being adopted, there had been 20 planning applications, 13 of which had been approved, 3 refused and 4 withdrawn. Since 2000 there have been the following applications:

- W/00/1143 - application granted for the retention of existing buildings to Area 2; use of buildings for A1 (retail), A3 (restaurant and ancillary soft play area), and garden centre.
- W/00/1144 - application granted for the retention of existing buildings to Area 1; use of buildings for A1 (retail), A3 (restaurant and ancillary soft play area), and garden centre.
- W/00/1145 - application granted for the retention of car parks and Farm Park, landscaping / moulding, construction of underground BBQ storage container and timber bridge.
- W/09/0187 - application granted for the erection of extensions to the existing indoor play barn, restaurant and retail area; the erection of a covered walkway; the erection of a covered pergola; the erection of a canopy; the demolition of buildings /structures; the formation of a car park; the change of use from car park to restricted retail; landscaping to site.
- W/09/1055 - application granted for the erection of two signs.

The applications granted in 2000 enabled the site be regularized and the Supplementary Planning Guidance provides a way forward for development at the site, whilst ensuring that current Local Plan policies and the National Planning Policy Framework are followed.

In December 2014 a planning application (ref: W/14/1743) was submitted for the formation of an earth mound incorporating steps, platform, and 2no. tubes to provide an outdoor slide facility (52 metres wide x 78 metres long x 12 metres high) after removal of the existing maze. This application was refused by the Planning Committee in accordance with officer's recommendation for the following reason:

"The National Planning Policy Framework states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The National Planning Policy

Framework identifies that LPAs should regard the construction of new buildings as inappropriate in the Green Belt.

Hatton Country World is located within the Green Belt. In the opinion of the Local Planning Authority, the proposed mound, platform, steps and tubes taken as a whole are considered to constitute a building which is considered to be inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness due to the size, bulk and mass of the structure. The proposed development does not fall within any of the exceptions to inappropriate development listed in the NPPF and no very special circumstances have been submitted which would outweigh the harm to the Green Belt

The development is thereby considered to be contrary to the NPPF".

RELEVANT POLICIES

- National Planning Policy Framework
- SSP8 - Hatton Country World (Warwick District Local Plan 1996 - 2011)

Future Use and Development of Hatton Country World - Supplementary Planning

- Guidance (2000)

SUMMARY OF REPRESENTATIONS

Hatton Parish Council: No objection.

Cllr Rhead: Request that this application is called in to Planning Committee for its consideration.

WCC Ecology: No objection. Recommend that the works are carried out outside of the nesting bird season (April - September). The proposed mound is close to an existing hedgerow and therefore an appropriate buffer should be put in place to ensure the development does not impact on the root protection zone of the hedgerow. Also recommend a bat and bird note be attached to any approval granted.

WCC Highways: No objection.

Public Response: 116 comments of support have been received on grounds that proposal would provide benefits to outdoor recreation facilities for children; protection of jobs; an incentive to encourage more visitors to the site; improvement of facilities; increased growth of the site; benefits to local businesses; removal of the blue slide creates less impact on the Green Belt and there would be no harm to the Green Belt as a result of the proposed development.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Whether the proposal constitutes appropriate development in the Green Belt, and if not, whether there are very special circumstances to outweigh the harm by reason of inappropriateness and harm to openness.

Green Belt

Policy SSP8 of the adopted Warwick District Local Plan (1996 - 2011) provides a framework for new development at Hatton Country World. The policy emphasises the importance of developing the site in a manner which recognises the very sensitive nature of the site and clarifies that all proposals must be assessed against all other relevant policies. The policy specifically states that any new building at Hatton Country World would be classed as inappropriate development within the Green Belt.

Furthermore, the Supplementary Planning Guidance (SPG) for Hatton Country World states that the LPA should seek to prevent any further built development on the site. The SPG identifies that Hatton Country World should be supported, provided that it operates within the framework of all relevant local and national policies and seeks to conserve the natural environment, landscape and countryside.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Para 88 goes onto add that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Para 89 of the NPPF states that the construction of new buildings is inappropriate development in the Green Belt. It goes on to set out exceptions to this. The agent for this application has made the case that the proposal falls within the exception which relates to the limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However, I am of the view that given the sheer size of the proposal, there is no doubt that it would have a greater impact on openness compared to the existing maze and spiral slide. The agent suggests that the scale, mass and area of the proposal are relatively small, such that the extent of the Green Belt is affected and that the harm is negligible. However, I cannot agree that this is the case. Furthermore, the NPPF defines 'previously developed land' as land which is or was occupied by a permanent structure. Given that this has not been the case, I am of the view that the application site is not previously developed land and therefore this exception is not applicable and the proposal constitutes inappropriate development in the Green Belt. The same argument applies against the exception relating to appropriate facilities for outdoor recreation.

The agent also suggests that the mound could fall within the exception to inappropriate development contained under para 90 of the NPPF, which states that engineering operations are not inappropriate provided they preserve the openness of the Green Belt. However, I am of the view that the mound, platform, steps and tubes taken as a while amount to a building (defined as any structure or erection) rather than an engineering operation. In addition, due to the size, bulk and mass of the proposal it is not possible to agree that it would preserve the openness of the Green Belt.

The agent suggests that the proposed development will not conflict with any of the purposes of the protection of Green Belt land. It is agreed that the proposed development would not increase urban sprawl, allow neighbouring towns to merge into one another, would not damage the setting and special character of historic towns or have a detrimental impact in assisting urban regeneration. However, it is considered that the proposed development would encroach on the open countryside due to the scale and mass of the slide and mound. The agent states that the proposed development would be located within a field within the envelope of a large wide development and would represent a modest intensification of the application site, but it is my view that due to the size of the proposal, it is clear that there would be a significant impact on the openness of the Green Belt which would encroach on the open countryside.

I am therefore of the view that the proposal would be inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness due to the size of the proposal and its siting in an open part of the site.

The applicant has also submitted a case which they consider to constitute very special circumstances which outweigh the harm to the Green Belt:

The need for development

The agent suggests that falling visitor numbers present a need for a new attraction in order to boost visitors and prevent Hatton Country World from closing. The agent has provided two graphs to show visitor numbers between 2002 and 2014. One graph shows visitor numbers taken just from the month of August between 2002 and 2014 and shows a relatively consistent fall in numbers over this period. It is notable that the general downward trend shown on this graph has not been countered by approvals of planning permission for developments to enhance the facilities. It is considered that a focus on one month alone does not provide a good overview of the situation.

The other graph showing total visitor numbers (retail and farm park) between 2002 and 2014 shows a decline in visitors to the retail area but notably does not show a decline in the number of visitors to the farm park for at least the last four years. The graph indicates that visitor numbers to the farm village (where the proposed slide will be located) have remained relatively consistent for a number of years. It is also noted that the visitor numbers to the farm park are approximately the same as they were in 2002. It is therefore considered that a need for the development has not been demonstrated.

The agent also states that the proposed slide will play a vital role in the future sustainability and success of the site which provides employment and benefits for the wider economy. The agent states that visitor numbers to the Shopping Village have substantially declined and is unsustainable, thus presenting a need for the proposed development. It is noted that there was a significant decline between 2002/03 and 2009/10, however, since this time there has been an increase in visitor numbers and numbers are now reasonably static. As discussed, there has been no evidence provided to show that visitor numbers to the farm park are declining. Furthermore, there is no evidence to demonstrate

that the proposed slide would in fact increase visitor numbers to the farm park or the shopping village.

Employment and Socio-Economic benefits

The agent states that the proposed slide is considered vital to the future success of Hatton Country World which provides jobs. The agent suggests that the proposal would create a further 6 full time equivalent jobs which would support the wider rural economy. There is no evidence to support this claim and, as previously discussed, there is no evidence to demonstrate that the proposed development would necessarily increase visitor numbers to create additional jobs.

While the NPPF does state that there should be support of rural economies to create jobs and take a positive approach to sustainable development, it also specifically identifies that during the decision making process, specific policies in the Framework indicate that development should be restricted and highlights Green Belt land as an example of this. Therefore, this cannot outweigh the harm to the Green Belt. Inappropriate development in the Green Belt is not considered to be sustainable development under the NPPF.

There are no alternative sites for the proposed development

This cannot be considered as a special circumstance and this does not outweigh the harm to the Green Belt which the proposed development would cause.

Reduction in height of the slide

The slide has been reduced by 1.5m (by sinking the proposed slide into the ground) from the previous application. The agent states that as the slide is pre-fabricated, an amendment to the design would render the project financially unviable and therefore the height cannot be reduced further. Notwithstanding the limited reduction in overall height, the proposed slide is still considered to be of significant height and mass which would have a detrimental impact on the Green Belt. It is considered that there has not been a substantial reduction in scale which outweighs the harm to the Green Belt.

Removal of another attraction

In addition to the removal of the existing maze which was included as part of the previous application, the agent has now also proposed to remove the existing blue spiral slide in an attempt to offset the harm caused to the Green Belt as a result of the erection of the proposed mound and slide. While the spiral slide is the same height as the proposed development when measured from ground level, it is considerably smaller in terms of overall bulk, mass and scale. Para 89 of the NPPF states that an exception to inappropriate development would be the replacement of a building (which the proposed slide is considered to be), providing the new building is in the same use and not materially larger than the one it replaces. The proposed slide will have the same use, but there is no doubt that it would be materially larger than the existing spiral slide and the existing maze. Therefore, this cannot be given significant weight as very special circumstances.

Other LPAs across the UK support similar development within the Green Belt

The examples provided have been noted, but each application must be assessed individually and on its merits.

Health and Wellbeing

N/A

CONCLUSION

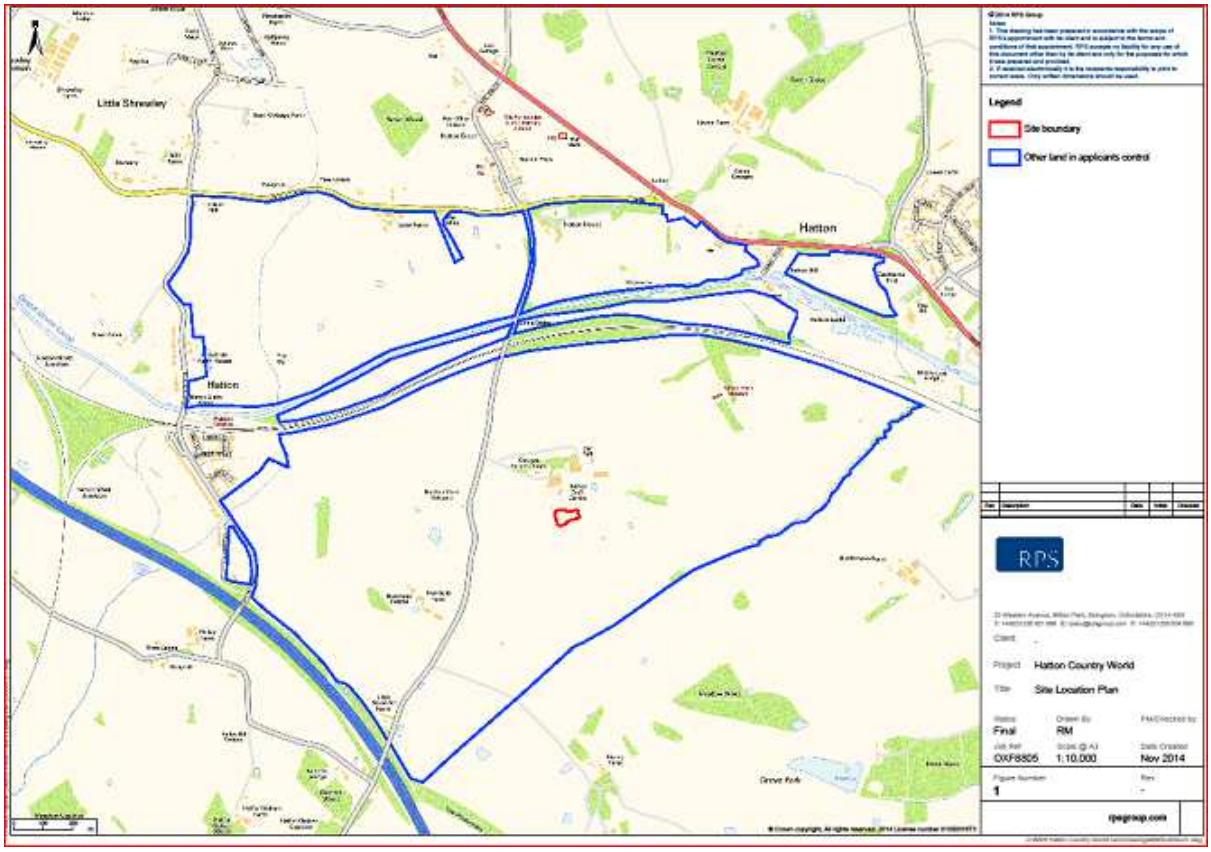
In conclusion, the proposed development will represent inappropriate development harmful by definition and by reason of harm to openness. In my opinion no very special circumstances have been provided which could be considered to outweigh the harm to the Green Belt identified and therefore the application is contrary to the aforementioned policies and the NPPF and should therefore be refused.

REFUSAL REASONS

1 The National Planning Policy Framework states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The National Planning Policy Framework identifies that LPAs should regard the construction of new buildings as inappropriate in the Green Belt.

Hatton Country World is located within the Green Belt. In the opinion of the Local Planning Authority, the proposed mound, platform, steps and tubes taken as a whole are considered to constitute a building which is considered to be inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness due to the size, bulk and mass of the structure. The proposed development does not fall within any of the exceptions to inappropriate development listed in the NPPF and no very special circumstances have been submitted which would outweigh the harm to the Green Belt

The development is thereby considered to be contrary to the NPPF.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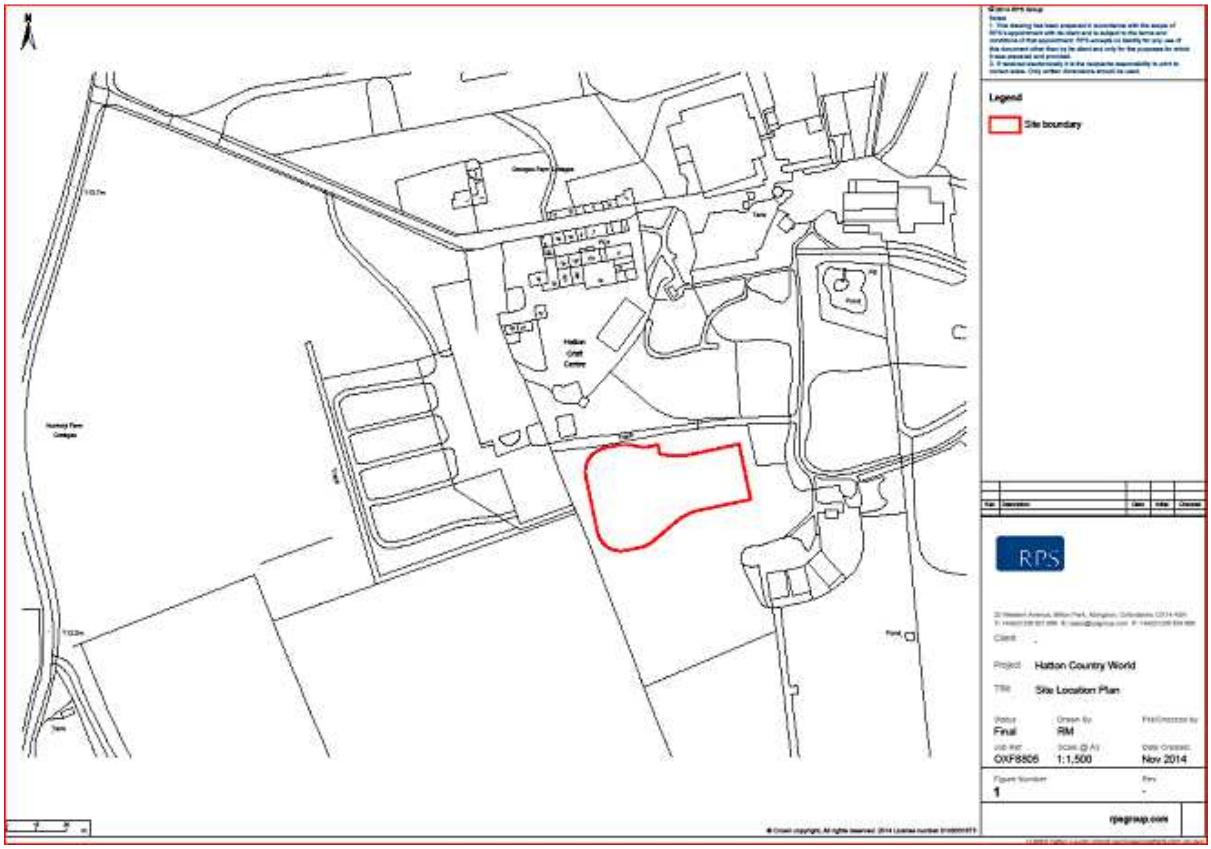
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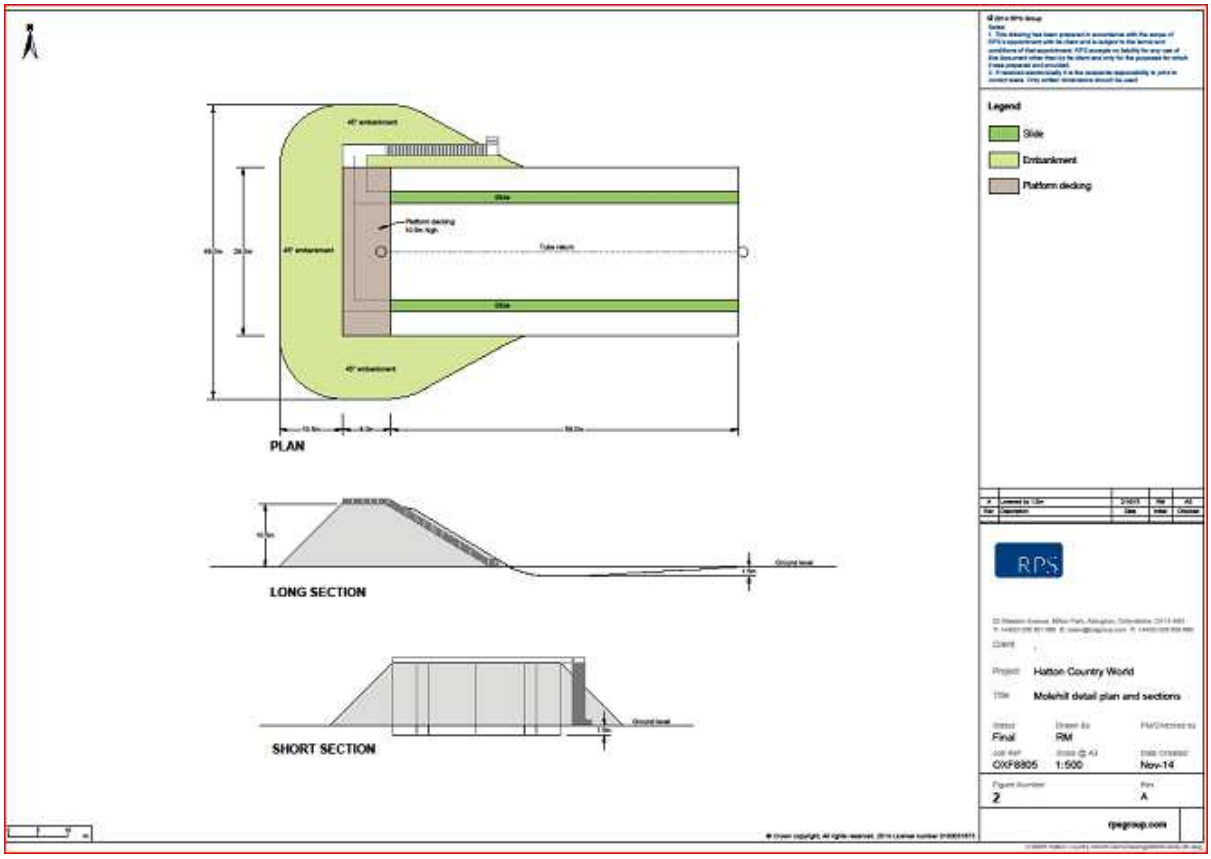
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PLAN
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