

Thursday, 15 December 2022

Planning and Green Belt Statement

Nicky's Cafe, Ripponden Road, Delph, Littleborough, Sowerby Bridge, OL3 5UN

Use of Land for Siting of a Shipping Container Café (Retrospective)

This application relates to the siting of a shipping container atop an existing area of hardstanding which has been historically used as a parking area. The site has also been used to provide food service for at least 30 years; the applicant previously ran the operation from a transit van, however, following discussions with users such as walkers on the nearby Pennine Way, local farmers, truckers and travellers on the M62, it was considered that shelter from the harsh weather and toilet facilities were needed, and as such, the shipping container was placed on site and converted into a Café.

The site itself is an area of hardstanding on Ripponden Road and the Pennine Way, located within close proximity of the Windy Hill Transmitter. The site is located within the Green Belt and sits within the South Pennine Moors Site of Special Scientific Interest (SSSI).

The policies which are considered relevant to the application are listed below:

Development Plan Policies:

Adopted Core Strategy (October 2016)

SO1: To deliver a more prosperous economy

E2: Increasing Jobs and Prosperity

E5: Encouraging the Visitor Economy

E6: Supporting and Diversifying the Rural Economy

P2: Protecting and Enhancing Character, Landscape and Heritage

G4: Protecting Green Belt

G7: Increasing the Value of Biodiversity and Geodiversity

Rochdale Borough Unitary Development Plan

D/4: Control of Development in Green Belt – General

D/10: Protected Open Land

S/10 Food and Drink Outlets

RE/4 Diversification of the Rural Economy

RE/5 Access to the Countryside

RE/6 Recreational Rights of Way

BE/2 Design Criteria for New Development

NE/2 Designated Sites of Ecological and Geological / Geomorphological Importance

Green Belt Assessment

Policy G4 of the Adopted Core Strategy, D/4 of the UDP and Paragraph 143 of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt.

Well established case law has established three principles for determining if something is a 'building' – size, degree of permanence and physical attachment. The container in question has a rigid metal frame and is painted green. The container was delivered and positioned on the site by specialist equipment and not constructed on the site. The container is not attached to the ground by any foundations, it sits atop railway sleepers, and it is not connected to any services such as water, drainage, or electricity, and it could be lifted and removed from the site by similar specialist equipment. As such, the container cannot be considered a building, and its location on the site should therefore be considered a use rather than operational development as defined by section 55 of the Town and Country Planning Act 1990.

The container sits atop an area of hardstanding, and it is considered that it would be seen within the context of the Windy Hill transmitter and its outbuildings, the hardstanding it sits on and the large vehicles (such as lorries and camper vans) which sit nearby for extended periods of time and often overnight. The container is painted green to blend in with the surrounding scenery. As a result, it is not considered that the proposal would not appear visually prominent and would not have a significant impact on the openness of the green belt, in accordance with Paragraph 146 of the NPPF and Policy G4 of the Rochdale Adopted Core Strategy.

Paragraph 134 of the NPPF sets out the five purposes for the Green Belt, the most relevant purpose for the consideration of this application is to safeguard the countryside from encroachment. With regards to this proposal, the shipping container café is not a building, and its siting on the land represents a use. The application site is seen within the context of the Windy Hill Transmitter Site, and the hardstanding it sits atop, and as such, it would not be considered to represent encroachment into the countryside accords with Paragraph 134 of the NPPF.

In respect of the above, it is considered that the proposal amounts to appropriate development in the Green Belt. The site is not spatially isolated and by virtue of its position, form, and colour, would not appear visually prominent within the landscape. Given the proposal's scale, siting, and visual impact, it should be considered that the proposal does not conflict with the purposes of the Green Belt as set out in the NPPF. Therefore, the proposal put forward accords with both relevant policies set out in the NPPF and with Policy G4 of the Adopted Core Strategy.

Design and Appearance

Policy BE/2 of the UDP outlines that the Council will promote high quality design in developments in order that they reflect the character and distinctiveness of the area. As stated above, it is considered that within its immediate context, the proposal would not harm the character or appearance of the surrounding site or landscape and as such, would comply with Policies P2 of the Adopted Core Strategy and Policy BE/2 of the UDP.

Ecology

The site sits within the South Pennine Moors Site of Special Scientific SSSI. It sits atop an existing area of hardstanding and has not been attached to the ground. The café is open 8am to 2pm Tuesday to Friday, and 10am to 4pm on Saturdays and Sundays, closing on Monday. As such, it would not be considered to have any adverse ecological impacts on the surrounding area and as such would comply with Policy G7 of the Adopted Core Strategy, and NE/2 of the UDP.

Supporting Rochdale's Economy

Policies SO1 and E2 support Rochdale's Economy with an overarching aim to seek to support development which will enhance business and provide further opportunities.

Policy E5 states that within the South Pennine Moors, the Council will seek to enhance the Pennine Way and will promote and support development that can enhance the visitor attraction of the area and improve recreational routes across the area, with an overarching support of proposals that improve the visitor economy and resist those that could adversely affect it; this proposal serves highway users, and users of the Pennine Way, enhancing the visitor economy of the surrounding area.

Policy E6 goes on to state that the Council will support the recreational and tourist value of the Pennine Way and where development creates stronger physical and economic linkages between urban and rural areas by supporting agriculture, the processing and marketing of local produce and access for tourism and recreation. The granting of permission for the proposal would allow for the continued use of the business on the site, which is an important part of the local rural economy, providing reasonably priced food and drink and shelter to walkers on the nearby Pennine Way, local farmers, truckers, and travellers on the M62. In the current economic climate, it is considered that this should represent a significant material consideration into the approval of the application.

Access to the Countryside

Policy RE/5 of the UDP states that development proposals that protect, improve and extend access to the countryside on foot, cycle or horseback will be permitted.

Policy RE/7 goes on to state that where opportunities and resources permit, the Council will support and other facilities along the routes.

As outlined above, the café is well used by walkers using the Pennine Way, and would be considered to contribute to the vitality and continued use of the Recreational Right of Way.

Waste and Drainage

All of the required water is brought on site at the start of the day and removed daily via water butts under the sink. As such, no drainage or connection to sewerage is required. The site sits within Flood Zone 1.

Other Matters

Prior to the siting of the container on the site, the applicant would arrive on site and have to pick up rubbish, including human waste as there were no toilet facilities; additionally, the site was previously used by fly tippers. Following the installation of the Café, CCTV and a portaloo which is left open for resting truckers to use overnight, the littering has stopped.

Conclusion

As such, in line with the reasons set out above, it is considered that the proposal complies with all relevant policies and has significant positive impacts on the local rural economy and recreational routes, and should be approved without delay.

Yours sincerely,

A handwritten signature in cursive script, reading 'Owen Hoare'.

Owen Hoare MRTPI