

Thursday, 30 March 2023

Green Belt – Very Special Circumstances Statement

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

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

Introduction

This very special circumstances statement 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 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 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 143 states that "Inappropriate development is by definition, harmful to the Green Belt 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 resulting from the proposal, is clearly outweighed by other considerations".

Where potential green belt harm is "clearly outweighed by other considerations" this can justify inappropriate development in the Green Belt (Para 144 NPPF) and represent "very special circumstances". There is no definite list for what will constitute very special circumstances, and this will turn on the facts and circumstances of the individual application.

Purposes of the Green Belt

Although it is acknowledged that, as a result of introducing new built development within a Green Belt location there will be an impact on the openness of the Green Belt, the proposal will not conflict with the ability of the Green Belt within the site and surrounding area to fulfil its purposes.

The ability of the site to continue to fulfil these purposes is considered below:

To check the unrestricted sprawl of large built-up areas:

The proposal is for a shipping container café atop an existing area of hardstanding and would not introduce sprawl into the open countryside.

To prevent neighbouring towns from merging into one another:

The location of the site ensures that there would be no threat of the proposal encouraging the merging of any neighbouring towns;

To assist in safeguarding the countryside from encroachment:

The character of the site is clearly distinct from the open countryside and does not currently play a beneficial role in safeguarding the countryside from encroachment, given the surrounding pattern of development.

To preserve the setting and special character of historic towns:

The site does not contribute to the setting or special character of historic towns; and

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land:

The proposal would sit atop existing hardstanding and the offering is directly targeted towards users of the Pennine Way. The café can only exist in this location to be able to serve users of the Pennine Way, and as such, it is not considered that it would direct development away from larger more urban areas.

As such, the site does not perform any of the Green Belt opportunities identified in the NPPF.

Very Special Circumstances

Case law says that a number of factors, none of them “very special” when considered in isolation, may when combined together amount to very special circumstances and goes on to say that “there is no reason why a number of factors ordinary in themselves cannot combine to create something very special. The weight to be given to any particular factor will be very much a matter of degree and planning judgement and something for the decision-taker.

In this instance, it is considered that there are a number of key benefits to the proposal, which when combined, would combine to represent very special circumstances.

These factors are:

- The positive impact on Rochdale’s Economy as a Rural Business
- Improvement of Access to the Countryside and the Facilities of the Pennine Way
- Improvement of the Amenity of the Locality
- Requirement of a Green Belt Location

As a rural business, the café has a positive impact on 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.

Additionally, the proposal improves access to the countryside and the facilities of the Pennine Way.

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 facilities along the Pennine Way.

The proposal has improved the amenity of the locality and provides services for truckers who park on the site overnight.

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.

Finally, given the offering of the café, which largely caters to users of the Pennine Way, it is not considered that the service could realistically be offered in another location and a Green Belt location directly on the Pennine Way is required.

Conclusion:

The factors above would be considered to combine to create Very Special Circumstances which would clearly outweigh any potential harm to the Green Belt by reasonableness. As such, the principle of the proposed development in green belt terms is fully acceptable and the development would not conflict with the ability of the Green Belt within the site and surrounding area to fulfil its stated purposes Green Belt.