

APPLICATION NUMBER: 22/01575/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01575/FUL	Tom Hiles	27 February 2023

Address: Land By Ripponden Road Delph Littleborough OL3 5UN

Proposal: Change of use and siting of shipping container for use as café (Use Class E) and portable toilet (retrospective)

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	Y
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	Refuse
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CHECKED AND SIGNED OFF BY: LA

DATE: 26.08.25

SITE

The application site is a large lay-by / informal car park on the north side of Ripponden Road, on Bleakedgate Moor, an isolated and elevated moorland location to the south-east of

Littleborough. The site is located around 500 metres to the south of the M62, and is located near to the Windy Hill Transmitter, which is positioned a short distance to the north-west. Aside from the transmitter there are no other structures or buildings in the vicinity of the car park. The Pennine Way long-distance trail runs north-south across the layby and extends into the countryside in both directions.

The site is within the Green Belt and within the South Pennine Moors Special Area of Conservation and Site of Special Scientific Interest, the South Pennine Moors Phase 2 Special Protection Area, and the South Pennine Moors (North) Site of Biological Importance. It is also within an area of ecological and geological/geomorphological importance as designated in the former Rochdale UDP 2006. The site is within the Open Moorlands and Enclosed Upland Fringes (West/South Pennines) landscape character area.

PROPOSAL

The application seeks retrospective planning permission for the change of use of a portion of the site to operate a café, housed within a 12m long shipping container which has been installed on the layby. The unit is coloured dark green with 'CAFÉ' in large white lettering on two sides.

The café comprises customer seating and a food preparation and serving area. The container unit is externally unaltered save for the addition of a door. A portable toilet has also been installed at the rear of the building.

The application is supported by a Planning and Green Belt statement submitted with which argues that the installation of the container would not in itself require planning permission, as it does not amount to development, and therefore that permission is only required for the change of use of the land. Nonetheless, the description of proposed development within the application refers to the installation of the container (as well as a portable toilet), and well as the change of use of the land, and the application is considered on this basis.

As the development is considered to be inappropriate development within the Green Belt, a very special circumstances statement was submitted during determination.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) December 2023

National Planning Practice Guidance (NPPG)

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

- JP-P1 Sustainable Places
- JP-G1 Landscape Character
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-G5 Uplands
- JP-G9 The Green Belt

Adopted Rochdale Core Strategy (CS):

SO3	To improve design, image and quality of place
SP3/P	The Strategy for Pennines
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
P3	Improving design of new development
G5	Managing protected open land
G6	Enhancing green infrastructure
G7	Increasing the value of biodiversity and geodiversity
T1	Delivering sustainable transport

Unitary Development Plan (UDP):

G/D/2	Green Belt
NE/2	Designated Sites of Ecological and Geological/Geomorphological Importance
RE/6	Recreational Rights of Way

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Natural England

The application could have potential significant effects on South Pennines Moors Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest. A Habitats Regulation Assessment is required. Under the Habitats Regulations, the council should have regard for any potential impacts that the development may have on the European sites.

Greater Manchester Ecology Unit

Whilst the site falls within the South Pennine Moors (North) SBI, it is a car park and we have no comments to make regarding ecology.

Highways

We may support a time limited planning permission so that we can review access and parking arrangements after a certain period.

Lead Local Flood Authority/Drainage

No comments

Oldham Borough Council (neighbouring authority)

No comments received

REPRESENTATIONS

A notice was posted in the vicinity of the site on 19.01.2023. 523 comments were received in support of the application. Four objections were received.

In summary, the supporting comments noted the following issues:

Walkers / Countryside

- ☐ Perfect position for the service provided. This is an ideal location on a break point on the Pennine Way.
- ☐ Please keep this valuable Pennine Way resource.
- ☐ Essential service for the 150,000 people who walk the Pennine Way each year
- ☐ Encourages responsible use of the countryside.
- ☐ To have a permanent place with better opening hours would be a godsend.
- ☐ Valuable to walkers on Pennine Way, limited other facilities in this remote area. More likely that someone will run into trouble not having enough food or water.
- ☐ As both the White House pub and the A635 snack van have limited opening this café presently provides the only reliable refreshments for hikers between Edale and Hebden Bridge, it's a total lifesaver.
- ☐ The Council should make provision for leisure users of the Pennine Way by permitting this facility to become a permanent feature. Safety and hiker utility would be well served by such a decision.
- ☐ It is a place of refuge in bad weather or emergencies, so provides a vital service to outdoor enthusiasts. This is an exposed and challenging spot for hikers who are often isolated and a long way from services, leaving them in potentially dangerous situations particularly in bad weather.
- ☐ If this facility is lost then hundreds of people including truck drivers, car drivers, travelling salesmen, walkers, runners, cyclists and dog walkers will lose out on excellent and very tasty food and beverages
- ☐ The owner has been in the same place for a number of years and always goes the extra mile to cater for every dietary requirement. Without it the Pennine Way would be seriously disadvantaged.
- ☐ The café is an integral part of enjoying the Pennine Way and a highlight to everyone who hikes the trail
- ☐ The café is an oasis for walkers and lorry drivers and improving will improve the countryside experience for many people locally and nationally
- ☐ Can be a potential life saver
- ☐ Warm and dry safe haven supporting walkers, the local community and occasional visitors
- ☐ Facility encourages the use of the area
- ☐ Being able to order and eat under cover is a bonus. Area is devoid of suitable café facilities. Refreshment stops between Crowden and Hebden Bridge are very thin on the ground.
- ☐ Important to the users of the Pennine Way, is a focal point to walkers and runners to socialise
- ☐ Literally a life saver in bad weather
- ☐ The café is materially part of the Pennine Way
- ☐ Without this facility I would not be able to walk and enjoy the area
- ☐ Safe stop for tired walkers and runners
- ☐ The only services on the first 50 miles of the Pennine Way, which is generally 2+ days hiking
- ☐ Provides respite from harsh conditions

Spine Race / Safety

- ☐ Serves as a feeding station for the famous Spine Race – run twice a year during which hundreds of runners pass this point. It's Britain's most brutal foot race.
- ☐ The indoor facilities include waste disposal which discourages littering, which an outdoor mobile vending unit often fails to address
- ☐ The Council doesn't clear up litter here
- ☐ Its presence hopefully makes this location less attractive to fly tippers
- ☐ Useful when there are events on – endurance race competitors
- ☐ The café has been a huge help when taking part in the Spine Race. It has a huge positive impact on the location and the Pennine Way

- ☐ The café being open virtually all night in atrocious weather on the January Spine Race saved several potential trips to hospital among racers who were soaked through and on the verge of hypothermia
- ☐ Helps Mountain Rescue
- ☐ If it saves just one Mountain Rescue call out it's well justified
- ☐ As a member of the local Mountain Rescue Team I know that it provides a vital community facility and much needed refreshment stop

Business and Economy

- ☐ Small businesses should be supported in current financial crisis
- ☐ Encourages people to visit the area, good for local economy
- ☐ An entrepreneurial, creative, community based initiative that should be championed and encouraged.
- ☐ This is exactly the type of business that the Council should be supporting and promoting
- ☐ The Council should support this application from a vital, much loved and independently run café
- ☐ Approving this application would boost the tourist experience and industry in the area
- ☐ It must be a sensible decision for the Local Authority to allow this socially useful business to continue to operate

Appearance and Landscape

- ☐ The site of the café is already overlooked by a large transmitter with outbuildings, so the café would not look out of place here.
- ☐ Appears to have little impact on the area.
- ☐ It doesn't look out of place with the TV mast and the M62 and reservoirs. It is specifically located in an already much used parking area. The container is no more out of place than the wagons that park there day and night.
- ☐ The change to a shipping container improves the offering and is less imposing than a mobile unit
- ☐ Not intrusive in the context of trucks and other vehicles

Public Amenity / Safety / Cleanliness

- ☐ The use of the layby as a drug dealing and usage area has virtually ceased since the café opened
- ☐ The site is much more hygienic as those who park overnight now have a toilet facility.
- ☐ A toilet facility is especially useful for female walkers
- ☐ There are no immediate neighbours who could be negatively impacted.
- ☐ Business keeps the site clear of litter. Having a toilet available greatly reduces human waste which would otherwise accrue.
- ☐ The café overlooks an area of public open space which increases natural surveillance and deters anti-social behaviour.
- ☐ Limits flytipping. The layby has been a flytipping eyesore for years.
- ☐ 'The toilet means people are less like to do their business on the trail'.

General and Miscellaneous

- ☐ A huge improvement over previous outdoor seating
- ☐ Losing this would be a massive step backwards
- ☐ It's a great place and should be made permanent
- ☐ The change of use does not contravene any local planning policy.
- ☐ Has become a landmark for travellers, providing a stop-gap between service stations in a very bleak spot. Excellent location and used by people travelling by car.
- ☐ A godsend when commuting on the M62
- ☐ I've used the service many times when travelling on the M62

- ❑ Removing the food bar would be a huge mistake, unjust and a spiteful, ridiculous decision.

Four objections were received, summarised as follows:

- ❑ The site is in the Green Belt and other proposals in the Green Belt have been refused
- ❑ This unauthorised development has not been addressed
- ❑ Has no plumbed water or waste, cannot be called a café
- ❑ Rubbish in layby is awful
- ❑ The truck stop is illegal

ANALYSIS

Scope of application

The supporting statement submitted with the application argues that the shipping container does not meet the definition of a building and on this basis asserts that the placement of the container on the site should be considered a use of the land rather than operational development.

If this line of reasoning is accepted, then the test of appropriateness in the Green Belt would be as set out in paragraph 155: the development would be a material change in the use of land, which would be acceptable provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The use of the land, in isolation from the installation of the container unit, would arguably have no greater impact on the visual element of openness. However, the use of the land would have a greater impact on the *spatial* element of openness, arising from the increased activity at the site resulting from the creation of a café, which is considered would cause more people to stop at the site, and for longer.

As noted in the applicant's supporting statement notes, whether a particular object or structure should be considered to be a building (and therefore operational development falling under the control of the planning system) depends on factors including the size, degree of permanence and physical attachment. The supporting statement notes that the container unit would not be hooked up to any utility services (gas, electricity, water or foul water disposal). This is accepted and these factors are considered to be relevant to the consideration of permanence. However, in terms of its permanence, it can reasonably be assumed that the container unit would be placed on the site on a permanent basis. Irrespective of the likely arrangements which would be involved in removing the structure (as detailed in the statement), it can reasonably be assumed (bearing in mind the likely cost of the fitted-out container unit and the importance of it to the applicant's business) that it would remain on the site for a period of several years. Whilst the likely period of installation is on the lower end of a scale of permanence for a building, it is still considered that this extent of permanence, together with the size of the container unit, would mean that the installed container unit should be considered as a building, for planning purposes. It is therefore considered that the situation comprises both a change of use of the land and operational development, both of which must be considered in assessing the application.

Principle of Development – Green Belt

The application site falls within the Green Belt. Places for Everyone policy JP-G9 notes that the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. Saved UDP policy G/D/2 notes that the Green Belt will be protected from inappropriate development in order to satisfy the purposes and objectives for Green Belt.

Paragraph 154 notes that the construction of new buildings will generally be considered inappropriate in the Green Belt, with certain exceptions, such as buildings for agriculture, appropriate facilities for outdoor sport and recreation, and limited infilling within villages, and redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt. Paragraph 155 notes that certain other forms of development, such as mineral extraction and the re-use of existing buildings, are not inappropriate provided they preserve the openness of the Green Belt and don't conflict with its purposes. These exceptions are listed in full within the NPPF.

Per paragraph 154 b), whilst the café development is understood to be valuable to walkers, runners and other leisure users of the countryside surrounding the site (including the long-distance Pennine Way route), the café does not in itself comprise an appropriate facility for outdoor recreation or sport.

Per paragraph 154 g), the proposal may be considered as the redevelopment of previously developed land (as the proposal is on land already in use as a car park), but would plainly have a greater impact upon the openness of the Green Belt than the existing situation.

Per paragraph 155 e), a material change of use of land can be appropriate in principle provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However, the change of use in this case would result in harm to the spatial element of openness, and the operational development intrinsically associated with the change of use would result in harm to the visual element of openness, resulting from the installation of a permanent structure on what was previously open land.

It is considered that the proposal plainly does not comprise any of the other forms of development listed in paragraphs 154 and 155. As such, it is considered that the proposed development comprises inappropriate development in the Green Belt.

Design and Landscape

The Council's approach to design of new developments is set out in Core Strategy policies DM1 and P3. PpE policy JP-P1 explains how new development be distinctive, visually stimulating and socially inclusive, and should achieve other design objectives.

The site is located within a Landscape Character Area (Open Moorlands and Enclosed Upland Fringes (West/South Pennines). PpE policy JP-G1 notes that development in such an area should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location.

PpE policy JP-G5 notes that in this particular landscape character area, any new development will be sought to integrate into the landscape by utilising existing tree/woodland cover and dips in the landform, and adopting the gritstone vernacular where possible.

Core Strategy policy P2 notes that the Council will protect and enhance the qualities of the borough's landscapes by requiring new development to integrate successfully with the key natural features of the borough.

Comprising essentially a green-painted container unit with simple vinyl lettering and informal signage, the proposed structure appears as an alien element in the generally undeveloped and remote upland location, and which detracts from the wider setting.

The installation is situated on a rough-surfaced car park/layby. At any one time multiple cars, vans, trucks and larger lorries are variously parked in the layby. The location is also characterised in part by various prominent road signs in the immediate vicinity of the layby. The site is also visually dominated within some views by the nearby Windy Hill Transmitter, a prominent structure which is utilitarian in appearance. Further to the east, the road is lit by street lights leading to its junction with the M62, which generally forms part of the broader setting of the site.

These elements do form part of the context of the application site, and which arguably detract from the otherwise rural, undeveloped appearance of this area of Saddleworth Moor. This specific localised context does somewhat mitigate the severity of the visual impact of the development, but it is still considered that the visual effect of the proposal is negative. As such, it is considered that the development would fail to support the objectives of the above policies for design and landscape protection.

For the purposes of the Green Belt assessment above, it is considered that the proposal results in limited to moderate harm to the character and appearance of the local area.

Ecology

Section 15 of the NPPF sets out requirements relating to the conservation and enhancement of the natural environment. This includes a requirement, set out in Paragraph 180, for development to minimise impacts on and provide net gains for biodiversity. Core Strategy Policies G6 and G7 set out the Council's expectations in relation to green infrastructure, ecology and biodiversity. PfE policy JP-G8 sets out similar expectations including for improving habitats

The site lies within an SAC, an SSSI and an SBI. When a development has the potential to affect a European site such as an SAC, the Council is required undertake an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of the European site. Natural England have advised that the proposal could have potential significant effects on the SAC, and have confirmed that the proposal should be subject of an HRA. NE have reiterated their comments with regards the site's location within the non-European site SSSI.

The applicant was invited to submit a shadow Habitats Regulation Assessment during determination of the application, as required by the Council's published validation requirements for planning applications for development that has the potential to affect a European site. A shadow HRA was not submitted by the applicant.

As such it has not been possible to undertake the Habitats Regulation Assessment. Accordingly, it is recommended that permission should be refused on the basis of the application not being supported by sufficient information for the Council to be able to assess the application in terms of the requirements of the Habitats Regulations.

GMEU's comments in terms of general ecology matters are noted.

Highway Safety

Policy DM1 *General development* sets out the Council's expectations for vehicle access in new developments. The concerns raised by the Highways officer are noted. It appears that the potential harm to highways safety could potentially be addressed satisfactorily by the granting of a temporary permission to allow for access and parking arrangements to be monitored. Given the physical nature of the development, it is considered that this would be a practical approach to assessing highways effects, and approval, subject to a condition to this effect, would not be considered harmful to highway safety.

Amenity

Due to the isolated position of the proposal, the nature of its use and its modest scale, it would not result in any harm to residential amenity. The proposal is therefore considered to comply with the amenity requirements of policy DM1.

Whether very special circumstances apply

Paragraph 152 notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 goes on to note that:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

In order to determine whether the proposed development is acceptable in Green Belt terms and therefore in basic principle, it is therefore necessary to establish whether there are other considerations which might outweigh the harm to Green Belt and any other harm resulting from the proposal.

Paragraph 152 automatically ascribes substantial harm to inappropriate development, irrespective of the existence or extent of harm to openness, in the spatial or visual aspects.

In the case of the proposed development, it is considered that the proposal would also result in limited harm to both the visual and spatial elements of openness.

In visual terms, whilst the development is in a generally undeveloped, open setting (with the exception of the transmitter tower to the north-west and the motorway further to the north) it is small in size and therefore results in a limited impact on the visual element of openness. In the event of approval, the overall impact upon openness could potentially be further moderated by imposing a temporary permission, which would be considered appropriate given the nature of the structure. However, even this would still result in some loss of visual openness.

In terms of the spatial aspect of openness, whilst the installation appears likely to encourage additional comings and goings to the locale (both walkers and other leisure users, and motorists), it is known that a mobile catering van operated from the site previously, and it is uncertain how much additional activity the current proposal would cause above the previous situation. As such, it is considered that it cannot be robustly concluded that the proposal has (or would if retained) result in any more than a limited impact on the spatial element of openness.

Paragraph 153 requires an assessment in Green Belt terms to take account of any other harm that the development may cause. It is therefore necessary to assess the proposal in terms of all other material planning considerations to establish whether it would result in any other harm which should be taken into account in this weighting exercise. As noted earlier in this report, it is considered that the proposal would result in a harmful effect to the appearance of the local area as well as the landscape character. This adds further weight against the proposal.

It now follows to consider whether there are considerations which might outweigh the harm identified and therefore whether very special circumstances exist.

Applicant's proposed Very Special Circumstances

A VSCs case has been provided on behalf of the applicant. In summary, the VSCs case argues the following matters:

- The container would be seen within the context of the Windy Hill transmitter and outbuildings, the hardstanding and large vehicles which park in the car park, and is painted green to blend in. As such it would not appear visually prominent and would not have a significant impact on the openness of the Green Belt.
- The proposal would not conflict with the ability of the Green Belt to fulfil the five purposes of including land within it

The VSCs case goes on to note the following matter as very special circumstances:

- *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*

The case elaborates on these matters with reference to relevant local planning policy, including economic aspects of policies SO1, E2, E5 and E6, and UDP policies RE/5 and RE/7. Policy RE/5 was replaced in part by CS policy G6. Policy RE/7 was saved but does not appear to be directly relevant to the proposal as it relates to the development of specified outdoor recreation areas. Policy RE/6 was also saved and is considered to be relevant.

In relation to the Pennines township borough, the Core Strategy notes that:

"Its key rural attractions – such as Hollingworth Lake, Watergrove Reservoir, the Pennine Way and Pennine Bridleway, the Rochdale canal and historic Littleborough – offer great potential for encouraging increased tourism..."

Strategic Objective SO1 notes that to deliver a more prosperous economy, the Council will focus on *"developing the rural and visitor economies particularly in the northern Pennine fringe"*

Policy P3/P *The Strategy for Pennines* notes that the priorities for the Pennines include enhancing the South Pennine gateway and promote tourism, including by improving access to existing and potential recreational areas, routes and facilities.

Policy E5 *Encouraging the visitor economy* notes that the Council will focus on promoting tourism opportunities including enhancing the Pennine Way and Pennine Bridleway corridor, and other footpath connections for a variety of sustainable recreational uses.

It is considered that the proposal would support the broad objectives of policies P3/P and E5.

Policy E6 *Supporting and diversifying the rural economy* notes that the Council will strengthen and diversify the rural economy, and where possible increase rural employment, by supporting proposals in particular which achieve objectives including

"Improve the recreational and tourist value of the Rochdale Canal, Hollingworth Lake, the Roch Valley corridor, Pennine Way and Pennine Bridleway and other strategic tourist and recreational routes and sites"

E6 goes on to note that the Council will support development outside the urban area where it is in accordance with national Green Belt and local protected land policy and it:

“a. Would be of a high quality design that protects and enhances landscape and townscape quality and character, biodiversity and any specific cultural or historic attributes of the site or its surroundings;

b. Creates stronger physical and economic linkages between urban and rural areas by supporting agriculture, the processing and marketing of local produce, access for tourism and recreation, woodland and landscape enhancement, and environmental infrastructure and services;”

Whilst policy E6 supports development of the rural economy in general principle, this is subject to compliance with Green Belt policy and to achieving high quality design. The proposal would not satisfy these requirements of E6 and would therefore not be fully supported by the policy.

Saved UDP policy RE/6 notes that the Council will support the development of improvement of strategic recreational rights of way including specific routes such as the Pennine Way, through means including supporting and implementing schemes such as waymarking, picnic, interpretation and other facilities along the routes. Whilst the proposal may be considered as a facility which would comprise an improvement to the Pennine Way, the policy goes on to note that account will be taken of considerations including preservation of the countryside and of areas of nature conservation. As noted elsewhere in this report, owing to its appearance it is not considered that the proposal would preserve the countryside, and as such it is not considered that the proposal would be fully compliant with saved policy RE/6, and therefore that limited weight can be attributed to this consideration.

CS policy G6 notes that in enhancing green infrastructure, the Council’s priorities include improving opportunities for recreation in the countryside and for healthy lifestyles, and goes on to note that in the South Pennine uplands the focus will be on the protection and enhancement of natural beauty, cultural and ecological value, encouraging sustainable tourism, and improvements along key rural routes including the Pennine Way. The proposal may be considered to contribute towards the objectives of policy G6, however the contribution is limited as it is not considered that proposal would protect or enhance the natural beauty of the surrounding area.

In summary, it is considered that the proposal would support the objectives of policies P3/P and E5, and therefore that the visitor economy benefits of the proposal are material to the assessment.

Other considerations

In addition to the argument set out in the applicant’s VSCs case, it is noted that public comments have set out the following matters which are considered to be relevant:

- The café is beneficial to and highly valued by users of the Pennine Way, in particular to competitors in the twice-yearly Spine Race
- The café offers refuge to these leisure users in bad weather
- That the location is isolated and that there are limited or no other facilities nearby on the Pennine Way
- That the café encourages and facilitates access to the countryside

It is considered that the circumstances presented by the applicant (and as reiterated by public comments) are material to the assessment of the application.

It is noted that there are limited other locations where a similar facility could practically be provided which would be as beneficial to users of the Pennine Way, outside the Green Belt. It is considered that positive weight should be attributed to this limitation.

It is noted that a number of the benefits of the proposal (in particular, the provision of refreshments to users of the Pennine Way and the economic benefits) could also be achieved to a certain extent by the operation of a mobile unit, such as that previously operated by the applicant, without the need for a permanent development on the site. It is considered that this limits the positive weight which should be attributed to these matters.

Other benefits apparently associated with the operation of the café (including curbing littering, antisocial behaviour and fly-tipping) are primarily matters of criminal or environmental law rather than planning, and can therefore be attributed very limited weight in an assessment of planning considerations.

It is also noted that a number of public comments note the usefulness of the café to road travellers, including those travelling on the M62. Very limited weight is attributed to this consideration.

For the above reasons, it is considered that the main relevant considerations are that, in addition to providing refreshments, the development also provides shelter and toilet facilities to many users of the Pennine Way, and that the existence of a permanent café facility is likely to encourage greater use of the Pennine Way and access to the countryside.

It is considered that the benefits, taken together and moderated by the above considerations, can be attributed substantial weight.

VSCs weighting

The proposed development results in:

- ② Harm through inappropriateness, attributed substantial weight
- ② Harm to openness of the Green Belt, also attributed substantial weight
- ② Harm to the character and appearance of the local area, which is attributed limited to moderate weight

Cumulatively, the harm resulting from the proposal must be attributed, at the very least, substantial weight. This must be clearly outweighed by other considerations in order for very special circumstances to exist, to allow for the proposal to be acceptable in basic principle. As set out above, the benefits of the scheme can be attributed substantial weight. However, this is not sufficient to clearly outweigh the harm.

As such, it cannot be concluded that very special circumstances exist, and therefore approval of the application would be contrary to NPPF paragraph 152.

The proposal is therefore unacceptable in principle and would fail to comply with saved UDP policy G/D/2, policy JP-G9 of the Places for Everyone joint development plan and paragraphs 152-155 of the NPPF.

CONCLUSIONS

The proposed development, comprising a change in the use of the land and the installation of a container unit adapted to serve as a café, would comprise inappropriate development in the Green Belt. The proposal would result in substantial harm to the Green Belt arising from inappropriateness and through a loss of the visual and spatial openness. The proposal would also represent poor design and result in harm to the character of the local area and the designated upland landscape.

Whilst the proposal is recognised to provide public benefits in terms of the value of the facility to leisure and sports users of the Pennine Trail, and whilst these are supported by policies for economic and tourism development, these considerations do not outweigh the substantial harm identified to the Green Belt. As such, very special circumstances do not exist which would justify approval of the inappropriate development. Approval would therefore be contrary to local and national policy for development in the Green Belt, and the proposal is therefore unacceptable in principle.

In the absence of the required Habitats Regulations Assessment, the applicant has failed to demonstrate that the development will not significantly harm the designated features of the South Pennine Moors SAC, a European site.

The proposal would not give rise to any concerns in terms of residential amenity or (subject to a time limiting condition in the event of approval) highways safety. However, these are neutral considerations in the planning balance and do not outweigh the above considerations.

The application is accordingly recommended for refusal.

RECOMMENDATION

Refuse for the following reasons:

1. The proposed development would comprise inappropriate development in the Green Belt which is harmful by definition, and would additionally lead to a loss of openness of the Green Belt. No very special circumstances exist to clearly outweigh the harm by reason of inappropriateness and the additional harm due to loss of openness, and the harm identified to the character and appearance of the surrounding area. The proposal is therefore contrary to saved policy G/D/2 of the Rochdale Unitary Development Plan 2006, policy JP-G9 of the Places for Everyone joint development plan and paragraphs 152 and 153 of the National Planning Policy Framework.
2. By virtue of its form and external appearance, the proposal fails to respond to the physical context and character of the local area, and is therefore not well-designed and would fail to contribute positively towards local identity and distinctiveness, and would fail to reflect and respond to the special qualities and sensitivities of the Open Moorlands and Enclosed Upland Fringes (West/South Pennines) Landscape Character Area. The proposal would therefore be contrary to policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, policies JP-P1, JP-G1 and JP-G5 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework
3. Insufficient information (in the form of a shadow Habitats Regulation Assessment) has been submitted to demonstrate that the development would not have potential significant effects on the South Pennine Moors Special Area of Conservation. As such, it has not been possible to determine whether the proposal would be acceptable in terms of the Habitats Regulations and approval would therefore be contrary to policy G7 of the adopted Rochdale Core Strategy, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.