

Application No: 13/4608N

Location: Forestry Tracks Peckforton Woods, Tarporley, Cheshire

Proposal: This retrospective application covers the proposed change of use of woodland tracks from forestry use to include use by 4x4 off-road experience in Peckforton Woods, Peckforton, Tarporley, Cheshire Hill Lane due south to the quarry.

Applicant: Mr Chris Naylor, Majorstage Ltd

Expiry Date: 27-Dec-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Site history;
- Principle of development;
- Ecology;
- Landscape;
- Amenity; and
- Trees.

**REFERRAL**

This application was to be dealt with under the Council's delegation scheme. However, Councillor Davies has requested that it be referred to Committee for the following reason:-

*'Desecration of historical woodland and area of outstanding beauty'*

**SITE DESCRIPTION AND DETAILS OF PROPOSAL**

This is a retrospective application for change of use of woodland tracks from forestry use to include use by 4x4 off-road experience in Peckforton Woods, Peckforton, Tarporley, Cheshire Hill Lane due south to the quarry.

**PREVIOUS RELEVANT DECISIONS**

No previous site history

**PLANNING POLICIES**

**National Policy**

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

**Cheshire East Local Plan Strategy – Submission Version**

SD2 Sustainable Development Principles

SE1 Design

PG5 Open Countryside

SC1 Leisure and Recreation

SC2 Outdoor Sports Facilities

The policies from the **Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP)** are:

BE.1 (Amenity)

BE.2 (Design Standards)

NE.2 (Open Countryside)

RT.1 (Recreation and Tourism)

RT.6 (Recreational Uses in the Open Countryside)

RT.9 (Footpaths and Bridleways)

RT.16 (Noise Generating Sports)

NE.2 (Open Countryside)

NE.3 (Areas of Special County Value)

NE.5 (Nature Conservation and Habitats)

NE.7 (Sites of National Importance for Nature Conservation)

NE.9 (Protected Species)

**OBSERVATIONS OF CONSULTEES**

**PROW:** No objections subject to standard condition

**Natural England:** No objection

**Landscape:** No objections

**Forestry:** No objections

**VIEWS OF THE PARISH / TOWN COUNCIL:**

No comments received

**OTHER REPRESENTATIONS:**

No representations received

**APPLICANT'S SUPPORTING INFORMATION:**

## Design and Access Statement

### OFFICER APPRAISAL

#### Site History

According to the applicants Design and Access Statement commercial recreational four-wheel drive vehicle (4x4) driving is an activity that has been undertaken from Peckforton Castle since 2006. Between 2006 and 2012, the service was operated from Peckforton Castle by Land Rover directly. During that period, the 4x4 vehicles travelled along existing forestry tracks in the Peckforton Estate woodland to access the former quarry (the subject of a separate planning application) in order to drive over basic obstacles.

In 2012 Land Rover sold the franchise to the owners of Peckforton Castle (Majorstage Ltd) who continued to operate the business from its administrative base in the Grainstore tower in Peckforton Castle. Currently, upon leaving the castle, the 4x4 vehicles continue to travel along various existing forestry tracks in the Peckforton Estate to reach the former quarry. No physical development has occurred along these tracks as they are used as a means of access to the quarry only.

In March 2013 Cheshire East planning authority inspected the facility and advised that the development that had taken place required retrospective planning permission for the change of use of the quarry to commercial activity (ie the recreational 4x4 driving) that does not relate to quarrying or forestry. Subsequent conversations regarding the existing surrounding forestry tracks themselves established that they also required a change of use application as the LPA considered they were being used for uses and activities other than forestry (ie the recreational 4x4 driving). It is on this basis that the application has been submitted.

#### Principle of development

The site is located within the Open Countryside. Policy NE.2 (Open Countryside) allows for appropriate uses to rural areas whilst NE.13 (Rural Diversification) allows for schemes which assist in rural diversification. The NPPF aims to promote the development and diversification of rural businesses. In particular, paragraph 28 states *'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'*. Furthermore, Paragraph 73 of the NPPF states that *'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities'*. According to Policy RT.6 (Recreational Uses in the Open Countryside) states that development should not harm the character and appearance of the open countryside. Overall, it is considered that principle of the proposal is broadly in accord with the policies stipulated in the Local Plan and the NPPF. Consequently, the main issues within the proposal are whether the development results in significant harm to the character and appearance of the Open Countryside, ASCV, protected sites and species, amenity of neighbouring residents, and highway safety.

#### Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and

- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The Councils ecologist has been consulted and stipulates that ‘This retrospective development is located within and adjacent to the Peckforton Woods Site of Biological importance (SBI) the Peckforton Hill and Bulkeley Hill SBI and Peckforton Woods Site of Special Scientific Interest (SSSI).

The proposed development takes place on the existing forestry access tracks and does not appear to have resulted in any significant loss of habitat or had a significant impact upon either the SBI or the SSSI. The Councils ecologist has raised no other concerns and as such it is considered that the proposal is in accordance with policies NE.5 (Nature Conservation and Habitats), NE.7 (Sites of National Importance for Nature Conservation) and NE.9 (Protected Species).

## **Landscape**

As previously stated this is a retrospective application which is located wholly within the open countryside and needs to be assessed against policy NE.2 which seeks to restrict new development within the open countryside. Policy NE.3 stipulates additional protection is required in Areas of Special County Value and any development will therefore need to be of a high standard consistent with the quality of the area, and wherever possible enhance this further.

The dramatic landform of the sandstone ridge with its woodland cover is widely visible from the surrounding Cheshire Plain and is a local landmark. Panoramic views can be obtained from the ridge line and popular trails and footpaths in the area provide extensive recreational amenity. The wooded ridge is an important feature of this ASCV that should be protected. The

woodland, understood to be owned by Peckforton Estates, comprises a mixture of coniferous and deciduous trees.

Some sections of the forestry tracks cross public rights of way and others can be viewed at a distance from public rights of way. Part of the route utilises a section of Hill Lane which is both a public footpath and a permissive bridleway. Vehicles using these tracks will be visible and audible. Distant views will be clearer in the winter months when the deciduous vegetation is not in leaf. The vehicles currently employed are white and readily identified.

Whilst the forestry tracks could legitimately be used for forestry operations at any time, in practice within a managed woodland, the timing of forestry operations will be limited to key periods such as planting, extraction and ongoing management. The proposals subject of this application indicate a use of up to 10 trips per day throughout the year with a maximum speed of 10mph. The current operation appears to be strictly controlled and operated and whilst there are some associated visual impacts and impacts on the peace and tranquillity of the area, at present these are judged to be limited.

It should be noted that any future forestry operations resulting in tree clearance could increase visibility of the operations, at least until replacement planting established. Further, without appropriate control there is the potential for the management of the 4x4 operation to change, the number of vehicles and intensity of use to be increased, and the type of use expanded, say to allow private vehicles to use the site. It is anticipated that intensification of use could be perceived as harmful to the ASCV and the recreational enjoyment of the ASCV by users of public rights of way in the area and consequently this will be controlled by conditions.

### **Amenity**

It is noted that there are a number of residential properties located around the track at very sporadic intervals. It is considered given the relative low key nature of the proposal the impact on residential amenity will be minimal and as such the proposal is in accord with policy BE.1 (Amenity).

### **Trees**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. The Councils Landscape Officer has been consulted and advises that given the 4x4 vehicles are utilising existing forestry access tracks and the soils are free draining in nature. Any impact upon trees within the woodland in terms of compaction and physical damage is considered negligible. Overall, it is considered that the proposal complies with policy NE.5 (Nature Conservation and Habitats).

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The development would be beneficial to the rural economy and would not be harmful to the character and appearance of the surrounding open countryside or the ASCV. In addition, the proposal will not have a detrimental impact on residential amenity, highway safety or any

protected species. The proposal therefore complies with NE.2 (Open Countryside), NE.3 (Areas of Special County Value), NE.9 (Protected Species), NE.7 (Sites of National Importance for Nature Conservation), RT.6 (Recreational Uses in the Open Countryside), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

**Approve subject to conditions:**

- 1. Plan References**
- 2. Limit the number of trips per day to 10**
- 3. Personal to the applicant**
- 4. Restrict hours of use**  
**Monday to Friday 0830 to 1800**  
**Saturday 0830 to 1800**  
**Sunday/Bank holidays 1000 to 1700**
- 5. Only Road Legal Vehicles to Use the Track**

**In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

