



**Steven Abbott Associates LLP**  
Chartered Town Planners

## **Supporting Statement**

Rimington Leisure Park Ltd

Variation of condition 13 attached to planning permission  
3/2019/1011

Rimington Caravan Park, Hardacre Lane, Rimington

December 2020



## Report Details

**Contact:**



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**Ref:** 3347

**Date:** December 2020

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**RTPI**

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## 1. Introduction

- 1.1. This statement has been prepared by Steven Abbott Associates LLP on behalf of Rimington Leisure Park Ltd, to support an application to variation a condition attached to planning permission 3/2019/1011. The condition in question limits the amount of time in any calendar year that any person or group can occupy the caravans approved under the planning permission.
- 1.2. The remainder of this statement is structured as follows:
  - Section 2 – background relating to the applicant and application site;
  - Section 3 – details of the issues with the current condition;
  - Section 4 – justification for the proposed variation of the condition; and
  - Section 5 – summary and conclusions.

## 2. Background

- 2.1. The application site is a long-established holiday park located in the Ribble Valley, approximately 1 mile south of Gisburn and 2 miles east of Rimington.
- 2.2. The site was acquired by Holgates<sup>1</sup> in 2019. Holgates is a family owned and operated business which has been running holiday parks for over 60 years. Their first park was established in Silverdale, Lancashire in 1956. Including the application site, they currently operate 8 holiday parks in Lancashire and Cumbria. All of the sites they operate are run purely as holiday parks and they do not have permanent residents.
- 2.3. At the time the applicant acquired the application site, there were a number of caravans being occupied as permanent residences, but this permanent occupation has now ceased and all pitches on the site are in holiday use.
- 2.4. Prior to the recent planning approval, the site benefited from consent for a total of 200 caravans, with a maximum of 55 touring pitches. The site has been subject to numerous planning approvals over the years. Most notable in connection with the current application area three applications from 2010 which varied the occupancy conditions for various parts of the site, this understood to have been done so that the restrictions were consistent across the site (Application references 3/2010/1025, 1026 and 1027 – the plan attached at **Appendix 1** shows the parts of the sites to which these applications related).
- 2.5. All three consents included the same occupancy restriction, with the only difference being the number of pitches. The condition reads as follows:

*“Notwithstanding the submitted details, the terms of occupancy of the 12 static caravan pitches on the red edged approved plan shall be as follows:*

- (i) The caravans shall be occupied for holiday purposes only.*
- (ii) The caravans shall not be occupied as a persons sole or main place of residence.*
- (iii) The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site,*

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<sup>1</sup> <https://www.holgates.co.uk/ribble-valley>

*and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority."*

- 2.6. There is no restriction on the amount time that people can stay in those caravans, the only restrictions are that they must only be used for holiday purposes and cannot be a persons sole or main residence – these conditions are considered to be reasonable.
- 2.7. Planning permission was granted in 2014 for an extension to the holiday park (Application reference 3/2013/0059 – marked on the plan at **Appendix 1**). That permission is subject to the following condition restricting the occupation of the caravans:

*The mobile homes/lodges hereby permitted shall not be occupied as permanent dwellings and shall be used for holiday purposes only.*

- 2.8. As with the 2010 consents for the wider site, this condition simply limits the use of the caravans to holiday use only, again this condition is considered to be reasonable.
- 2.9. In summary, with the exception of the caravans granted by the most recent planning permission, all of the caravans and pitches on the site are restricted to holiday occupation, but there is no specific time limit for the occupation of individual persons or groups.

### 3. Issues with condition

3.1. The condition which this application seeks to vary is worded as follows:

*"Each caravan hereby approved shall not be let to or occupied by any one person or group of persons for a combined total period exceeding 3 months in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence.*

*"The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain the name and address of the owner and the main guest who made the booking together with dates of occupation."*

3.2. The reason given for the condition is:

*"The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy."*

3.3. The applicant accepts the need for a condition which restricts the use of the caravans to holiday use and prevents use as sole or permanent residence. However, the 3-month restriction in the above condition is considered to be unreasonable and unnecessary.

3.4. As such the condition, in its present form, does not meet the tests set out in paragraph 55 of the National Planning Policy Framework.

#### 4. Justification for the variation of condition

- 4.1. It is proposed that the condition be varied to remove the reference to a 3-month period for occupation. This would be replaced with a restriction to holiday use only. The proposed condition would be consistent with the occupancy restrictions on the other pitches on the wider site and also other sites in the area.
- 4.2. As stated previously, it is not considered necessary or reasonable to restrict the occupation of the caravans to 3-months in any calendar year by any person or group. A condition which limits the occupation of the caravans to holiday purposes, would robustly secure the use of the caravans. Such conditions have been applied by Inspector's in recent appeal decisions.
- 4.3. In an appeal, lodged in relation to one of the applicant's other sites, then known as Leeds Children's Holiday Camp<sup>2</sup>, the Inspector applied the following condition:
- 4.4. A copy of the appeal decision is attached as **Appendix 2**.
- 4.5. A further appeal relating to a site known as Acton Caravan Site<sup>3</sup>, the Inspector imposed the following occupancy condition:

*"The caravans shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole or principal residences by any occupant."*

*"The lodge, camping pods, cabins and tree house subject to this permission shall be occupied for holiday purposes only, and no unit shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times."*

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<sup>2</sup> APP/M0933/W/17/3183971

<sup>3</sup> APP/P2935/W/19/3239953

- 4.6. Whilst the form of development differed from the current site, the principle of the condition is considered to be relevant. A copy of the appeal decision is attached as **Appendix 3**.
- 4.7. Another recent appeal decision relating to Stretton Lodge<sup>4</sup>, which included the use of land as a caravan site, the Inspector attached the following condition:
- “The development hereby permitted shall not be used other than for the provision of holiday accommodation. No caravans shall be occupied as permanent dwellings.”*
- 4.8. A copy of this appeal decision is included at **Appendix 4**.
- 4.9. Based on the above appeal decisions, it is clear that the approach of Planning Inspectors is to apply conditions which limit the use of caravans to holiday use, rather than applying any form of time limit to control the use.
- 4.10. Similar conditions have also been used on other schemes within the borough. An approval at Bridge Hey Wood Caravan Park, Read<sup>5</sup> included a condition similar to those referred to above, as did an approval relating to Beacon Fell View Caravan Park, Longridge<sup>6</sup>. Whilst it is accepted that all applications must be determined on their individual merits, it has been accepted in the Courts that there is a need for consistency in decision making.
- 4.11. in addition to the current condition being unnecessary to secure the caravans for holiday use, it is puts the applicant at a disadvantage commercially when compared with other caravan parks in the locality, which in itself is unreasonable.
- 4.12. The condition which applies to the majority of the wider site, with the expectation of the caravans approved in 2013, is considered to meet the tests for conditions would be appropriate in the current case.

*“The terms of occupancy of the caravan pitches approved shall be as follows:*

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<sup>4</sup> APP/A2470/W/20/3254410

<sup>5</sup> 3/2017/0761

<sup>6</sup> 3/2018/0588

- (i) *The caravans shall be occupied for holiday purposes only.*
- (ii) *The caravans shall not be occupied as a persons sole or main place of residence.*
- (iii) *The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority."*

4.13. This condition appears to have been based on the model condition included in the Good Practice Guide on Planning for Tourism<sup>7</sup>, which, although being withdrawn in 2014, still provides a good starting point for many issues relating to tourism development.

4.14. The above condition would prevent the occupation of the caravans as a persons sole or main residence and limit the use to holiday purposes, in line with the reason for the LPA applying the original condition restricting the occupation.

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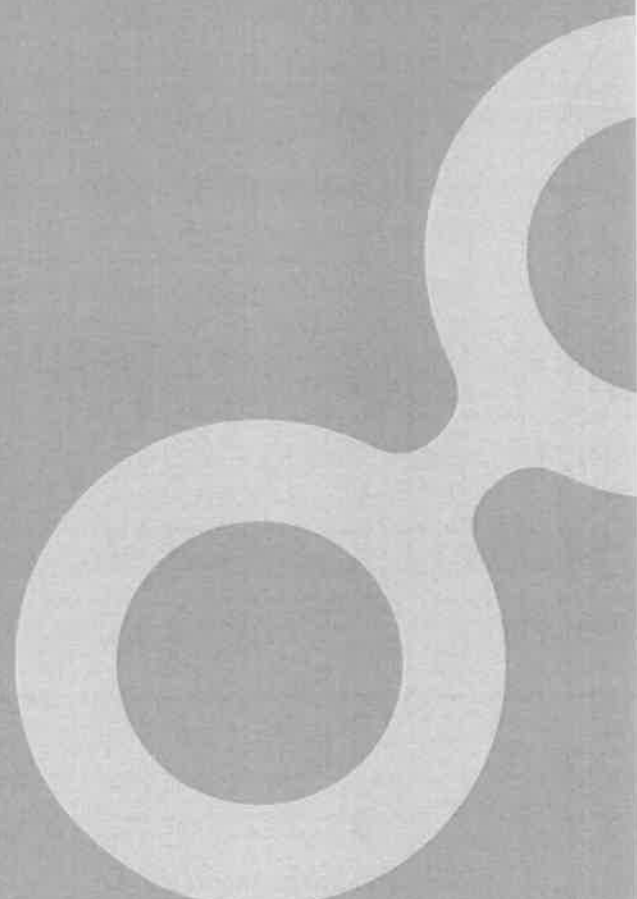
<sup>7</sup> <https://www.gov.uk/government/publications/planning-for-tourism>

## 5. Summary & Conclusions

- 5.1. In summary, as currently drafted the condition is neither reasonable nor necessary. Limiting the amount of time that caravans can be occupied by any individuals or groups, is not necessary to secure the use for holiday purposes.
- 5.2. The need for a condition which limits the use of the caravans to holiday purposes, as suggested in section 4 of this statement, is considered to meet all the tests for conditions set out in the National Planning Policy Framework.

# Appendix 1

Plan showing planning consents





Burnley Rd

Burnley Rd

Hardacre Ln

Cross Hill Ln

3/2019/1011

3/2013/0059

3/2010/1027

3/2019/1011

3/2010/1026

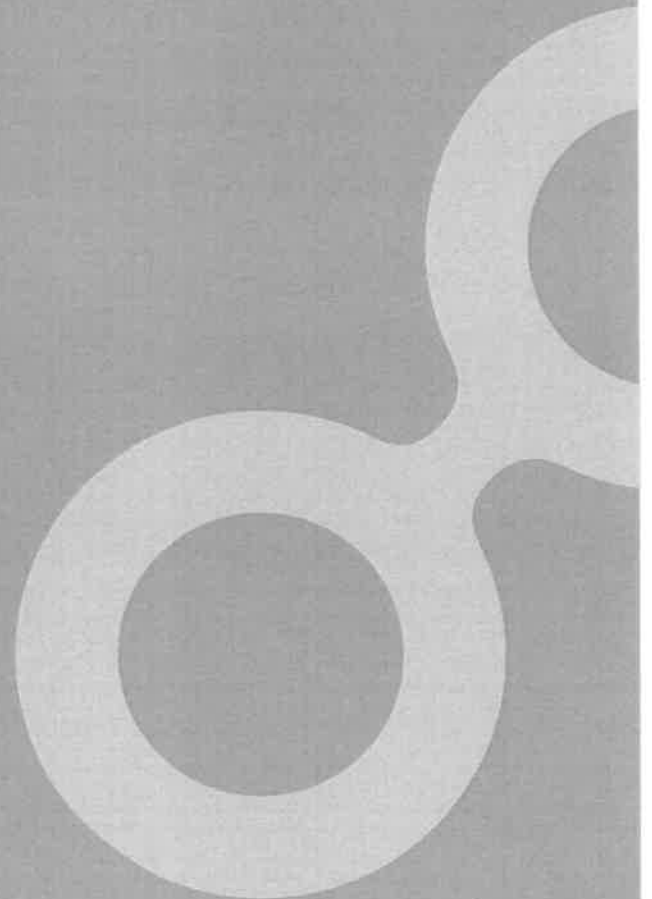
3/2010/1025

Rimington Ln

Not to scale - illustrative purposes only

# Appendix 2

Appeal Decision APP/M0933/W/17/3183971





## Appeal Decision

Site visit made on 21 February 2018

by **D R Cullingford BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for the Ministry of Housing, Communities and Local Government

Decision date: 17 April 2018

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**Appeal Ref: APP/M0933/W/17/3183971**

**Leeds Childrens' Holiday Camp, Far Arnside, Silverdale, Cumbria, LA5 0SJ**

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is by Mr Michael Holgate on behalf of Holgates Caravan Parks Limited against the decision of the South Lakeland District Council.
  - The application (ref: SL/2016/1044 and dated 7 November 2016) was refused by notice dated 4 May 2017.
  - The development is described as the 'demolition of camp buildings and replacement with 25 static caravan pitches and manager's house and site reception'.
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### Decision

1. I allow this appeal and grant planning permission for the demolition of the holiday camp buildings and their replacement with 25 static caravan pitches and a manager's house and site reception at Leeds Childrens' Holiday Camp, Far Arnside, Silverdale, Cumbria, in accordance with the terms of the application (ref: SL/2016/1044) dated 7 November 2016, subject to the conditions listed in the attached schedule.

### Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proposal would result in a cumulative impact of caravan development that would, due to its layout, density and appearance, significantly harm the landscape character of the Arnside and Silverdale Area of Outstanding Natural Beauty, contrary to 'saved' policy T5 of the Local Plan (2006) and emerging policy AS11 in the submission version of the AONB DPD (2018).

### Reasons

*The buildings and the site*

3. The buildings that once formed the Leeds Childrens' Holiday Camp are now empty, the charity having sold the site to support their operations closer to home. The flat-roofed, white-rendered, one or two story concrete structures sprawl across the cliff top at the edge of the Morecambe Bay SSSI, SAC, SPA and Ramsar site. Built in the 1930s, they are adorned with oddly incoherent elements of an 'art deco' and 'modernist' style. But, *en masse*, they appear from Cove Road as a conglomeration of utilitarian structures, starkly evident across the featureless swathe of mown grass through the intermittent roadside hedgerow and chain-link fencing. As the Conservation Officer points out, although these buildings illustrate a particular type of charitable philanthropy, they are of insufficient architectural quality or interest to warrant inclusion on the 'local list'. I agree.
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4. The site extends across some 2.5ha. Much of it is mown grass, which originally provided space for games and other outdoor activities as well as for formal play equipment. But there are also areas of woodland and scrub. Woodland lies mainly in the eastern part of the site and separates the complex from the grounds of the Silverdale Cricket Club. An area of some 0.8ha, consisting mainly of oak and some hawthorn, stands beside the roadside: an area of mixed woodland, extending to about 0.3ha, descends over the cliffs towards the shore. There are some wind-blown hawthorns to the west of the main building and some self-seeded trees towards the roadside at the western end of the site. Gardens and old allotments are evident beside the buildings and a newly planted intermittent hedgerow runs along the roadside behind a chain-link fence. Apart from the main complex, which housed dormitories, a kitchen, a communal dining and living area, several outbuildings accommodated maintenance equipment, a swimming pool and a greenhouse. A large surfaced area beyond the buildings provided parking and turning facilities.
5. A private driveway provides a gated access from Cove Road, the main route between Arnside and Silverdale. The access is almost opposite the appellant's main holiday caravan complex at Far Arnside, which includes a bar, café, restaurant, swimming pool, children's entertainment area and bowling alley, all used not just by caravan occupants but also by the local community; the intention is that occupants of the currently proposed caravan lodges would make use of those facilities too. The site is adjacent to the village of Silverdale, identified in the Lancaster City Core Strategy as a place with sufficient facilities to accommodate a percentage of housing and employment development to meet local needs. Arnside is a local service centre in the Core Strategy for South Lakeland. The site lies within the Arnside and Silverdale Area of Outstanding Natural Beauty.

*The proposal*

6. The proposal is to demolish the existing buildings and replace them with 25 static caravans. There would also be a simple dwelling to be occupied by a manager who would provide for the operation and security of the site; it would replace the staff flat within the existing building. The layout now shown on the 'context plan' (HOL040 – Rev1) indicates 3 rows of static caravans set back roughly 8m from the cliff-side edge of the area agreed as being occupied by the existing buildings and hard surfaces interspersed with individual trees and partially enclosed by new planting to the north, the west and the south east. The caravans, individual parking spaces and adjacent access ways would be confined to the area now covered by the existing buildings and associated hard standings.
7. Over the rest of the site the existing woodland areas would be retained and a new woodland area created at the site entrance. The Arboricultural Officer estimates that some 243 new trees would be planted and about 1,985 hedge plants introduced both within the main body of the site and along the roadside boundary. It is explained that the intention is to replace the existing incongruous structures with a much less intrusive form of development. The scheme would secure several improvements. The access would be altered with the boundary treatment re-aligned to provide visibility splays and the gated entrance set back to provide space for vehicles to wait clear of the carriageway while the gate is opened. The landscape would be enhanced and the future maintenance and reinforcement of the woodland achieved through the submitted Woodland Management Plan: a line for the mooted coastal footpath is shown through the site, allowing for a connection to the Lancashire Coastal Way just to the south east: the continuation of the stone wall from the boundary of the cricket field to the site entrance (replacing the chain-link fence) would enhance the roadside scene reflecting the characteristic stone walls on the opposite side of the road and

contributing to the distinctiveness of the countryside here: the ecology of the site would be improved, the proposed green corridors, woodland and other planting adding to the biodiversity of the site and the matrix of habitats to support a variety of wildlife: the permeable area of the site would be increased, so reducing run-off and flood risks: and, although there is an existing treatment system, a new package treatment plant with UV filters is proposed to secure a material improvement to the drainage facility at the site and to protect the nationally important nature conservation areas at Morecambe Bay.

8. The submitted Habitat Regulations Assessment concludes that the project would not have a significant effect on the conservation objectives of the SPA, SAC and RAMSAR site. There is no direct access to the shore, the steep cliff, woodland and scrub intervening to impede access and partially screen the site from the estuary. Hence, the integrity of the internationally important conservation site is considered as likely to be unaffected by the proposed works, the development being set back and isolated from the mudflats by the cliff. Indirect effects, perhaps due to lighting and noise, would already emanate from the existing use, but such effects could be ameliorated through the proposal by the imposition of conditions, particularly in relation to lighting. The drainage improvements proposed would further reduce the potential impact of the proposal over the existing use. I agree with this assessment and consider that the proposal would secure improvements for this internationally important conservation site.

*Landscape impact – the proposal and the existing use*

9. The Council argue that existing harm is caused by the vast array and proliferation of caravans within the AONB and, in particular, this part of Silverdale. Permission exists for some 1,684 caravan pitches in the AONB on 14 registered sites, 1,388 being static caravans; the appellant's Far Arnside and Silverdale sites are licensed for 500 static and 50 touring pitches. Seen in that context the quantitative cumulative impact of another 25 pitches for static caravans, although possibly 'the straw to break the camel's back', would appear quite modest. Of course, the partially open character, the coastal position and the available vistas of the appeal site would render such development potentially intrusive here, not least because, when seen, caravans would be evident on both sides of Cove Road spreading from the wooded slopes beneath Middlebarrow (the appellant's Silverdale site) across the swathes of flatter grassland above the seaside cliffs. Such development on a green-field site would clearly be intrusive and damaging. But, the appeal proposal is not on a green-field site. On the contrary, it accommodates a series of sprawling concrete structures, areas of hard surfacing and several ordinary outbuildings. The caravans would be confined to the area occupied by that 'previously developed land'. Moreover, the scheme would entail ecological, landscape, drainage, footpath and scenic enhancements, as indicated above. The potential cumulative impact of the project must be assessed in that context.
10. The existing buildings are deemed to be in Use Class C2 - residential institutions. The structures could thus be adapted for any use falling within that 'use class' without planning permission; such uses could entail residential care homes, hospitals, nursing homes, boarding schools, residential colleges, training centres and the like, including perhaps, one or two less friendly uses. There are no other restrictions on the use of the buildings or the land. The buildings are substantial and could accommodate uses of a nature and scale capable of generating rather more traffic than 25 holiday caravans, in my view. Moreover, in the absence of specific restrictions or conditions, the re-use of the existing buildings as some form of 'residential institution' would not necessarily entail the ecological, landscape,

drainage, footpath and scenic enhancements that would be secured by the appeal scheme. The buildings would remain and the oddly incongruous, white-rendered and sprawling concrete structures would be evident from the public footpaths on Arnside Knott, positions on Cove Road and from other public footpaths towards the site as well as from the Morecambe Bay sands and Kents Bank in Grange. Being white, solid, extensive, partially unscreened and substantially taller than the proposed caravans, the buildings would remain particularly conspicuous and intrusive. In contrast, the proposed caravan lodges would be finished in muted colours, be interspersed with some planting, be confined to the existing brownfield site, be partially screened by substantial landscaping (particularly in relation to views from Cove Road and nearby footpaths) and be much smaller structures. By any objective measure the appeal proposal would be less conspicuous and less intrusive than retention of the existing buildings. It follows that the appeal scheme should also have a less damaging impact on this special landscape. So, why do the Council appear to hold a contrary view?

11. I read that members acknowledge that the site is on brownfield land and largely consistent with the Core Strategy principles of achieving 'sustainable development'. Hence they accept that the appeal scheme would not constitute 'major development' as outlined in the Framework (NPPF paragraph 116). I agree. However, in adhering to the requirements of 'saved' policy T5, I cannot find any explicit assessment of the harm due to the appeal scheme in comparison to the harm caused by the existing buildings. The fact that the appeal proposal would re-use 'previously developed land' seems to be acknowledged but not otherwise taken into account, save in the Planning Officer's careful report.
12. I agree that caravan development could be harmful, particularly so on this sensitive site within the AONB. And, of course, the scheme could entail not just the caravans themselves but also, domestic paraphernalia, decking, outbuildings, access arrangements, servicing and parking facilities, as well as communal support buildings. But, in this case many of those accoutrements already exist and there would be no need for further communal facilities because excellent provision is already 'sustainably' made just across the road on the appellant's Silverdale site. The layout would be confined to the area agreed as 'previously developed land', but it would not preclude tree planting amongst the caravans or landscaping around them. Nor would the scheme bring development closer to the cliff-top edge. On the contrary, the caravans would be set back from the edge of the 'brownfield' land there and, of course, be substantially smaller than the existing buildings. So, although the scheme would affect the character and tranquillity of the seascape and the immediate hinterland, and be seen with the existing caravan park from some vantage points, there is nothing to demonstrate that it would be as intrusive as anything involving the retention and possible re-use of the existing buildings. For the reasons indicated, I consider that the proposal would be substantially less conspicuous and less intrusive than the re-use of the existing buildings. The damage to this special landscape would thus reduce and the cumulative impact of this caravan development would thereby serve to enhance the landscape of the AONB.

*Landscape impact – policy*

13. 'Saved' policy T5 is now somewhat 'long in the tooth'. It is very restrictive, insisting that no new caravan development within the AONB can occur beyond the confines of existing screened sites and, even then, only if there is no adverse impact on the landscape and built environment, the capacity in the road network or wildlife, archaeological and geological features. The policy pre-dates the advice in the Framework, is not criteria led, does not address issues involving 'previously

developed land' nor does it have regard to rural businesses. In my reading, the emerging policy AS11 would be even more restrictive, preventing any new caravans even within the screening of existing sites in favour of allowing only tents, pods, shepherds' huts and yurts. Clearly, neither policy can accommodate the comparative assessment of relevance here. They both simply operate to ban caravan development beyond existing sites within the AONB regardless of their actual impact on the landscape, the ecology, the road network or anything else. Whether the continuation of such a stance would be 'sound' is not a matter for me; the issue is likely to be considered during the forthcoming examination of the AONB DPD. However, the vital purpose of 'saved' policy T5 is that 'the unique and sensitive landscape [of the AONB] is protected from inappropriate development'. In the context of this appeal that purpose must be set against the relative impact of the proposal in comparison to what already exists (as indicated above), other statutory policies that apply and the advice in the Framework.

14. As it happens, I think that the appeal scheme would not only meet the provisos set out in policy T5 (though not the policy itself), but also accord with several policies in the Core Strategy. In comparison to the existing buildings, it would enhance the landscape (criteria a)), for the reasons outlined above. Similarly, the scheme would accord with Core Strategy policy CS8.2 being on the edge of Silverdale, adding to distinctive rural features (like the roadside wall), enhancing the planting and the ecology of the site and being less intrusive than the existing buildings. No evidence is adduced to show that the proposal would seriously impinge on the capacity of the road network (criteria b)). As for the effects on wildlife, archaeology and geology, the scheme would accord with criteria c) of policy T5 and with the requirements of policy CS8.4 in the Core Strategy. The ecological survey demonstrates that, with the new planting and implementation of the Woodland Management Plan, the biodiversity of the site would be enhanced while the geology would be unaffected. Moreover, the filtration tests and the installation of a package treatment plant with UV filters would reduce any potential effects on the nationally important nature conservation sites nearby. The coastal and estuarine landscape would also be enhanced by the removal of the existing buildings and their replacement with smaller and less conspicuous caravans in a landscape setting amongst improved and maintained woodland, so fulfilling an aim of policy CS8.5.
15. The Framework aims to encourage the effective use of land by reusing land that has been previously developed (brownfield land - provided that it is not of high environmental value) and both planning policies and decisions are exhorted to achieve that aim. The proposal would make good use of such 'previously developed land'. Similarly, policies are expected to support sustainable rural tourism, so benefitting businesses in rural areas, communities and visitors, as long as such schemes respect the character of the countryside. In this case the scheme would allow for the modest expansion of the adjacent caravan park building on the success of a popular site and accommodating some growth in a local rural enterprise. The character of the countryside would be enhanced through planting maintenance and management, the replacement of chain-link fencing with a characteristic stone wall and the provision of new links in a long-distance footpath. In that way I consider that the proposal would recognise the intrinsic character and beauty of the countryside, responding to local character and local distinctiveness as the Framework extols while recognising the opportunity to make use of 'previously developed land' to accommodate modest growth in a local rural enterprise.

*The planning balance*

16. I have found that this scheme would be less conspicuous and less intrusive than the re-use of the existing buildings so that the cumulative impact of this caravan development would actually serve to enhance the landscape of the AONB. Hence, even though the proposal would be contrary to the terms of 'saved' policy T5, it would not only meet the provisos set out in that policy, but also accord with several policies in the Core Strategy as well as the advice advanced in the Framework. Perhaps, more importantly, the proposal would serve to further the overriding aim of policy T5 by helping to protect the unique and sensitive landscape of the AONB from inappropriate development. Taking all those matters into account, I consider that the planning balance in this case is firmly in favour of the scheme.

*Conditions*

17. Conditions are imposed to ensure that the scheme is undertaken and completed as intended. Some small drafting changes are made to those suggested by the Council for clarity. Particular provision is made to ensure that the caravans would be finished in muted colours, that occupancy of the caravans and the manager's dwelling would be restricted, that existing trees would be protected, that the landscaping and planting is carried out as proposed, that surface and foul drainage is appropriately secured and improved, that nearby residents are protected from noise during the construction period and that lighting of the site is controlled. The reasons for imposing these conditions are either explained above or are self-evident.

*Conclusion*

18. I have found that the planning balance in this case is firmly in favour of the scheme. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions set out in the attached schedule.

*David Cullingford*  
INSPECTOR

## Schedule of Conditions

### *Details, phasing and lighting*

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans.
  - 2016.002/Sk31 - LOCATION PLAN
  - 2016.002/Sk34 - EXISTING SITE PLAN
  - HOL040 Rev.1 - Context Plan (Aka Proposed Site Plan)
  - HOL050 Rev.2 - Proposed Elevations
  - 2016.002/Sk27D - Managers' Accommodation
  - HOL070 Rev.2 - Planting Plan
  - HOL082 Rev.2 - Construction Management Plan
  - HOL081 Rev.0 - Proposed Decking Detail
  - HOL080 Rev.0 - Proposed Waste Water Plan
  - HOL030 Rev.1 - Presentation Plan
- 3) The development shall be carried out in strict accordance with the phasing detailed on drawing number HOL082 Rev.1, hereby approved.
- 4) No more than 25 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time, as shown on drawing number HOL040 Rev.1 - Context Plan.
- 5) No caravan shall be stationed on the land other than within the area shown on drawing number HOL040 Rev.1 - Context Plan.
- 6) The caravans shall be sited in accordance with plan No. HOL040 Rev.1 - Context Plan. Any material change to the position of a mobile home, or its replacement by another mobile home in a different location shall only take place following an agreement in writing with the Local Planning Authority.
- 7) Prior to the siting of the caravans, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all external lighting within the site. The approved lighting scheme shall be implemented in full prior to first occupation of the development hereby approved.
- 8) Prior to the siting of the caravans, a scheme to ensure that the external surfaces shall be matt finishes and in an appropriately specified colour shall be submitted to, and approved in writing by, the Local Planning Authority.
- 9) Other than the decking hereby approved on drawing no. HOL081 Rev.0, no additional decking, storage sheds or aerials shall be permitted without the prior written consent from the Local Planning Authority.

### *Restrictions on use and permitted development*

- 10) The caravans shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole or principal residences by any occupant.
- 11) The occupation of the dwelling 'warden's house' as shown on drawing no. HOL040 Rev.1 shall be limited to a person solely employed in the business 'Holgate's Caravan Parks Ltd'.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the construction and siting of any buildings, structures, erections, motorhomes or touring caravans (whether temporary or otherwise) to be placed or parked on the site, other than those hereby approved.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on site, no extensions to the caravans and no extensions additional windows or dormers to the 'warden's house' shall be erected other than those expressly authorised by this permission without prior written consent of the Local Planning Authority.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the placing of any overhead electricity service lines on the site.

### *Drainage*

- 15) Prior to the commencement of development a working Method Statement to cover all construction site drainage and pollution prevention works as set out, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

- 16) The construction phase of the development shall not proceed until infiltration tests in accordance with BRE Digest 365 have been carried out and approved in writing by the Local Planning Authority. And, before any caravan is occupied or first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the surface water management and the disposal of sewage works have been provided on the site to serve the development. Those works shall include the installation of a package treatment plant with UV filters. The approved works shall be retained as such thereafter.

*Car parking*

- 17) The precise details for the parking layouts shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction commencing. The approved details shall be implemented prior to the occupation of any caravan, hereby permitted, and retained thereafter.

*Ecology*

- 18) Unless otherwise agreed in writing demolition shall occur outside the months March to September to take account of nesting or hibernating wildlife.

*Tree protection*

- 19) No site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with Clause 7 of British Standard BS5837 - Trees in relation to Construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be carried out as described and approved and shall be maintained until the development is completed.
- 20) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of commencement of the development hereby approved, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained tree is cut down, uprooted, destroyed or dies another tree shall be planted in a location to be agreed in writing with the Local Planning Authority within the next available planting season and that tree shall be of a size and species that is first agreed in writing with the Local Planning Authority.

*Landscape and maintenance*

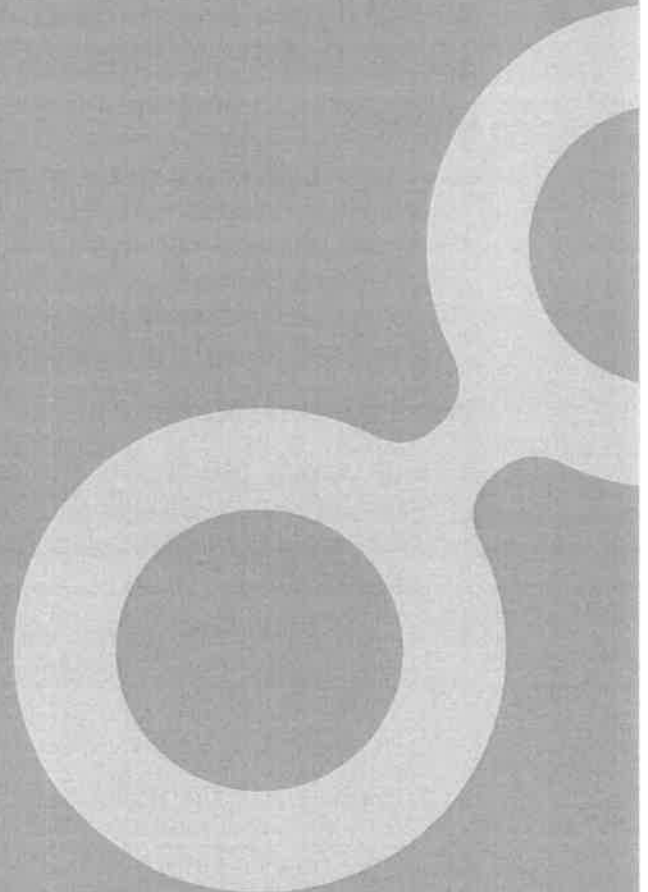
- 21) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The landscape management plan shall be carried out as approved.
- 22) Commencement of the works detailed in the Planting Plan (HOL070 Rev.1) shall be begun within the first available planting season from the date in which the development hereby approved is commenced and completed by end of the following March. Any trees or shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees or shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation. The planting shall be retained in accordance with the approved landscape management plan thereafter.

*Construction and noise*

- 23) Before the development is commenced, including demolition, a scheme to control noise and vibration from the demolition and construction phases of the development shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be in accordance with BS5228: Code of Practice for Noise and Vibration Control and Open Sites. Working practices shall be compliant with the approved scheme during the demolition and construction phases of the development.
- 24) Demolition or dismantling works shall not take place outside 09:00 hours to 18:00 hours Mondays to Fridays and at no time on Saturdays, Sundays, Bank or Public Holidays.
- 25) No work for the construction of these developments shall take place on the site, except between the hours:
- 08.00 - 18.00 Monday to Friday; and
  - 08.00 - 13.00 on Saturdays;
- unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

# Appendix 3

Appeal Decision APP/P2935/W/19/3239953





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## Appeal Decision

Site visit made on 28 January 2020

**by Alison Scott BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

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**Appeal Ref: APP/P2935/W/19/3239953**

**Acton Caravan Site, U3041 Old Felton Junction to Brainshaugh Priory Junction, Felton, Northumberland NE66 9NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mrs J Campbell against the decision of Northumberland County Council.
  - The application Ref 19/01026/VARYCO, dated 25 March 2019, was refused by notice dated 11 September 2019.
  - The application sought planning permission for Proposed camping pods, camping lodges and tree house along with amenities and services, without complying with condition 8 attached to planning permission Ref 18/03203/FUL, dated 26 February 2019.
  - The condition in dispute is No 8 which states "*Notwithstanding the details submitted, the development shall not commence until details of the proposed highway works (modification to the site access, provision of passing places on the U3041 together with signage and additional drainage) have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans*".
  - The reasons given for Condition 8 is "*In the interests of highway safety, in accordance with the National Planning Policy Framework*".
- 

### Decision

1. The appeal is allowed and planning permission is granted at Acton Caravan Park for, Proposed camping pods, camping lodges and tree house along with amenities and services, without complying with condition No 08 attached to planning permission Ref 18/03203/FUL, dated 26 February 2019 within the terms of application Ref 19/01026/VARYCO dated 25 March 2019, subject to the conditions in the attached schedule.

### Procedural Matters

2. For clarity, the appeal site has been renamed from Acton Caravan Site and is now known as Woodland Chase Luxury Glamping. However, for the purposes of this appeal, I refer to the name specified within the original planning application.
3. It was evident from my visit that works have commenced on site and the site was in operation. Therefore, the proposal is retrospective.

## **Main Issue**

4. The main issue is whether or not the removal of condition No 08 would have an unacceptable effect on highway safety.

## **Background and Reasons**

5. The appeal site is located in the small hamlet of Acton along a single track road, the U3041, where liveries, residential houses and the Grade II\* listed 18<sup>th</sup> Century Acton House are located. The appeal site is positioned on a bend, with the rental chalets set back from the road within a wooded environment. The appeal site has a lengthy history as a caravan park dating from 1965.
6. A more recent planning application 17/04565/FUL sought permission to erect camping pods, a tree house, lodge and touring van bases along with amenities and services at the site. Since this approval in 2018, a subsequent application 18/03203/FUL was approved in 2019 to remove the touring van pitches and 2 no. camping pitches, but permitted 5 no. camping pods, 2 no. cabins, 1 no. lodge and 1 no. tree house along with amenities and services. According to the Council's 22 August 2019 committee report, this permission has been implemented.
7. Condition No 08 was applied to the 18/03203/FUL planning permission setting out the requirement to provide details of highway works including details of the access into the site, passing places along the U3041, signage and additional drainage. This was deemed necessary in order to mitigate the impacts of the development. The matter in dispute therefore relates to condition No 08, and, depending on the outcome of this appeal, it may also be necessary for me to consider the wording of condition No 02 (i.e. approved plans) which refers to a plan showing highways works.
8. As part of my assessment, I am mindful of Paragraph 206 of the National Planning Policy Framework 2019 (the Framework) that states that planning conditions should only be imposed where they meet the very specific six tests of compliance. The Government's Planning Practice Guidance emphasise that clear and precise reasons must be given for the imposition of every condition.
9. It would appear that the alterations to the site access have been undertaken and this has been widened from the former access and includes a new radius, verge and visibility splay. The Council's Planning Committee report explains that the Highways advisor is of the view that the proposal would not have an adverse impact on the highway network when compared to the historic use of the site. Furthermore, the additional drainage to the highway would not be required as this was not the responsibility of the appellant, nor is signage required. Therefore, on this basis, the Council's highways advisor supports the removal of condition No 08 of application 18/03203/FUL.
10. I apply significant weight to the comments of the Highways adviser of the Highways Authority to the Council. Furthermore, from my own assessment, in terms of flooding on the road, a condition has previously been agreed with the appellant and the Council relating to surface water drainage within the site. This is considered sufficient to prevent flooding on the road and negates the need for this part of condition No 08.
11. In relation to road signage, I can find no reason to suggest that signage to identify this specific site is necessary especially as it has historically operated

as a caravan site and limited signage was required to advertise that use. I also support the view that no signage is required to be erected along the road.

12. As part of my assessment, I have given due regard to the concerns raised by local residents who comment that the proposals are only acceptable with the necessary highway safety mitigation applied under condition 8. Furthermore, I do not dispute that an accident has occurred along the road although there is no indication to suggest this was as a result of the appeal development. There is no objective evidence before me of any officially reported incidents of road traffic collisions arising from the development.
13. I conclude that the removal of condition No 08 of application 18/03203/FUL would not result in unacceptable harm being caused to matters of highway safety or any other planning matter. In this respect, the continuation of the development without compliance with condition No 08 and with a modified condition No 02 would ensure that the development does not conflict with the highway safety requirements of the Framework. For clarity, I shall remove reference to the access plans within Condition No 02 and will re-word Condition No 7 of the original decision to ensure the site access is retained thereafter.

### **Other Matters**

14. Despite the fact that the site is located within the countryside, I apply weight to their approval of application 17/04565/FUL. The subsequent application 18/03203/FUL is of limited change to this previous approval. On this basis, I am not in a position to disagree with the Council's view that the proposal is otherwise acceptable in planning terms.

### **Conditions**

15. It is clear that some works have commenced on site to implement application 18/03203/FUL although there is an absence of information regarding the discharge of a number of these conditions, and therefore, in accordance with the Framework and the PPG, conditions are re-attached and amended accordingly.
16. The Council suggest a time limit condition is imposed to implement the permission within 3 years of the date of approval. However, development has commenced and therefore this condition is surplus to requirements.
17. I have also considered all other conditions. Condition No 2 (development to accord with approved plans) has been re-applied as Condition No 1, omitting reference to the Access, Alterations & Passing Provision plan, and I have combined the former conditions of 3 and 4 into one condition (Condition No 3) as they have the same objectives.
18. Condition No 04 now relates to the implementation of the car parking area to which I have set an agreed timeframe to implement as this is a reasonable request given the site is operating.
19. Condition No 05 now secures the vehicular access in perpetuity and condition No 06 seeks implementation of cycle parking within an agreed time limit with the parties, from the grant of permission in order to create a sustainable form of development.

20. The wording of Condition No 07 (refuse storage) remains unaltered from before. Condition No 08 relates to ecological mitigation and has been previously discharged and is therefore re-imposed as a compliance condition. Condition No 09 now relates to surface water drainage and the wording has been amended to submit the details to the Council within a timeframe from date of approval. This is agreed with both parties.

**Conclusion**

21. For the reasons outlined above, I conclude that condition No 08 to application 18/03203/FUL should be deleted and that a number of other conditions, including condition No 02, should be modified. Consequently, the appeal is therefore allowed.

*Alison Scott*

INSPECTOR

### **Schedule of Conditions**

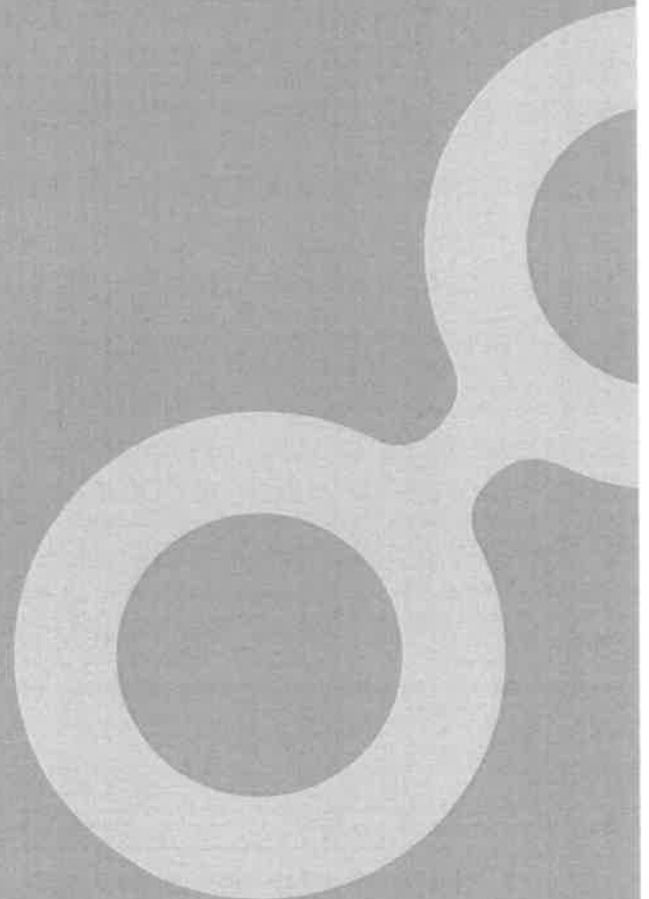
- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1. Location plan; Drawing ref: 71/17 Sheet 5  
2. Proposed site plan; Drawing ref: 71/17 Sheet 3 uploaded 18th October 2018  
3. Proposed glamping pod plans; Drawing ref: 71/17 Sheet 3 uploaded 6th September 2018  
4. Proposed treehouse plans; uploaded 12th September 2018  
5. Proposed Warden's lodge; Drawing ref: 71/17 Sheet 1  
6. Proposed log cabin; Drawing ref: 71/17 Sheet 1, 7. Proposed construction method; Drawing ref: 71/17 Sheet 4.
- 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans. The development shall be constructed in accordance with the approved details and retained thereafter.
- 3) The lodge, camping pods, cabins and tree house subject to this permission shall be occupied for holiday purposes only, and no unit shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times.
- 4) Unless within 10 weeks of the date of this decision the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans, the use of the site for camping pods, camping lodges and tree houses shall cease. The approved car parking area shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 5) The vehicular access shall be retained in accordance with the plan Drawing ref: 71/17 Sheet 6, for the lifetime of the development.
- 6) Unless within 10 weeks of the date of this decision the cycle parking shown on the approved plans has been implemented in accordance with the approved plans, the use of the site for camping pods, camping lodges and tree houses shall cease. The approved cycle parking area shall thereafter be retained and shall be kept available for the parking of cycles at all times. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 7) No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.
- 8) The information approved under 19/00908/DISCON relating to condition 11 of application 18/03203/FUL (ecological mitigation), shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.
- 9) Within 6 weeks of date of this decision, a scheme to dispose of surface water from the development shall be submitted and approved in writing by the LPA

to: i. Restrict discharge from the development to Qbar for all rainfall events up to and including the 1 in 100 year event, unless otherwise approved by the LLFA and the local planning authority. ii. Agreement to adhere to the principles as set out in the drainage layout plan uploaded to the planning portal on 21st Jan 2019. iii. Provide attenuation on site for the 1 in 100 year plus climate change event. iv. Provide details of vegetated sustainable drainage techniques throughout the development, with justification for alternatives by means of a viability assessment; v. Provide details of the adoption and maintenance of all surface water features on site. Thereafter the approved surface water drainage scheme shall be implemented in accordance with the approved details within 10 weeks of the date of approval, unless otherwise approved in writing by the LPA, and thereafter maintained in accordance with the approved details. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

**END OF SCHEDULE**

# Appendix 4

Appeal Decision APP/A2470/W/20/3254410





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## Appeal Decision

Site visit made on 24 August 2020

by **Zoe Raygen Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> September 2020

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**Appeal Ref: APP/A2470/W/20/3254410**

**Stretton Lodge, Clipsham Road, Stretton LE15 7QS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs R Needham against the decision of Rutland Council.
  - The application Ref 2019/1375/MAF, dated 6 December 2019, was refused by notice dated 2 April 2020.
  - The development proposed is use of land as touring caravan site and for angling purposes, creation of fishing lake, formation of roads and hardstanding and erection of amenity block.
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### Decision

1. The appeal is allowed and planning permission is granted for use of land as touring caravan site and for angling purposes, creation of fishing lake, formation of roads and hardstanding and erection of amenity block at Stretton Lodge, Clipsham Road, Stretton LE15 7QS in accordance with the terms of the application, Ref 2019/1375/MAF, dated 6 December 2019, dated 10 March 2020 subject to the conditions set out in the schedule below.

### Procedural matter

2. One of the Council's reasons for refusal relates to insufficient information having been submitted regarding the provision of an acceptable means of foul drainage. However, since that time the appellant has submitted sufficient detail to satisfy the Environment Agency on this matter and therefore the Council has confirmed it will not be defending that reason for refusal. From the evidence before me I see no reasons to disagree with the Environment Agency and the Council.
3. The Council's reason for refusal No 1 on its decision notice refers to the provision of four holiday chalets and consequent conflict with Policy SP25 of the Rutland Local Plan Site Allocations and Policies Development Plan Document 2014 (the Local Plan) which concerns the provision of lodges, log cabins, chalets and similar forms of self-serviced holiday accommodation.
4. Its subsequent Statement of Case confirms that the reference to chalets and policy SP25 is a typographical error and that the reason for refusal should refer to future users of the caravan pitches and conflict with Policy SP24 regarding caravan and camping sites.

5. I appreciate that a decision once issued cannot be altered or changed and the appellant refers me to an appeal decision to this effect<sup>1</sup>. However, that was in relation to an appeal against an enforcement notice and not similar to the circumstances before me now. In this instance, the Council's application report clearly makes reference to the provision of caravan pitches and the application of Policy SP24 both within the evaluation section, and that regarding policies that apply to the planning proposal. While the erroneous description occurs in the conclusion, I am satisfied from reading the report as a whole that the Council considered the correct proposal against relevant policy. I have therefore, taken the wording in the decision notice to be a typographical error.

### **Main Issue**

6. The main issues are:
- whether or not the appeal site is an appropriate location for the development having regard to local and national policy; and
  - the effect of the proposal on the best and most versatile agricultural land.

### **Reasons**

7. The appeal site being located within the countryside would be subject to certain caveats contained within the locational strategy for new development, including tourism, contained within the development plan.
8. Policy CS4 of the Rutland Local Development Framework Core Strategy Development Plan Document 2011 (the Core Strategy) states that development in Rutland will be directed towards the most sustainable locations in accordance with the settlement hierarchy of Oakham, Uppingham, Local Service Centres, Smaller Service Centres and Restraint Villages. The rest of Rutland, including settlements not identified in settlement categories will be designated as countryside. It goes on to state that development in the countryside will be strictly limited to that which has an essential need to be located there and will be restricted to particular types of development to support the rural economy and meet affordable housing needs.
9. Policy SP7 of the Local Plan concerns non-residential development in the countryside, where the appeal site is located, and lists a series of development types that would be supported. These include sustainable development where it is essential for the provision of recreation and visitors facilities for which the countryside is the only appropriate location; new employment growth comprising small scale, sustainable rural tourism, leisure or rural enterprise that supports the local economy and communities; all subject to a number of criteria including whether the development is in an accessible location, its impact on the character and appearance of the area and provided it cannot be reasonably accommodated within the Planned Limits of Development of towns and villages.
10. Stretton Lodge comprises a large working farm in the countryside which has diversified and has received planning permission for the creation of a number of fishing lakes, and according to the appellant the siting of eight holiday

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<sup>1</sup> APP/M2270/C/04/2000086/2000087

lodges<sup>2</sup>, although only seven have been constructed on the site. In addition, there is a 5 pitch CL (Certified Location) caravan site.

11. Policy CS15 of the CS outlines the Council's strategy for tourism which is to allow provision for visitors which is appropriate in use and character to Rutland's settlements and countryside and support existing and new tourism provision in Oakham, Uppingham and villages while allowing new tourism development of an appropriate scale and use which utilises existing historic buildings in the countryside (adjacent or closely related to the towns, local services centres and smaller services centres) while respecting their character.
12. Specific to caravans and camping, Policy SP24 of the Local Plan states that they will only be acceptable outside of certain areas subject to four criteria. The concern of the Council relates to one of those criteria in that it considers that the site is not located with convenient access to supporting facilities.
13. The Council considers that insufficient evidence has been submitted that the development meets local business or community needs or that it would be essential for the pitches and fishing lakes to be located at the site. However, the appellant reports that there are long waiting lists for the holiday lodges, and a buoyant demand for the fishing lake and caravan pitches with high occupation levels, particularly during the summer months. Annually around 2500 day-tickets for fishing have been issued. In submitting this appeal, the appellant is seeking to extend the range and quality of accommodation at the site. As well as representing a significant leisure pursuit, existing anglers are constantly seeking new fishing challenges and experiences. Different stocking regimes and conditions offer a variety of angling challenges sought by anglers. The provision of the additional fishing lake at the site would serve to add considerably to the diversity of the angling offer.
14. Given the existing success of the wider site, I have no reason to believe that its expansion would not enjoy similar success, and for the business to expand and support the rural economy, it is essential that it does so at the appeal site adjacent to the existing business and lakes. Furthermore, I note that the Parish Council is fully supportive of the proposal which it considers will support jobs and opportunities in the local area.
15. Additionally, the appeal site and the existing use cover a large area of land. There is nothing before me to suggest that such provision would be easily provided, especially fishing lakes, within the confines of the Planned Limits of Development of the towns and villages. In that respect, it is likely that the countryside is the only appropriate location.
16. As part of the proposal an amenity block would be provided which would be an improvement for users of the caravan site and be a good supporting facility. However, the appeal site is some distance from a shop with day to day facilities which may be required when on holiday. I saw that the villages of Stretton and Clipsham where there are only limited facilities and services would be accessible by well signposted off- road paths. I envisage that the paths would provide a pleasant walk to the village pubs on a pleasant summer's day. However, this may not be such a suitable solution in inclement weather or during the winter. Furthermore, there are no dedicated cycle paths or routes, or convenient bus routes near the site. It's likely therefore that occupiers of the

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<sup>2</sup> Page 10 appellant's statement of case.

proposed caravans would be dependent on the car to access facilities. In addition, the very nature of the proposal means that the number of cars visiting the appeal proposal would increase as they are needed to transport the caravans there.

17. However, at my site visit I noted that the site was quite busy and there were a number of caravans, with anglers at most of the lakes. This reflects the evidence provided by the appellant that a large proportion of visitors use the fishing lakes at some point during their stay. It seems to me that the very nature of the proposal to provide more caravan pitches, at an already popular venue, with an increased angling offer, while not preventing additional car journeys in totality, would serve to minimise them within the surrounding area.
18. Moreover, the proposal is limited to an additional twenty caravan pitches. If the majority of visitors are attracted to the site for the fishing facilities, then there would be very few additional journeys over and above those already associated with the wider site.
19. I am also mindful that paragraph 84 of the National Planning Policy Framework supports sustainable rural tourism and leisure developments and recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It goes on to state that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
20. I saw at my site visit that the proposed caravans and lake would be positioned in such a manner to ensure that they would have a very limited impact on the appearance of the landscape. New planting would facilitate further mitigation. As part of the proposal, improvements would be made to the access road where it joins Clipsham Road as requested by the Highway Authority. I saw that visibility from the access is good and therefore there would be no unacceptable impact on local roads. Opportunities have been taken, through the use of signposting and maintenance, to make the local footpaths to local facilities more attractive to visitors.
21. Whilst the accessibility of the appeal site is less than ideal in this countryside location, given that visitors tend to visit to take advantage of the fishing facilities, that the proposal expands an existing use and that opportunities have been taken to make the location more sustainable, it is not so poor that it has to be regarded as obviously unsustainable. I therefore find no fundamental conflict with Policy CS1c of the CS and paragraphs 102 and 103 of the Framework in respect of its countryside location which require that development be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport.
22. As an expansion of an already successful business, this proposal would support the rural economy and be appropriate in use and character to the countryside in accordance with the Council's tourism strategy. Due to its specific nature and, as an expansion of an existing business, it needs to be located in the countryside and I have seen nothing to suggest that due to the size and nature of the facility it could easily be accommodated within the Planned Limits of Development of towns and villages. Therefore, I see no conflict with the

locational strategy for development, including tourism in the countryside contained within policies CS4 and CS15 of the Core Strategy and Policies SP7 and SP24 of the Local Plan.

*Best and most versatile agricultural land (BMV)*

23. The Framework identifies the best and most versatile agricultural land as land in Grades 1, 2 and 3a of the Agricultural Land Classification. The appeal site is located on Grade 3 agricultural land, which is at the lower end of the best and most versatile scale. The Framework makes little distinction between the grades within the overall BMV classification, other than at Footnote 53 where it states that "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to those of higher quality".
24. I appreciate that there is no definition of significant, in this context, within the Framework. The appeal site forms about 3.5 ha and I saw at my site visit that it is currently being cropped. However, given the amount of land classified as Grade 3 and above within the district as a whole, then the harm caused by the loss of only 3.5 ha, which would not be a significant amount in that context, would be limited.
25. While therefore, there is some conflict with the Framework with regard to the loss of BMV, there would be very little resultant harm, which would be outweighed by the local economic benefits and increased visitor spend of the expansion of the business.

**Conclusion**

26. For the reasons given above I conclude that the appeal should be allowed.

**Conditions**

27. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
28. In the interests of certainty, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
29. It is necessary to secure access improvements in accordance with the approved plan to protect highway safety. To protect wildlife a condition is imposed regarding the location of spoil from the excavation. Details of foul water drainage works are required prior to the commencement of development to ensure satisfactory provision for its disposal. Conditions to control floodlighting, the materials for the amenity block, the design, implementation and maintenance of landscaping and the number of caravans on the site at any time are necessary in the interests of the character and appearance of the countryside. Details relating to landscaping are required prior to works commencing on site to ensure Satisfactory provision for planting.
30. A condition restricting the occupation of the caravans for holiday accommodation only is necessary to ensure they are retained for tourism purposes given the limited accessibility of the site. A condition regarding noise

associated with music and other amplified sound is required to protect living conditions of nearby residents.

*Zoe Raygen*

INSPECTOR

**Schedule of conditions**

- 1) The development shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Drawing Numbers: MSP.673/801, MSP.673/102G, MSP.673 251.
- 3) Before the use of the development hereby approved commences the access improvements shall be completed in accordance with drawing MSP.673/102G Block Plan and managed in accordance with the Highway Section submitted in document 673 RCC 05032020 Dated 5/3/202.
- 4) Prior to the commencement of the excavation works for the pond, temporary fencing shall be erected in accordance with the details shown on Drawing Number: MSP.673/102G to ensure spoil from excavation works is not placed beyond the designated line. Fencing shall be removed following completion of the excavation works.
- 5) The development hereby approved shall not commence until details of the foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The foul water drainage shall be implemented in accordance with the approved details.
- 6) No floodlighting shall be installed until details of the illumination scheme which meets E2 ILP Guidance on Intrusive Lighting have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.
- 7) There shall be no more than 24 pitches on the site and on each of the 24 pitches hereby approved no more than one caravan shall be stationed at any time.
- 8) The development hereby permitted shall not be used other than for the provision of holiday accommodation. No caravans shall be occupied as permanent dwellings.
- 9) The amenity block hereby permitted shall be constructed entirely of the materials details of which are stated in the submitted application form.
- 10) No music, or other amplified sound, audible beyond the application site boundary shall be played on the site at any time.
- 11) No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British

Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."

- 12) All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species. Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

