
Appeal Decision

Site visit made on 12 October 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 30 October 2017

Appeal Ref: APP/A2525/W/17/3179712

Rose & Crown Inn, Low Road, Holbeach Hurn, Spalding PE12 8JN

- 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 D Barnes against the decision of South Holland District Council.
 - The application Ref H09-1171-16, dated 10 November 2016, was refused by notice dated 6 April 2017.
 - The development proposed is extension to existing caravan site.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be firstly, the effects of the appeal scheme on the living conditions of the occupants of the Spinney; and secondly, its effects on the character and appearance of the area.

Reasons

Site, surroundings and proposed development

3. Set on the periphery of Holbeach Hurn, a small rural settlement clustered in the main around Marsh Road, Low Road and Hurn Bank, the appeal site is a broadly rectangular largely level field situated immediately adjacent to an existing caravan site. A copse of trees separates the appeal site from Marsh Road, and banked earth and mature landscaping runs down its long border with the grounds of the Spinney to one of its sides. To the other side is the existing caravan site with static caravans, spaces for tourers and amenity buildings present in the environs of the Rose and Crown public house which addresses the corner of Marsh Road and Low Road. Expanses of level and predominantly open fields in the wider environs impart a rural character to the appeal site's surroundings.
4. The proposed development seeks to establish the use of the appeal site for the siting of caravans. Submitted plans show that aside from a proposed storage unit tucked into the corner of the site near the copse which addresses Marsh Road there would be no material development. I saw that vehicular access to the appeal site is already in place.

5. I note the appellant considers that expansion of the caravan site is required to accommodate the number of caravans allowed by its licence, at peak times in the Summer months, and because of the modern larger size of tents used. Due to these matters the appellant asserts that the overall number of caravans accommodated on the wider site including the existing facilities at any one time would not increase from the maximum allowed at present.

Living Conditions

6. The appeal site is in a very quiet rural area, surrounded to a large extent by open fields, and winding lanes. Consequently, there is a low level of background noise at the appeal site and its immediate environs. The proposed development would introduce caravans and other camping paraphernalia and activity in a much closer relationship to the Spinney than exists at present. As a consequence this would inevitably increase the noise and disturbance created on the appeal site to a considerable degree. Whilst I saw the separation distance between the appeal site and the Spinney, and the banked earth with mature hedges and trees on and close to the boundary, it has not been demonstrated that these features would attenuate the additional noise created on the appeal site to any material degree.
7. The proposed development's effect in this regard would be most marked during the times of peak demand on Bank Holidays and during the summer months, when the appellant seeks to use it as an overflow site for the existing caravan park. These months include long hours of daylight which could lead to activities around the caravans on the appeal site extending well into the night-time hours. Moreover, given the length of the camping season referenced by the appellant, which extends from Spring to Autumn, it is reasonable to conclude that the appeal site would be in use to varying extents for a substantial proportion of the year; and indeed I saw that caravans and tents were present on the appeal site at the time of my visit. Consequently, the cumulative effects of the siting of caravans on the appeal site for a significant proportion of the year would clearly lead to a substantial increase in noise and disturbance, both from activities on the site and the comings and goings of caravans and other campers, which due to the appeal site's proximity to the Spinney would cause significant harm to the living conditions of that dwelling's occupants. As a consequence, the proposed development would clearly lead to a more material level of harm in this respect than could be caused by exercising the permitted development rights in respect to camping drawn to my attention by the appellant.
8. I am cognisant of the appellant's comments regarding the use of CCTV on the site, and that visitors to the site would also be deterred by excessive noise and disturbance. I am also aware that wildfowlers who use the site often sleep during the day to enable them to carry out wildfowling activities in the very early morning, and thus also require a quiet noise environment. However, in the former case the levels of noise and disturbance that tourists tolerate may be materially different to that of residential occupants, and tourists can also more easily re-locate if they so desire. In terms of the wildfowlers, their occupation of the site tends to coincide with the quieter late Autumn months, and it is therefore unlikely that they would be present at the site in the height of Summer.

9. Taking these matters together leads me to the conclusion that the proposed development would increase noise and disturbance on the appeal site both in terms of volume and duration to a substantial degree, and as a consequence this would cause significant harm to the living conditions of the occupants of the Spinney. The proposed development would therefore conflict with Policy LT7 of the South Holland Local Plan (Adopted July 2006) (the Local Plan), and the National Planning Policy Framework (the Framework). Taken together, and amongst other matters, these policies seek to ensure caravan parks and developments more generally, avoid harm to, and ensure a good standard of, amenity for all existing and future occupants of land and buildings in their locality.

Character and Appearance

10. I have been supplied with a previous appeal decision relating to the use of the appeal site¹; however, the expansion plans subject to that former appeal appear to me to be materially different to the current proposal, as they incorporated a regimented layout of caravans around access tracks and the development of amenity and other blocks in relation to them. In the current case the proposed development seeks to establish the use of the site for touring caravans without the extent of additional material development, or formal layout inherent in the previously dismissed appeal scheme.
11. The appeal site is well screened from Marsh Road by the existing copse and boundary hedge. Glimpses of the appeal site could be viewed from gaps in the hedgerow near the road, particularly adjacent to its access. However, due to the limited scale of touring caravans, tents and suchlike which would be located there, they would not appear unduly dominant or incongruous. Moreover, whilst I note that there would be seasonal variations in occupation of the appeal scheme the temporary nature of the placement of caravans and so on would clearly not constitute a permanent erosion of the intrinsic rural character of the site or its surroundings, and in arriving at this view I am mindful of the condition submitted by the Environment Agency which would prevent the use of the site during winter months. Furthermore, the proposed storage unit, tucked into the corner of the site, close to the copse would be an unobtrusive feature, which would not materially erode the character of the appeal site or its surroundings.
12. These matters, taken together, lead me to the view that the proposed development would clearly not read as a suburban intrusion into the open countryside and as a result I consider that it would cause no material harm to the character and appearance of its surroundings. For these reasons the proposed development would not conflict with Policy LT7 of the Local Plan insofar as it requires caravan sites to avoid unacceptable visual impacts to the countryside.
13. Whilst I note that the Council consider the proposed expansion to result in a caravan site that would not be small-scale for the purposes of Policy LT7, I am mindful of the appellant's intentions to comply with the maximum number of caravans set out within its existing site licence. On this basis I consider that the proposed development would therefore constitute a small-scale use for the purposes of Policy LT7.

¹ APP/A2525/A/14/2218991

Other Matters

14. I readily accept that expansion of the site could meet the rural tourism and economic objectives expressed in the Local Plan, the Framework, and more widely by the Government and this weighs in favour of the proposed development to some degree.
15. The expansion of the site could help to support the Rose and Crown, and I note the letters of support to this effect. I note the intention to open a shop at the public house, but substantive details regarding this matter are not before me; however, it is clear that the Rose and Crown is a service for the local community as well as visitors to the caravan site. I am also cognisant of the employment provided by the Rose and Crown and the caravan site itself, and potential for increases in this. Whilst I have taken into account the appellant's references to national statistics about rural public house closures, it is not clear from the evidence before me that the Rose and Crown would necessarily cease to be viable should the caravan site's expansion not come forward. Consequently, whilst these matters weigh in favour of the development, they do so only to a moderate degree.
16. I readily accept that the Rose and Crown's conversion to a private dwelling would lead to a reduction in services available to the community, but as I have been supplied with no details of firm proposals in this regard, I consider this to be merely a theoretical possibility at this stage that carries only minimal weight in the overall planning balance.
17. I note references to the appellant's investment in the site both historic and ongoing, and how this has led to visual and other improvements to the wider caravan site, including the provision of play equipment that local children are able to use. However, this matter does not serve to mitigate or justify the harmful effects of the proposed development.
18. The approved plans in relation to the original planning permission for the caravan site are unavailable. Whilst I note the appellant's assertion that the appeal site could therefore have formed part of the extant planning permission, and the letter from the Holbeach and District Wildfowling Association stating that they have used the appeal site for the past five years, substantive evidence regarding the lawful use of the appeal site has not been placed before me, and as a consequence this matter has not had any material bearing on my consideration of the appeal scheme's planning merits.
19. I have taken into account the letters of support regarding the appeal proposal including from wildfowling groups and marsh wardens, and I am cognisant that wildfowling use the existing caravan site. However, I am mindful due to the flood risk at the appeal site that the Environment Agency has suggested a condition restricting its occupation between November and March. As this includes a considerable proportion of the wildfowling season the proposed development would do little to meet the need of the wildfowling community, and as a consequence this matter does not add any significant supporting weight in the appeal scheme's favour.
20. The appellant considers the appeal site to be too small for agricultural use and that its physical separation from the field to its rear would further render such a use impractical. This may be the case; however it is a matter that does not add any significant supporting weight in favour of the appeal scheme.

Conclusion

21. The proposed development through the substantial increase in noise and disturbance it would cause in close proximity to the Spinney would cause harm to the living conditions of that dwelling's occupants. In the overall planning balance this harm carries significant weight that clearly outweighs the other considerations advanced in favour of the appeal scheme taken individually or together, and the lack of material harm that the proposed development would cause to the character and appearance of the area.
22. Accordingly, as no material considerations have been advanced to justify a departure from the relevant development plan policy in this instance, I conclude, for the reasons given above, and taking into account all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR