The Planning Inspectorate

# Appeal Decision

Site visit made on 8 January 2019

**by J Gilbert MA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15th January 2019**

**Appeal Ref: APP/A2525/W/18/3199267**
**Rose and Crown Inn, Low Road, Holbeach Hurn, Spalding, Lincolnshire 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 H09-1127-17, dated 17 November 2017, was refused by notice dated 13 March 2018.
- The development proposed is described as "extension to existing caravan site no increase in numbers."

## Decision

1. The appeal is dismissed.

## Main Issue

2. The current appeal proposal follows the dismissal of 3 previous appeals[1]. The main issue in this appeal is the effect of the proposed development on the living conditions of neighbouring occupiers, particularly the occupiers of The Spinney, with particular regard to noise and disturbance.

## Reasons

3. Located on the edge of the small, quiet, rural settlement of Holbeach Hurn, the appeal site consists of part of a field situated immediately adjacent to an existing caravan site. Beyond the appeal site, trees separate the field from Marsh Road, and an earth bund and mature landscaping runs down its north-eastern boundary with the large detached house at The Spinney, a copse of trees, and further scattered houses beyond. The appeal site's south-eastern boundary is formed by a drain, which adjoins a wide expanse of level and generally open agricultural fields. The appeal site's remaining boundary adjoins the existing caravan site, where there are static and touring caravans, amenity buildings, and a play area. Further north-west, the Rose and Crown Inn public house is located at the junction of Marsh Road and Low Road.

4. The proposed development seeks the appeal site's use for siting caravans. The appellant considers the field too small for agriculture or the keeping of animals. The appellant has sought to address the previous Inspector's concerns by reducing the appeal site's size. Submitted plans also indicate that it would

[1] APP/A2525/A/14/2218991, decision issued 13 February 2015; APP/A2525/W/17/3176599, decision issued 8 August 2017; APP/A2525/W/17/3179712, decision issued 30 October 2017.

involve planting a new 10m wide copse of trees diagonally to separate the proposed area for caravans from The Spinney. This would be secured by fencing so that people could not enter the copse or the field's northern part. I observed during my site visit that there are 2 vehicular accesses to the field and that caravans were sited on the appeal site.

5. The appellant states that the caravan site's expansion is necessary as an overflow site to accommodate the number of caravans allowed by its licence, at peak times during July and August and at Bank Holidays, when modern larger caravans and tents are dangerously close together and manoeuvring space is limited. Accordingly, the appellant asserts that the overall number of caravans accommodated on the wider site including the existing facilities would not increase from the maximum allowed at present at any one time and that this number of caravans is necessary to render the site viable. While planning permission was granted for 43 touring caravans on the existing site in 1988 (H09-0520-88), the current site licence restricts the total number of caravans to 35 due to the level of communal facilities on site.

6. The appeal site is situated in an extremely quiet rural environment, surrounded by open fields, winding country lanes, and a small number of houses. As a result, there is generally little background noise at the appeal site and within the surrounding area. The proposed development would bring caravans, camping paraphernalia, and activity associated with camping and caravanning closer to the house and garden at The Spinney, and nearby houses on Bailey's Lane than is presently the case.

7. During my site visit, I walked along Bailey's Lane and around the appeal site and the caravan site. For the majority of my visit, it was very quiet. However, while standing at the south-easternmost extent of the appeal site adjacent to the drain, it was briefly possible to hear gardening machinery being used at The Spinney. While the type of noise resulting from the use of the appeal site as a caravan site would differ in its nature, it is evident that it is possible to hear noise from The Spinney and vice versa.

8. Notwithstanding letters of support which found there to be little noise and disturbance from the caravan site, objections from nearby residents raise concerns about existing problems with excessive noise and disturbance, including late night drunken behaviour, and enforceability of the use of the appeal site. I note that the appellant patrols the caravan site regularly, that there is CCTV on site, and that caravan site users would also be deterred by excessive noise and disturbance.

9. Despite the appellant's measures and the separation distance of 100m between the appeal site's nearest point and the house at The Spinney, the presence of the bund and landscaping, and the proposal to plant trees, the nearest point of the garden at The Spinney is considerably closer than 100m from the appeal site. It has not been demonstrated that these features would mitigate the effects of noise from the appeal site to any significant extent, particularly while the new trees are small. Furthermore, even with an existing 100m distance between the edge of the existing caravan site and The Spinney, it appears that nearby residents, including those at the Spinney have already experienced noise and disturbance.

10. The proposed development's effect would be likely to be more noticeable during peak times in July and August, and on Bank Holidays, when it would be

used as an overflow site for the existing caravan site. This would include a substantial period of time when there are longer days, with daylight lasting late into the evening. This could lead to activities on the appeal site continuing into night-time hours. Moreover, given the caravanning season's length from Spring to Autumn and the existing caravan site's cluttered nature, it is reasonable to conclude that the appeal site would be in use for most of the year.

11. Although I recognise that one family can only have so much separation from another, the circumstances here would place one family house closer to a camping and caravanning site where people spend a greater period of time outside than if they were living in a house. If and when groups of people are staying on site together, this increases the likelihood of noise and disturbance from people socialising. I also concur with the previous Inspector's findings that the levels of noise and disturbance that tourists tolerate may be materially different to that of residential occupiers.

12. I note the support for the proposal from wildfowlers, including the Holbeach and District Wildfowlers' Association (HDWA). They comment on their ongoing use of the east field, extensive membership of wild-fowling clubs in the area and the location of the site relative to the clubs, and the scope for wildfowlers to maintain their dogs and their general security on a separate site from the existing caravan site. The HDWA also states that the existing caravan site is the only site prepared to accommodate wildfowlers in the Winter.

13. Wildfowlers who use the existing site often sleep during the day to enable them to carry out wildfowling in the early hours of the morning, and require a quiet environment. However, wildfowlers are more likely to occupy the existing site in late Autumn and Winter, and it is unlikely that they would be present at peak times. Additionally, the Council has proposed a condition to prevent the appeal site's occupation from early November to mid March, based on Environment Agency advice to reduce the impact of flooding. As this covers much of the wildfowling season, the proposed development would do little to meet the needs of the wildfowling community, and as a consequence this matter does not weigh significantly in the appeal scheme's favour.

14. Accordingly, the appeal site's likelihood of being in use for much of the year would give rise to a substantial increase in noise and disturbance, resulting from site activity and the comings and goings of vehicles, which would cause substantial harm to the living conditions of neighbouring occupiers, particularly the occupiers of The Spinney. It would clearly result in a more significant level of harm than could occur by exercising permitted development rights. While the caravan site was in place prior to the house at The Spinney being built, and the appeal site is reduced in size from the previous appeal, I consider that the proposed development would unavoidably increase the noise and disturbance created on the appeal site to a considerable degree, both in volume and duration, thereby causing significant harm to the living conditions of neighbouring occupiers, particularly the occupiers of The Spinney.

15. Some local residents have supported the proposed development as it would support the retention of the public house, which employs a number of people and provides services for both local people and for the caravan site. I note that Holbeach Hurn has only limited facilities in the present day, and that the appellant has invested heavily in the property and intends to open a shop at the public house. Notwithstanding the limited evidence of this before me, I

recognise the social and economic importance of the public house to the village and surrounding villages, and am aware of a national trend for rural public house closures in a difficult economic climate.

16. In this respect, the proposed development could meet the rural tourism, leisure, and economic objectives expressed in the South Holland Local Plan 2006 (SHLP) and paragraphs 83, 84, 92 and 96 of the National Planning Policy Framework (the Framework) in supporting a prosperous rural economy; planning for social, recreational and cultural facilities and services; and providing opportunities for sport and recreation. This weighs in favour of the proposed development to some extent. However, no viability evidence has been presented to indicate that the public house would be rendered unviable without the proposed development taking place. Accordingly, this matter would only have moderate weight in support of the proposed development.

17. Additionally, I recognise that there is some disagreement between the parties with regard to the alleged unauthorised use of land for rallies, the number of pitches available, works taking place at the caravan site without planning permission, effluent discharge, maintenance of fencing, clearance of rubbish, trespassing, and concerns about lack of security for neighbouring residential properties. However, I do not have substantive evidence on these matters. As a result, I have not addressed these matters in any detail, and they have not altered my findings on the main issue.

18. In conclusion, the proposed development would have a detrimental effect on the living conditions of neighbouring occupiers, particularly the occupiers of The Spinney, with particular regard to noise and disturbance. It therefore conflicts with SHLP policies LT7 and SG17. Policy LT7 deals with caravan sites, and amongst its criteria, states that proposals should not harm the amenity of existing residents in the locality. Policy SG17 also addresses residential amenity, and refers, amongst other things, to the need to protect residential amenity with regard to potential noise nuisance.

19. With regard to the Framework, while paragraphs 83 and 84 of the Framework stress that planning policies and decisions should support the growth and expansion of all types of business and enterprise in rural areas and support sustainable rural tourism and leisure developments, paragraph 11 indicates that this is unless any adverse impacts would significantly and demonstrably outweigh the benefits. The proposed development would conflict with paragraphs 117 and 180 of the Framework with regard to ensuring safe and healthy living conditions, and mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development. The adverse effects of the proposed development would outweigh any benefits. The appellant has also drawn my attention to paragraphs 7 – 10 and 12 of the Framework which address sustainable development and paragraph 16 c) on plan-making and engagement with communities. These paragraphs do not alter my findings.

**Conclusion**

20. For the reasons given above, the appeal is dismissed.

*J Gilbert*

INSPECTOR