

LAND SOUTH OF HERON ORCHARD HOLIDAY PARK

Written Statement

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Holiday Park
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1 INTRODUCTION

- 1.1 RPS has been instructed by Mr John Conners to appeal against the refusal by South Holland District Council ('the Council') to allow planning permission for the change of use of land at to the south of Heron Orchard Holiday Park, Frostley Gate, Holbeach ('the site' or the appeal site') as an extension to the existing caravan site (**Appendix 1**). The application was refused by notice dated

"1 Development Plan policy and the National Planning Policy Framework, 2019 both support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside.

However, it is considered in this case that factors in favour of the proposal are outweighed by other material planning considerations. The proposed development would constitute an intrusive form of development that would harm the character/appearance of the countryside and the historic setting of Riverside House, which is grade II listed and therefore classified as a designated heritage asset. The proposal would therefore be contrary to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 indicate that new development should be in character and appearance with an area/the countryside and have a satisfactory relationship with existing development. Policy 29 indicates that proposals should preserve the significance of a listed building and not harm the setting of a heritage asset. The latter is in accordance with paragraph 193 of the National Planning Policy Framework, 2019, which states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This complies with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which requires that special regard must be had to the desirability of preserving the setting of listed buildings.

*2. It is possible for the proposed development to be delivered on sites within the District that are more sustainable and of no flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 158 to 160 of the National Planning Policy Framework, 2019. (**Appendix 2**)"*

- 1.2 The remainder of this section describes the appeal site and its context, the planning history of the site, and the appeal proposal. Section 2 sets out the planning policy context within which the appeal should be considered, and Section 4 sets out the Case for the Appellant. Section 4 is a summary of and conclusion to this Statement.

Site Location and Description

- 1.3 The site is situated 11km to the east of Spalding. The application site comprises the northern section of the open field directly to the south of the existing Heron Orchard Holiday Park on the west side of Frostley Gate, to the north of the B1165 Raven's Bank. The field is flat and enclosed to the north by existing hedgerow, and to the east and west by post and wire fencing. There is a farm immediately to the west, and another caravans site, Heron Cottage Camping and Caravanning, to the east. The remainder of the field to the south is in agricultural use, as is the land to the south of Raven's Bank.

Planning History

- 1.4 Planning permission was granted for the change of use of Heron Orchard Holiday Park from touring, camping and caravan park to a static holiday caravan park and touring caravan rally area on 31 March 2004 (H05-1126-03 refers)(the area outlined in blue on the accompanying Site Location Plan). Planning permission was granted for the provision of an additional 7 holiday homes on the existing site by notice dated 3 December 2010 (H05-0847-10 refers).
- 1.5 Application reference number H05-0622-18 dated 23 August 2018 permitted a new site layout showing a total of 28 no. static caravans. Under H05-0943-18, a further 10 caravans were introduced on to the site.
- 1.6 An application to vary condition 3 of H05-0847-10, 2 of H05-0622-18 and 3 of H05-0943-18 to allow all-year round occupation of the caravans was approved by notice dated 19 July 2019 (H05-0412-19). Condition 3 limits the static caravans to holiday accommodation only, and condition 5 states that no more than 38 static caravans shall be allowed on the whole of the holiday park at any one time.
- 1.7 RPS submitted a request for pre-application advice on 15 June 2020 (PE-00161-20).

Appeal Proposal

- 1.8 It is proposed to change the use of the land from agriculture to an extension of the existing caravan site. It is proposed to use it on a seasonal basis for touring caravans. Access will be obtained through the existing site to the north.
- 1.9 The application does not include operational development, such as roads and caravan bases, as these are implemented by a separate process of licensing. The form and layout of caravans and related infrastructure is controlled by a separate licensing process under the Caravan and Control of Development Act 1960 ('the 1960 Act'). The 1960 Act describes the relationship of the licensing process with planning control. The licensing process effectively determines and controls the form and layout of the internal site, such as caravan density and road infrastructure. This is a separate and distinct process to planning which addresses the principle of use only. Part 5 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), confirms that development required by the conditions of a site licence under the 1960 Act constitutes permitted development. Planning considerations should therefore only relate to the use of the land for the intended purpose (in this case, being the siting of caravans), and not make any assessment of any operational development that would accompany the development.

2 PLANNING POLICY CONTEXT

Development Plan

- 2.1 The South East Lincolnshire Joint Strategic Planning Committee adopted the South East Lincolnshire Local Plan 2011-2036 (SELLP) on 8th March 2019. Policies 1 and 9 are relevant to the consideration of this appeal (**Appendix 3**).
- 2.2 Policy 1 is the spatial strategy of the plan and states that in the countryside (where Heron Orchard is located) development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
- 2.3 Policy 9 states:
- “Proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements identified in Policy 1.*
- Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:*
- 1. do not conflict with neighbouring land uses;*
 - 2. are in keeping with the character of the locality; and*
 - 3. demonstrate a functional link with an existing rural attraction or farm enterprise.*
- Larger developments will only be supported outside settlement boundaries in exceptional circumstances, for instance to proportionally support or enhance the enjoyment of an established visitor attraction where this cannot reasonably be achieved from a town or village location.”*
- 2.4 The Council has also cited the following policies in its reasons for refusal:
- Policy 2: Development Management;
 - Policy 3: Design of New Development;
 - Policy 4: Approach to Flood Risk;
 - Policy 29: The Historic Environment.

National Planning Policy Framework (NPPF)

- 2.4 Paragraphs 84 and 85 set out policies for supporting a prosperous rural economy. Paragraph 84 states that planning policies and decisions should, among other things, enable the sustainable growth and expansion of all types of business in rural and sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 states that planning policies and decisions should recognise that sites to meet local business and community 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.
- 2.5 The Council cites paragraphs 158 to 160 of the NPPF. These state:
- “158. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites*

appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

160. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

2.6 The Council also cites paragraph 193 (now paragraph 199) of the NPPF. This states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

3 CASE FOR THE APPELLANT

- 3.1 It is worth noting in the Officer's report on the application that there were no third-party or consultee objections to the proposal the subject of this appeal (**Appendix 4**).
- 3.2 Based on the Council's reasons for refusal, it would appear that there are three key issues relevant to the consideration of this appeal:
- Would the development constitute an intrusive form of development that would harm the character/appearance of the countryside?
 - Would the development constitute an intrusive form of development that would harm the character/appearance of the historic setting of Riverside House?
 - Would the development give rise to an unacceptable flood risk?

Impact on character and appearance of the countryside

- 3.3 The Officer's assessment of the impact of the development on the countryside is flawed as it appears to be based on the effect of static caravans as opposed to touring caravans which it is generally asserted "*can be visually intrusive*" (RPS emphasis) (**Appendix 4**). As noted in the covering letter accompanying the application, while the appeal site is flat and relatively open, it is proposed to landscape the site to screen the site, and the Appellant is agreeable to accepting a condition to this effect. It is worth noting however that it is only proposed to use the site on a seasonal basis, and so the site will be vacant during the winter months, when the landscaping may be less effective.
- 3.4 There are no public rights of way immediately adjacent to the site, and so any views of the site will be glimpsed at best through the landscaping and against the backdrop of the existing static caravan site to the north, and to a lesser extent, the existing caravan site to the west (Heron Cottage), and the farm to the east. The site is not in an isolated countryside location, and is surrounded on three sides by existing development. The site does not form part of any designation or allocation based on the quality of the landscape. Given that there are well-established static caravan sites to the north and east, it cannot be said that the development would be out of character with the wider area. As such it is considered that the proposal complies with Policies 2 (1) and 3 (3) of the Local Plan.

Impact on character/appearance of the historic setting of Riverside House

- 3.5 Riverside House (referred to as Bloodfold House in the covering letter accompanying the application and on the Historic England listing) is a grade II listed farmhouse fronting Raven's Bank, situated 60m to the south west of the site. Planning and Listed Building Consent was recently granted for a two storey extension and garage complex to the rear (which comprised a new covered swimming pool and hot tub) (**Appendix 5**).
- 3.6 The site is not immediately adjacent to the residential curtilage of the farmhouse, and the site is separated from the rest of the land in the Appellants control by a wall and other make-shift fencing. The plot is also screening and enclosed by a number of trees in the south east corner, further emphasising the containment of the house and the separation from the field to the west. When viewed from Raven's Bank, the existing caravan park at Heron Orchard is visible in a line in the middle distance. The existing caravans are partially visible during the winter months, but are almost completely obscured by vegetation the rest of the year. The proposed development would 'draw'

this line slightly further forward, albeit there would be no caravans on site in the off season. The appearance of the setting of Riverside House when viewed from the south would largely stay the same, with the additional landscaping arguably resulting in an improvement during the winter months. The impact of the development on the appearance of the setting of the listed building from the north, west and east would be neutral.

- 3.7 Again, there is a limited assessment of the proposal by the Officer in the report on the application. There does not appear to be any input from a Heritage Advisor or Architect and of the public objections summarised, impact on the listed building is not raised as an issue. RPS reserves the right to comment further on this matter should technical evidence be presented with the Council's Written Statement.
- 3.8 Given the close proximity of the existing caravans site to the heritage asset and given the proposed landscaping to further screen the development, it is considered therefore that the development would not unduly harm the setting of Riverside (Bloodfold) House, and would not conflict with Policies 3 (1) or 29 of the Local Plan, or paragraph 199 (previously 193) of the NPPF.

Flood Risk

- 3.9 The application is supported by a Flood Risk Assessment (FRA). The Officer's report records that the Environment Agency consider the proposal comes under cell D6 and E6 of the local flood risk standing advice. It is understood this comment refers to the document attached at **Appendix 6**. The FRA states at paragraph 6.11 that based on the mapping provided by the EA, the site is categorised as having a very low to low hazard rating, however, a small area in the south eastern corner of the site is shown to have a "*Danger for Some*" hazard rating. Based on the matrix, this relates to cell E6 only, and this requires mitigation, which has been provided in the form of the Flood Evacuation Plan submitted with the application (attached at Appendix 1).
- 3.10 The Council specifically references the sequential test in its second reason for refusal. As an extension to the existing Caravan Park, the development can't by definition, be located anywhere else. Land immediately to the north is also within Flood Zone 3, as is a majority of the District, but none of this and is in the Appellant's control. This, however, must be considered with reference to data provided by the EA which indicates the depth and velocity of on-site flooding are relatively low, and as such the site is considered to have a low risk of flooding from all other sources. As noted above, this risk is mitigated by the implementation of a Flood Evacuation Plan. As a seasonal use, the site will be unoccupied during the winter months, when the risk of flooding will be greater.

Other Material Considerations.

- 3.11 In general terms, it is accepted by the Local Planning Authority that "*the proposal would meet rural tourism and economic objectives within the Local Plan and Framework, subject to a condition restricting occupancy*", which the Appellant would be prepared to accept. The Officer's report considers that the levels of amenity currently enjoyed by local residents and visitors would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc. It is recorded that County Highways Authority is of the opinion that the proposed change of use, adjacent to the existing caravan park, would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the highway network. Surface and water drainage issues could be addressed by means of conditions if permission was forthcoming, as could any matters relating to biodiversity. It is not considered that the loss of this amount of agricultural land would represent a valid reason for refusal in this instance.

Planning Balance

- 3.12 Planning law requires that applications for planning permission be determined in accordance with the development plan. As per the supporting statement accompanying the application, overall, it is considered that the development complies with the development plan, and indeed the emerging development plan. Any perceived conflict with policies would be limited and outweighed taking into account the significant overall economic and community benefits the holiday lets would generate, meeting an identified need.
- 3.13 In undertaking the planning balance exercise, while the Officer has stated that the development will meet economic and tourism objectives, he has failed to give due consideration to the current economic conditions, and the development in terms of its wider economic benefits. Despite the Local Plan's objectives, South Holland had comparatively fewer workers in 'Accommodation and Food Services' prior to the Covid -19 pandemic, with just 3.9% employment in roles in this sector, compared with 6.7% across the East Midlands and 7.7% nationally (source: nomisweb.co.uk). Unemployment rose in the District from 3.2% in the period April 2019 to March 2020 to 4.6% in the period January 2020 to December 2020 (source: nomisweb.co.uk).
- 3.14 As per the Planning Supporting Statement accompanying the original application, domestic tourism has a key role to play in the post Covid-19 economic recovery, and is an important consideration which carries great weight. Announcing a £10 million package for small businesses, Minister for Regional Growth and Local Government Simon Clarke MP said on 3 July 2020:
- "Kick-starting domestic tourism will be key to our economic recovery."*
- 3.15 On the same day, Tourism Minister Nigel Huddleston MP said:
- "Our tourism sector is hugely important - creating jobs, supporting businesses and driving local economies in villages, towns and cities across the country. It is vital that we help the sector bounce back and give it the platform to recover when it reopens from tomorrow."*
- 3.16 In June 2021, the Government published The Tourism Recovery Plan (**Appendix 7**). Page 1 states:
- "Tourism has a significant role to play in delivering the government's wider Global Britain, levelling-up and economic growth agendas. The UK government is determined to do what it can to help the sector recover swiftly from COVID-19 and to build back better from the pandemic with a greener, more accessible, more resilient, more productive and more innovative tourism industry."*
- 3.17 The Tourism Recovery Plan sets out the role that the UK government will play in assisting and accelerating the tourism sector's recovery from Covid-19. Specifically, the aim is to, among other things: recover domestic overnight trip volume and spend to 2019 levels by the end of 2022, and inbound visitor numbers and spend by the end of 2023 – both at least a year faster than independent forecasts predict; ensure that the sector's recovery benefits every nation and region, with visitors staying longer, growing accommodation occupancy rates in the off-season and high levels of investment in tourism products and transport infrastructure; build back better with a more innovative and resilient industry, maximising the potential for technology and data to enhance the visitor experience and employing more UK nationals in year-round quality jobs (Executive Summary, Paragraph 7).
- 3.18 The value of this to the local community will be recognised through direct onsite employment, additional expenditure through the supply chain, and visitor spend, as recognised in the June 2014 Lincolnshire Visitor Economy Review (**Appendix 8**). Page 8 states:
- "The tourism value chain in Lincolnshire mean the benefits of tourism go beyond the more obvious assets such as hotel accommodation, leisure facilities and destination attractions. The industry has*

positive economic impact on a range of products and services provided to and by these operators adding to GVA, including transport and excursions, bars and restaurants, handicrafts, food production, waste disposal, and the infrastructure that supports tourism in destinations. And value chains foster business cooperation, as they operate largely through business-to-business relationships. For Lincolnshire, there is a particular opportunity to build stronger links with rural communities as consumers and providers seek increasingly to source local quality produce”.

3.19 The report continues:

“The Deloitte analysis [Tourism: Jobs and Growth, the economic contribution of the tourism economy in the UK 2013 (VisitEngland)] suggests that for a £1 increment in GVA at the UK level, there is likely to be an additional £1.20 generated in the UK as a result of this activity due to the impact of supply chain effects. This is the Type I multiplier.”

3.20 The proposal should also be seen in the context of the three dimensions indicated in NPPF Paragraph 8. The proposal would provide significant social benefits, in improving access to the countryside and helping to maintain and enhance the vitality of critical local services and facilities, including public transport operations. The economic benefits are described above, and from an environmental point of view, the proposal will introduce new landscaping which would create new and enhanced wildlife habitats. The proposed development can therefore be considered to represent a form of sustainable development.

3.21 In summary, any conflict with the development plan in terms of impact of the development on the countryside, heritage assets and flood risk and be mitigated through seasonal use, landscaping and the implementation of a flood evacuation plan. Any residual conflict with the development plan is limited and any harm caused is outweighed by the very clear economic benefits of the proposal and other social and environmental benefits.

4 SUMMARY AND CONCLUSION

- 4.1 RPS is appealing against the refusal by South Holland District Council to allow planning permission for the change of use of land at to the south of Heron Orchard Holiday Park, as an extension to the existing caravan site. It is proposed to use the site on a seasonal basis for the siting of touring caravans. The application does not include operational development as this is a matter for the site licence issued under the Caravan and Control of Development Act 1960.
- 4.2 Landscaping is proposed around the boundary of the site to screen the development. Access is proposed through the existing holiday park development to the north. The development would be safe, and will not increase flood risk elsewhere.
- 4.3 The development will not have an adverse impact on the character and appearance of the countryside or the setting of any heritage asset. The risk of flooding of the site will be mitigated by the implementation of a Flood Evacuation Plan. Any perceived conflict with policies would be limited and outweighed taking into account the significant overall economic and community benefits the extended holiday park would generate, meeting an identified need and in line with the importance the Government is attaching to tourism and the post Covid-19 economic recovery.
- 4.4 The proposal is reasonable in all other respects, and the Inspector is respectfully requested to allow the appeal.

APPENDIX 1

Application H05-0027-21

APPENDIX 2

Decision Notice Application H05-0027-21

APPENDIX 3

Relevant Extracts from the South East Lincolnshire Local Plan 2011 to 2036

APPENDIX 4

Officer Report H05-0027-21

APPENDIX 5

Approved Plans and Decision Notices H05-0983-16 and H05-0984-16

APPENDIX 6

Copy of SE Lincs Standing Advice Matrix 2016

APPENDIX 7

Relevant extracts of the Tourism Recovery Plan

APPENDIX 8

Relevant extracts of Lincolnshire Visitor Economy Review