



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

Messrs R Longstaff & Co
5 New Road
SPALDING
Lincs.
PE11 1BS

Your reference:

A.S. PARKINSON

Our reference:

TY/APP/A2525/A/94/244720/P8

Date:

20 MAR 1995

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR E LOVERIDGE
APPLICATION NO:- H16/1123/93

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the South Holland District Council to refuse planning permission for a mobile home, caravan and toilet facilities to replace existing at pt OS 1873, Childers South Drove, Clay Lake, Spalding.
2. I have considered the written representations made by you, by the Council and also those made by interested persons and I inspected the site on 6 March 1995. From what I have seen and read of this case, I find that the main issues are:-
 - a. The effect of the development on the appearance and character of its countryside setting;
 - b. Whether its proximity to the Spalding bypass would lead to unacceptable living conditions because of traffic noise.
3. This application relates to part of a field situated some 0.5km from the edge of the built up area of Spalding. It fronts onto an unmade track which serves some agricultural uses, a scrap yard and a Scout camp area. Immediately to the east of the site is a well landscaped plot containing several residential caravans. The newly constructed Spalding bypass runs through your client's land and has necessitated the removal of 2 caravans and a small toilet block which were previously sited there. Mr Loveridge occupied these with members of his family under a series of temporary planning permissions granted in 1975, 1977 and 1982, the last expiring in 1988.



4. I saw at my visit that the two caravans to which these permissions had applied were in a very dilapidated condition, having been moved to the side of the field. The present application is for the positioning of one mobile home and one caravan, together with a small flat roofed toilet block served by a septic tank. Details of the mobile home and caravan are not shown at this stage but the submitted plan shows their size and siting. They would be intended as permanent residences - one for Mr Loveridge and the other for his daughter. The appeal site would be separated from the adjoining paddock by a fence with tree planting and there would be additional planting along the boundaries with the bypass and Childers South Drove.

5. Development plan policies in this case are those of the Lincolnshire Structure Plan and the 1985 Spalding and Pinchbeck Local Plan. Both these provide for new residential development within existing settlements and permit it in the countryside only in exceptional circumstances where there is special need, for example for agricultural purposes.

6. As far as the first issue is concerned, it is clear to me that the positioning of a mobile home and caravan for permanent residential purposes on land which is well outside the built up area of Spalding is a proposal which does not accord with development plan policies, nor with the guidance in PPG7. Such proposals could detract from the appearance and character of rural areas and have implications for the provision of services, particularly where the granting of one permission makes it difficult for the local planning authority in fairness to refuse others.

7. However, you consider that special circumstances apply to this case because of the long-standing residential use of this land by Mr Loveridge. You have indicated that he moved from the land temporarily in order to care for his mother in Peterborough and that, if it had not been for the construction of the bypass through the site, he would have been able to demonstrate more continuity of occupation. I note that in the past the local planning authority has placed considerable weight on his special circumstances, for example granting temporary permissions in 1977 and 1982 while stating that the land was not suitable as a permanent caravan site.

8. You have made it clear that, as the present application will involve the installation of new facilities, your client is seeking a permanent planning permission as granted on the adjoining site in 1980. However, it appears to me that the situation has altered since previous permissions were granted. The special circumstances in those cases related to long-standing occupation by Mr Loveridge and his parents and the most recent permission, expiring in 1988, was for one caravan only. The present application, however, is for 2 living units - one for Mr Loveridge and the other for his daughter. It is

Not known whether the local planning authority would have granted any additional permissions for the continued use of the caravans, or for their replacement, had the bypass not affected the land.

9. The visual implications of the proposal are also different from previously when the appeal site could be seen only from the adjoining track. It will soon be open to public view at close quarters from the bypass and the new mobile home, caravan and toilet block will probably be more noticeable features than the old, dark coloured caravans previously used. While some screening could be achieved by fencing and tree planting, the development would, in my opinion, detract from the appearance and character of the countryside.

10. I have given sympathetic consideration to the personal circumstances of Mr Loveridge and accept that these should carry some weight in this appeal. However, the proposal is in effect for permanent built development which will remain long after these factors have ceased to be material. Furthermore, the use of a temporary or personal planning permission would not be appropriate in this case where persons other than the appellant would be involved in making the site their home. Without this type of limitation, I consider that any permission granted could set a precedent for similar development in the countryside which would harm its appearance and character and undermine the aims of the development plan. For these reasons I have concluded that the special circumstances in this case are not sufficient to lead me to allow this proposal as an exception to development plan policies.

11. In considering the question of traffic noise, I have taken into account the advice of PPG24 'Planning and Noise'. The District Council has an informal policy adopted in 1989 which indicates that new residential development should normally be kept some 130-200m from the bypass road. However, it also states that the boundary of development for Spalding would in some cases permit new dwellings within this contour and that physical barriers to prevent excessive noise should be considered in such cases. The proposed mobile home and caravan would be only half this distance from the new road and I would expect their environment to be affected by noise to some degree. However the local planning authority has not submitted detailed evidence on this point. While the use of a noise contour may be appropriate for identifying land suitable for future development, I do not consider that it should be the crucial factor in an application such as this which involves only 2 dwellings. It is therefore my view that, had the proposal been acceptable in terms of the first issue, the matter of traffic noise would not itself have been sufficient to justify the refusal of planning permission.

12. Nevertheless, I find that the other material considerations in this case are not so weighty that the application should be determined other than in accordance with the development plan and permission refused. I have taken into account all the representations, including the concerns of interested persons regarding access to the bypass road and problems of security. However, neither these nor any of the other matters raised are in my view as important as those which have contributed to this decision.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

J. Jones

MRS J JONES MA DipTP MRTPI
Inspector

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H16/1123/93

Received: 14-FEB-94 Type: FULL

Name: E Loveridge Esq
Caravan Site
Paston Ridings
Peterborough
Cambs

Agent: Messrs R Longstaff & Co
5 New Road
Spalding
Lincs
PE11 1BS

Description: Proposed mobile home, caravan and toilet facilities to
replace existing

Location : Childers South Drove (Pt. OS 1873)
Clay Lake Spalding, Lincs

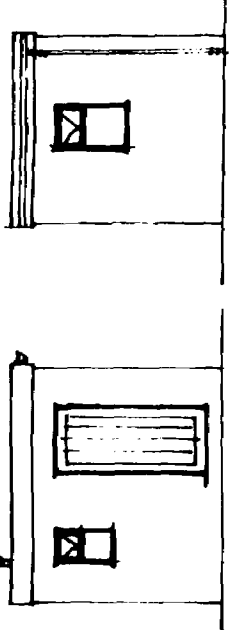
South Holland District Council hereby give notice that PERMISSION HAS
BEEN REFUSED for the development for the following reason(s):

- 1 The site is outside the confines of a settlement in an area of open countryside where it is the policy of the Local Planning Authority to permit new development only in exceptional cases where it is satisfied that there is a special need, particularly in connection with agriculture. In the opinion of the Local Planning Authority the circumstances of this case are not sufficient to justify permission for a mobile home and caravan, which would be contrary to Policies 6A and 7A of the approved Lincolnshire Structure Plan. These policies are in accordance with national planning policies as set out in Planning Policy Guidance Note 7, 1992 (The Countryside and the Rural Economy) and are aimed at the preservation of the character of the countryside, the economic provision of services and the conservation of agricultural land. Further, in the opinion of the Local Planning Authority the granting of permission for the development proposed would be harmful to the purposes of these policies, because as well as its individual effect on these issues, it would encourage further similar proposals which would be difficult to resist.
- 2 In the opinion of the Local Planning Authority the occupiers of the mobile home and caravan would have an unacceptable level of residential amenity by virtue of noise generated by traffic using the new Spalding By-pass (due for completion in Spring/Summer 1995).

Director of Planning and Building Control Services
05-MAY-94 H16/1123/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

VINE CASE ON VENT PIPE



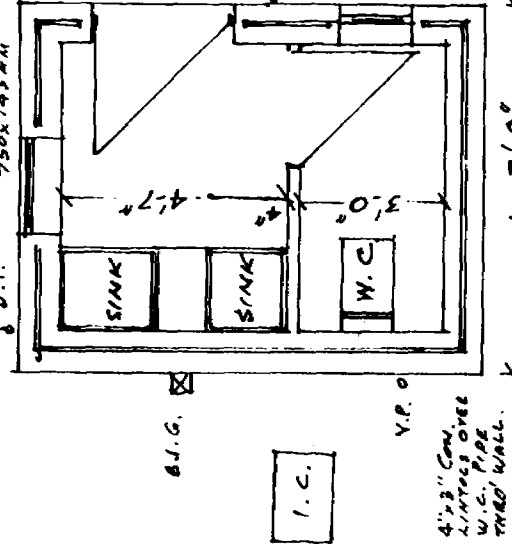
SOUTH HOLLAND D.C.
PLAN DEPT.
24 NOV 1953
REF 1123

EAST SIDE

NORTH END

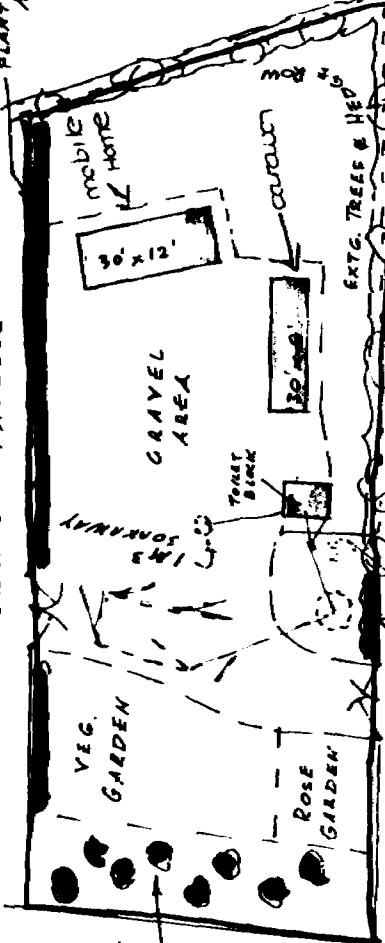
12.5mm GRANTE CHIPPING BOND ON 3 LAYERS ROOFING FELT ON 50mm BURDEK. EX 50x50 S.W. FILLINGS & 125x50mm S.W. JOISTS C. 600mm C.B. G.S. GRADE TIMBERS.

OBSCURE GLAZED 2x3' WINDOW CATHODIC GUTTER UNTIL CATHODIC GUTTER UNTIL



PLAN

SCALE: PLAN SECTION 1/4" ELEVATIONS 1/8"



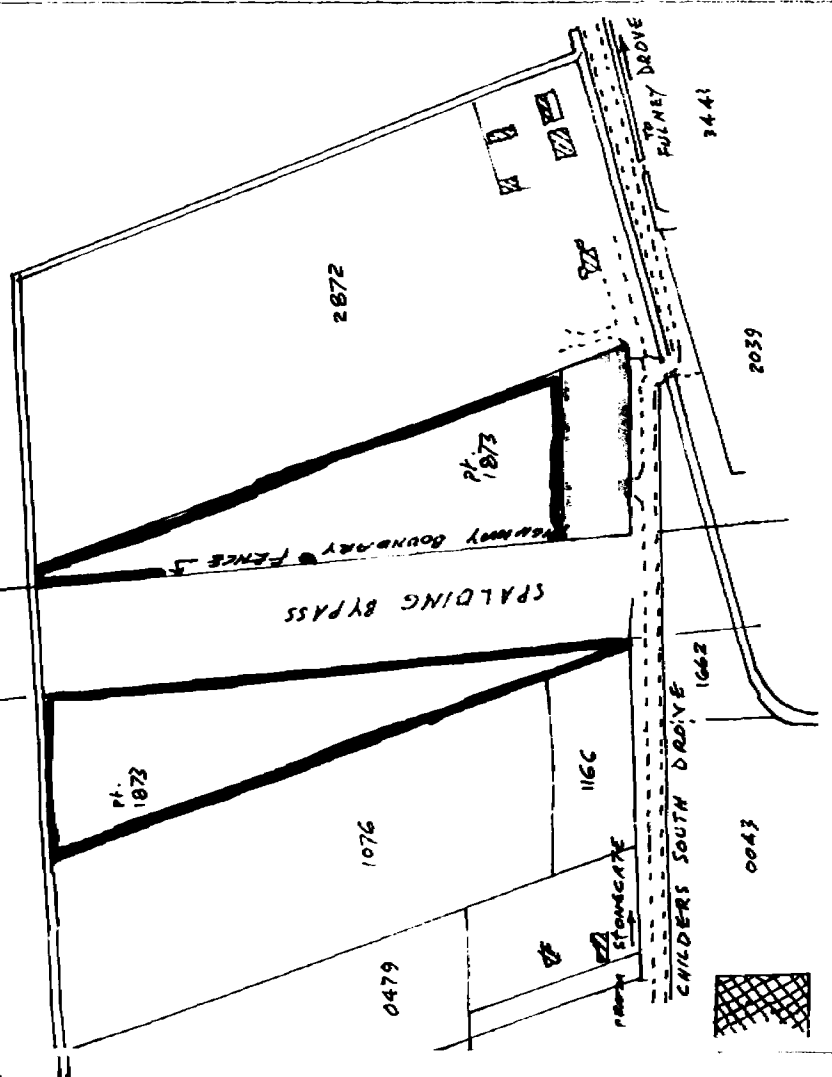
CHILDERS SOUTH DROVE

SCALE: 1:500

100mm H.A. P.V.C. GUTTERS. 63mm DIA. P.V.C. DOWN PIPE. CLOVE CAVITIES AT EAVES. 30mm GAL. ANCHOR STRAPS AT 1.2m C.B. 4x4 APPLIED FACING BRICKS/65mm CAVITY WITH 65mm DAYTIMBER BOARDS. ON MIN 6 No. GAL. WALL TIES PER JOIST & AT SIDE OF ALL OPENINGS. 100mm L.B. THERMALITE INSULATION BLOCKS. PLASTER & 2 CFI. FINISHES. 61x FELT TO ALL WALLS AT 150mm ABOVE G.L. LEAN MIX CAVITY INFILL UP TO WITHIN 9' OF R.C. FIRST PARAP BRICKS BETWEEN D.P.C. & GRAVEL. CLASS 1A BRICKS BELOW G.L.

DETAILED PLAN

PLANT CONIFERS AT SIDING NEW FENCE



SITE LOCATION PLAN - SCALE 1:2500

PROPOSED MOBILE HOME. CARAVAN & TOILET AT CHILDERS SOUTH DROVE - CLAYLAKE SPALDING FOR MR. E. LOVERIDGE

CH. BARNSDALE, SURVEYOR, 16 LOW ROAD, SPALDING. DESIGNED 07/7/53

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's message to Congress for the first time since the beginning of the Civil War.

2. The second part of the document is a report from the Secretary of the War Department, dated January 10, 1862. It contains a detailed account of the military operations of the Union Army during the previous year.

3. The third part of the document is a report from the Secretary of the Navy Department, dated January 10, 1862. It contains a detailed account of the naval operations of the Union Navy during the previous year.

4. The fourth part of the document is a report from the Secretary of the Department of the Interior, dated January 10, 1862. It contains a detailed account of the operations of the Department during the previous year.

5. The fifth part of the document is a report from the Secretary of the Department of Agriculture, dated January 10, 1862. It contains a detailed account of the operations of the Department during the previous year.

6. The sixth part of the document is a report from the Secretary of the Department of the Treasury, dated January 10, 1862. It contains a detailed account of the operations of the Department during the previous year.

7. The seventh part of the document is a report from the Secretary of the Department of the Army, dated January 10, 1862. It contains a detailed account of the operations of the Department during the previous year.

8. The eighth part of the document is a report from the Secretary of the Department of the Navy, dated January 10, 1862. It contains a detailed account of the operations of the Department during the previous year.

