
Appeal Decision

Site visit made on 11 July 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 15 July 2016

Appeal Ref: APP/T2350/W/16/3148370

Land adjacent to the Petre Arms, Langho, Clitheroe BB6 8AB

- 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 Jack Lowther against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0074, dated 13 January 2015, was refused by notice dated 16 October 2015.
 - The development proposed is the erection of a storage building with a lean-to facilities block and change of use of land to create a caravan park development for 21 touring caravans/recreational vehicles.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a storage building with a lean-to facilities block and change of use of land to create a caravan park development for 21 touring caravans/recreational vehicles at land adjacent to the Petre Arms, Langho, Clitheroe BB6 8AB in accordance with the terms of the application Ref 06/2015/0648, dated 31 July 2015, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal upon (i) the living conditions of the occupiers of nearby properties in respect of noise, disturbance and vehicular movements; (ii) the character and appearance of the area; and (iii) highway safety.

Reasons

Site and proposal

3. The appeal site comprises open and mainly hard surfaced land which has been used in recent years for the purposes of holding caravan rallies. It is positioned to the rear of the Petre Arms and at this point there is an existing coniferous tree border along the boundary. To the west there are dwellings and to the east there is St Leonards Church (this is not listed), St Leonards Primary School and a community centre. There is an existing access into the site (also shared with the community centre) which leads from Whalley Road.
4. It is proposed to use the site as a touring caravan / recreational vehicle site containing 21 pitches each measuring about 7.0 metres x 8.5 metres and with an associated hard stand area each measuring approximately 9.0 metres x 2.0

metres. Additional hedgerow planting is proposed within the centre of the site and along the northern boundary. A 1.8 metre high close boarded fence is proposed along the southern and western boundaries. Existing vegetation would be retained to the southern and eastern boundaries and a play area is proposed in the far north eastern corner of the site. In the south western corner of the site it is proposed to erect a building which would be used to store maintenance equipment (including part use for the appellant's wider agricultural activities) and would include male and female wash rooms and showers. The building would measure approximately 14.0 metres x 10.6 metres and with a ridge height of about 4.4 metres. It would be clad in timber (concrete block at lower section) to the south and west facing elevations, and would include mainly natural stone to the east and north facing elevations. The roof would be constructed using grey fibre cement roof sheets.

Living Conditions

5. The appellant has commented that in the last nine years, the site has been used approximately a dozen times per annum for caravan and camping club rallies. I have no reason to doubt what the appellant says about there sometimes being 50 caravans on the site during these rallies. The Council's Environmental Health service has confirmed that there have not been any complaints about the use of the site in this way.
6. I acknowledge that the use of the site for holiday purposes will generate an increase in comings and goings when compared to the current use of the site: for large parts of the year the site is not used. However, I have taken into account a combination of issues including (i) that the site would not be used all year round; (ii) that an essentially residential type of use is proposed; (iii) that the site would be well screened by existing/proposed landscaping and fencing; (iv) the separation distances from surrounding buildings; (v) the historic use of the site; and (vi) the fact that this area is characterised by a mixture of commercial, community and residential uses.
7. In addition to the above, it would be possible to impose a planning condition which would ensure that more detailed controls are in place relating to the management and operation of the site. I acknowledge the representations made by some interested parties who raise concerns that there may not be a site manager on site. However, and for the avoidance of doubt, the appellant has confirmed (letter dated 23 June 2016) that *"during the open season there will be a warden resident at the site in a caravan"*.
8. For the above reasons, I conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of nearby properties in respect of noise, disturbance or vehicular movements. In this regard, the proposal would not conflict with the amenity aims of Policy DMG1 of the Ribble Valley Borough Council Core Strategy 2014 (CS).

Character and appearance

9. The siting of caravans and the erection of a building would undoubtedly have some impact upon the character and appearance of the area. However, that is the case for most developments of this kind in the countryside. In this case, the development would be closely related to existing buildings. Furthermore, the caravans would not be positioned on the site on a permanent basis as the appellant has agreed to a planning condition which requires that there are no

caravans between 6 January and 7 March in any year. The proposed building would have an agricultural appearance and hence would reflect the rural character and appearance of land to the rear of the Petre Arms.

10. Public views of the site from Whalley Road would be masked by the Petre Arms as well as by the existing vegetation along the southern boundary. I consider that the existing and proposed planting would ensure that the development does not cause material harm to the character and appearance of the area. I accept that the caravans would be visible from some public areas, including a nearby footpath, but the retention of existing vegetation, coupled with significant additional planting to be secured by planning condition, would ensure that the development did not appear intrusive in the landscape.
11. For the above reasons, I conclude that the proposal would not cause unacceptable harm to the character and appearance of the area. In this regard, I do not find any conflict with the design aims of Policy DMG 1 of the CS.

Highway safety

12. The County Highways Authority has raised no objection to this proposal based on the amended plan which straightens the access into the site. I acknowledge that the access from Whalley Road would be shared with visitors to other neighbouring sites. However, I have not been provided with any compelling evidence which would persuade me that the findings of the County Highways Authority are unsound. Whilst this is a relatively narrow access, I do not consider that this would lead to significant highway conflicts: visitors would likely arrive intermittently throughout the day. Access would be immediately onto Whalley Road which is a classified road and where there is easy and convenient access to the wider highway network. In this regard, I have no reason to disagree with the appellant that the site has better road infrastructure for those towing a caravan than many of the more remote caravan sites which are reached from narrow country lanes.
13. I do not doubt that at school drop off and pick up times the immediate highways are more congested and include a number of parked vehicles. In this sense, it seems eminently sensible, given the more difficult manoeuvring needed when towing a caravan, to restrict the times when visitors can first visit and finally depart from the site. With such controls in place, I do not consider that there would be significant conflict between vehicles at school drop off and pick up times, or at any other times of the day. Subject to the imposition of such a planning condition, I conclude that the proposal would not result in severe highway safety impacts. Consequently, I do not find any conflict with the highway safety aims of Policy DMG 1 of the CS.

Other Matters

14. I note that a significant number of representations have been received from other interested parties including 167 letters of objection at planning application stage. I have also taken into account representations made by other interested parties as part of the appeal including Councillors Stephen Atkinson and Paula Dobson, Samuel Smith Old Brewery (Tadcaster) and the Whalley Road Residents Group.

15. Whilst some have concerns about the site becoming a traveller's site or a permanent residential site, these are not proposals that are before me. In any event, I have imposed a planning condition which would preclude permanent residential use of the site, and would ensure that it was used only for holiday/recreational purposes. The Local Planning Authority would have enforcement powers in the event that such a planning condition was breached.
16. I accept that some caravans do have washing / toilet facilities. However, not all do, and it is not uncommon to have on-site facilities, such as a separate utility building, on caravan sites. I do not consider that the building would look out of place, or that it would cause harm to the character and appearance of the area. Whilst an agricultural building has previously been refused on the site (3/2007/0989/P), the Council has confirmed that this was due to a lack of agricultural justification: the appeal proposal is not directly comparable to the previous agricultural proposal.
17. Whilst Langho is a relatively small settlement, planning policies do not prohibit the proposed development in this location. The development does amount to a "small scale tourism or recreational" development in respect of applying Policy DMG2 of the CS. Consequently, and notwithstanding the representations made by Samuel Smith Old Brewery (Tadcaster), there is no policy requirement to justify need. Whilst I acknowledge the concerns raised by interested parties about extensions in the future (as the appellant owns adjoining land), this would need separate planning permission and the Council would need to judge whether such development went beyond "small scale".
18. St Leonards Church is not a listed building. Nonetheless, I have considered the separation distances involved, and there would not be any harm caused to the setting of this historic building. The proposal would provide a place in which to site a caravan, and hence I envisage that tourists would visit shops and facilities in the local area which would have some economic benefits. I have no reason to disagree with the Council who state in their appeal statement that *"the appeal site is considered to be sustainable in terms of its proximity to the A59 and the local hotels, public houses, restaurants and shops in Langho"*. Whilst I note that there are some other caravan sites in the Borough, there are no planning policies that I have been made aware of that would preclude, in land use principle, further caravan sites from being formed.
19. Representations have been made about the effect of the development on views and house values. The Courts have held that these matters are not material planning considerations. In any event, I have not received any objective evidence to substantiate claims about the effect of the development on house values. As part of the site visit, I was able to view the relationship of the proposed development with all neighbouring properties (this included a specific request to view from No 9 Petre Wood Drive). Taking into account the boundary vegetation and separation distances from surrounding properties, I do not consider that the proposal would cause harm to the living conditions of the occupiers of such properties including outlook.
20. None of the other matters raised outweigh my conclusions on the main issue.

Conditions

21. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

22. The appellant has agreed to all of the Council's suggested planning conditions apart from condition No 9 which would require the submission of a noise assessment relating to the proposed development. I have considered the advice provided by the Council's Environmental Health service that raised no objection to the proposal. Furthermore, and subject to good management of the site (to be controlled by means of planning condition No 4 in the schedule of conditions attached to this decision), I do not consider that such a condition would be necessary.
23. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
24. In the interests of the living conditions of the occupiers of nearby properties, and to accord with CS policies, it is necessary to impose planning conditions relating to the use of the site, times when caravans shall not be on the site, external lighting and the management/operation of the site. The latter condition is also necessary, in the interests of highway safety, in order to ensure that the site is managed in such a way that person's with bookings avoid arriving at the site during school pick up and drop off times.
25. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to landscaping, the play area and refuse storage provision. This would also include a requirement to submit details relating to the play area.
26. In the interests of nature conservation, a planning condition is necessary in respect of the implementation of the recommendations and mitigation measures in Section 6 of the Ecological Appraisal prepared by Envirotech. Finally, a planning condition is necessary in order to ensure that the site can properly deal with surface water and foul drainage.

Conclusion

27. The proposal would not have a significantly harmful effect upon the living conditions of the occupiers of nearby properties or the character or appearance of the area, and would not lead to any severe highway safety impacts. For these reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: Low/688/1794/01 REVB and Low/668/1794/02 REV.B.
- 3) This permission authorises the use of the site as a touring caravan site for holiday/recreational purposes only. No caravans shall remain on the site between 6 January and 7 March of any year; and no caravan at the site shall be occupied as any person's sole or main residence.
- 4) Prior to the commencement of development, precise details of the proposed means of management and operation of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be operated in strict accordance with the approved details. This shall include details of the following:
 - i) The means by which entry to the site would be restricted only to persons who had previously booked to be at the site.
 - ii) The times of day when persons with bookings can first enter and finally depart the site. This should avoid initial entry onto the site, and final departure from the site between the hours 0800 and 0930 and between the hours 1445 hours to 1545 hours on Mondays to Fridays during school term time.
 - iii) Details of the person or persons who would be responsible for assisting legitimate occupiers of the site with any queries/problems; and would also be responsible for ensuring that the behaviour of persons at the site is reasonable and not detrimental to the amenities of nearby residents.
 - iv) Details of the times of the day (if at all) that there would be a representative of the site operators present at the site.
 - v) The addresses of the person or persons responsible for the operation of the site.
 - vi) The site shall be operated at all times in complete accordance with the approved details.
- 5) Prior to the first use of the site for the purpose hereby permitted details of additional landscaping of the site, and including the retention of existing trees and hedgerows, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate as appropriate the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped including details of any changes of level or landform and the types and details of any fencing or screening. Details of the means of protection during development works of all hedgerows and trees identified for retention shall also be submitted for approval by the Local Planning Authority. The approved means of protection shall be in place at all times during the period of development works.

The approved landscaping scheme shall be implemented in the first planting Season following the first occupation or use of the development and shall be

maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

6) The development hereby permitted shall be carried out in complete compliance with the recommendations and mitigation measures in Section 6 of the Ecological Appraisal by envirotech (report reference 2534 dated 6 January 2015) that was submitted with the application.

7) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

8) No play equipment shall be installed at the play area as shown on drawing no. Low/688/1794/01 REVB, or elsewhere on the site, unless precise details of its type, height, design, colour and precise location have first been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and maintained as such thereafter.

9) Prior to the commencement of any development, a scheme for the disposal of foul and surface waters, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to first use of the site for the purpose hereby permitted.

10) The indicative details of the proposed refuse storage area is considered to be acceptable. However, the proposed storage area shall be constructed prior to the first use of the site and thereafter used and maintained solely for the purpose hereby permitted, in accordance with more precise details relating to its location, dimensions, materials of construction and external appearance, that have first been submitted to and approved in writing by the Local Planning Authority.