
Appeal Decision

Site visit made on 19 September 2016

by Beverley Doward BSc BTP MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/A0665/W/16/3152313

Oakwood Farm, Parkgate Road, Woodbank, Chester, CH1 6EY

- 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 P Townsend against the decision of Cheshire West & Chester Council.
 - The application Ref 15/04944/FUL, dated 7 December 2015, was refused by notice dated 25 February 2016.
 - The development proposed is a touring caravan park with 10 pitches, camping area with 5 pitches, part conversion of building to form toilet and shower block, access alterations and installation of drainage system.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted on the appeal site for a touring caravan park with 5 pitches, camping area with 5 pitches and the use of an outbuilding as a toilet and shower block, access alterations and the installation of a drainage system in December 2014. The permission has not been implemented.
3. At the site visit I noted that there was a partially built structure on the site. The appellant indicated that this was intended to provide a toilet and shower block facility. However, this did not form part of the planning application subject to the appeal nor did it form part of the previously permitted scheme. I have determined the appeal on the basis that it relates only to the development described in the terms given on the planning application as detailed in the heading above.
4. During the consideration of the planning application the appellant offered to remove the tent pitches from the proposal. However, the Council considered the proposal on the basis of the development described on the planning application form. I confirm that I have considered the appeal on the same basis as that considered by the Council.

Main Issues

5. The main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt;
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- the effect of the proposed development on the openness and purposes of the Green Belt;
- whether the proposed development in this location is acceptable having regard to its effect on the character and appearance of the area and its accessibility by sustainable modes of transport to services and facilities; and
- if the proposal is inappropriate development whether the resulting harm, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site is a grassed field located to the north of Chester within the North Cheshire Green Belt. The appeal proposal seeks planning permission for a touring caravan park with 10 pitches and a camping area with 5 pitches along with the ancillary development described on the planning application. As indicated above, planning permission was granted on the site in December 2014 for a touring caravan park with 5 pitches, camping area with 5 pitches and ancillary development. However, this permission has not been implemented. Accordingly, notwithstanding the fall back position of the extant permission, the appeal site is currently an undeveloped field. Therefore, I agree with the view of the Council that the appeal proposal represents a material change of use of the land.
7. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies 2015 (Local Plan Part One) relates to development in the countryside and the Green Belt. It sets out the types of development which will be permitted in the countryside and then goes on to indicate that within the Green Belt additional restrictions will apply in line with the Framework. The supporting text to the policy indicates that, in line with the Framework, inappropriate development is by definition harmful to the Green Belt and should not be allowed except in very special circumstances. It also lists the categories of development indicated in paragraphs 89 and 90 of the Framework which are considered not inappropriate within the Green Belt. Thus the policy is consistent with the Framework.
8. Proposals comprising material changes of use, other than the re-use of buildings of permanent and substantial construction, do not fall within any of the categories of development listed as exceptions within paragraphs 89 or 90 of the Framework and thus are inappropriate development. The appeal proposal would therefore comprise inappropriate development which would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness/purposes of Green Belt

9. The Framework, at paragraph 79, indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also indicates that openness and permanence are essential characteristics of the Green Belt. Openness can be considered as meaning the absence of buildings or development. Therefore, the siting of up to 10 caravans and five tents on the site together with the associated ancillary development such as

power points, lighting columns and waste facilities on a currently undeveloped field would inevitably mean that there would be a loss of openness to the Green Belt. I appreciate that the occupancy of the site would vary throughout the year and that therefore so would the effect on openness. However, the proposal is permanent and therefore the harmful effects on the openness of the Green Belt would be long lasting.

10. The appellant indicates that the appeal proposal would not require any additional ancillary development beyond that which would be required to support the touring caravan/camping park which already has planning permission on the site and suggests that it would be possible to double up the power points and lighting columns to serve an additional 5 caravans. I accept that this may be possible and whilst the plans indicate an additional 5 caravan hook up points this could be controlled by an appropriately worded condition as suggested by the appellant. Nevertheless, it seems to me that the physical mass and bulk of up to 10 caravans and 5 tents together with the additional vehicles, awnings, canopies and other such paraphernalia associated with them would have a materially greater impact on the openness of the Green Belt than the previously permitted development. I note that the appellant suggests that there is likely to be little or no take up of the tent pitches due to the site's proximity to the motorway and the perceived impact of noise from the motorway. Nevertheless, the appeal proposal does include a camping area for 5 tent pitches. Therefore, there could, at times, be up to 10 caravans and 5 tents on the site. Accordingly, I consider that the appeal proposal would cause significant harm to the openness of the Green Belt.
11. Paragraph 80 of the Framework sets out the purposes of including land within the Green Belt. One of the purposes is to assist in safeguarding the countryside from encroachment. The appeal site comprises an undeveloped field within the open countryside. Therefore, by virtue of the change in the nature of the use of the land there would inevitably be some degree of permanent encroachment of the countryside. However, given that the extent of the appeal site is the same as that which already benefits from planning permission for a touring caravan/camping park, the degree of encroachment would not be any greater than that which would occur if the existing planning permission on the site was to be implemented. I consider that the appeal proposal would cause moderate harm to the purpose of the Green Belt to assist in safeguarding the countryside from encroachment.

Location of development - character and appearance/accessibility by sustainable modes of transport to services and facilities

12. The appeal site lies within open countryside as defined in the Local Plan Part One. The appeal proposal is not one of the types of development identified in policy STRAT 9 of the Local Plan Part One which would be permitted in the countryside. Whilst I appreciate that touring caravan/camping parks are often located within the countryside, on the basis of the evidence before me I see no reason why they could not equally be located within or on the edge of settlements. I note the appeal decision¹ referred to by the appellant in which the Inspector in that case, in considering a proposal to increase the number of static caravans on an existing site, stated that any other possible locations for a caravan site would almost certainly be in the Green Belt. However, this was

¹ APP/P2365/A/12/2181220

in another local authority area and was on the basis that the Council had accepted that there were no obvious sites in rural centres. Accordingly, the circumstances were not the same as here.

13. The appeal site forms part of an extensive area of open countryside which extends northwards and westwards to the Dee Estuary affording views towards the North Wales hills. It is bounded by post and rail fencing and hedging and by the existing outbuildings along its southern side. However, both the appeal site and the wider area beyond are visible through the low and somewhat sparse hedge when travelling along Parkgate Road. Accordingly, whilst there is nothing in the evidence before me to indicate that the appeal site is of specific landscape value, it contributes to the generally open appearance and rural landscape character of the locality.
14. The appeal proposal comprising up to 10 caravans and 5 tents together with the vehicles, awnings, canopies and other such paraphernalia associated with them would appear incongruous and detract from the open and rural character and appearance of both the site and the wider area of countryside of which it forms a part. Whilst additional planting could be provided around the site I am not persuaded that this would serve to sufficiently mitigate the material harm that would be caused by the scale of the development proposed to the character and appearance of the area.
15. I consider that the appeal proposal would cause moderate harm to the character and appearance of the area. This would be contrary to policy STRAT 9 of the Local Plan Part One which seeks to protect the intrinsic character and beauty of the Cheshire countryside and ensure that development takes full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site. It would conflict with policy ENV 2 of the Local Plan Part One which seeks to ensure that development must be of an appropriate scale and design to not harm the character of the countryside. Furthermore, given my findings above, the proposal would fail to accord with the requirement in the supporting text of policy EC18 of the CDLP which indicates that development proposals for new camping and caravan sites will not be permitted where it would have a detrimental impact on the openness of the Green Belt or the character or appearance of the open countryside.
16. The proposed development would, by its very nature as a touring caravan/camping park, be principally accessed by the private car. However, the site is reasonably accessible by sustainable modes of transport, there being a bus stop opposite the site which provides regular services to Chester City Centre and the seaside town of West Kirby. The site is adjacent to the national cycle route and is within easy walking distance of a local convenience store and coffee shop which would serve the day to day needs of the visitors to the site. Accordingly, the location of the proposed development would be such that it would be reasonably accessible by sustainable modes of transport. In this respect therefore it would accord with the requirement in policy ECON 3 of the Local Plan Part One that tourism development proposals should be accessible by such modes of transport. However, the policy also indicates that developments in the countryside should protect the character of the countryside and that development proposals will also be subject to any additional controls that will apply in the Green Belt. Therefore, given my

findings above, the proposal would also be contrary to policy ECON 3 of the Local Plan Part One as a whole.

17. Taking all of the above into account therefore to conclude on this issue, whilst the proposal would be reasonably accessible by sustainable modes of transport it would not be acceptable in this location having particular regard to its effect on the character and appearance of the area contrary to policies STRAT 9, ENV 2 and ECON 3 of the Local Plan Part One and saved policy EC18 of the CDLP which of the policies referred to by the Council in relation to this issue are the most relevant. Policy STRAT 1 referred to by the Council is an overarching strategic policy which reflects the presumption in favour of sustainable development indicated in the Framework.

Other considerations

18. The Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I am mindful that the Council indicates that, in so far as the appeal site benefits from an extant planning permission, the principle of the use of the site as a touring caravan/camping park use is accepted but as I have found above, the appeal proposal would have a materially greater impact on the openness of the Green Belt than that previously permitted. Furthermore, I note that, in considering the previous planning application the Council afforded significant weight to a fall back position which meant that, given the provisions of the Caravan Sites and Control of Development Act 1960, the proposed development could have constituted permitted development. This would not be the case here. Accordingly, I attribute only moderate weight to the existence of the extant planning permission as a factor weighing in favour of the appeal proposal.
20. The proposal would contribute to the provision of tourist accommodation and to the local economy, which is encouraged in the Framework. However, in this case the evidence indicates that the proposal would generate only 2 jobs (1 full time and 1 part time) and that these would not be additional to those that which would be generated by the permitted scheme. Furthermore, the support provided by the additional visitors to local facilities and services would be somewhat limited given the restricted range of the facilities. Accordingly, I attach only moderate weight to these considerations.
21. In support of the proposal the appellant indicates that the national suggested guideline is 30 caravans units per acre and that the site measures approximately 21.3 acres. However, there is nothing in the evidence to explain the relevance of this. The appellant indicates that there is a need for 10 caravan units to make the site sustainable. Whilst it would seem that this is intended to relate to the economic viability of the site there is no substantive evidence before me to indicate this is the case. There is also no substantive evidence to support the appellant's suggestion that there is a need for an additional touring caravan/camping park in the area. I am not persuaded that the mere presence of other camping/caravan parks in the area sufficiently demonstrates that there is a need for the appeal proposal. Accordingly, I am unable to attach weight to these considerations.

22. Whilst there were no objections received to the planning application this does not serve to weigh in favour of the proposal. In any event I have received a representation from a third party in response to the appeal notification.
23. My attention has been drawn to the findings of the Council on a planning application nearby in which it found that a proposal seeking the variation of a planning condition which would allow an increase in the number of caravans from 10 to 14 would have little impact on the openness of the Green Belt. However, the circumstances of a particular development on a separate site are unique to it. Accordingly, this decision of the Council does not serve to attract any weight in favour of the appeal proposal.

Other matters

24. The Council has referred to a recent appeal decision² in its district which it considers relates to matters relevant to this case. I have had regard to this decision and agree that there are some similarities to the current appeal proposal. However, there are also differences. I confirm therefore that this decision has not been determinative in my consideration of this appeal.

Conclusion

25. To conclude therefore, the appeal proposal would be inappropriate development in the Green Belt. There would also be significant harm to the openness of the Green Belt as well as moderate harm to one of its five purposes.
26. The Framework requires that substantial weight should be given to any harm to the Green Belt. Added to this would be the moderate harm caused by the proposed development in this location to the character and appearance of the area.
27. Despite having had regard to all the other considerations put before me, they are not sufficient to outweigh the totality of harm that I have found above. Accordingly, the very special circumstances needed to justify the development do not exist.
28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR

² APP/A0665/W/16/3145946