
Appeal Decision

Site visit made on 15 November 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 11 January 2017

Appeal Ref: APP/B1225/W/16/3156228

Harman's Cross Camp site, Haycrafts Lane, Harman's Cross, Nr Swanage, Dorset, BH19 3EB

- 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 and Mrs M O'Connell against the decision of Purbeck District Council.
 - The application Ref 6/2016/0139, dated 26 February 2016, was refused by notice dated 26 April 2016.
 - The development proposed is "Request to extend period of use of existing facilities to coincide with extension of Swanage Steam Railway".
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Decision

1. The appeal is dismissed.

Procedural matters/background

2. The application description above is taken from the planning application forms. It differs from that on the decision notice which describes the proposal as "Change of use of land to mixed use of agriculture and camping, with pre-erected tents and equipment". The appellants contest this changed wording.
3. From all that I have seen neither the Council nor the appellant have described the proposal correctly. It should be worded as "Change of use of land to a camping site limited to the period 1st June – 30th September for the use of 10 fully equipped tents". And it is clear also that the application applies only to field No. 3, identified on the application plan as being within part of the application site. Allegations that the Council misinterpreted the proposed development are largely circumstantial and in any event I shall determine the appeal on the basis set out above.

Main Issue

4. The main issue in this appeal is: whether the proposed development would comply with the development plan Policies on tourism and the location of development in rural areas, and its effect on the Dorset Area of Outstanding Natural Beauty (AONB); and if harm is found whether that would be outweighed by other considerations.

Reasons

Main issue

5. The appeal site is in the countryside outside the settlement boundary of the small village of Harman's Cross. The site and all the immediately surrounding area, including the village, lies in the Dorset AONB. On the southern boundary of the site runs the Swanage Steam Railway, a preserved railway line, and Harman's Cross station. The site as a whole comprises a large area of land. The proposed tents would be erected in Field 3, a parcel of land within the application site. This field is said to be currently used for camping under 28 day permitted development rights.
6. The permitted development rights extend to the remainder of the appeal site. The appellant refers to an Exemption Certificate secured with Freedom Camping to provide year round accommodation on their land for a maximum of 5 touring caravans and 80 tents per night. However, in the absence of a copy of the certificate any potential limitations on this are unknown and there is no evidence on the precise area of land to which it relates. In 2015 the Council permitted the change of use of part of an existing agricultural building to a shower room/WC block for use by campers at a Caravan Club Certified location. The building has since been converted to this use.
7. Policy TA of the adopted Purbeck Local Plan Part 1 (LP) (2012) says that new sites or extensions to existing holiday chalets and tented camping sites will only be permitted outside the AONB and Green Belt. The appellant says that the proposal would accord with this Policy because it applies only to new sites or extensions to existing sites and not, a here, to proposals to extend the period of use of an existing site. The appellant is seeking to extend the current period of use of field 3 from the 28 days allowable as permitted development to 112 days annually.
8. However, the rights conferred to above do not mean that the field has planning permission for camping or an established use right for camping. I concur with the Council's view that only such sites should be regarded as existing sites for the purposes of Policy TA given that in other circumstances after a site has been used as a campsite for a temporary period it reverts back to its previous agricultural use. Thus there would be a clear conflict with Policy TA on tourism.
9. Turning to other LP Policies Policy CO deals with development in the countryside outside settlement boundaries and, amongst other things, allows for small-scale tourism uses. However, this is a reference to the countryside generally and should not override the Policy restriction on new tented campsites in the AONB.
10. Policy TA is very prescriptive in its prohibition of new tented camp sites in the AONB. The appellants' are critical of this on the basis, amongst other things, of statistics said to show the Council to have underestimate visitor trips and made inadequate provision for new camping sites in the area. However, the Policy is relatively new and although it may be revised there is currently no indication of any revised wording. It thus has the full weight of a development plan Policy. Whether or not there are grounds to revise this Policy lie more appropriately with any partial review of the plan than on individual planning appeals.

11. The above points strongly against the proposal. However, account should also be taken of the effect that it would have on the character and appearance of the AONB so that this Policy harm may be weighed against any potential benefits. The application site lies in most attractive rolling countryside. It is said that the proposed tents would be erected on the southern part of field 3 close to the boundary with the preserved railway line and adjoining hedgerow/tree screen. No substantial evidence has been provided of the size and appearance of the proposed tents. However, from what I saw, depending on the spacing between them, they could potentially occupy a substantial length of the southern boundary of field 3. And account would also need to be taken of other paraphernalia that might well be associated with the tents. Whilst I appreciate that they would be well equipped one of pleasures of camping is eating outdoors etc. This could lead to tables, chairs and sunshades being placed on the land. Moreover, although the appellants' intention is to market the site to those who might arrive by train at Harman's Cross station there is no guarantee that this would be the case and always remain so. Thus the proposed tents could result in quite a significant degree of car parking. All of this, cumulatively, would constitute an unacceptable incursion into this rural area. This would be undesirable even with the period of use sought and the even removal of tents between periods of occupancy. Such removal would, moreover, be difficult for the Council to monitor and control.
12. The appellant says that the tents would be well screened. This would be so in relation to views from the public highway and nearby housing. However, such arguments could be used too often in areas such as this and if accepted would have the potential to lead to substantial harm. Moreover, although field No. 3 is well screened in some respects account must be taken of views of the site from a public right of way on high ground to the south of the preserved railway line. There is no substantial supporting evidence for the contention that this footpath is little used. From what I saw it provides a most scenic route through the area and, as such, is likely to be attractive to those seeking to enjoy the beauty of this part of the AONB.
13. From substantial lengths of this path the appeal site is readily seen. Photographs have provided photographs from part of this path to show bell tents on field No. 3 completely screened from view by a tree/hedgerow adjoining the railway line. However, from other parts of the path field No. 3 is more visible and there is no evidence that the bell tents in situ when the photograph was taken are of a size that would be subsequently erected. And the degree of screening shown on the photograph would be considerably dependent on the tents being close to the field's southern boundary. Whilst this is the appellants' intention there would be no guarantee that this would always be so. And car parking and other camping paraphernalia could potentially occupy high ground on field 3 and be most noticeable.
14. Given the above I consider that there would be conflict with the development plan Policies on tourism and the location of development in rural areas and for the substantial increase in the usage of field No. 3 to harm the character and appearance of this part of the AONB.
15. In arriving at this view I have had regard to other development in the area and in particular the relatively recent construction of a village hall not far removed from the appeal site. However, whilst this is somewhat intrusive, notwithstanding its good design, I do not have the full background to this

decision and it would not justify further intrusion of the kind sought. Nor, on the limited information given, can I place great weight on a permission for 22 holiday lodges in the locality. I have taken into account the usage of the appeal site under the Exemption Certificate. However, on the evidence given I am unable to judge the full effect of this and hence the weight that I should give it in my decision.

16. Turning to matters raised in favour of the proposal the envisaged operation of the preserved railway, and its projected links to the main line, could potentially provide those on the site with the ability to forgo use of the car at times and avoid holiday congestion. The additional usage of the site could potentially lead to increased use of local shops and the preserved railway. This would be of some assistance in an area where tourism is important to the local economy and employment provision. And there would be some social benefit in allowing holiday makers to camp in an attractive location. To this extent there would be some social, economic and environmental benefit.
17. However, given the relatively limited scale of the proposed development the advantages above are small. Against this must be weighed the conflict with LP Policies CO and TA referred to above and the harm to the AONB. And this I find to outweigh the benefits especially having regard to the necessity to give great weight to conserving the landscape and scenic beauty in AONBs. And although the appeal site and its immediate surroundings comprise only a small proportion of the total Dorset AONB that does not lessen the weight to be given to the harm I have found.
18. It is concluded that the proposed development would fail to comply with the development plan Policies on tourism and the location of development in rural areas, and would harm the character and appearance of the Dorset AONB. This harm would not be outweighed by other considerations.

Other matters

19. I have taken into account observations on the appellants' allowing camping on their land to a high standard. And whilst some object to the proposal there has been a fair body of support. And whilst I note concerns on additional traffic to and from the site all that I saw leads me to concur with the Council's highway engineer that highway safety would not be compromised.

Overall balance and conclusion

20. There are some, albeit minor, benefits to the proposed development, not all the local concerns are borne out and there is some support for the proposal. And to some degree the 3 dimensions of sustainable development would, as outlined above, be met. However, the environmental dimension requires the planning system to contribute to protecting and enhancing the natural environment. This, for the reasons given, the proposed development would fail to do. It is this that I find decisive. Seen in the round this would not be sustainable development.
21. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR