
Appeal Decision

Site visit made on 14 February 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/C3430/W/16/3163965
Hinksford Lane, Swindon DY3 4NU

- 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 NNR Leisure against the decision of South Staffordshire Council.
 - The application Ref 15/01011/FUL, dated 20 November 2015, was refused by notice dated 18 November 2016.
 - The development proposed is the Change of use of former sand pit to a touring caravan site with associated ancillary facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposal is inappropriate development in the Green Belt; (ii) the effect of the proposed development on the openness of the Green Belt and whether it would conflict with the purpose of including land within it; (iii) whether the appeal site is sustainably located with regards to access to goods and services; and (iv) if inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

3. The proposal would if allowed, result in the change of use of the site to a touring caravan leisure facility, with a capacity for 15 touring caravan pitches with electrical points, a car parking area, picnic tables and two mobile ancillary buildings which would serve as an ablutions block and as a management office.
4. Two Inspectors in previous appeal decisions¹, both dismissed, arrived at the view that the proposed tourism use did not relate to any of the specified exceptions to inappropriate development in the Green Belt set out in paragraphs 89 or 90 of the National Planning Policy Framework (the Framework) On that basis, they concluded that the proposal would be inappropriate development in the Green Belt. I note the appellant does not dispute this, so in terms of this appeal, none of the exceptions listed are directly relevant to the development proposed.

¹ Appeal Decision Refs: APP/C3430/A/14/2219317 and APP/C3430/W/15/3136862

5. Policy GB1 of the Council's Core Strategy Development Plan Document (Core Strategy), in addition to the exceptions listed in paragraphs 89 and 90 of the Framework, includes a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes. However, reference to the material change of use of land is not an approach that is consistent with paragraphs 89 or 90 of the Framework. So, with regards to paragraph 215 of the Framework, I consider that this appeal should be determined, in respect of this issue, on the basis of the Framework.
6. On that basis, I therefore conclude that the proposal would be inappropriate development in the Green Belt as it would not meet any of the exceptions listed in paragraphs 89 and 90 of the Framework.

Openness and the purposes of including land within the Green Belt

7. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness can be considered as meaning an absence of built or otherwise urbanising development.
8. The appeal scheme would, notwithstanding the transient nature of the caravans result in the change of use of vacant land to a touring caravan site and introduce two mobile buildings. While these would be positioned within or adjacent to an existing wooded area, this does not change the loss of openness that would arise as a consequence of the proposal which would increase the built development along this part of Hinksford Lane. Harm would therefore arise and the proposal would conflict with paragraph 79 of the Framework.
9. Whilst I note the parties' points that the proposal would result in some encroachment into the countryside, I did observe the site from various public viewpoints on Hinksford Lane and from the towpath along the canal to the west of the site. The proposal due to its siting would be very well screened by the existing dense vegetation which lines the front part of the site. This would leave the elevated part of the site open and free from development. As a result, I concur with the findings of the Inspector in the 2016 appeal decision², who found that there would be no visible encroachment of the countryside that would be harmful to the character or visual amenity of the Green Belt. Thus, the proposal would not conflict with any of the purposes of including land in the Green Belt as set out in paragraph 80 of the Framework nor Policies EQ4 & EQ11 of Core Strategy, which jointly, seek development to take full account of the nature and distinctive qualities of the local landscape and its character.

Sustainably located

10. The site is within walking and cycling distance of bus stops in either direction on Hinksford Lane together with the nearby village of Swindon. I also note that cycle parking provision, as shown on the plans, would be provided within the site for people to use. However, in order for people to access the bus stops and the village, they would need to walk or cycle along Hinksford Lane.
11. While Hinksford Lane was at the time of my visit closed for road works, I could nevertheless see that there is no footway along the lane in either direction until

² Appeal Decision Ref APP/C3430/W/15/3136862

32 Hinksford Gardens and 39 Hinksford Lane. Thereafter there are footways on either side of Hinksford Lane leading into the village. Similarly, I noted that the stretch of Hinksford Lane across the site's frontage to Nos 32 and 39 was unlit and subject of a national speed limit. I am also mindful of the findings from the previous appeal decisions³ regarding the use of the lane and vehicles travelling at a relatively high speed. Gathering these points together, visitors to the proposed caravan site would therefore be unlikely to choose to walk or cycle to the nearby village, as they would not consider it to be a safe route. Instead visitors would be likely to choose to travel there by car.

12. I note the plans illustrate a new 1.6 metre wide footpath extending from the appeal site to No 32. Although the appellant sets out that the highway authority has purchased a strip of land along Hinksford Lane with a view to constructing the footway, neither the highway authority or the Council confirm that this indeed the case. A map and a letter provided by the appellant, simply confirm the extent of highway that is maintainable at public expense. Aside to this the Council assert that the correct notice has been served on the highway authority. However the application form confirms that only Certificate A has been completed. Still, it appears to me that the highway authority was fully aware of the proposal in this regard given their comments in respect of the proposed footway. In addition, the site edged red does extend to No 32 which would enable the said footway to be constructed in front of the adjacent field. Street lighting would also be installed along the proposed stretch of footway.
13. Given this and as there is no suggestion that the works could not be performed prior to the commencement of development, as suggested by the Council in the event that I was minded to allow this appeal, I consider that this could reasonably be dealt with by a planning condition. Consequently, I concur with the Council that the new footpath and lighting would improve the draw of and safety of pedestrians and or cyclists who wish to travel to and from the village.
14. Accordingly, on this issue, I therefore conclude that the appeal site would be sustainably located with regard to access to goods and services. The proposal would comply with Policy EV11 of the Core Strategy and paragraph 32 of the Framework which together, seek to ensure safe and suitable access for all and encourage the provision of footpaths.

Other considerations

15. In support of the proposed small tourist facility in a rural area, the appellant has provided a Socio-Economic Statement. I understand that the Council's Regeneration team has reviewed the submission and I note their support for the appeal proposal on the basis of the economic benefits set out in the Socio-Economic Statement. This supportive approach was reflected in the officer's report to Planning Committee which considered that the appellant had demonstrated that the proposal would have a positive impact upon the local economy supporting Policy EV2 of the Core Strategy and the Framework, which encourages tourism growth. Nevertheless the Socio-Economic Statement presented in this appeal is the same report as that considered during the 2016 appeal decision⁴. Thus, I have also had regard to the findings of that decision.

³ Appeal Decision Refs: APP/C3430/A/14/2219317 and APP/C3430/W/15/3136862

⁴ Appeal Decision Ref APP/C3430/W/15/3136862

16. Still, I appreciate that the proposal would result in several positive benefits which include: job creation, spending in the wider economy related to the purchase of goods and services by the site and of visitors to it and that the business would itself be profitable. These all weigh in favour of the appeal scheme. Furthermore I consider that a limited positive benefit would stem from the construction of the appeal scheme. I also consider, in tune with the previous decision that a limited positive weight should be given to the solar panels that would be installed on top of each of the two mobile buildings, given the scale of the proposal.
17. However, the appellant's own Socio-Economic Statement categorises the significance of the predicted effects listed as either minor beneficial or negligible. Even if the Council's Regeneration team are correct in saying that the benefits arising from the proposal could be greater than those stated by the appellant, I am also mindful of the findings from both previous Inspectors. In their decisions the Inspectors, noted some caution with adopting the claim that two full-time jobs would be created, given the seasonal use of the site. Also, they set out that the socio-economic, tourism and other benefits advanced in support of the previous appeal proposals were not significant. So, while I appreciate the proposal may represent an opportunity to capitalise on existing tourism spending locally and the proposal may attract more visitors to the area, I consider that the socio-economic and tourism benefits, despite weighing in favour of the scheme, to be of a limited positive weight.
18. On the basis of the evidence before me, I am content that the proposal would result in a neutral effect on the character or appearance of the Staffordshire and Worcester Canal Conservation Area which is roughly 85 metres from the appeal site. The proposal would also be acceptable in terms of its effect on the living conditions of neighbouring occupants, biodiversity and character and appearance. I also consider that planning conditions could address matters such as flood risk, drainage and the provision of waste and recycling facilities as well as car parking and the vehicular access. But, as these matters all attract a neutral weight they do not weigh in favour of or against the proposal.

Conclusion

19. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is therefore given to this harm and the harm that would arise in respect of the loss of openness. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, is clearly outweighed by other considerations.
20. I conclude that the other considerations, as well as the proposed footway, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
21. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR