

Appeal Decision

Site visit made on 7 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/C1625/W/16/3158603

Montserrat Caravan Park, Butterrow Lane, Stroud, Gloucestershire GL5 2NJ

- 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 Paramount Parks Limited against the decision of Stroud District Council.
 - The application Ref S.14/2816/FUL, dated 4 December 2014, was refused by notice dated 15 April 2016.
 - The development proposed is earthworks, reinstatement and securing of bank.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the works would conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site lies in the AONB, and the *National Planning Policy Framework* (the Framework) identifies such a designation as amongst those having the highest status of protection in landscape and scenic beauty. Policy ES7 in the *Stroud District Local Plan* reflects this by seeking to ensure landscape protection in the AONB.
 4. The site is on a valley side, and is accessed off a narrow winding lane that runs along its south-eastern boundary. It sits amongst woodlands and fields, and while some houses are to the north and isolated properties are to the south, the area nonetheless still maintains the appearance of being a natural landscape.
 5. In 1953 planning permission was granted to use the land as a site for caravans but no conditions were imposed to restrict the number that could be sited there. That permission was duly implemented though I understand the slope of the land restricted the number of caravans it could accommodate. The concrete structures and ancillary buildings associated with that activity are still apparent, but there are no caravans now on site and it is heavily overgrown. I appreciate that, when present, the caravans and structures would have had some effect on the landscape and scenic beauty of the area.
 6. The works subject of this appeal principally comprise the cutting back of the slope (much of which has already been undertaken) and the construction of
-

- what is called a timber 'Permacrib wall', some 5-5.8m in height, that would include planting. The wall's overall length is said to be just under 60m in the Appellant's Statement and 80-85m in its Arboricultural Appraisal. Above the wall the slope would be re-graded into the existing land profile, and that would involve the loss of some trees on the edge of the woodland.
7. The purpose of these works is to create a flat platform on which further caravans can be positioned. I was told that this was not the only way in which the capacity of the site could be increased, but rather this could also be achieved by other means.
 8. I appreciate that using timber would soften the appearance of the walling somewhat. However, even based on the smaller dimensions given by the Appellant, to my mind its length, height and form mean it would nonetheless constitute a formal and contrived feature in this otherwise natural landscape. As such, it would appear as a discordant element.
 9. On the lane the differences in land levels mean the wall would not be visible when in front of the site, but it would be apparent from the south through the gaps in the roadside trees. From these points although the wall would be on a sizeable and heavily landscaped hillside, its dimensions and discordant form mean it would still be apparent and noticeable. Moreover, as the site is higher the intervening hedges and fences would do little to screen the development. The Appellant contended that the lane's winding narrow nature meant drivers would be focussed on the carriageway and not the view. However, passengers would not be restricted in that way, and as this is a designated quiet lane it is also used by walkers, cyclists and horse riders. In any event, there is no basis to consider the AONB should be protected from the public domain only, and, given the site's prominence, I am aware these large works would be visible from other locations within the surrounding area.
 10. Although the wall would include planting I have little to show how that would be managed and it would not be suitable to impose a condition to require it to be maintained in perpetuity. The weight I can therefore give to any softening effect it may have is limited.
 11. Moreover, it is appreciated that, when the site was operational, there would be caravans in front of the wall that would screen it to some degree. These though are not permanent structures and can come and go, while the wall would remain and would be higher. Similarly any planting across the site is likely to be lower than the wall and its permanent retention could not be guaranteed.
 12. The Appellant further stated that one of the benefits of the scheme was that the alternative method of increasing the site's capacity the Appellant would pursue would be more obtrusive as some of the caravans would stand on elevated platforms. However few details of those works are before me. Therefore I cannot assess their impact fully or be confident they would not require specific planning permission. The weight that alternative can be given is therefore limited. In any event, I again note that the caravans would not have the permanence of the retaining wall.
 13. With regard to the re-grading of the bank, while that would result in the loss of some trees they could be replaced and to my mind their removal would not, in itself, be sufficient to cause unacceptable harm.

14. Mindful that bat mitigation measures are to be introduced I have no grounds to consider the proposal would harm the nearby Site of Special Scientific Interest, the Special Area of Conservation or the ecology of the area in general. While there was a concern about the stability of the bank and drainage I anticipate that engineered solutions could be secured by conditions. Where the excavated material has been deposited does not affect the planning merits of this case.
15. Finally, given the 1953 permission I am not in a position to object to a caravan site in this location. Moreover, as I understand there is opportunity for the site to accommodate more caravans without these works I cannot raise concern about any increases in numbers that may occur or their associated traffic and visual impact.
16. Although the scheme would no doubt improve the viability of the site, I have insufficient information to show that any benefits this would bring would outweigh the harm identified.
17. Accordingly I conclude the development would fail to conserve the landscape and scenic beauty of the AONB, and so would conflict with Local Plan Policy ES7 and the Framework. Therefore the appeal should be dismissed.

J P Sargent

INSPECTOR