
Appeal Decision

Site visit made on 29 March 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/D2510/W/16/3163008

The Nurseries, Coots Lane, Mumby, Lincolnshire LN13 9JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Dianne Baxter-Skaife against the decision of East Lindsey District Council.
 - The application Ref N/125/00555/16, dated 10 March 2016, was refused by notice dated 24 October 2016.
 - The application sought planning permission for the change of use of land for the siting of 30 touring caravans, creation of amenity pond and erection of reception building, retention of existing amenity building and change of use of land to form an extension to domestic curtilage without complying with condition 7 attached to planning permission Ref APP/D2510/A/13/2206929, dated 30 June 2014.
 - The condition in dispute is No 7 which states '*No development regarding the touring caravan site shall take place until the caravan passing place on Coots Lane has been surfaced as shown on drawing LDC0702-04 received by the local planning authority on 26 February 2013*'
 - The reason given for the condition is '*to facilitate the safe and free movement of traffic along Coots Lane*'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for the siting of 30 touring caravans, creation of amenity pond and erection of reception building, retention of existing amenity building and change of use of land to form an extension to domestic curtilage, in accordance with application Ref N/125/00555/16, dated 10 March 2016 without compliance with condition 7 previously imposed on planning permission Ref APP/D2510/A/13/2206929, dated 30 June 2014 and subject to the conditions set out in the attached schedule.

Main Issue

2. There are two main issues. These are:
 - Whether or not the condition is relevant and necessary in the interests of the safe and free movement of traffic along Coots Lane and thus the proper functioning of the development; and
 - The effect of a non-tarmacked passing place on the character and appearance of the area.
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Reasons

Safe, Free Movement and Functioning

3. The access to the caravan site, which was in operation at the time of my site visit, is along Coots Lane which is a narrow rural lane of mainly single track width. Given that the mainstay of visitors to the site would be towing caravans, it seems eminently sensible to my mind for there to be appropriate opportunities for two vehicles, if they should meet, to pass safely. I therefore agree with the previous Inspector¹ in this regard.
4. The crux of the case before me appears to be not that a passing place in principle is not required, but whether it is necessary for it to be surfaced in tarmac. The area concerned is currently between the edge of two private driveways and the metalled part of the lane. It is finished in non-bonded gravel.
5. I have regard to the views expressed by both local residents and Lincolnshire County Council as the Highways Authority (HA). The gravel, it would appear from the evidence, has been down for some considerable time and shows little signs of deterioration. Similarly, there does not appear to be any significant damage to the highway verges. The lane is lightly trafficked and the frequency of visitors to the site in the context of the rough timings for checking in and checking out is low. There is nothing before me to suggest that situation would not continue.
6. In addition to this, the area of narrow carriageway between the caravan site and the junction with Washdyke Lane is relatively open and straight which offers good visibility. I also recognise that there are benefits in the use of a permeable material for surface water management purposes.
7. For these reasons, the lack of a tarmacked surface would not adversely affect the safe and free movement of traffic on the lane or impede the proper function of the caravan site. As such, there would be no conflict with saved Policy TR3 of the Local Plan² which states, amongst other things, that development will be permitted provided that the design, access and layout of roads are safe and functional.

Character and Appearance

8. Coots Lane, as I have described above, is narrow and rural in character. There are verges either side mostly of grass with some hard surfacing. Detached private dwellings line either side, facing inwards and set back from the lane edge. Private driveways link the dwellings with the lane. There is a mix of boundary treatments from front fences to hedges of a variety of types.
9. The lack of a tarmacked surface in itself would not fundamentally alter the character of the lane. In fact quite the contrary. Therefore, and given my findings on the first main issue, I would find it difficult to reconcile an argument that keeping the surface as it currently is would directly lead to damage to the lane to an extent that the character and appearance of the area would be adversely affected.

¹ APP/D2510/A/13/2206929

² East Lindsey Local Plan Alteration 1999

10. With respect to this main issue therefore, the effects of the passing place as it currently stands would comply with the Framework³, specifically section 7 which requires high quality and contextually appropriate design and appearance in new development.

Conditions

11. The plan that the Council's suggested conditions refer to is already mentioned in condition 2 of the original planning permission (Ref LDC0702-04). Imposition in the manner suggested by the Council would therefore duplicate what has already been stated. Indeed, the plan referred to in original condition 7 was also one of the approved plans listed in original condition 2. The key difference being that 7 referred explicitly to the surfacing of the passing place as it was stated.
12. With this and my findings above in mind, condition 7 is not necessary and I have therefore determined to remove it. Taking into account my opinion on the need for a passing place, I have included a fresh approved plans condition. With explicit reference to the tarmac surfacing as specified on approved plan LDC0702-04 not being part of the development permitted. Further, this would be sufficient to identify the passing place in itself as part of the development permitted and to be carried out.
13. The Council have advised that conditions 5 and 6 of the original planning permission have been discharged. In addition, the appellant has confirmed that the noise attenuation works as required by original condition 9 were carried out prior to the caravan site commencing operation. Re imposition of these conditions is therefore not necessary. I have not imposed the standard time condition since the evidence suggests that the caravan site has been in operation for some time prior to the appeal coming before me.

Conclusion

14. For the above reasons, and subject to the conditions set out in the attached schedule, the appeal is allowed.

John Morrison

INSPECTOR

³ The National Planning Policy Framework 2012

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LDC0702-01, LDC0702-02C, LDC0902-03 and LDC0702-04 except in respect of the detail setting out the surfacing of the passing place as shown on plan LDC0702-04.
- 2) The site must only be used as a touring caravan site and must only be used for holiday purposes. No more than 30 holiday units (combined total of caravans, motor-homes and tents) must be positioned on the site at any one time.
- 3) Caravans, motor-homes and tents must only be on site between 15 March and 31 October in any one year, except that in years when the Autumn half school holiday falls within November then the period is extended to the Sunday at the end of that half term holiday. All caravans, motor-homes and tents must be removed from the site outside of this period.
- 4) All foul waste from the facilities building must be connected to the existing septic tank unless agreed in writing by the local planning authority.