

Appeal Decision

Site visit made on 27 March 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 20 April 2017

Appeal Ref: APP/E3715/W/17/3167471

Fishpools Farm, Main Street, Frankton, Warwickshire CV23 9PB.

- 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 Shaun Harborne against the decision of Rugby Borough Council.
 - The application Ref R16/0497, dated 17 February 2016, was refused by notice dated 19 July 2016.
 - The development proposed is the erection of three log cabin holidays lets (to be installed instead of three teepees – approved under ref: R15/2129).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. As made clear in the Appellant's Grounds of Appeal, the proposal involves the erection of three log cabins rather than their siting on the land. Consequently, the development would constitute operational development as opposed to a change of use. The distinction is important because different policies apply to the change of use of land in the Green Belt, as opposed to the erection of new buildings. I have thus amended the description of development in the banner to provide greater clarity.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework);
 - The effect of the development on the openness of the Green Belt and the character and appearance of the countryside; and
 - If the proposal is inappropriate, 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 the development.
-

Reasons

Whether inappropriate or not

4. Policy CS1 of the "*Rugby Borough Council Local Development Framework – Core Strategy 2011*" (the CS) states that new development in the Green Belt will be resisted and only approved where it accords with national policy. That being the case, I have assessed the scheme against advice in the Framework.
5. The proposal comprises the erection of 3 log cabins along the southern bank of the main lake, the largest of which would be 11.5m (width) x 11.5m (depth) x 4.1m (height). The appeal site currently has planning permission for the siting of three short term holiday let teepees. The teepees had not been erected at the time of my visit. However, I did observe their wooden bases as well as the associated amenity block.
6. The Framework is clear that the construction of new buildings is inappropriate in the Green Belt. Exceptions include buildings for agriculture and the provision of '*appropriate facilities for outdoor recreation*' - as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 89 does not explicitly identify the provision of buildings for tourism as '*not inappropriate*' as suggested by the appellant. It does however say that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
7. The first question is therefore whether the development would constitute *appropriate facilities for outdoor recreation*. Whilst the three holiday lodges would have some spatial association with the fishing lake, there is a distinct lack of information before me to explain why they should be regarded as '*appropriate facilities*'. Although the term is not defined in the Framework, I consider it to mean those facilities which bear a functional relationship to the sport or recreation at hand and are required in order to support or facilitate the pursuance of the outdoor activity.
8. No evidence has been adduced regarding the extent of fishing at Fishpools Farm. Whilst I have no doubt the lake is stocked, it is relatively small and therefore in the absence of any supporting information such as visitor numbers and/or testimonies, I have doubts as to whether the quality of the fishing experience would be sufficient in itself to sustain the interest of visitors to the proposed lodges. It seems more likely that the lodges would be used as a base for exploring the area with perhaps some fishing taking place in between.
9. Even if I am wrong about that, there is nothing before me to explain why the existing teepees are deficient and why more substantial and permanent accommodation is necessary to support fishing on the lake.

Effect on openness and countryside

10. The exemption for '*appropriate facilities for outdoor recreation*' is predicated on the preservation of openness which by its nature is reduced by the erection of buildings and other structures. The Framework confirms openness is an essential characteristic of the Green Belt one of the fundamental aims of which is to prevent urban sprawl by keeping land permanently open. Openness has a spatial as well as visual aspect and the absence of visual intrusion does not in itself mean that there is no impact on openness.

11. The lodges would be dotted along the southern flank of the lake in roughly the same locations as the teepees. Although the teepees have timber bases these are not of any significant height and are barely visible outside the boundaries of the appeal site. Outside of those times when the teepees are in situ, the land is essentially open.
12. The proposed lodges would be permanent features in the landscape and neither their footprint, mass nor appearance would be comparable to the teepees. Whilst I do not know the exact increase in floorspace, footprint and volume that would occur, it is evident that they would be considerable even taking into account the demolition of the existing amenity block. Thus not only would the development result in an increase in the amount of built development, this would be compounded by its permanence. On that basis alone and irrespective of whether or not the buildings would be visible from the public domain, there would be a loss of openness to the Green Belt in spatial terms at least.
13. The topography of the land to the south of the lake would obscure longer distance views of the development. However, to the north the lake is bounded by Main Street/Fishpools Road, a narrow country lane. Whilst vegetation along the roadside provides some screening, the lodges would be visible from the road particularly in the winter months. I accept the lane is not heavily trafficked. Nonetheless, as I saw at the time of my visit, this appears to engender it to recreational users. From the road, the lodges would appear as isolated features in an otherwise bucolic landscape. Notwithstanding that the visual impact of the lodges would soften over time, there would be an inevitable and significant adverse individual and cumulative impact on the present openness of the land. The development would also encroach into the countryside, developing land which is essentially undeveloped, in conflict with the reasons for including land in the Green Belt set out in paragraph 80 of the Framework.
14. Overall, I find that the proposal would represent inappropriate development in the Green Belt, it would reduce openness and the purposes of including land within it. It would also detract from the character and appearance of the countryside.

Other Matters

15. 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. 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. The appellant has put forward a number of considerations in support of the proposal.
16. It is argued that the cabins would deliver tourism related benefits through support for the local economy and services as well as additional tourist accommodation in an area which according to the "*Warwickshire Visitor Economy Framework 2013-2018*" has underperformed in terms of visitor opportunities. Whilst I accept there would be some support for local businesses, the gains are likely to be limited based on the quantum of development proposed.
17. The appellant has drawn my attention to Paragraph 28 of the Framework which supports the sustainable growth and expansion of all types of business and

enterprise in rural areas, through conversion of existing buildings and well-designed new buildings. It also supports sustainable rural tourism and leisure developments and the provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres (my emphasis).

18. Notwithstanding that the area might be underperforming in terms of visitor opportunities, this does not necessarily equate to there being a shortfall of accommodation in the borough. There is nothing before me to demonstrate the existence of a shortfall and I note that the Council's Rural Consultant has questioned whether there is a market need for the development. On that basis, I am not persuaded that an identified need has been demonstrated.
19. I acknowledge that the appellant wishes to develop the site and that the development might perhaps be more financially lucrative than the existing tepee business. However, pecuniary arguments such as this will seldom outweigh more general planning considerations, particularly where development would be permanent for the reason that they could be oft-repeated in Green Belt situations across the country.

Conclusions

20. The proposal would be inappropriate development in the Green Belt. The Framework clearly states that inappropriate development is harmful to the Green Belt, and that significant weight should be attached to that harm. Furthermore, I have found that the development would harm the openness of the Green Belt and the character and appearance of the countryside contrary to Policy CS16 of the CS. Collectively these harms carry substantial weight.
21. I have identified some modest benefits arising from support for local services and the rural economy. There are also likely to be some financial benefits to the appellant. However, these considerations either individually or collectively do not outweigh the harms I have identified. Consequently, there are no very special circumstances necessary to justify the development.
22. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector