The Planning Inspectorate

Appeal Decision

Site visit made on 11 April 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 4th May 2017

Appeal Ref: APP/D2510/W/17/3167374
Land off North Road, Trusthorpe, Mablethorpe, Lincolnshire

- 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 Rick Howell against the decision of East Lindsey District Council.
- The application Ref N/110/00931/15, dated 8 May 2015, was refused by notice dated 18 July 2016.
- The development proposed is described as "*change of use of land for the siting of touring caravans consisting of 153 pitches, construction of vehicular and pedestrian access, car parking area and internal roadways in accordance with amended plans received by the Local Planning Authority on 5th February 2016, 19th May 2016 and 26th May 2016.*"

Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the siting of touring caravans consisting of 153 pitches, construction of vehicular and pedestrian access, car parking area and internal roadways in accordance with amended plans received by the Local Planning Authority on 5th February 2016, 19th May 2016 and 26th May 2016 at Land off North Road, Trusthorpe, Mablethorpe, Lincolnshire in accordance with the terms of the application, Ref N/110/00931/15, dated 8 May 2015, subject to the attached schedule of conditions.

Procedural Matter

2. The number of proposed pitches were amended during the course of the application and reflected by amended plans. For clarity, I have used the development description from the Council's Decision Notice and I have determined the appeal of the basis of the amended plans.

Application for costs

3. An application for costs was made by Mr Rick Howell against East Lindsey District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are the effect of the proposed development upon (a) the character and appearance of the area and (b) living conditions of residents of North Road and Main Street in respect of noise and disturbance.

Reasons

Character and Appearance

5. The appeal site comprises of open arable fields which are located adjacent to the built up area of Trusthorpe. The site would be accessed via North Road and part of the site would be located adjacent to the rear of properties along North Road as well as properties from front Main Street to the south east.

6. To the north-west the site would share a boundary with an electricity substation. Kirkstead Caravan Park is also located opposite the northern boundary of the appeal site, which comprises of around 70 static caravan pitches. There is a drainage ditch running between the site and North Road. The wider area comprises of agricultural fields to the west and housing to the east.

7. Policy T15 of the East Lindsey Local Plan Alteration 1999 (LP) sets out the Council's requirements in relation to touring caravan sites. As demonstrated in the committee report, as the appeal site is located adjacent to Trusthorpe, the locational criteria set out at paragraph c) would be met. However, Policy T15 also requires accordance with various qualitative criteria, including the requirement for a landscaping scheme which shows how the development is integrated into the existing landscape. This is required in order to protect the character and appearance of the area. Policy A5 also requires that development does not detract from the character of the area and integrates within a landscaping scheme appropriate to its setting.

8. The role of the site in defining the edge of the settlement is diminished by the presence of the existing Caravan Park and substation to the north and as such the site does not recognisably represent the point of transition between the built up edge of Trusthorpe and the open countryside. I therefore find that site has an unassuming and semi-rural character and I do not consider that the site makes any particular valuable contribution to defining the wider agricultural character of the area.

9. The change of use of the site and the associated development in respect of the creation of an access, road, hardstanding and landscaping would, in a literal sense, change the character of the existing open site. However, the layout of the site would be relatively informal and would incorporate some open areas.

10. I accept that there would be permanent infrastructure associated with the change of use of the site, however in light of the nature of the proposed development, including any proposed landscaping, I find that the impact of the degree of change would be relatively minor. Moreover, due to flood risk, it is also proposed to prohibit the occupancy of the site throughout the winter months, which would be secured by condition. This would also limit the visual impact of the proposals, particularly when any proposed landscaping would not be in leaf.

11. While the development would be visible in the landscape, particularly from along North Road, wider views would be limited due to existing vegetation and hedgerows to the west, as well as by the existing outlying developments. I accept that the appeal proposals would effectively infill between the village and the Caravan Park and substation. However, in light of the above findings, rather than forming a continuous sprawl of development, I find that the appeal

proposals would not affect the overall semi-rural nature of the site to any significant degree.

12. I note that the Council state that the landscaping proposals themselves could look artificial and contrived given that the area is devoid of landscaping. I acknowledge that the introduction of this would represent a change, however, the nature of any such landscaping could be dealt with be condition to ensure that a sensitive solution is reached in respect of the location, form and species involved. Moreover, in light of my judgments in relation to the contribution of the site to the open countryside, the introduction of planting would help to maintain a natural and semi-rural character of the site, albeit in a different form to at present.

13. I therefore conclude that the proposal would not be harmful to the character and appearance of the area. The development would therefore accord with the requirements of criterion 3 of Policy T15 and A5 in respect of local character and landscaping. The development would also accord with paragraphs 17 and 53-64 of the National Planning Policy Framework (the Framework) which require good design and respond to local character as well as recognising the intrinsic value of the countryside.

Living Conditions

14. Criterion 2) of Policy T15 also requires that touring caravan sites would not, individually or cumulatively, harm the amenities of adjacent dwellings because of its siting, scale, noise or traffic generation.

15. Access to the site would be via North Road. This is a relatively rural road which serves residential dwellings along its length, as well as development at 'The Meadows' – an estate of around 66 dwellings. Traffic generated by the Kirkstead Caravan Park also uses this highway. The proposed access would form a staggered junction with The Meadows and North Road would be widened in this location to accommodate the site traffic. A new pedestrian footpath would also link into the existing path.

16. Traffic would depart from the A52, as a strategic road which links the main coastal resorts of Mablethorpe and Sutton on Sea onto a short stretch of Main Street, before turning right onto North Road. As part of the appeal, the appellant has modelled the additional levels of traffic generated by the development which would equate to just over 15 vehicles out and 15 vehicles in to the site every hour. Due to the nature of the park, it is anticipated that peak flows would generally be between 10:00 – 12:00 and for 16:00 – 19:00.

17. These rates are based upon maximum occupancy figures of the site during the high season, expected during bank holidays and during the school summer holidays. Occupancy levels during low periods (between March-June and September-October) are anticipated at around 30%. There would also be no traffic generation associated with touring caravans on the appeal site during the winter months.

18. The change of use of the site for 153 pitches would bring about an increase of traffic, both in terms of vehicles towing caravans, as well as day to day activities of holiday makers, including at more unsociable hours into the evening. However, in light of the traffic modelling, as well as the seasonal nature of occupation of the site, I do not consider that the increase would

represent a constant stream of traffic, nor do I consider that the additional traffic from generated by the development would be excessive.

19. It therefore follows that noise and disturbance arising from additional traffic to occupants of dwellings along North Road would not be significant. Furthermore, I do not consider that occupants of The Meadows which are duel facing onto North Road, would be particularly exposed or vulnerable. There is a wider verge between these properties and North Road and again any increase in traffic, including pedestrian traffic, would not be likely to give rise to a significant effect.

20. Moreover, the layout of the site has been amended and would be located away from the rear boundaries of properties on North Road and Main Street. Accordingly, any circulation traffic as well as any vehicular manoeuvres from within the site would not give rise to any adverse effect on the occupants of these dwellings.

21. On this matter, I therefore conclude that the development would not cause harm to living conditions of neighbouring occupants from noise and disturbance. Accordingly, there is no conflict with Policy T15. The proposal would also comply with the requirements of LP Policy A4 which seeks to protect residential amenity and paragraph 17 of the Framework which requires a good standard of amenity for all.

Other Matters

22. A number of objections were received from local residents, as well as from the Town and Parish Council.

23. The location of the site is questioned; however I agree with the Council that there is a strong connection of the site to the village and easy access to Mablethorpe and Sutton on Sea.

24. The site lies in Flood Zone 3. The appellants produced a comprehensive flood risk assessment and a flood warning an evacuation plan. On the basis of the submitted flood risk assessment, the Environment Agency did not object to the proposals, subject to condition, and the Council as the overall decision maker was satisfied that the development would not result in any adverse increase in flood risk, having met the exception test required by Paragraphs 102 and 103 of the Framework. Having reviewed the evidence before me, I find no reason to disagree with their conclusions.

25. Concern has also been raised in respect of the site drainage, including from the proposed landscaping. I am satisfied that details regarding the drainage of foul and surface water could be conditioned to address such concerns and a separate condition relating to landscaping would also ensure that the existing drainage ditches were not affected.

26. In respect of highway safety matters relating to access, parking, and traffic generation, I note that the application was amended to include a range of highways improvements including widening of the carriageway, and a footpath extension. I consider that this could reasonably be secured via condition and would address many of the concerns raised by local residents as well as the original concerns of the Highways Authority. There is also no evidence that the historic bridge at Sutton Road would be unable to carry caravans. In any case, there is an alternative to the use of this, along Main Street.

27. An ecological report was submitted with the application and concluded that the overall effect of the proposed development upon ecology would be neutral, subject to protection, retention and enhancement of the boundary drains, hedges and vegetation. While I accept that there is disagreement from local residents in terms of the findings of this report, including short comings in its scope and timing, subject to condition relating to the implementation of measures identified within this report, as well as a requirement for a further survey on water voles, and a construction management plan, I consider that there will be no harm to biodiversity from the development.

28. I note the concerns relating to impacts upon living conditions of neighbouring residents, including loss of privacy and overlooking. The scheme has a significant separation distance from the rear of properties on Main Street and North Road which share a boundary with the site and as such I do not consider that there would be any loss of privacy. I also note the concerns in respect of crime and anti-social behaviour, however there is no evidence to support such claims and I note that there were no objections from the Lincolnshire Police.

29. The need for the development and cumulative impacts of caravan sites has been questioned. I have, however, considered the appeal entirely on its own merits on the basis of the information before me and I have found no harm.

30. Finally, in respect of concerns regarding property values, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property.

Conditions

31. In addition to the standard condition relating to the timescales for the development, I have conditioned the approved plans, for the avoidance of doubt and in the interests of proper planning. I have omitted the Council's suggested condition 3, which relates to the number of pitches and the pitch layout as this effectively replicates the plans condition which secures such details and as such this condition is not necessary.

32. As I have previously referred to in my decision, a condition controlling the periods over which the site is used is necessary in respect of flood risk and character and appearance.

33. In order to ensure that the proposals preserve the rural character and appearance of the area, I have included a condition relating to detailed landscaping proposals as this relates to an issue which is a fundamental consideration as part of this consent. This is also necessary in respect of flood risk to ensure that the existing land drains are not affected.

34. A condition in respect of the implementation of the Flood Response Plan is necessary in respect of flood risk, in light of the location of the site in Flood Zone 3. Similarly, conditions for the disposal of foul and surface water are necessary to ensure that there are no significant adverse impacts upon the living conditions of local residents also in respect of flood risk and pollution.

35. For reasons of highway safety, a condition relating highways work, in accordance with the supplied drawing is necessary. However, the Council's suggested condition does not fully encapsulate the nature of the work required, limiting this only to the provision of a footpath, rather than the widening of the highway. Moreover, part of this work relates to land outside the control of the

appellant and as annotated on plan 7324 PO3 Rev B, some of the widening and a specification is to be agreed with Lincolnshire County Council Highways. Accordingly, I have amended the suggested wording to a Grampian style condition, requiring full pre-commencement details of the scheme and ensuring that the works to be implemented prior to the site being brought into use.

36. I have imposed a condition securing the enhancements as set out within the ecological report in order to protect and enhance biodiversity and ecology as well as specifying the requirement for an additional survey. This must be a pre-commencement condition due to the nature of the survey work involved.

37. Finally, a condition removing permitted development rights relating to the erection of buildings or other ancillary structures is necessary in the interests of the character and appearance of the surrounding area.

Conclusion

38. I have found that the development complies with relevant Local Plan policies and there are no specific policies within the Framework that indicate that development should be restricted in this case.

39. Therefore, in accordance with paragraph 14 of the Framework, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions discussed above.

C Searson
INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan No. 7324 P02 Rev A, Plan No. 7324 P03 Rev B, Plan No. 7324 P01 Rev E.

3) Touring caravans must only be used for holiday purposes and must only be on site between the 15th of March and the 31st October in any one year, except that, in years when the Autumn half term school holiday falls within November then the period is extended to the Sunday at the end of that half term holiday. All caravans must be removed from site outside of this period.

4) Notwithstanding the submitted details, written approval of the Local Planning Authority is required for a scheme of landscaping and tree planting of the site. The details to be submitted must be based on the indicative landscaping annotated on drawing no. 7324 P01 Rev E received by the Local Planning Authority on the 31st May 2016 and must give the number, species, heights on planting, method of protection during growth and positions of all the trees/landscaping, together with details of post-planting maintenance. Details must also include reference to existing trees and hedges which are to be retained as part of the scheme. Such scheme as approved by the Local Planning Authority must be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All approved landscaping must be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

5) The requirements of the Flood Response Plan, (Report reference 1388/RE/01-15/02) prepared by Evans Rivers and Coastal Ltd must be adhered to at all times whilst the site is in use.

6) Full details of the proposed surface water drainage system for the whole site must be submitted to and approved in writing by the Local Planning Authority. The approved means of surface water drainage must be implemented in full before the site is first brought into use and retained thereafter.

7) Full details of the proposed foul water system for the whole site must be submitted to and approved in writing by the Local Planning Authority. The approved means of surface water drainage must be implemented in full before the site is first brought into use and retained thereafter.

8) No development shall commence until a detailed scheme for highway works comprising of details of off-site highway improvement works to the footpath, and the widening of the carriageway as shown on drawing number 7324 PO3 Rev B has been submitted to and approved in writing by the Local Planning Authority. This must be fully implemented prior to the caravan site being brought into use. The pedestrian footpath must be maintained at 2m in width and available for use at all times thereafter.

9) The development must be undertaken in accordance with the Habitat and Protected Species Survey Dated April 2016 and in particular the sections titled 'General Mitigation Measures' and 'Habitat Creation, Restoration and enhancement'. In addition a detailed water vole survey of the south drain and a Construction Environment Management Plan must both be submitted to and approved in writing by the Local Planning authority before any development commences. The development must be implemented in accordance with the approved details.

10) Notwithstanding the submitted details or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order) no buildings shall be erected without the prior written approval of the Local Planning Authority.