
Appeal Decision

Site visit made on 28 November 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2018

Appeal Ref: APP/H2733/W/17/3179465

The Parade, Moor Road, Hunmanby, Filey, YO14 9GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Messrs Corrigan and Low, Essential Vivendi Ltd, against the decision of Scarborough Borough Council.
 - The application Ref 16/01097/OL, dated 1 July 2016, was refused by notice dated 20 January 2017.
 - The development proposed is an outline application for up to 124 holiday lodges with full details for development of a function room (D2) and the vehicular access from the A165.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters except access reserved for future consideration. However, full details of the proposed function room and an indicative layout plan for the holiday lodges have been provided to which I have had regard.
3. The proposal was amended during the Council's consideration of the planning application and the number of holiday lodges reduced from up to 124 to up to 116. I have considered the appeal on this basis.
4. Since the refusal of the planning application the Council has adopted the Scarborough Local Plan 2017 (Local Plan). As a result, the policies from the former Local Plan 1999 cited on the decision notice are now superseded. I have referred to the newly adopted Local Plan policies in my decision.

Main Issues

5. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - The effect of the proposal on biodiversity including protected species.

Reasons

6. The appeal site is an open area of land within the countryside adjacent to the existing holiday village at The Bay which occupies the site of the former Butlin's

Holiday Camp. The Bay comprises traditionally built holiday homes (around 422 when completed) with facilities including a pub, shop, café, leisure centre with pool, gym and tennis court and has direct access to the beach at Filey Bay.

7. The Bay adjoins the holiday park at Primrose Valley to the north which is a large mainly static caravan site. There are some smaller holiday caravan sites further to the north. The proposal seeks to extend The Bay into an area of meadow to the south which forms part of a wider open area of countryside.

Policy context

8. A core planning principle of The National Planning Policy Framework (The Framework) is to proactively drive and support sustainable economic development. Every effort should be made objectively to identify and then meet the housing, business, and other development needs of an area and respond positively to wider opportunities for growth. Paragraph 19 of the Framework indicates that the Government is committed to ensure that the planning system does everything it can to support sustainable economic growth. Paragraph 21 further states that local authorities should support existing business sectors taking account of whether they are expanding or contracting and where possible identify and plan for new or emerging sectors likely to locate in their area.
9. The Framework also supports a prosperous rural economy. Paragraph 28 advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy local plans should support the sustainable growth and expansion of all types of businesses in rural areas, and support sustainable rural tourism and leisure development that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
10. As set out above, since the planning application was determined, the Council has adopted its Local Plan. The formerly included designations and policies relating to the development envelope of the former Butlin's site now occupied by The Bay, along with those relating to the Coastal Zone, have been superseded. Whilst the Local Plan no longer allocates land for tourism uses, it recognises that it remains essential that there is an adequate range of visitor accommodation to meet current and future aspirations for the tourism market.
11. Local Plan Policy TOU1 concerns new tourism facilities and states that proposals for the development of new or the enhancement or expansion of existing tourism facilities will be permitted where they; respect the distinctive tourism character of the area in which the development is proposed, both in terms of scale and the nature of development (a) and wherever possible help to reduce the seasonal nature of the tourism industry in the area (b). The supporting text recognises the need to develop a more diverse year round tourism product, but acknowledges that the need for development must be balanced against the need to protect the natural and physical environment wherever possible thereby ensuring that the tourism economy is sustainable in the long term.

12. Local Plan Policy ENV6 advises that outside the defined development limits, new development will be limited to those for which a countryside location is essential, including development relating to an appropriate recreational or tourism activity requiring a countryside location (e). It also indicates that the scale of the proposal should be compatible with its surroundings and not have an unacceptable impact on the character and appearance of the open countryside or wider landscape. The supporting text at paragraph 8.58 acknowledges that there are occasions where development that is not essential in its own right, but which can contribute to the creation of a strong and diverse rural economy, will be appropriate. Paragraph 8.60 further advises that there are other policies that relate to development in the countryside including Local Plan Policy TOU4.
13. Local Plan Policy TOU4 is permissive of new visitor accommodation in the countryside provided that (amongst other things) they would be of an appropriate scale in relation to their location (a), and they are sited to be visually unobtrusive and can be successfully integrated into the surrounding landscape due to the natural topography and established screening (b). Local Plan Policy ENV7 concerns landscape protection and sensitivity and expects development proposals to protect the distinctiveness or special features that contribute to the landscape character of a particular area and take into account the sensitivity of the landscape in terms of a number of criteria.

The importance of tourism in Scarborough

14. The Council's Visitor Economy Strategy for the Borough of Scarborough 2014-2024 'Building a Future' (Economic Strategy) indicates that the importance of tourism to the Borough cannot be overstated. It also recognises that visitors are becoming more discerning and competition is growing in a rapidly changing global market place, so the industry must continue to invest and raise the quality on offer or risk losing out on this lucrative business.
15. Strategic Priority 2 of the Economic Strategy seeks to develop a year round product that meets market demand and highlights the further expansion of The Bay as a key priority. The associated action plan indicates that it is to be undertaken by the private sector in years 1-3. The Council clarifies that the Economic Strategy was prepared in the context of the previous Local Plan when an area within The Bay remained to be developed before 2017 (prior to its recent sale to the neighbouring caravan site). Since this is no longer available no further expansion of The Bay is envisaged. Whilst the appellants disagree with this interpretation, I have seen no details as to where any such further expansion is intended by the Economic Strategy.
16. Be that as it may, I accept that the proposal would help to develop a year round product that meets market demand. It would also meet the Economic Strategy's other Strategic Priorities to target existing and new markets with growth potential (1), ensure a high quality environment and improve visitor management including ensuring access for people with disabilities (3), and invest in people and business networks (4).
17. The appellants' experience at The Bay allows them to understand and respond to market requirements. The appeal scheme is an opportunity to grow and expand an existing successful and unique tourism attraction that addresses local demand and provides accommodation in a well maintained, secure and attractive setting. The proposed development would be designed like The Bay

to provide a high standard of self-catering accommodation for year round occupation (it would be available to purchase or to rent for shorter periods). It would provide a different offer from a static caravan site and would help to reduce the seasonality of the tourism industry and contribute to the local economy. The facilities at The Bay mean that day to day essentials along with access to the beach and open space are provided for visitors on site (reducing the need for car travel and ensuring it is sustainably located). The appellants advise that there is no alternative land available at The Bay for development and no other suitable sites to expand. These are all benefits of the scheme which are generally accepted by the Council and to which I will return.

Character and appearance

18. The appeal site is an open meadow within local landscape character area D5 Hunmanby Moor to Speeton as defined in the Scarborough Borough Landscape Study 2013 (Landscape Study). This is described as a distinctive rolling and hummocky landscape. The appellants have submitted a Landscape and Visual Impact Assessment (LVIA) to support the proposal.
19. The appeal site adjoins an extensive continuous area of caravan and holiday lodges to the north (including The Bay and the other holiday parks beyond) which are estimated by the appellants to include around 2000 holiday homes. However, the existing southern limit of The Bay marks the current extent of that consolidated area of development in the area to the south of Filey. Beyond this clear and defensible boundary the area to the south including the appeal site is more open and the limited development there is only sporadic.
20. The proposal would result in a 7.3 hectare extension to The Bay to provide up to 116 holiday homes. In the context of the 2000 holiday homes to the north this would represent only a 5.8% increase. On the other hand, it would represent around a 27% increase in the number of permitted holiday homes at The Bay. Whilst the proposal would add to the wider built up area, in my view it would relate most closely to the existing development at The Bay. This would be so in terms of its directly adjoining location and also since it would provide a similar form of built development and is clearly intended by the appellants as an extension to it. In my view the proposal would lead to an appreciable extension to The Bay in terms of the number of homes that would be provided.
21. Moreover, it would add considerably to its overall area. The proposed holiday cabins would be provided in a wide arc to the south of The Bay. Rather than following the established edge of The Bay they would protrude well beyond and away from the existing extent of development. Thus the proposal would introduce a long spur of buildings onto currently open land and to my mind would lead to a significant protrusion of development into the countryside.
22. In terms of the visual impact of this, the undulating rolling topography of the appeal site and the surrounding countryside along with the existing hedgerows along Sands Road and the A165 site boundaries serve to limit views of the site from some locations. I also appreciate that it is bounded by built development to the north, set back from the cliffs to the east (so not visible from the beach) and there are no views of the site from public rights of way or national trails.

23. Nevertheless, despite the tall hedgerow there, the proposal would be highly visible from points on Sands Road to the south of the site. Despite the context of the major road infrastructure on the adjacent A165 roundabout, points from the raised ground at the western end of Sands Road (viewpoint 5 in the LVIA) would allow wide open views of the site. These would be only partially screened by vegetation even in the summer and to my mind would be more than fleeting. Further eastwards on Sands Road viewpoint 6 is at a low point by the field gate and affords uninterrupted views of the southern slope on the edge of the site. Here the proposed buildings would be visible extending across the field and breaking the skyline in places. Again these views would be only partially screened by vegetation even in the summer. The LVIA accepts that the scheme would have an initial substantial/moderate negative degree of visual effect from viewpoints 5 and 6.
24. In this context, whilst the expansive openness of the landscape is not experienced from Sands Road, the closer range views of the site from there would be dominated by the proposed development. In my opinion it would be appreciated as a considerable and prominent addition to the landscape from both high points and low points on Sands Road. Although the appellants regard Sands Road to be a minor dead end road, I am conscious that it is one of the main routes to the beach and slipway at popular Hunmanby Gap (where there is also a car park and a café) and is well used all year round by visitors. Whilst the LVIA finds the landscape quality and condition of the site to be low, (mown meadow with no outstanding features, save for the boundary hedgerow) it still accepts that the site is locally valued.
25. The proposal would also be visible to a lesser extent from the A165 when travelling south along the bypass. Here it would be adjacent to the road but set back from it and at a lower level. Although it would be for the most part screened by the existing hedgerow in the summer, some intermittent and filtered views of the proposal through the hedgerow would be possible (LVIA viewpoints 1 and 2).
26. Longer range views of the site are possible from the higher main ridgelines to the south (including LVIA viewpoints 8 and 9). These provide panoramic views towards the cliffs and bays. The Landscape Study acknowledges that within the local landscape character area other key landscape characteristics include holiday and caravan parks. It also recognises the localised audible and visual impact created by human influences including a number of areas of settlement and holiday parks along with the A165 and B1228 corridors. From Bridlington Road the site can be seen against the backdrop of two storey development at The Bay and Primrose Valley beyond. However, the proposal would introduce development in front of this onto an area of countryside that is appreciated as the open foreground to The Bay. Even taking into account the proposed single storey nature of the cabins and the screening provided by the intervening vegetation as well as the rolling landform, in my view the proposal would be seen as more than just a narrow strip. The LVIA accepts a slight negative degree of visual effect from viewpoint 9 in particular.
27. The landscape in which the appeal site sits is already affected by human influences including those of coastal tourism. As such I accept that the proposal would accord with that key characteristic of the local landscape character area identified in the Landscape Study. Even so, although the proposal would not alter the view of the sea and coastline itself, it would

undermine the rural setting of the existing cluster of development south of Filey. In expanding the extent of this southwards it would be appreciated as a further intrusion of development into the countryside. To my mind this would impinge on the distinctive rolling and hummocky landscape that characterises the local landscape character area.

28. Although matters of scale, layout and appearance are reserved for future consideration, the appellants indicate that low level buildings in muted colours with slate roofs are anticipated (and could be controlled via planning conditions). The proposed development is also intended to set the buildings within trees and to have a more rural setting than The Bay. However, I am not convinced that these factors would lessen the proposal's unacceptable visual impact to any great extent or serve to provide an appropriate transition between The Bay and its more rural hinterland.
29. Landscaping is intended and includes proposals to supplement the existing hedgerows. The supporting text of Local Plan Policy TOU4 at paragraph 7.88 recognises that there may be instances where screening by existing vegetation would only partially achieve the successful integration of development into its surrounding landscape and in such an instance proposals should demonstrate how this can be augmented with appropriate planting to ensure an acceptable level of screening is achieved. I accept that that the visual effect of the proposal from Sands Road and the A165 in particular would be reduced by additional planting in the longer term. However, such landscaping would take some time to mature and in any event would not be likely to provide effective screening of the site during the winter months. Nor would it mitigate longer range views of the site to any great extent.
30. Bringing matters together, I accept that it would be unusual for there to be no impact within the immediate vicinity of any proposed development. I also note that the proposal would have less impact from the other viewpoints identified in the LVIA. However, taking all of the considerations above into account, I consider that the proposal would have an unacceptable impact on the character and appearance of the open countryside and wider landscape. I am not convinced that it would be of an appropriate scale in relation to its location, or that even given the natural topography and established screening (along with the proposed landscaping) it would be sited to be visually unobtrusive, or could be successfully integrated into the surrounding landscape (as required by Local Plan Policy TOU4). Nor would it respect the distinctive tourism character of the area in terms of its scale (as required by Local Plan Policy TOU1) or protect the distinctiveness features that contribute to the landscape character of the area (as expected by Local Plan Policy ENV7). That the Council has not taken advice from an appropriately qualified landscape architect to assess the LVIA does not alter my view.
31. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Local Plan Policies ENV6, ENV7, TOU1 and TOU4 and would undermine the aim of paragraph 109 of the Framework to protect and enhance valued landscapes.

Biodiversity and protected species

32. The area to the south of The Bay including the appeal site was required by conditions attached to the permission for The Bay to be laid out and managed as a wildlife habitat. Condition 14 of the 2005 reserved matters approval requires a detailed plan setting out proposals for the management of the ecology of the site including proposals for the protection of wildlife and its habitat within the site and appropriate mitigation measures. This area of habitat has been created and managed in mitigation for the loss of biodiversity arising from the development at The Bay and includes amongst other things replacement habitat for Great Crested Newts (GCNs).
33. The approved Habitat Condition Assessment Methodology Report 2009 shows the appeal site laid out as meadow grassland with different management regimes for the benefit of wildlife. The Council advises that as well as creating ponds for breeding and rough grassland terrestrial habitat to mitigate the loss of GCN habitat, the area was also designed to offer a coastal scrub and grassland habitat with features suitable for a range of other ecologically important wildlife (including barn owl hunting and ground nesting birds habitat, nesting, foraging, and resting opportunities for coastal migrant birds, along with habitat for other amphibians and invertebrates).
34. The Council considers that the approved mitigation measures and use and management of the wider area are a long term arrangement for the displaced habitat at The Bay and should be retained in perpetuity. I have some sympathy with this view and in the circumstances do not consider it unreasonable of the Council to expect the enduring safeguarding and maintenance of the land as such. I have seen nothing to suggest that the need for the wildlife area and its management does not remain. The appeal proposal would lead to a loss of a good deal of the wider wildlife habitat area and in particular the managed meadow grassland.
35. The appellants submitted an Ecology Report (May 2016) to support the application. This sets out broad measures for GCN mitigation and habitat compensation which are based on the enhancement of the remaining parts of the wider wildlife area to create GCN friendly habitats close to the development site. The appellants clarify that this would include the introduction of more coastal shrub habitat (which is considered to be more valuable) as well as two new ponds. They consider that the measures put forward would create a habitat mosaic that would be of greater value to a wider range of bird species than the current habitat and support birds at a higher density than the existing grassland.
36. Nevertheless, I share the Council's view that the compensation proposed would be inadequate. The loss of a considerable part of the habitat area (which is the subject of a prior mitigation scheme and as such provides a valuable wildlife habitat) would not be adequately balanced by an enhancement of the wider remaining left over area. The reduction in the size of the area would lessen the GCN habitat and the other nesting and foraging opportunities for wildlife compared to the current situation. Natural England agrees with this stance and based on the information provided to support the planning application, states that it is very unlikely that a GCN license would be granted to carry out the mitigation work.

37. In further more detailed informal discretionary advice provided to the appellants, Natural England considers that the site currently offers optimal GCN habitat in the form of semi-improved grassland and meadow. It advises that a significant part would be developed for holiday homes and indicates that (on the basis of the May 2016 Ecology Report) insufficient terrestrial habitat creation, restoration and enhancement are proposed to fully compensate for the impacts of the development. This is so even though the grassland does not possess any statutory or non-statutory wildlife designation and despite the appellants' view that it is of low relative value in overall habitat terms with only common and widespread species being recorded.
38. The Council is also concerned that the proposal would lead to an increase in general recreational access to the remaining wildlife areas surrounding the proposed lodges with resultant impacts on habitat value. In practical terms the proposal would lead to a reduction in size of the overall wildlife area available and an increase in the number of holiday homes surrounding it. Furthermore, in contrast to the existing situation, the resultant habitat area would be sandwiched between the existing and proposed holiday homes and could lead to future occupiers crossing it to reach the facilities at The Bay. Thoughtful landscape design and management could be employed with mown paths provided along anticipated desire lines to minimise trampling. Even so, in my view the proposal would be likely to put more pressure on what remains of the wildlife area and lead to increases in recreational disturbance there. I will consider the impact of the proposal on amenity space later in my decision.
39. Based on the submitted Ecology Report 2016 and taking into account the mitigation measures proposed, I cannot see that the loss of the established and approved high value wildlife area which itself has been required and secured as a mitigation area associated with the development at The Bay, or the increased disturbance that would be likely to arise to what would remain of the wider area, is justified. Thus I consider that the proposal would be unduly harmful to biodiversity including protected species.
40. In its discretionary advice Natural England recommends that the only way to compensate for the appeal scheme adequately would be to find additional land on which to create habitats as well as enhancing the retained habitat. Based on this advice, through the appeal process the appellants now seek to mitigate impacts on ecology arising from The Bay differently. They have identified additional land in three parcels to do so. These include 1.3 hectares of land within The Bay and an additional 2.3 hectares of land at Flixton (which the appellants have an option to buy). A Unilateral Undertaking has been submitted with the appeal to secure this mitigation and requires the submission of an ecological mitigation scheme and specification to be approved. An up to date Register of the title for the option land has also been provided.
41. The appellants have sought to amend the proposed approach to mitigation during the appeal process in order to overcome one of the reasons for refusal of the planning application. Paragraph M.1.1 of Annex M of the Planning Inspectorate's Procedural Guidance advises that in such instances a fresh planning application should normally be made. Paragraph M.2.1 also states that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority and on which interested people's views were sought.

42. Whilst Natural England has had the chance to review and respond to the altered approach to ecology, other interested parties have not. I have seen no response from the Council to the amended proposals. Although I note the appellants' views that the revised details have been put to the Council previously, it is clear from submitted correspondence that (in line with the guidance in Annex M) the appellants have been encouraged to deal with the amendments via a new planning application and through the Council's adopted pre-application procedure.
43. Additionally, there is considerable public interest in the proposal and local residents and visitors to the area raise issues of ecology and wildlife including GCNs. Objections have also been received from the Reighton and Speeton Parish Council and Hunmanby Parish Council both of which refer to the loss of habitat for plants and wildlife that would result from the proposal. These interested parties have not been able to consider the revised proposals and so I am unaware of their views on this matter.
44. I also share the Council's concerns as to the nature and scope of Natural England's comments. I appreciate that it has reviewed the outline landscape plans for the enhancement of the new mitigation areas and indicated that in principle a licence can be granted to allow GCN mitigation works. That said, the advice is informal and discretionary only. It focuses on the mitigation areas for GCNs against the backdrop of the granting of a GCN licence only and does not consider the wider biodiversity implications of the scheme in the context of a planning application. The correspondence is clear that in order to satisfy the tests¹ which Natural England (as the licensing authority) must consider, the proposal needs to have obtained planning permission and clarified the planning situation in relation to condition 14 of the permission for The Bay (which as set out above required the provision of an ecological management plan for the protection of wildlife and its habitat). It does not constitute a formal response, which would be made by Natural England acting corporately in its role as a statutory consultee after a planning application has been submitted.
45. With the 'Wheatcroft Principles'² in mind, I consider that the proposed mitigation measures are so significantly changed from those originally put forward that to approve them would deprive those who should have been consulted on the changes of the opportunity to comment. Therefore, to ensure the suggested changes to the strategy for dealing with biodiversity and protected species as part of the development does not prejudice interested parties, I confirm that I have decided the appeal on the basis of the proposal as set out in the submitted planning application.
46. I have had regard to the legal views put forward by the appellants on this matter but have seen nothing to alter my view. Whilst I accept that the proposed development for which permission is sought has not changed as a result of the amendments put forward, whether the ecological impacts of the proposal can be justified and compensated for goes to the heart of the proposal and a number of interested parties could be prejudiced if the amendments suggested were to be taken into account.

¹ (a) preserving public health or public safety or other imperative reasons of overriding public interest; (b) there is no satisfactory alternative; and (c) the action will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

47. Based on the information before me, and in the absence of further representations from interested parties considered above, I confirm that I cannot be satisfied that the revised mitigation arrangements give sufficient comfort for the submission of further details to be required via a planning obligation as suggested by the appellants.
48. For the reasons set out above, I therefore conclude on this main issue that the proposal would have a harmful effect on biodiversity including protected species. This would be contrary to Local Plan Policy ENV5 which requires proposals to respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in a net gain in biodiversity by inter alia, considering whether any adverse impact on species and habitats can be successfully mitigated. It would also conflict with paragraph 109 of the Framework which indicates that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity wherever possible.

Other matters

Amenity space

49. The Council is concerned about the effect of the proposal on the existing holiday village at The Bay. Along with its role as wildlife area considered above, the appeal site was provided as informal open amenity space as part of the infrastructure and facilities to support the holiday homes. I understand that the approved layout for the area included footpaths to allow access for visitors and its provision was intended to support the reasonably self-contained nature of The Bay and reduce the need to travel.
50. I saw at my visit that the appeal site acts as informal open space with open grassland, lakes, informal paths and picnic tables. There is also a football pitch laid out at its northern corner. It is clear from the representations made to both the planning application and the appeal that the appeal site, along with the wider area of open space, is well used. Local occupiers and visitors place great value on its recreational role and see it as a key component of the tourism offer at The Bay.
51. The land to the south of The Bay including the appeal site is some 38.5 acres in area. Although the proposal would develop around 15 acres of this, 23.5 acres would be retained for informal recreation with additional landscaped lakes. I also note that access to the beach and other grassed areas within The Bay close to the holiday homes would also be retained as would the leisure centre and the tennis court. The appellants also refer to 60 acres of open space to the east of The Bay leading down to the beach being available to visitors. However I note that some of this is outside the ownership of The Bay.
52. I have been provided with no particular standards as to the level of outdoor amenity space that is required by the Council to support holiday villages, and appreciate that other areas are available to occupiers of The Bay as outlined by the appellants. Be that as it may, it seems to me that a significant part of the existing area of informal space to the south of The Bay would be lost as a result of the appeal scheme.
53. I have seen nothing to demonstrate how the existing facilities at the appeal site including the pathways, picnic benches and football pitch would be re-provided or whether the resultant recreational areas would be of the same accessibility

and quality as those currently provided. Nor have I been given any evidence as to how the loss of the appeal site would be compensated for in terms of any improvements to the recreational areas that would be retained. It is not clear what consideration has been given to these factors particularly in the context of the additional homes that would be created on the appeal site and the resultant pressure this would be likely to put on the remaining areas of amenity space. Nor has it been explained how the anticipated recreational role of the remaining open area adjoining the appeal site would sit alongside its role as enhanced wildlife habitat discussed above.

54. This being so, based on the evidence before me, there is no justification for the loss of this valued and well used land which would be harmful to the provision of open space in the area and has the potential to undermine the role of The Bay as a self-contained holiday destination where there is no need to travel to access recreational opportunities. This counts against the proposal.

Function Room

55. The Council objects to the proposed function room and considers that it would be used independently from the holiday village and its residents. This view is based in part on the number of car parking spaces that would be provided to serve it. The Council is concerned that due to the site's relatively remote location, away from settlements and with poor public transport links, this would lead to a reliance on the private car and create an unsustainable pattern of development.
56. On the other hand, the appellants confirm that the function room would be for residents of the proposed holiday village only. It is intended to provide a venue for events such as weddings and parties and to host indoor activities and sports. It would help to address existing demand for the facilities at The Bay which cannot be met without closing the existing facilities to the public. The proposed function room would be managed in the same way as the other on site facilities at The Bay including the pub.
57. The appellants have submitted a Unilateral Undertaking which seeks to control the use of the proposed function room by preventing its use other than by occupiers of the holiday lodges and their guests. Whilst I note the Council's concerns that this would be unenforceable, the appellants suggest keeping a register of those at the function room which could be checked against the holiday lodges' attendance record. In my view this would provide a reasonable way of checking the users of the function room and ensuring the conditions of the obligation are being met. However, given my conclusions on the main issues in this case, I confirm that it has not been necessary for me to consider the details of the proposed planning obligation further or in the light of the tests set out at paragraph 204 of the Framework.
58. Overall, I see no reason in principle why the function room would cause any undue to harm to the Council's aim to create sustainable patterns of development and reduce reliance on the private car. However, the absence of harm in this regard counts neither for nor against the proposal and does not alter the unacceptable nature of the function room in relation to the main issues (in so as far as it forms part of the proposed development as a whole).

Further other matters

59. Despite the concerns of local occupiers and visitors, the Council raises no objections to the proposal in terms of highway safety or drainage. The absence of harm in these regards counts neither for nor against the proposal. I note the appellants' concern as to the motivation behind some of the third party representations and the suggestion that they may not have not seen the plans and so misinterpreted the proposal. That is not evident in my reading of the objection letters, but I confirm in any case that I have made my own assessment as to the scheme's potential impacts.
60. The appellants refer to recent planning approvals for other holiday developments in the countryside elsewhere in the Borough and consider that tourism development will have to take place in the countryside in the absence of any allocations. These include examples at the Flower of May and Blue Dolphin holiday parks. I am not aware of the nature of those developments or the circumstances that led to their approval. Consequently, I cannot be sure that they the same as in the case before me. I also note that unlike the appeal scheme, the approved development at the Flower of May holiday park facilitated the removal of another prominent caravan site. Besides, I have considered the appeal proposal on its own individual planning merits.
61. I have also had regard to a previously approved scheme for 689 units of holiday accommodation (and other facilities including a petrol station, garden centre and fast food restaurant) in 2005 as raised by the appellants. I have been provided with no further details in this regard and do not know whether it took in the appeal site. Moreover, whilst I note the argument that the proposal would be at a lower density than that scheme, I have seen nothing to indicate that it is a fallback position that remains available. As such this matter adds no weight in favour of the proposal.

Conclusion

62. The proposal would see the expansion of the successful established holiday village at The Bay and deliver the high quality type of year round tourism that the Council wants to encourage. Tourism is of great importance to the Borough and the Economic Strategy affords the proposal much support. It would also align with the Government's priority to support sustainable economic growth including rural tourism. These are all benefits of the proposal which are detailed above. In accordance with paragraph 19 of the Framework I give significant weight to the need to support economic growth through the planning system and the proposal's considerable benefits in this regard.
63. However, I have found that the proposal would cause harm to the character and appearance of the area and to biodiversity including protected species and would be contrary to the development plan in these regards. I afford this harm substantial weight. This being so, and also taking into account the further harm that would arise from the loss of amenity space to which I attribute limited weight, I am not persuaded that the benefits of the proposal outweigh the harm. As such the proposal is not justified and should be resisted. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR