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# Appeal Decision

Site visit made on 21 February 2018

**by D R Cullingford BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for the Ministry of Housing, Communities and Local Government**

**Decision date: 17 April 2018**

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**Appeal Ref: APP/M0933/W/17/3183971**

**Leeds Childrens' Holiday Camp, Far Arnsdale, Silverdale, Cumbria, LA5 0SJ**

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is by Mr Michael Holgate on behalf of Holgate's Caravan Parks Limited against the decision of the South Lakeland District Council.
  - The application (ref: SL/2016/1044 and dated 7 November 2016) was refused by notice dated 4 May 2017.
  - The development is described as the 'demolition of camp buildings and replacement with 25 static caravan pitches and manager's house and site reception'.
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## Decision

1. I allow this appeal and grant planning permission for the demolition of the holiday camp buildings and their replacement with 25 static caravan pitches and a manager's house and site reception at Leeds Childrens' Holiday Camp, Far Arnsdale, Silverdale, Cumbria, in accordance with the terms of the application (ref: SL/2016/1044) dated 7 November 2016, subject to the conditions listed in the attached schedule.

## Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proposal would result in a cumulative impact of caravan development that would, due to its layout, density and appearance, significantly harm the landscape character of the Arnsdale and Silverdale Area of Outstanding Natural Beauty, contrary to 'saved' policy T5 of the Local Plan (2006) and emerging policy AS11 in the submission version of the AONB DPD (2018).

## Reasons

*The buildings and the site*

3. The buildings that once formed the Leeds Childrens' Holiday Camp are now empty, the charity having sold the site to support their operations closer to home. The flat-roofed, white-rendered, one or two story concrete structures sprawl across the cliff top at the edge of the Morecambe Bay SSSI, SAC, SPA and Ramsar site. Built in the 1930s, they are adorned with oddly incoherent elements of an 'art deco' and 'modernist' style. But, *en masse*, they appear from Cove Road as a conglomeration of utilitarian structures, starkly evident across the featureless swathe of mown grass through the intermittent roadside hedgerow and chain-link fencing. As the Conservation Officer points out, although these buildings illustrate a particular type of charitable philanthropy, they are of insufficient architectural quality or interest to warrant inclusion on the 'local list'. I agree.
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4. The site extends across some 2.5ha. Much of it is mown grass, which originally provided space for games and other outdoor activities as well as for formal play equipment. But there are also areas of woodland and scrub. Woodland lies mainly in the eastern part of the site and separates the complex from the grounds of the Silverdale Cricket Club. An area of some 0.8ha, consisting mainly of oak and some hawthorn, stands beside the roadside: an area of mixed woodland, extending to about 0.3ha, descends over the cliffs towards the shore. There are some wind-blown hawthorns to the west of the main building and some self-seeded trees towards the roadside at the western end of the site. Gardens and old allotments are evident beside the buildings and a newly planted intermittent hedgerow runs along the roadside behind a chain-link fence. Apart from the main complex, which housed dormitories, a kitchen, a communal dining and living area, several outbuildings accommodated maintenance equipment, a swimming pool and a greenhouse. A large surfaced area beyond the buildings provided parking and turning facilities.
5. A private driveway provides a gated access from Cove Road, the main route between Arnside and Silverdale. The access is almost opposite the appellant's main holiday caravan complex at Far Arnside, which includes a bar, café, restaurant, swimming pool, children's entertainment area and bowling alley, all used not just by caravan occupants but also by the local community; the intention is that occupants of the currently proposed caravan lodges would make use of those facilities too. The site is adjacent to the village of Silverdale, identified in the Lancaster City Core Strategy as a place with sufficient facilities to accommodate a percentage of housing and employment development to meet local needs. Arnside is a local service centre in the Core Strategy for South Lakeland. The site lies within the Arnside and Silverdale Area of Outstanding Natural Beauty.

*The proposal*

6. The proposal is to demolish the existing buildings and replace them with 25 static caravans. There would also be a simple dwelling to be occupied by a manager who would provide for the operation and security of the site; it would replace the staff flat within the existing building. The layout now shown on the 'context plan' (HOL040 – Rev1) indicates 3 rows of static caravans set back roughly 8m from the cliff-side edge of the area agreed as being occupied by the existing buildings and hard surfaces interspersed with individual trees and partially enclosed by new planting to the north, the west and the south east. The caravans, individual parking spaces and adjacent access ways would be confined to the area now covered by the existing buildings and associated hard standings.
7. Over the rest of the site the existing woodland areas would be retained and a new woodland area created at the site entrance. The Arboricultural Officer estimates that some 243 new trees would be planted and about 1,985 hedge plants introduced both within the main body of the site and along the roadside boundary. It is explained that the intention is to replace the existing incongruous structures with a much less intrusive form of development. The scheme would secure several improvements. The access would be altered with the boundary treatment re-aligned to provide visibility splays and the gated entrance set back to provide space for vehicles to wait clear of the carriageway while the gate is opened. The landscape would be enhanced and the future maintenance and reinforcement of the woodland achieved through the submitted Woodland Management Plan: a line for the mooted coastal footpath is shown through the site, allowing for a connection to the Lancashire Coastal Way just to the south east: the continuation of the stone wall from the boundary of the cricket field to the site entrance (replacing the chain-link fence) would enhance the roadside scene reflecting the characteristic stone walls on the opposite side of the road and

contributing to the distinctiveness of the countryside here: the ecology of the site would be improved, the proposed green corridors, woodland and other planting adding to the biodiversity of the site and the matrix of habitats to support a variety of wildlife: the permeable area of the site would be increased, so reducing run-off and flood risks: and, although there is an existing treatment system, a new package treatment plant with UV filters is proposed to secure a material improvement to the drainage facility at the site and to protect the nationally important nature conservation areas at Morecambe Bay.

8. The submitted Habitat Regulations Assessment concludes that the project would not have a significant effect on the conservation objectives of the SPA, SAC and RAMSAR site. There is no direct access to the shore, the steep cliff, woodland and scrub intervening to impede access and partially screen the site from the estuary. Hence, the integrity of the internationally important conservation site is considered as likely to be unaffected by the proposed works, the development being set back and isolated from the mudflats by the cliff. Indirect effects, perhaps due to lighting and noise, would already emanate from the existing use, but such effects could be ameliorated through the proposal by the imposition of conditions, particularly in relation to lighting. The drainage improvements proposed would further reduce the potential impact of the proposal over the existing use. I agree with this assessment and consider that the proposal would secure improvements for this internationally important conservation site.

*Landscape impact – the proposal and the existing use*

9. The Council argue that existing harm is caused by the vast array and proliferation of caravans within the AONB and, in particular, this part of Silverdale. Permission exists for some 1,684 caravan pitches in the AONB on 14 registered sites, 1,388 being static caravans; the appellant's Far Arnsdale and Silverdale sites are licensed for 500 static and 50 touring pitches. Seen in that context the quantitative cumulative impact of another 25 pitches for static caravans, although possibly 'the straw to break the camel's back', would appear quite modest. Of course, the partially open character, the coastal position and the available vistas of the appeal site would render such development potentially intrusive here, not least because, when seen, caravans would be evident on both sides of Cove Road spreading from the wooded slopes beneath Middlebarrow (the appellant's Silverdale site) across the swathes of flatter grassland above the seaside cliffs. Such development on a green-field site would clearly be intrusive and damaging. But, the appeal proposal is not on a green-field site. On the contrary, it accommodates a series of sprawling concrete structures, areas of hard surfacing and several ordinary outbuildings. The caravans would be confined to the area occupied by that 'previously developed land'. Moreover, the scheme would entail ecological, landscape, drainage, footpath and scenic enhancements, as indicated above. The potential cumulative impact of the project must be assessed in that context.
10. The existing buildings are deemed to be in Use Class C2 - residential institutions. The structures could thus be adapted for any use falling within that 'use class' without planning permission; such uses could entail residential care homes, hospitals, nursing homes, boarding schools, residential colleges, training centres and the like, including perhaps, one or two less friendly uses. There are no other restrictions on the use of the buildings or the land. The buildings are substantial and could accommodate uses of a nature and scale capable of generating rather more traffic than 25 holiday caravans, in my view. Moreover, in the absence of specific restrictions or conditions, the re-use of the existing buildings as some form of 'residential institution' would not necessarily entail the ecological, landscape,

drainage, footpath and scenic enhancements that would be secured by the appeal scheme. The buildings would remain and the oddly incongruous, white-rendered and sprawling concrete structures would be evident from the public footpaths on Arnside Knott, positions on Cove Road and from other public footpaths towards the site as well as from the Morecambe Bay sands and Kents Bank in Grange. Being white, solid, extensive, partially unscreened and substantially taller than the proposed caravans, the buildings would remain particularly conspicuous and intrusive. In contrast, the proposed caravan lodges would be finished in muted colours, be interspersed with some planting, be confined to the existing brownfield site, be partially screened by substantial landscaping (particularly in relation to views from Cove Road and nearby footpaths) and be much smaller structures. By any objective measure the appeal proposal would be less conspicuous and less intrusive than retention of the existing buildings. It follows that the appeal scheme should also have a less damaging impact on this special landscape. So, why do the Council appear to hold a contrary view?

11. I read that members acknowledge that the site is on brownfield land and largely consistent with the Core Strategy principles of achieving 'sustainable development'. Hence they accept that the appeal scheme would not constitute 'major development' as outlined in the Framework (NPPF paragraph 116). I agree. However, in adhering to the requirements of 'saved' policy T5, I cannot find any explicit assessment of the harm due to the appeal scheme in comparison to the harm caused by the existing buildings. The fact that the appeal proposal would re-use 'previously developed land' seems to be acknowledged but not otherwise taken into account, save in the Planning Officer's careful report.
12. I agree that caravan development could be harmful, particularly so on this sensitive site within the AONB. And, of course, the scheme could entail not just the caravans themselves but also, domestic paraphernalia, decking, outbuildings, access arrangements, servicing and parking facilities, as well as communal support buildings. But, in this case many of those accoutrements already exist and there would be no need for further communal facilities because excellent provision is already 'sustainably' made just across the road on the appellant's Silverdale site. The layout would be confined to the area agreed as 'previously developed land', but it would not preclude tree planting amongst the caravans or landscaping around them. Nor would the scheme bring development closer to the cliff-top edge. On the contrary, the caravans would be set back from the edge of the 'brownfield' land there and, of course, be substantially smaller than the existing buildings. So, although the scheme would affect the character and tranquillity of the seascape and the immediate hinterland, and be seen with the existing caravan park from some vantage points, there is nothing to demonstrate that it would be as intrusive as anything involving the retention and possible re-use of the existing buildings. For the reasons indicated, I consider that the proposal would be substantially less conspicuous and less intrusive than the re-use of the existing buildings. The damage to this special landscape would thus reduce and the cumulative impact of this caravan development would thereby serve to enhance the landscape of the AONB.

*Landscape impact – policy*

13. 'Saved' policy T5 is now somewhat 'long in the tooth'. It is very restrictive, insisting that no new caravan development within the AONB can occur beyond the confines of existing screened sites and, even then, only if there is no adverse impact on the landscape and built environment, the capacity in the road network or wildlife, archaeological and geological features. The policy pre-dates the advice in the Framework, is not criteria led, does not address issues involving 'previously

developed land' nor does it have regard to rural businesses. In my reading, the emerging policy AS11 would be even more restrictive, preventing any new caravans even within the screening of existing sites in favour of allowing only tents, pods, shepherds' huts and yurts. Clearly, neither policy can accommodate the comparative assessment of relevance here. They both simply operate to ban caravan development beyond existing sites within the AONB regardless of their actual impact on the landscape, the ecology, the road network or anything else. Whether the continuation of such a stance would be 'sound' is not a matter for me; the issue is likely to be considered during the forthcoming examination of the AONB DPD. However, the vital purpose of 'saved' policy T5 is that 'the unique and sensitive landscape [of the AONB] is protected from inappropriate development'. In the context of this appeal that purpose must be set against the relative impact of the proposal in comparison to what already exists (as indicated above), other statutory policies that apply and the advice in the Framework.

14. As it happens, I think that the appeal scheme would not only meet the provisos set out in policy T5 (though not the policy itself), but also accord with several policies in the Core Strategy. In comparison to the existing buildings, it would enhance the landscape (criteria a)), for the reasons outlined above. Similarly, the scheme would accord with Core Strategy policy CS8.2 being on the edge of Silverdale, adding to distinctive rural features (like the roadside wall), enhancing the planting and the ecology of the site and being less intrusive than the existing buildings. No evidence is adduced to show that the proposal would seriously impinge on the capacity of the road network (criteria b)). As for the effects on wildlife, archaeology and geology, the scheme would accord with criteria c) of policy T5 and with the requirements of policy CS8.4 in the Core Strategy. The ecological survey demonstrates that, with the new planting and implementation of the Woodland Management Plan, the biodiversity of the site would be enhanced while the geology would be unaffected. Moreover, the filtration tests and the installation of a package treatment plant with UV filters would reduce any potential effects on the nationally important nature conservation sites nearby. The coastal and estuarine landscape would also be enhanced by the removal of the existing buildings and their replacement with smaller and less conspicuous caravans in a landscape setting amongst improved and maintained woodland, so fulfilling an aim of policy CS8.5.
15. The Framework aims to encourage the effective use of land by reusing land that has been previously developed (brownfield land - provided that it is not of high environmental value) and both planning policies and decisions are exhorted to achieve that aim. The proposal would make good use of such 'previously developed land'. Similarly, policies are expected to support sustainable rural tourism, so benefitting businesses in rural areas, communities and visitors, as long as such schemes respect the character of the countryside. In this case the scheme would allow for the modest expansion of the adjacent caravan park building on the success of a popular site and accommodating some growth in a local rural enterprise. The character of the countryside would be enhanced through planting maintenance and management, the replacement of chain-link fencing with a characteristic stone wall and the provision of new links in a long-distance footpath. In that way I consider that the proposal would recognise the intrinsic character and beauty of the countryside, responding to local character and local distinctiveness as the Framework extols while recognising the opportunity to make use of 'previously developed land' to accommodate modest growth in a local rural enterprise.

*The planning balance*

16. I have found that this scheme would be less conspicuous and less intrusive than the re-use of the existing buildings so that the cumulative impact of this caravan development would actually serve to enhance the landscape of the AONB. Hence, even though the proposal would be contrary to the terms of 'saved' policy T5, it would not only meet the provisos set out in that policy, but also accord with several policies in the Core Strategy as well as the advice advanced in the Framework. Perhaps, more importantly, the proposal would serve to further the overriding aim of policy T5 by helping to protect the unique and sensitive landscape of the AONB from inappropriate development. Taking all those matters into account, I consider that the planning balance in this case is firmly in favour of the scheme.

*Conditions*

17. Conditions are imposed to ensure that the scheme is undertaken and completed as intended. Some small drafting changes are made to those suggested by the Council for clarity. Particular provision is made to ensure that the caravans would be finished in muted colours, that occupancy of the caravans and the manager's dwelling would be restricted, that existing trees would be protected, that the landscaping and planting is carried out as proposed, that surface and foul drainage is appropriately secured and improved, that nearby residents are protected from noise during the construction period and that lighting of the site is controlled. The reasons for imposing these conditions are either explained above or are self-evident.

*Conclusion*

18. I have found that the planning balance in this case is firmly in favour of the scheme. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions set out in the attached schedule.

*David Cullingford*  
INSPECTOR

## **Schedule of Conditions**

### *Details, phasing and lighting*

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans.
  - 2016.002/Sk31 - LOCATION PLAN
  - 2016.002/Sk34 - EXISTING SITE PLAN
  - HOL040 Rev.1 - Context Plan (Aka Proposed Site Plan)
  - HOL050 Rev.2 - Proposed Elevations
  - 2016.002/Sk27D - Managers' Accommodation
  - HOL070 Rev.2 - Planting Plan
  - HOL082 Rev.2 - Construction Management Plan
  - HOL081 Rev.0 - Proposed Decking Detail
  - HOL080 Rev.0 - Proposed Waste Water Plan
  - HOL030 Rev.1 - Presentation Plan
- 3) The development shall be carried out in strict accordance with the phasing detailed on drawing number HOL082 Rev.1, hereby approved.
- 4) No more than 25 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time, as shown on drawing number HOL040 Rev.1 - Context Plan.
- 5) No caravan shall be stationed on the land other than within the area shown on drawing number HOL040 Rev.1 - Context Plan.
- 6) The caravans shall be sited in accordance with plan No. HOL040 Rev.1 - Context Plan. Any material change to the position of a mobile home, or its replacement by another mobile home in a different location shall only take place following an agreement in writing with the Local Planning Authority.
- 7) Prior to the siting of the caravans, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, light spillage and hours of use of all external lighting within the site. The approved lighting scheme shall be implemented in full prior to first occupation of the development hereby approved.
- 8) Prior to the siting of the caravans, a scheme to ensure that the external surfaces shall be matt finishes and in an appropriately specified colour shall be submitted to, and approved in writing by, the Local Planning Authority.
- 9) Other than the decking hereby approved on drawing no. HOL081 Rev.0, no additional decking, storage sheds or aerals shall be permitted without the prior written consent from the Local Planning Authority.

### *Restrictions on use and permitted development*

- 10) The caravans shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole or principal residences by any occupant.
- 11) The occupation of the dwelling 'warden's house' as shown on drawing no.HOL040 Rev.1 shall be limited to a person solely employed in the business 'Holgate's Caravan Parks Ltd'.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the construction and siting of any buildings, structures, erections, motorhomes or touring caravans (whether temporary or otherwise) to be placed or parked on the site, other than those hereby approved.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on site, no extensions to the caravans and no extensions additional windows or dormers to the 'warden's house' shall be erected other than those expressly authorised by this permission without prior written consent of the Local Planning Authority.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the placing of any overhead electricity service lines on the site.

### *Drainage*

- 15) Prior to the commencement of development a working Method Statement to cover all construction site drainage and pollution prevention works as set out, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

- 16) The construction phase of the development shall not proceed until infiltration tests in accordance with BRE Digest 365 have been carried out and approved in writing by the Local Planning Authority. And, before any caravan is occupied or first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the surface water management and the disposal of sewage works have been provided on the site to serve the development. Those works shall include the installation of a package treatment plant with UV filters. The approved works shall be retained as such thereafter.

*Car parking*

- 17) The precise details for the parking layouts shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction commencing. The approved details shall be implemented prior to the occupation of any caravan, hereby permitted, and retained thereafter.

*Ecology*

- 18) Unless otherwise agreed in writing demolition shall occur outside the months March to September to take account of nesting or hibernating wildlife.

*Tree protection*

- 19) No site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with Clause 7 of British Standard BS5837 - Trees in relation to Construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be carried out as described and approved and shall be maintained until the development is completed.
- 20) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of commencement of the development hereby approved, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained tree is cut down, uprooted, destroyed or dies another tree shall be planted in a location to be agreed in writing with the Local Planning Authority within the next available planting season and that tree shall be of a size and species that is first agreed in writing with the Local Planning Authority.

*Landscape and maintenance*

- 21) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The landscape management plan shall be carried out as approved.
- 22) Commencement of the works detailed in the Planting Plan (HOL070 Rev.1) shall be begun within the first available planting season from the date in which the development hereby approved is commenced and completed by end of the following March. Any trees or shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees or shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation. The planting shall be retained in accordance with the approved landscape management plan thereafter.

*Construction and noise*

- 23) Before the development is commenced, including demolition, a scheme to control noise and vibration from the demolition and construction phases of the development shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be in accordance with BS5228: Code of Practice for Noise and Vibration Control and Open Sites. Working practices shall be compliant with the approved scheme during the demolition and construction phases of the development.
- 24) Demolition or dismantling works shall not take place outside 09:00 hours to 18:00 hours Mondays to Fridays and at no time on Saturdays, Sundays, Bank or Public Holidays.
- 25) No work for the construction of these developments shall take place on the site, except between the hours:
- 08.00 - 18.00 Monday to Friday; and
  - 08.00 - 13.00 on Saturdays;
- unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.