
Appeal Decision

Site visit made on 9 July 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2018

Appeal Ref: APP/H1840/W/18/3196248

Great Comberton Golf Club, Pershore Road, Great Comberton WR10 3DY

- 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 Joe Folkes, Allens Caravans against the decision of Wychavon District Council.
 - The application Ref 17/01435/FUL, dated 10 July 2017, was refused by notice dated 22 November 2017.
 - The development proposed is change of use of land from a leisure use (land associated with golf club, touring caravans site and caravan storage) to land for the siting of static holiday caravans ('caravans' under the Caravan Sites and Control of Development Act 1960), and associated enabling works including minor access alterations
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land from a leisure use (land associated with golf club, touring caravans site and caravan storage) to land for the siting of static holiday caravans ('caravans' under the Caravan Sites and Control of Development Act 1960), and associated enabling works including minor access alterations at Great Comberton Golf Club, Pershore Road, Great Comberton, WR10 3DY in accordance with the terms of the application, Ref 17/01435/FUL, dated 10 July 2017 and subject to the conditions in the attached schedule.

Procedural matter

2. The revised National Planning Policy Framework (the Framework)¹ has been published since the appeal was lodged. The main parties were given the opportunity to comment on any relevant implications for the appeal. I confirm that I have had regard to the responses and the Framework in reaching my decision.

Main Issue

3. Whether the proposal would be an appropriate form of development when considering its effect on the setting of the Cotswolds Area of Outstanding Natural Beauty and the character of the local landscape and the Council's policy on caravan sites.

¹ Ministry of Housing, Communities and Local Government, National Planning Policy Framework (July 2018)

Reasons

4. The appeal site is north of and within the setting of the Cotswolds Area of Outstanding Natural Beauty (AONB). The AONB is recognised for many features, most notably in the context of the appeal site the high wolds which is a large, open and elevated landscape with commons, views to and from the Cotswolds escarpment and distinctive settlements of high architectural quality and integrity. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Bredon Hill is a notable part of this landscape, a prominent limestone outlier which is well used by walkers. The hill contrasts with the lower levels of land which is made up of a gentle, open landscape of fields, floodplains, nucleated market towns and villages and frequent hedgerows and trees. This landscape is occasionally punctuated by more prominent forms of development. This landscape is within the nationally defined Severn and Avon Vale Character Area 106, as described by Natural England, and within the Principle Village Farmlands area as defined by Worcestershire County Council.
5. There is a visual relationship between the appeal site and the hill, most notably within views from Bredon Hill where the site can be seen within the immediate context of Great Comberton, a settlement south of the site. The appeal site concerns two areas of an existing golf course and holiday caravan site. The fairings and caravan pitches associated with these areas are mostly flat and are contained strongly by existing trees and hedgerows. This landscaping is a prominent feature of the site and is particularly visible in views from Bredon Hill. Whilst the trees, clustered as they are, are not a prevalent characteristic of the landscape, clusters of trees do feature and form part of the landscape's character. The appeal site, therefore, is an important part of the local landscape and the setting of the AONB.
6. The River Avon is also a feature of the Severn and Avon Vale Character Area 106 and Principle Village Farmlands area. The river and associated footpaths run close to the north-west corner of the appeal site and enable boaters and walkers to enjoy views of the surrounding area.
7. Policies SWDP23 and SWDP25 of the Local Plan² seek to avoid development that would have a detrimental impact on the natural beauty of an AONB, and therefore support development that conserves and enhances the special qualities of the landscape and integrates with the character of the landscape setting.
8. The distance of the site from Bredon Hill means that the development would not encroach onto its hillside. Between the hill and the appeal site would be an area of existing woodland and the built up area of Great Comberton; the woodland separating the site from this settlement. With the development being the opposite side of the woodland to Great Comberton, the development would retain the nucleated pattern of settlements. The proposal would, therefore, preserve the cultural qualities and development patterns of the local landscape.
9. During the summer when the trees would be in full leaf, the caravans and visitor's cars would be obscured within views from Bredon Hill and the AONB. Similarly, within views from the north of the site and towards Bredon Hill, the

² South Worcestershire Development Plan (adopted February 2016)

caravans would be below the height of the existing woodland and therefore would not obscure important views of the hill.

10. In the winter months when the trees would not be in full leaf, the caravans would be more visible. A static caravan is larger than a touring caravan and therefore has the potential to be more visible within the landscape. However, the caravans would not exceed the height of the existing trees and although not in full leaf, the trees would continue to soften the visual dominance of the caravans in the landscape. Together with the muted colours of the caravans proposed, the development would not be visually dominant or obtrusive to have a discernible negative effect on the character of the local landscape or the setting of the AONB.
11. Notwithstanding the landscaping and groundworks proposed, the development would be visible to users of the River Avon and the footpaths alongside it. As users journey south, a modest number of caravans would be seen within the same context as, albeit not directly in front of, Bredon Hill. When considering the fact that people would be moving through the landscape at this point, I am not of the opinion that the development would have a discernible effect on user's overall enjoyment of the landscape.
12. It is nonetheless evident from my findings that existing and proposed landscaping is important in moderating the visual effects of the development. Indeed this is recognised by the appellant and Natural England who agree that any permission could be reasonably secured by conditions to secure landscaping and lighting details and the muted colours of the caravans proposed.
13. The development is supported by a landscaping enhancement scheme which includes some tree removal, pruning, coppicing and planting of replacement trees. These works would not expose the caravans unnecessarily to local views. Nonetheless, a material loss of trees would open up the site to local views and potentially impact on the character of the AONB and the local landscape. Trees are naturally at threat from disease, varying climatic conditions and poor management and maintenance procedures and, in this case, from the pressure of caravan users wanting to create open views. Furthermore I note that the Forestry Commission helps to manage the local woodland but it is not clear from the evidence before me what its role would be in the future management of the site.
14. In light of these matters it would be reasonable and necessary to secure any permission with conditions to secure a robust landscaping, management and maintenance scheme to be held in perpetuity. The landscaping scheme would need to take into account the local microclimate and ground conditions to ensure the survival of existing and proposed landscaping. Amongst concerns from third parties about the threats to existing trees, there is nothing specific or substantive within the evidence before me to suggest that a site specific landscaping, management and maintenance scheme could not be realised. I therefore consider it reasonable to secure any permission in the way described.
15. Third parties raise concern that light from vehicle headlights would be visually harmful. Given the restricted height of a car relative to the height and density of the existing landscaping, light from headlights would have little visual impact on the wider landscape. Nonetheless, I do accept that within an area that is sparsely populated, inappropriate levels of lighting within the site generally

could accentuate the visual impact of the development, particularly at night. It would therefore be necessary and reasonable to secure any permission with a lighting condition to mitigate visual harm as a result of light pollution.

16. Policy SWDP36 of the Local Plan permits static and caravan touring sites provided criteria (i) – (vi) are met. The site is not within flood zone 2 or 3 and there is nothing before me to suggest that the proposal would not make adequate provision for foul sewage and water drainage, although if I was to allow the appeal, the necessary details would need to be secured by condition to ensure that the site remained properly serviced and drained.
17. I have found that the caravans would be unobtrusive within the landscape and would not impact on the natural beauty of the AONB. Notwithstanding previous iterations of the development proposed which catered for a larger area of caravans, the application before me proposes static caravans within the confines of the existing woodland and trees. This would accord with criterion (iv) of policy SWDP36 which seeks caravan sites that do not exceed the capacity of the area to accommodate the proposal. Together with my findings for the impact of the development on the AONB and landscape character, the proposal would also comply with criteria (ii), (iii) and (iv).
18. Criterion (v) of policy SDWDP 36 seeks caravan sites whose vehicular traffic can be safely accommodated on the local highway network. The Transport Assessment (TA) concludes that the trip generation associated with the development would be low and there is nothing within the evidence before me that contests this. Errors within the TA have been pointed out to me by third parties and whilst I have had regard to these, they do not materially affect the results of the TA for me to consider it ineffectual.
19. There is nonetheless limited forward visibility for drivers exiting the site onto the adjoining access road which would, in turn, pose a threat to highway safety. The TA before me demonstrates that the access could be widened to improve visibility. If planning permission was awarded, it would be reasonable to secure any permission with a condition to ensure that these access works were implemented to avert harm to highway safety. In light of this and the discussion above, I find that the development would comply with criterion (v) of policy SDWDP 36.
20. I have noted concerns from third parties that the road widening works proposed would alter the character of the existing road from rural to urban. Indeed the increased prevalence of hard landscaping and the loss of vegetation would contrast with the more verdant and rural character of the road. It would not be unreasonable, however, in securing the access details proposed by condition, to secure an appropriate landscaping scheme to help assimilate the access into its verdant surroundings.
21. Policy SWDP1 identifies the Council's overarching sustainable development principles. Policy SWDP2 sets out its development strategy and settlement hierarchy and aims to direct development to sustainable locations. The appeal site is not within a defined settlement and is therefore in the countryside in policy terms where part C of policy SWDP2 seeks to strictly control development. It advises that development will be limited to a number of examples, including development specifically permitted by other SWDP policies, amongst which policy SWDP36 is listed in footnote (3). I have found that the

development would comply with policy SWDP36 and therefore would be in an appropriate location when having regard to the Council's policies.

22. In all, in light of my findings, and subject to the conditions discussed, it follows that the development would have an imperceptible visual impact and therefore would not appear as an anomaly within the landscape. As such I find that the proposal would not be harmful to the visual qualities and character of the landscape or have an adverse impact on the setting of the Cotswolds AONB. Consequently the proposal would not be contrary to policies SWDP23, SWDP25 and SWDP36 of the Local Plan, nor would it conflict with the aims of the Cotswold Conservation Board's Landscape Strategy and Guidelines³.

Other matters

23. If I was to allow the appeal I would be granting planning permission for 81 caravan plots in the form and area shown on the plans submitted. Any extension of the site would need to be considered by the local planning authority. At such a time, the impact of the development on the local landscape would be assessed. There is nothing within the evidence before me to suggest that the development would be extended in the future. In all, therefore, concerns for the future development of the site do not carry weight.
24. I note that existing residential properties would be notable distance from the development proposed. In the absence of any specific or substantive evidence to suggest otherwise, therefore, I find nothing to suggest that the development would have a harmful effect on the outlook from existing properties. As such the impact of the development on the living conditions of existing occupiers carries no weight in my decision.
25. I have had regard to other proposals for development, including caravans and other forms of holiday accommodation, where the Council found harm to the setting of the AONB, as presented to me by third parties. However I do not have the full details of these cases to make reasonable comparisons with the development proposed. Notwithstanding this, a precedent against the development does not suggest a *fait a compli* for a subsequent proposal. Furthermore, each case must be decided on its own merits according to the facts and circumstances pertaining to that case. It is on the basis of the facts and circumstances pertaining to the development proposed that I have decided the appeal.
26. I have found that the development would comply with development plan. As a result the benefits of the scheme and their shortcomings, as identified by third parties, carry little weight in my decision.
27. The Preliminary Ecological Appraisal⁴ before me acknowledges the potential impact of the development on the local ecology, including priority and protected species. The report recommends various mitigation measures and subsequent surveys. Whilst recognising the likely presence of species such as the Violet Click Beetle within the area, there is nothing specific or substantive within the evidence before me to suggest that the development would have a harmful effect on this or other species identified. Nonetheless, it is entirely appropriate, on the basis of the evidence before me, to secure the proposals

³ Cotswolds AONB Landscape Strategy and Guidelines, June 2016

⁴ Preliminary Ecological Appraisal, Sharpe Ecology, Issue V1.1 December 2016

for enhancement and further survey work by condition. In this way I am confident that any harm to the local ecology would be avoided.

Conditions

28. I have found that the development would not give rise to unacceptable harm and it would comply with the development plan. I therefore propose to allow the appeal and grant planning permission. However, it is necessary to attach planning conditions to the permission to ensure that the development is carried out appropriately. I set out below the reasons for the conditions stated.
29. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance (PPG). In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty.
30. Conditions similar to those suggested relating to lighting, landscaping, ecology, biodiversity and materials are necessary to ensure that the local landscape character and setting of the AONB and legally protected and ecological species are safeguarded. Conditions regarding flooding and drainage are necessary to safeguard against flooding and pollution as a consequence of the proposed development.
31. Due to the position of the development within the open countryside it would not be acceptable to allow an unrestricted use of the site given current policies within the local plan and the Framework. A planning condition restricting the number and occupancy of the caravans for holiday purposes and to tie the use of the proposed shop to the caravan site are therefore necessary.
32. To minimise waste, a planning condition is necessary to ensure that adequate recycling and waste storage facilities are in place and a condition relating to the construction process and deliveries is necessary in the interests of residential amenity.
33. Conditions are required regarding vehicle and cycle parking and vehicular access during construction and afterwards to ensure that adequate transport measures are put in place to avoid harm to highway safety. The PPG advises that Travel Plans are required for developments that generate significant amounts of transport movement. The Transport Assessment⁵ concludes that trip generation as a result of the development would be low and therefore a condition to secure a Travel Plan is not necessary.

Conclusion

34. For the reasons given and having regard to all other matters raised, I conclude that the development would not be contrary to the development plan when taken as a whole. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR

⁵ RPS, Comberton Golf Club Transport Assessment, 9 June 2017

CONDITIONS SCHEDULE

- 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: Location Plan, 1 Rev 02; Landscape Plan 20 Rev C; and Landscape Plan 21 Rev C.
- 3) The development hereby permitted shall be carried out in accordance with the RPS Flood Risk Assessment, June 2017, Rev V4.
- 4) No development shall take place until plans and details showing surface water drainage works and the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented, as approved, before the development is occupied and retained thereafter.
- 5) The caravans hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall at all times maintain an up-to-date register of the names and main home addresses of all occupiers of the holiday homes and shall make this information available within one calendar month of a written request from the local planning authority.
- 6) No part of the development hereby permitted shall be occupied until details of recycling containers and refuse bins, to include enclosures and screened facilities and a satisfactory point of collection shall be submitted to and approved in writing by the local planning authority. The approved details shall be provided at the site before the development is occupied and thereafter retained.
- 7) No site clearance, preparatory work or development shall take place until details of both hard and soft landscape works for the appeal site, including at the site's entrance, have been submitted to and approved in writing by the local planning authority. These details shall incorporate the conclusions of the RPS Arboricultural Impact Assessment, 1 June 2017 and the enhancement measures detailed in the Preliminary Ecological Appraisal, Issue V1.1 December 2016 and include:
 - a. a plan and details showing the existing trees, shrubs and hedges to be retained;
 - b. a plan and specification for new planting (showing species, size (at time of planting and at maturity) and spacing and location;
 - c. means of enclosure and retaining structures;
 - d. details of earthworks, including existing and proposed contours, earth mounding, SuDS ponds, reed beds and wet/dry ditches;
 - e. areas for hard surfacing and the materials to be used; and,
 - f. a method and programme for the implementation of the works and the method and means to provide for its future maintenance to be held in perpetuity.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping referred to under condition 7 shall be carried out in the first planting and seeding seasons following the occupation of the development or its completion, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) has been submitted to and approved in writing by the local planning authority. The details submitted shall include:
 - a. a schedule in relation to every tree identified for retention listing information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and, any proposed pruning, felling or other work;
 - b. in relation to every existing tree identified to be retained on the plan referred to in a) above, details of i) any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; ii) all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced); and, iii) areas of existing landscaping to be protected from construction operations and the method of protection.
- 10) No part of the development hereby permitted shall be commenced or equipment, machinery or materials brought into the site until the approved scheme for the protection of retained trees has been carried out. In this condition "retained tree" means an existing tree which is to be retained in accordance with the details approved under condition 9.
- 11) All existing trees and hedges on the application site to be retained, including at the site's entrance shall be retained and shall not be felled or pruned or otherwise removed. If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season, in accordance with details to be approved in writing by the local planning authority.
- 12) No part of the development hereby permitted shall be occupied until an external lighting scheme shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter. Under no circumstances should any external lighting, other than that approved, be installed without written consent from the local planning authority.
- 13) No construction or demolition work shall be carried out, or plant operated, or deliveries made other than between the following hours: 0800 hours and 1800 hours on Monday to Friday and 0800 hours and 1300 hours on Saturday and at no time on Sunday, Bank or Public Holiday.

- 14) Before the stationing of any static caravans hereby approved, details of the external materials and muted colours of the static caravans shall be submitted to and approved by the local planning authority in writing. Only caravans constructed in accordance with the approved details shall be stationed on site.
- 15) The caravan park shop included within the development hereby permitted shall be for use ancillary to the caravan park only.
- 16) No more than 81 static holiday caravans shall be positioned on the site at any time.
- 17) No part of the development hereby permitted shall be occupied, provision shall be made within the site for vehicular access and the parking of cars, in accordance with access and parking details submitted to and approved in writing by the local planning authority. The access and parking areas shall be retained for their designated uses for as long as the development hereby permitted remains in existence.
- 18) No site clearance, preparatory work or development shall take place until details of the improved access works to the site entrance have been submitted to and approved in writing by the local planning authority. The approved works shall be completed prior to any of the caravans hereby approved being stationed on site and shall thereafter be retained.
- 19) No part of the development hereby permitted shall be occupied until two secure cycle parking spaces have been provided within the boundary of each caravan unit. The approved works shall thereafter be retained for as long as the development hereby permitted remains in existence.
- 20) No development shall take place until routing details for the delivery of caravans, to include a plan showing the routes and details of the traffic management measures proposed have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the measures as approved.
- 21) No site clearance, preparatory work or development shall take place until an ecological mitigation and enhancement scheme has been submitted to and approved in writing by the local planning authority. The scheme shall incorporate the recommendations of the Preliminary Ecological Appraisal, Issue V1.1, December 2016 and the Ecological Impact Assessment, Issue V1.0, June 2017, shall be informed by an updated ecological survey or surveys, and shall include a timetable for implementation. The development shall be implemented in accordance with the scheme as approved.
- 22) No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved management plan shall be adhered to throughout the construction period. The plan shall include:
 - a. a description and evaluation of the landscape, ecology and biodiversity within the site;
 - b. a risk assessment of construction activities on the natural environment including local ecology and biodiversity;
 - c. a list of measures, including their position on a plan, to mitigate any harm identified in the risk assessment referred to in a.;

- d. a list of names, to include their roles and responsibilities, of those people responsible for implementing the measures proposed, and the times when specialist ecologists will be expected to be present on site; and,
 - e. an annual work plan that can be rolled forward on an annual basis, to include measures for monitoring, contingency/remedial action.
- The management plan shall be implemented as approved.