



Appeal Decision

Site visit made on 24 July 2018

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2018

Appeal Ref: APP/H1840/W/17/3190024

Long Carrant Park, Cheltenham Road, Ashton-under-Hill WR11 7QP

- 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 Malcolm Portman against the decision of Wychavon District Council.
 - The application Ref 17/00602/CU, dated 20 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is described as 'Proposed extension to Longcarrant Views Caravan Park to allow for the relocation of 7 approved mobile park homes together with landscape planting (resubmission of application)'
-

Decision

1. The appeal is allowed and planning permission is granted for proposed extension to Longcarrant Views Caravan Park to allow for the relocation of 7 approved mobile park homes together with landscape planting (resubmission of application) at Long Carrant Park, Cheltenham Road, Ashton-under-Hill WR11 7QP in accordance with the terms of the application, Ref 17/00602/CU, dated 20 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans and documents: Location Plan (scale 1:2500), Soft Landscaping Details - 1001 Rev B, Landscape Masterplan - MP01 Rev G, Sections - SE01 Rev C, Landscape Proposals-SK01 Rev B and Landscape Appraisal dated March 2017.
 - 3) All planting and seeding/turfing comprised in the submitted landscape scheme, hereby approved, shall be carried in accordance with the details of implementation contained within the Landscape Appraisal dated March 2017. All planting shall be maintained as necessary to ensure successful establishment. Any trees or plants that die, or are removed; or become seriously damaged or diseased within a period of five years from the completion of the planting, shall be replaced in the next planting season with others of similar size and species.
 - 4) The external appearance and design of the 7 mobile park homes hereby approved shall be submitted to and agreed in writing with the local planning authority before they are brought onto the site. Thereafter the

mobile park homes shall be provided in accordance with the approved details and retained for the life of the development.

- 5) The mobile park homes hereby approved shall not be occupied until details of the proposed vehicular access and parking spaces for these, including details of surfacing materials have been submitted to and agreed in writing with the local planning authority. Thereafter, the approved vehicular access and parking spaces shall be provided in accordance with the approved details before the mobile park homes are occupied and retained for the life of the development.

Procedural Matters

2. Since the determination of the application, on 24 July 2018 the Government published a new National Planning Policy Framework (the Framework). The main parties have been given an opportunity to comment on the appeal in light of this. I have taken account of any comments received and considered this appeal in light of the new Framework.
3. During the course of the appeal the appellant submitted an amended proposed layout plan (W2017 MP01 Rev G). This does not affect the proposal itself or the level of development proposed, but is intended to more accurately reflect the existing layout of park homes on site at present. I have accepted this plan in determining the appeal and I do not consider that the interests of any party have been prejudiced by my having done so.
4. A completed Unilateral Undertaking (UU) made under Section 106 of the Town and Country Planning Act 1990 (as amended) was submitted by the appellant during the course of the appeal. I shall consider this further in my decision.

Application for costs

5. An application for costs was made by Mr Malcolm Portman against Wychavon District Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:
 - i) whether the site is in a suitable location for the proposed development with regard to access to services and facilities, along with minimising the need to travel and offering sustainable travel choices;
 - ii) the effect of the proposed development on the character and appearance of the countryside, including conserving and enhancing the landscape qualities of the Cotswolds Area of Outstanding Natural Beauty (AONB); and,
 - iii) whether the proposed development would necessitate the need for off-site financial contributions towards outdoor community uses and green space in accordance with the development plan.

Reasons

Suitability of location

7. The majority of the appeal site comprises an existing residential caravan park located off the A46 outside of Ashton-under-Hill. At present the permitted

- caravan park accommodates 45 plots most of which are occupied by mobile park homes.
8. To the south of the existing caravan park is the remainder of the appeal site. This comprises a small grassed field. The proposal is to extend the caravan park into this area to facilitate the creation 7 plots for mobile park homes.
 9. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) sets out a development strategy and settlement hierarchy for the area. In particular, Policy SWDP 2, part C, advises that land beyond any development boundary is defined as open countryside, where development will be strictly controlled and limited to various exceptions, or development specifically permitted by other SWDP policies.
 10. The reasoned justification to the above policy advises, in paragraph 4, that the high quality of the open countryside is an important attribute of the area and that sites beyond development boundaries generally are less sustainable as access to local services tends to be poorer and it is, therefore, appropriate that development in the open countryside is restricted. Policy SWDP 4 of the SWDP seeks to minimise the demand for travel and ensure that proposals offer genuinely sustainable transport choices.
 11. For planning purposes the appeal site falls within the countryside and the proposed development does not meet any of the given exceptions. Nor is it specifically permitted by any other policy in the SWDP. Furthermore, based on the information available to me, accessibility from the appeal site to the nearest settlement of Ashton-under-Hill and to public transport is poor. As such, future residents would be reliant upon the private car for the majority of their day to day journeys. There is also limited evidence of sustainable travel choices. Nevertheless, this situation would be no different from that associated with the existing caravan park.
 12. Notwithstanding the above, the main parties are in agreement that the permitted caravan park site has permission for the siting of up to 52 mobile park homes by aggregating the number of plots allowed by extant consents¹. The appellant asserts that he is seeking to secure a spacious and high quality mobile park home development, which requires additional space to accommodate the 7 plots already approved at the existing permitted site, albeit spread over a larger area. Moreover, in support of this, in the event that planning permission is granted and implemented the UU would revoke previous consents relating to the existing caravan park. It would also restrict to a maximum of 52 mobile park homes on the appeal site, including a total of 7 on the area of the proposed extension.
 13. I have considered the UU in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) along with government policy and guidance on the use of planning obligations. Despite the concerns raised by the Council in respect of the drafting of the UU, I am satisfied that it provides a sufficient mechanism to control the number of mobile park homes on the appeal site. These obligations are also fairly and reasonably related to the proposed development and necessary to make it

¹ Planning permission reference E.R. 293/66 granted 1966, planning permission reference 88/02449 dated 9 February 1989 and Certificate of Lawful Use reference W/07/00498/LUP dated 6 August 2007.

acceptable in planning terms, which includes upholding the development strategy and settlement hierarchy for the area.

14. Accordingly, the Council also accepts that the proposal would not result in the creation of additional mobile park homes in the countryside and should only be assessed as an extension of the permitted caravan park into the open countryside.
15. For the above reasons, the proposed development would be in conflict with Policy SWDP 2 of the SWDP, to the extent that it fails to meet any of the exceptions of development types supported by this policy. Despite this, as a consequence of the UU the proposal would not increase the overall quantum of plots already approved in this part of the countryside. Consequently, the proposal would have a neutral effect on the other aims of Policies SWDP 2 and SWDP 4 in respect of locating development where it is accessible to services and facilities, minimising the need to travel and providing sustainable travel choices.

Safeguarding the countryside

16. As a result of the proposal the caravan park would be extended into the countryside, which is safeguarded on account of its high quality natural environment. More significantly, the appeal site forms part of the AONB. Paragraph 172 of the Framework says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB which have the highest status of protection in relation to the natural environment. Section 85 of the Countryside and Rights of Way Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.
17. In this case the appellant has commissioned a Landscape Appraisal (LA). This has been undertaken in consultation with the Council's Landscape Officer.
18. In particular, the LA includes proposals for native planting along the northern and western boundaries of the site, which would reinforce the existing hedgerow boundaries that form part of the local landscape character. Planted mounds are also proposed along the southern boundary. Planting would also be introduced between the proposed mobile park homes. Most notably, this landscaping would be carried out in advance of the development. The LA concludes that there would be no significant adverse impacts on visual amenity within or beyond the AONB boundaries and in some instances there would be beneficial impacts in terms of softening views of the existing caravan park.
19. In light of the LA, I concur with the Council that this extent of landscaping would be appropriate to making the development acceptable within the rural landscape and would conserve and enhance the landscape qualities of the AONB.
20. The proposed development would encroach into the open countryside in conflict with Policy SWDP 2 of the SWDP. Nonetheless, I have also found that the proposal would not harm the AONB, which is afforded a much higher status of protection in relation to safeguarding the natural environment. Based on this, I also conclude that there would be no significant harm to the character and appearance of the countryside.

Off-site financial contributions towards outdoor community uses and green space

21. The submitted UU includes an obligation to provide a financial contribution towards the provision of off-site green space and outdoor community uses in the vicinity of the development. However, as already stated the proposal would not result in the creation of any additional mobile park homes in the countryside.
22. Moreover, in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations, I consider that this particular obligation is not directly, fairly or reasonably related to the proposed development. Therefore it is also not necessary to make the proposed development acceptable in planning terms. The Council also acknowledges that in light of the other obligations which would control the quantum of development, this particular financial contribution is not necessary.
23. For the foregoing reasons an off-site financial contributions towards outdoor community uses and green space is not required. Accordingly, I find no conflict with Policy SWDP 39 of the SWDP, which requires that development proposals exceeding 5 dwellings should make provision for Green Space and outdoor community uses.

Other Matters

24. There is no substantive technical evidence to support third party concerns that the proposed development would impact on existing parking and access arrangements and the drainage of the site. Similarly, other than the appellant issuing advice on how to use the existing package treatment system for foul drainage, there is limited evidence to suggest that this would be of an insufficient capacity to meet the demands of the proposed scheme.
25. I have also noted other matters raised by existing residents of the caravan park in relation to loss of existing facilities as a consequence of the proposed development, and other potential recreational uses for the field proposed for the extension to the caravan park. Nevertheless, I have no substantive evidence that there are any planning requirements to retain existing facilities or for any additional recreational uses. As such, these matters do not alter my findings on the main issues.
26. Similarly, the potential of the proposed mobile park homes to accommodate families instead of retired residents raises no specific issues which alter my findings on the main issues.

Planning Balance

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
28. In this case the proposed scheme would introduce development which would encroach into the countryside and is not of a type supported under Policy SWDP 2 of the SWDP. Nevertheless, the submitted UU would ensure that if planning permission were to be approved the proposed development would not result in an increase in the total number of mobile park home plots already approved in this part of the countryside. Also, for the reasons already given the

proposed landscaping would safeguard the landscape and visual characteristics of the countryside and the AONB. Consequently, these material considerations are of sufficient weight to outweigh the conflict with the development plan. For the above reasons, I also find no conflict with the relevant provisions of the Framework².

29. The Council's decision notice also refers to Policy SWDP 1 of the SWDP. This echoes the presumption in favour of sustainable development, as set out in the Framework. It also says that where applications do not accord with the policies in the SWDP, the Local Authority will seek to work with applicants with a view to mitigating adverse impacts. In this case, the UU and proposed landscaping would mitigate any adverse impacts of the development on the countryside. I therefore find no conflict with this policy.

Conditions

30. I have considered the conditions put forward by the Council in the light of the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings and plans as this provides certainty. Conditions relating to landscaping of the site and the design of the mobile park homes are necessary in the interests of the appearance of the area. A condition securing car parking and vehicular access for the proposed mobile park homes is necessary in the interests of the appearance of the countryside and accessibility.
31. The appellant has suggested a condition limiting the overall number of mobile homes on the appeal site. However, this matter would be addressed through the UU. Where necessary I have altered the suggested conditions to better reflect the relevant guidance.

Conclusion

32. For the reasons given above and having taken all matters raised into account I conclude that the appeal is allowed.

M Aqbal

INSPECTOR

² Paragraph 170 and 172