



Appeal Decision

Site visit made on 18 June 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/D2510/W/19/3225196

**The Royal Views, Hagnaby Road, Old Bolingbroke, Spilsby, Lincolnshire
PE23 4HS**

- 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 A E Hewson against the decision of East Lindsey District Council.
 - The application Ref S/018/01648/18, dated 14 August 2018, was refused by notice dated 7 November 2018.
 - The development proposed is siting of 2no. holiday lodge caravans with associated sheds, decking and car parking and erection of a fence.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of 2no. holiday lodge caravans with associated sheds, decking and car parking and erection of a fence at The Royal Views, Hagnaby Road, Old Bolingbroke, Spilsby, Lincolnshire PE23 4HS in accordance with the terms of the application, Ref S/018/01648/18, dated 14 August 2018, subject to the 11 conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by A E Hewson Limited against East Lindsey District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The original description on the application form differs to that given on the Council's decision notice and included superfluous text in respect of the cladding material. The appellant has acknowledged a change in description on their appeal form in line with that given on the Council's decision notice. I have therefore considered the appeal on the basis of the Council's revised description in the interests of brevity albeit I have removed the reference to the height of the fence since this is clarified on the submitted drawings as being 2.5 metres in height.
4. During my site visit, I noted that landscaping measures similar to those proposed on the submitted drawings, including a vertical boarded fence and some sapling planting, were already in situ next to the southern boundary of the site with the neighbouring property known as High Ash. The appellant's statement confirms the fence has been erected under permitted development rights. In terms of what I saw on site and the approximate height of the fence that has been erected, I find no reason to question this and this is not a matter for me to determine. I have therefore assessed the proposal on the basis of the details provided on the submitted drawings.

Main Issue

5. The main issue is whether the proposal would have an acceptable relationship with the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

6. The application site is a triangular parcel of land situated within and sharing an access with an established caravan park. The proposal would increase the number of lodges at the site from 13 to 15. The neighbouring bungalow known as High Ash, is situated to the south of and at a lower level to the appeal site. Two-storey terraced and semi-detached dwellings fronting Hagnaby Road are situated to the north of the site to the opposite side of the internal access road. Agricultural fields are located to the west of the site. During my site visit, I noted the tranquil noise environment owing to the predominantly residential nature of neighbouring development and the edge of village rural location.
7. The proposed lodges and associated outdoor space would be closer to the nearest neighbouring dwelling at High Ash than the existing lodges on the caravan site. However, the grassed areas to the rear of the lodges would be of a sufficient size to ensure the spacing between the garden and nearest windows serving High Ash would be similar to that commonly seen between neighbouring habitable buildings. Suitable distances would also be retained to neighbouring dwellings on Hagnaby Road. Whilst High Ash is at a lower level to the site, there is not such a disparity in levels that the appreciation of any additional activity from the development would be accentuated to any significant degree. This is particularly so when accounting for the boundary treatments that would be in place to supplement the existing mature vegetation between the site and this neighbouring dwelling. The orientation of the lodges with only obscure glazed windows on the south facing elevation, the screens proposed to decking areas and the position of parking spaces towards the access point off Hagnaby Road would all assist in reducing the potential for any noise and disturbance experienced by neighbouring occupiers.
8. Taking the above factors into consideration, I am not convinced that the increase in activity that could reasonably be expected from the occupiers of two additional lodges, including from any associated vehicles, is likely to be to such a degree that it would be highly discernible within a residential environment where similar activity already takes place. I have no substantive evidence before me, for example in terms of noise surveys to convince me otherwise. The Council's Environmental Health team have also confirmed that they do not receive a significant number of noise complaints in respect of holiday sites.
9. To conclude, I am not persuaded that the development taken either on its own or cumulatively with the existing lodges, would result in an increase in levels of activity or noise levels to the extent that it would result in material harm to the living conditions of neighbouring occupiers. The proposal would therefore comply with Part 5 of Strategic Policy 10 (Design) (SP10) of the East Lindsey Local Plan Core Strategy (2018) (CS) which amongst other things requires that development be designed to not unacceptably harm any nearby residential amenity.
10. The proposal would also comply with paragraphs 127 and 180 of the National Planning Policy Framework which state amongst other things that decisions

should ensure that development creates places with a high standard of amenity for existing and future users, is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on living conditions and in doing so avoids noise giving rise to significant adverse impacts on health and the quality of life.

11. The Council's decision notice refers to the proposal being contrary to Part 6 of Policy SP10 of the CS. This element of the policy does not relate to the main issue being considered in this appeal rather it relates to a requirement for the design of new buildings to take into account safety and security issues for users of a facility and that of neighbouring residents. Based on the evidence before me and what I saw on site, I find no conflict with this part of the policy.

Other Matters

12. I note the concerns raised by the Parish Council and other interested parties. The appellant has signed the relevant declarations to confirm they are owners of the appeal site. Any disputes in respect of land ownership are a private legal matter. In terms of whether the location is appropriate when considered against the development plan for the area, the District Council's committee report confirms that the appeal site sits within land previously granted planning permission for a change of use for the siting of holiday lodge caravans. The use of the site for such purposes has therefore already been established. Issues relating to access to services or the proportion of dwellings compared to holiday homes in the village are therefore not material to my assessment.
13. Concern has been raised that the site is being used for all year round occupancy rather than as holiday accommodation. The Council has suggested a condition should planning permission be granted to ensure the proposed lodges are used for holiday purposes only and that the lodges are not occupied as a person's sole or main place of residence. This would be similar to a condition placed on previous planning permissions on the wider site. Any alleged breach of such conditions on the site would be an enforcement matter for the Council to investigate. Similarly, the impact of previous development towards the northern boundary of the wider site and any alleged non-compliance with conditions on previous planning approvals is not a matter for me to assess under the current appeal proposal.
14. Any potential for interference with overhead cables is a matter between the appellant and the relevant provider. Monitoring of behaviour of individual occupiers is not a planning matter. There are powers outside planning legislation should any anti-social behaviour occur. The availability for sale of existing caravans, Council tax requirements and the standard of maintenance of the existing site are not matters which are material to my assessment of the appeal.
15. I have no substantive evidence before me to suggest that traffic generated from the proposal would have a harmful impact on highway safety in the area, nor that the access and egress arrangements are not fit for purpose. I note that no objections were raised by the Highway Authority in relation to the original planning application. The car parking spaces to be provided form part of the appeal proposal and the Highway Authority has not made a request for the parking spaces to be made available for the general public.

16. No new external lighting is indicated on the proposed drawings and there is no evidence before me to suggest that light levels associated with the development would be to an extent that would materially harm the character and appearance of the area or neighbouring living conditions.
17. Whilst there is a change in levels at the southern boundary of the site, levels are relatively consistent across the part of the site where the development is proposed. The design of the buildings, distance from boundaries and the substantial boundary treatments that would be in place would be sufficient to ensure that there would not be any material harm by way of overlooking impacts.
18. Reference has been made to the site being located within an Area of Great Landscape Value (AGLV) although I have not been provided with any specific policies in respect of this designation. Given the design and single storey scale of the proposed holiday lodge caravans within an established site and the additional landscaping that would be in place, the proposal would not result in material harm to the character and appearance of the area or the surrounding landscape and I note the Council's Committee report reached similar conclusions.
19. My attention has been drawn to the Old Bolingbroke Conservation Area (CA). The site is situated outside the CA boundary. Given the intervening distance to the CA and the scale of the development, I am satisfied that there would be no harm to the character or appearance of the CA and its significance would be preserved.
20. My assessment has been made on the basis of existing site circumstances in terms of existing and proposed planting and the boundary treatments that would be in place. Any previous felling of trees has therefore not influenced my decision.

Conditions

21. The Council has suggested several conditions should the appeal be allowed and the appellant has raised no objections to them. In addition to the standard time limit, I consider it reasonable to attach a condition confirming the approved drawings in the interests of certainty. The suggested condition requiring a scheme of landscaping and tree planting to the entrance of the site would be reasonable in the interests of softening views of the development when viewed from Hagnaby Road.
22. The suggested condition requiring a 2.5 metre high close board fence as indicated on drawing number 2034/16 Rev J is reasonable to ensure that the completed development is in accordance with the submitted drawings and I am satisfied that the proposed fence would be sufficient to ensure suitable levels of privacy are retained between neighbours.
23. Whilst I noted some sapling planting had already taken place adjacent to the southern boundary, this was not to the extent of the seventy laurel bushes indicated on the submitted drawings. I therefore consider the condition suggested by the Council for the landscaping scheme to be fully implemented is reasonable in order to ensure the landscaping proposed is completed in its entirety and the benefits to neighbouring living conditions that would result

from the substantial boundary screen proposed by the appellant are fully realised.

24. The drawings already indicate the level of obscurity to the windows to the southern elevations of the holiday lodge caravans. Taking into account the distances to the boundary and the boundary treatments that would be in place, the potential for material harm from overlooking is low. I therefore do not consider it necessary for the appellant to submit details of the windows prior to their installation. A condition requiring the level of obscurity to these windows to be retained in accordance with the approved drawings would be reasonable to ensure certainty in terms of suitable levels of privacy being retained for the lifetime of the development.
25. Given all details of materials are not provided on the drawings, I consider the suggested materials condition to tie in with the details on the planning application form would be reasonable for the avoidance of doubt.
26. The suggested conditions in respect of surface water and foul water are reasonable in the interest of ensuring the development suitably caters for these requirements in line with Strategic Policy 16 (Inland Flood Risk) of the CS which states that all new development must show how it proposes to provide adequate surface water and foul water disposal.
27. One third party comment makes reference to a requirement for a condition to confirm the precise position of the proposed sheds. Whilst the sheds are small in scale, I consider it would be reasonable and necessary to include such a condition in the interests of certainty given the location of the sheds is not given on the proposed layout drawings.

Conclusion

28. For the above reasons the appeal is allowed.

M Russell

INSPECTOR

Schedule of conditions

- (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- (2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: Location Plan 2034/01, Typical Shed 2034/22, Typical Lodge Caravan Layout 2034/23 and Proposed Layout Plan 2034/16 Rev J.
- (3) Prior to the holiday lodge caravans hereby permitted being brought onto the site, a scheme of landscaping and tree planting for the entrance to the site, including the number, species, heights of planting and positions of all the trees, together with details of post-planting maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing, the scheme shall be carried out in its entirety, prior to the holiday lodge caravans being brought onto the site. All trees, shrubs, hedges and bushes, forming part of the landscaping scheme, shall be maintained by the owner or owners of the land on which they are

situated, with all losses made good as and when necessary, for the duration of time that the holiday lodge caravans are in situ.

- (4) Prior to the holiday lodge caravans hereby permitted being brought onto the site, a 2.5 metre close board fence shall be erected along the southern boundary of the site, in accordance with drawing number 2034/16 Rev J. Once installed the fence shall be retained thereafter unless it is replaced by a close board fence of the same height.
- (5) Prior to the holiday lodge caravans hereby permitted being brought onto the site, the landscaping scheme for the southern boundary of the site, as shown on drawing number 2034/16 Rev J, shall be carried out in its entirety. All trees, shrubs and bushes, forming part of the landscaping scheme, shall be maintained by the owner or owners of the land on which they are situated, with all losses made good as and when necessary, for the duration of time that the holiday lodge caravans are in situ.
- (6) The windows to the south facing elevations of the holiday lodge caravans hereby approved shall be obscure glazed and in accordance with the details on the levels of obscurity given on drawing number 2034/23 at all times.
- (7) The external materials of the holiday lodge caravans hereby permitted, shall be in accordance with those stated in section 9 of the application form and those shown on drawing number 2034/23.
- (8) Notwithstanding the details on the approved plans, all surface water from the development hereby approved must be collected and discharged into the existing surface water system. If it is found that there is insufficient capacity in the existing system then an alternative scheme for the discharge of surface water must be submitted to and approved in writing by the Local Planning Authority and that scheme must be fully implemented before the development is brought into use.
- (9) Notwithstanding the details on the approved plans, all foul water from the development hereby approved must be collected and discharged into the existing foul water system. If it is found that there is insufficient capacity in the existing system then an alternative scheme for the discharge of foul water must be submitted to and approved in writing by the Local Planning Authority and that scheme must be fully implemented before the development is brought into use.
- (10) The holiday lodge caravans hereby permitted 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 of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.
- (11) Prior to the erection of the sheds shown on drawing No 2034/22, precise details of their position on the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing the sheds shall only be erected and retained in accordance with the approved details.