



Appeal Decision

Site visit made on 8 July 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/P1045/W/19/3227186

Hulland House, Unnamed section of C3 from Main Road to Carr Farm Hall access, Hulland Ward DE6 3EE

- 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 Zwolinski and Ms Fox against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00675/FUL, dated 20 June 2018, was refused by notice dated 30 October 2018.
 - The development proposed is described as the construction of an access road and areas of hardstanding, services and other works in association with a certified caravan site.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an access road and areas of hardstanding, services and other works in association with a certified caravan site at Hulland House, Unnamed section of C3 from Main Road to Carr Farm Hall access, Hulland Ward DE6 3EE in accordance with the terms of the application Ref: 18/00675/FUL, dated 20 June 2018 and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the planning application form is the 'Construction of an access road and areas of hardstanding, services and other works in association with a certified caravan site'. The Council say that it is inferred that this means that the planning application was for change of use (COU) of the land to a caravan site. At my request, the appellants have confirmed that the planning application was only for the proposed access, hardstanding, services and other works.
3. The appellants take the view, that they do not need planning permission to use the land as a caravan site as they have a certificate of lawful development (Ref 18/000529/CLPUD) dated 29 May 2018 for use of the land for the siting of five caravans. The Council disputes that the land can lawfully be used as a caravan site and contend that this is because no caravan club certificate has been issued.
4. This section 78 appeal is not, though, the correct mechanism for determining whether or not the site can be lawfully used as a caravan site without the need for planning permission. Given that the appellants have confirmed that they are not applying for planning permission for the use of the site as a caravan

site, I have therefore determined this appeal solely on the basis that the proposal relates to a proposed access, hardstanding, services and other works in accordance with the description of development set out on the planning application form.

5. The appellants submitted Drawing no. 01 Site Plans dated March 2019 with the appeal submission that was not before the Council at the time of its decision. As the Council and interested parties have, though, had the opportunity to comment on this document during the appeal process, I have considered it in my decision. Accordingly, no party has been prejudiced.

Main Issue

6. Given the above, and notwithstanding the Council's decision to deal with the planning application on a change of use basis, the main issue is the effect of the hardstanding area and access on the character and appearance of the area. Whilst the Council has referred to use of the land as a caravan site in its reasons for refusal, as I have set out, this is not a matter for my consideration.

Reasons

7. The appeal site is an open field in an elevated position approximately 500 metres west of the village of Hulland Ward.
8. The site is situated to the rear of an existing detached property but is accessed separately via Smith Hall Lane which abuts the western boundary of the site. The field is bounded by mature hedgerows and is only visible intermittently from the main road to the north. From Smith Hall Lane to the west, the appeal site is almost entirely screened from view except at the point of access where there is an open view looking east across the site.
9. The proposal before me comprises the construction of an access road, 5 areas of hardstanding, car parking, works associated with the installation of services for each pitch and the installation of a treatment plant for waste water and ground mounted solar array. The development would be set back from the main road leaving an area of open field between the proposal and the road.
10. The Council considers that the proposal would be clearly visible in its edge of settlement location and therefore harmful to the character and appearance of the rural landscape. I do not consider this to be the case. The site sits in an elevated position and therefore long distance views into the site are severely restricted by the landform. Within close range, the existing hedgerows screen the site from both adjacent roads and from the fields to the east and south. Whilst I acknowledge that the hedgerow on the northern boundary is somewhat lower, views of the site are still relatively intermittent and the potential for further landscaping as suggested by the appellants could further mitigate any impact.
11. Furthermore, the proposed development would be relatively small scale with the individual plots set back from the road. The works applied for would be low to the ground and therefore not unduly prominent within the landscape.
12. I acknowledge that the new access point would be modified to enable suitable visibility splays and whilst the view into the site at this point would be greater than it is currently, it would still be relatively narrow and would not therefore be unduly visually intrusive.

13. My attention has been drawn to two previous decisions within relatively close proximity of the appeal site and whilst each case must be determined upon its own merits, I have reviewed the information available. In relation to Poplars Farm, I concur with the Council that there are no parallels to be made. The Poplars Farm decision has therefore had no bearing on my decision. In relation to the proposed residential development to the north-west of the appeal site, this was a substantially greater proposal and therefore bears little comparison to the proposal that is before me, and so it attracts limited weight in my decision.
14. I therefore conclude that the proposal would not give rise to unacceptable harm to the character and appearance of the area. Accordingly, I do not find conflict with the relevant collective requirements of Policies S4, S9, PD5 and EC9 of the Derbyshire Dales Local Plan 2017 which require proposals, including those for new camping, caravanning and holiday chalet developments to not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape.

Other Matters

15. I note that there is a representation from an interested party which relates to the use of the site for caravans and the previous CLPUD application. As set out above, this is not a matter that I can deal with as part of this appeal. The representation also raises concerns about highway safety and in particular visibility acknowledging that at the proposed point of access there is currently a layby that is frequently used for parking. I noted the presence of cars and HGVs parked in the layby during my site visit. However, the installation of an improved access, either via the previously approved access consent or the implementation of the development subject of this appeal, would put in place an access that meets the required visibility splays and would effectively remove the layby. I also note that there have been no highway safety concerns raised by the Highways Authority in this regard.
16. I acknowledge the Council's first reason for refusal and that it is of limited relevance to my deliberations on the basis that this appeal does not deal with the COU. Hence it does not change my overall conclusions in respect of this appeal.

Conditions

17. Where necessary I have amended the wording of the Council's suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance (PPG).
18. Planning permission is granted subject to the standard three-year time limit for commencement of development condition. It is necessary that the development shall be carried out in accordance with the approved plans in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose a planning condition relating to hard and soft landscaping, including any proposed lighting. However, these do not need to be separate conditions, so I have combined them into one. Additionally, as the standard three-year time limit is in place for implementation it is not necessary to require the appellants to submit details within 56 days of the permission, accordingly, I have altered the Council's suggested wording.

19. As previously set out, this appeal deals with construction of an access road, hardstanding and other associated works. Therefore, I have omitted any suggested conditions that relate to the use of the site.

Conclusion

20. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be allowed, subject to the conditions.

Julie Hunter

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 accordance with the following approved plans: 1:1250 Scale Site Location Plan, 1:1000 Proposed Engineering Works at Hulland House, DE6 3EE; Site Plans 01 (03/2019).
- 3) No above ground construction work shall commence before details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) indications of all existing trees, hedgerows and other vegetation on the land;
 - ii) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within the site in relation to the proposed buildings, roads and other works;
 - iii) measures for the protection of retained vegetation during the course of development;
 - iv) all proposed additional landscaping to include all plant species and their number;
 - v) means of enclosure and;
 - vi) external lighting;
 - vii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.

- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, 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.