The Planning Inspectorate

Appeal Decision

Site visit made on 17 September 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/Q3305/W/19/3231682
Lower Haven Farm, Farleigh Road, Norton St Philip, Frome BA2 7NG

- 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 Stuart Bryant against the decision of Mendip District Council.
- The application Ref 2019/0392/FUL, dated 21 February 2019, was refused by notice dated 26 April 2019.
- The development proposed is the erection of two camping lodges, an associated amenity building, a play hut and associated works.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the subsequent changes to the description of development in the decision notice, in my heading above, I have used that provided by the appellant on the original planning application form.

3. At my site visit I was able to observe that the four buildings that are the subject of the appeal were in place, although the appellant indicates that they have not been occupied. I have determined the appeal accordingly.

Main Issues

4. The main issues are:

    - Whether the proposal is inappropriate development in the Green Belt, including its effect upon openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
    - The effect of the proposal on the character and appearance of the area;
    - Whether the location of the proposal provides suitable access to facilities having regard to local and national policies, and;
    - If inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The Government attaches great importance to Greet Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in paragraphs 145 and 146 of the Framework. Criterion b) of Paragraph 145 allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for, amongst other things, outdoor recreation. Criterion e) of paragraph 146 allows for material changes in the use of land such as outdoor recreation. However, the caveat to both sub-paragraphs is that the development should preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Planning Practice Guidance confirms that openness is capable of having both spatial and visual aspects which accords with the case law to which I am referred[1].

7. There is no dispute between the parties that the buildings constitute appropriate facilities in connection with outdoor recreation[2] and I have no reason to take a different view. However, the parties disagree as to whether they preserve the openness of the Green Belt.

8. The appeal site comprises the south eastern corner of a field which lies between the A366 and a large building housing Haven Timber to the north. The land accommodates a pond, hedgerow and some trees with, excepting the presence of the buildings that are the subject of this appeal, built form notably absent. Accordingly, the presence of two cabins, an amenity building and a play hut cumulatively amounting to approximately 186sqm with the associated hardstanding for car parking, has a physical and visual impact upon the openness of the site.

9. Moreover, once occupied, this harm would be likely to be exacerbated by the presence of parked vehicles, associated lighting and the likely paraphernalia connected with holiday accommodation particularly in warmer months, including BBQ, outdoor seating, outdoor play equipment and washing lines.

10. Taking these factors together, the appeal proposal would have an adverse, albeit limited, impact upon the openness of the Green Belt. Although the appellant suggests conditions restricting the use of the cabins during winter months and to holiday accommodation, this would do little to address the adverse impact on openness I have identified as the structures would remain throughout.

11. I am referred to examples of various decisions by the Council and other Councils where proposals for holiday accommodation in the Bristol and Bath Green Belt were considered against similar national policy but were found to preserve the openness of the Green Belt. The appellant accepts that, based on the available information, it is difficult to draw direct comparisons with the

[1] Turner v Secretary of State for Communities and Local Government & East Dorset Council [2016] EWCA Civ 466
[2] Officer delegated report page 4, 4th paragraph

nearest example at Godspiece Leaze[3]. Even so, in contrast to the appeal proposal before me those proposals sought to replace existing buildings at the site and as such, they are of limited relevance.

12. The sequence of approvals by Wiltshire Council at Blackberries Camping Park[4] related to a former MOD site. It is difficult to ascertain from the information provided what had been on the site prior to the first planning application but the evidence suggests the presence of significant hardstanding and a pillbox[5]. As such, this is notably different to the circumstances of the appeal site.

13. The decision by Bath and North East Somerset Council relating to Newton Mill Caravan and Camping Site[6] related to a considerably larger site, which at the point of the decision referred to was already an established caravan and camping site. On that basis, the evidence provided indicates that the Council gave weight to the replacement of existing structures, and the demolition of parts of some buildings. Accordingly, the circumstances were considerably different from the nature and scale of the appeal proposal.

14. Two decisions by South Gloucestershire Council, both near Bitton[7], are also brought to my attention. The earlier decision involved the removal of an existing building, with the amenity building "similar in size"[8] located nearer to other existing buildings. The later decision formed part of a larger 13 hectares site already used for coarse fishing with some limited camping established under permitted development, and the amenity block had a footprint of approximately 24sqm[9]. These circumstances contrast markedly with those of the proposal before me.

15. I am further referred to an appeal decision[10] at Polesden Lacey for the use of the land as a campsite with two amenity blocks. Unlike the scheme before me, that appeal proposal involved the removal of other existing buildings which the Inspector took into account in her consideration of the impact on openness. In addition, the occupancy of the site was restricted to tents and for a limited period of the year, with all associated vehicles parked off site, which limited the amount of development and activity present, whereas the appeal before me has four permanent structures on site with parking nearby.

16. I acknowledge the importance of reasonable consistency in decision making, nevertheless the case law[11] highlighted accepted that the bearing that other decisions may have would inevitably depend on the circumstances under consideration. In this case, having taken into account the examples to which I am referred, it is not shown that the circumstances are sufficiently comparable to the appeal proposal to carry more than little weight in each case. In any event, I have considered the appeal proposal on its own merits.

17. Accordingly, I find that the proposal fails to preserve the openness of the Green Belt and consequently, the proposal does not fall within the exceptions listed in

[3] Referenced 2010/0531 & 2013/1405, paragraph 5.52 Appellant's appeal statement
[4] Referenced W/13/00050/FUL, 16/01161/FUL & 18/09137/FUL
[5] Appendix 5, Appellant's statement pages 64, 67-70
[6] Reference 14/01829/FUL
[7] Referenced PK14/2384/F & PK18/4753/F
[8] Paragraph 5.11 Circulated Schedule Report
[9] Paragraph 1.2 and 5.16 of Circulated Schedule Report
[10] APP/C3620 W/15/3029773 18 January 2016
[11] Baroness Cumberledge v Secretary of State for Communities and Local Government [2017] EWHC 2057

the Framework in paragraph 145 b) or 146 e) and therefore, constitutes inappropriate development in the Green Belt.

Character and appearance

18. The section of Farleigh Road nearest to the appeal site has a rural, agricultural character due to the presence of fields, hedgerows and pockets of woodland. There are sporadic individual or clusters of buildings in the vicinity, some of which have a modern utilitarian agricultural appearance. However, these tend to be set some distance back from the road and are often seen within wider panoramic views of the landscape.

19. The proposed four timber buildings are located nearer to the road than the large modern building accommodating Haven Timber and can be seen in views from the road entrance and driveway serving the timber yard. At my site visit I was also able to observe the play hut from along Farleigh Road to the east. The modest size and rudimentary timber-stained appearance of the structures are commensurate with a subordinate role. This is particularly the case for the play hut, whose appearance is consistent with a domestic outbuilding. However, the overly prominent siting of the buildings is not compatible with their unassuming appearance striking a discordant note at odds with the surrounding agricultural character.

20. I accept that the modest scale, dark staining and the screening provided by existing hedgerows and trees mitigates the visual impact of the proposal to an extent, but it does not entirely address the harm arising from the siting of the structures. In addition, although the proposal is not within a designated landscape[12], it does not follow that this justifies development that is harmful to the character and appearance of the area.

21. I am referred to various decisions relating to the Pitchperfect site[13] at Woolverton whereby a permanent timber structure was permitted to provide a shop, office, shower and toilet facilities and warden accommodation. The decisions related to a larger campsite than the appeal proposal, approximately 2.5 miles away. Based on the evidence presented, that proposal is of a significantly different scale and nature to the scheme before me, and furthermore, given the distance, it would be seen in a different, albeit rural, context. As such, these decisions carry limited weight in considering the impact of the appeal proposal on the character and appearance of its environs.

22. Accordingly, I find that the proposal would have a harmful impact on the character and appearance of the area contrary to saved policy CP4 of the Mendip District Local Plan Part 1: Strategy and Policies 2006-2029, December 2014 (LP) which, amongst other matters, supports rural economic development proposals so long as they are of a manner and scale appropriate to the location. It would further conflict with saved policies DP1 and DP7 of the LP that, amongst other matters, seek to ensure new development is of a high quality that positively maintains and enhances local identity and distinctiveness appropriate to the local context.

23. The Council also refers to saved policy DP4 of the LP which seeks to protect the Mendip's landscapes from proposals that individually or cumulatively significantly degrade the quality of the local landscape. Given the modest scale

[12] The Cotswold Edge character area, Landscape Assessment of Mendip District 1997
[13] Referenced 2012/1645, 2015/0237/FUL, 2017/2276/RVC & 2017/2277/RVC

of the proposal and the steps taken to reduce the visual impact of the development using screening and dark stained timber, whilst the impact would be harmful, it would not be of such magnitude that it would result in significant degradation to the surrounding landscape character. Therefore, I do not find that the proposal would conflict with this policy.

Location

24. The appeal site is served off an existing access onto the A366. Considering the modest scale of the proposal, it would generate only limited traffic and consequently, would not have an adverse impact on local roads. There is no dispute between the parties that the occupants of the holiday cabins would be primarily reliant on the private car[14]. The nearest shops and pubs are reasonably close by in Norton St Philip and there is a farm shop to the east on Farleigh Road. However, as the pedestrian route in either case has no pavement, is unlit and is adjacent to a fairly busy road, it is likely to deter such trips on foot.

25. Saved policy CP3 of the LP gives support for business development and growth which extends the attraction of the area to visitors. This accords with general support for rural business development in paragraph 83 of the Framework. Paragraph 84 goes on to state that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

26. Saved policy DP9 of the LP is a generic policy that relates to the transport impact of development. It states that it is only where it is appropriate to do so, that development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport. Part of the attractiveness of rural locations for camping for many people is the sense of removal from urban areas and the activity and facilities associated with them. Consequently, the choice of travel options in such rural locations is often likely to be restricted.

27. In recognition of these circumstances, as the traffic movements would be so modest, it would not be appropriate, and somewhat unrealistic, to expect the appellant to demonstrate how they will improve or maximise the use of sustainable forms of transport in relation to this form of rural tourism.

28. Accordingly, in relation to the nature and scale of the development, I find that the proposal provides suitable access to facilities having regard to local and national policies, and does not conflict with saved policies CP1, CP3, CP4 or DP9 of the LP which, amongst other matters and in combination, set out the general approach to supporting rural business development and growth and addressing the transport impact of new development.

Other Considerations

29. The proposal would provide a new tourism facility with adjacent smallholding that would contribute towards rural economic development in the district in a sector recognised for its local importance[15]. It would furthermore, assist in

[14] Paragraph 5.158 appellant's statement
[15] Mendip Economic Development Strategy 2017-2020 – page 20 Tourism, Retail and Hospitality

improving access to the countryside and opportunities for recreation[16] for which there is general support in the Framework. Future occupants would also be likely to increase custom for local businesses thereby providing an economic benefit. These factors weigh in favour of the proposal. However, given the modest scale of the proposal, the degree of benefits likely to accrue from two holiday cabins is likely to be of a minor nature and therefore, this attracts limited weight.

30. The appellant asserts that the development would result in the site being tidied up overall. Be that as it may, there are separate formal measures open to the Council in circumstances where the appearance of a site is considered harmful to the general amenity of the surrounding area. As such, this matter attracts little weight.

31. The landscaping provided by the proposal[17] would assist in screening and softening the impact of the buildings. However, suitable landscaping is a requirement of other development plan policies, therefore this is a neutral factor in the overall Green Belt balance. In any event, the openness of the Green Belt would be harmed irrespective of additional screening, as it would not remove the physical presence of the development.

Green Belt balancing exercise

32. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and harm would be caused to the openness of the Green Belt which attracts substantial weight. Moreover, the harm that would result to the character and appearance of the area attracts significant weight.

33. The other considerations in this case, even when taken cumulatively, do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

34. Therefore, although the LP does not contain specific policies in relation to the Green Belt, the proposal would be contrary to the policies relating to the protection of the Green Belt within the Framework. This provides a clear reason for refusing the development proposed and therefore, the tilted balance in paragraph 11d)ii of the Framework would not apply in these circumstances[18].

Conclusion

35. For the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

[16] Paragraph 141 of the Framework
[17] Drawing T1-VP005.020
[18] Paragraph 11 d)i and Footnote 6 of the Framework.