
Appeal Decision

Site visit made on 10 September 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/H1033/W/19/3231652

Four Acres off Buxton Road, Whaley Bridge, High Peak SK23 7JY

- 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 Mrs Christine Horner against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0409 dated 12 January 2016 was refused by notice dated 14 December 2018.
 - The development proposed is full planning permission for a green caravan which is to be retained on the land (to be used for holiday rentals and free holiday accommodation for underprivileged or disadvantaged children and their carers).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is retrospective. The caravan and the stock proof fencing are in the locations indicated on the submitted plan. The leylandii screening to the appeal proposal is not shown on the plan but I will address the issue of screening in my decision.
3. The date of the application of the 12 January 2016 in the banner heading is taken from the original application form although the Council indicates that the application was not validated until February 2017.
4. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Main Issue

5. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

6. The appeal proposal is situated in the top of a field behind a layby off Buxton Road. The field slopes down away from the road and there is mature hedging and trees on the boundary of the appeal site with the layby. There are views of open countryside from the appeal site beyond the other boundaries. The

- appeal proposal is an oblong mobile home type structure rather than the more traditional type caravan.
7. There is a gate to the rear of the layby into the field. The appeal site is then accessed across the field and is enclosed with a second wide gate with stock proof fencing. There is a line of leylandii trees to the side of the caravan that faces onto the field and a group of leylandii trees to the rear of the caravan. The appellant indicates that the stock proof fencing was added to provide security and to keep animals away. The site is being used for grazing for sheep and pigs and has some animal shelters.
 8. The location is very rural in character with views of fields interspersed with mature trees and hedges looking down the slope from the appeal site at the top of the field. Whilst there is a green container within the wider field setting which the Council indicates is subject to a separate application, other built development is very limited and the absence of built development adds to the rural character.
 9. The appeal proposal falls outside a defined settlement boundary and is within open countryside. Policy E7 of the High Peak Local Plan Adopted April 2016 (the Local Plan) states that development including caravan sites will only be permitted subject to certain criteria. The criteria includes the development not having a prominent and adverse impact on the character and appearance of the area. The criteria also refers to any visual impact being well screened by existing landscape features for the whole of its proposed operating season and permanent structures not being visible even during winter months from public views.
 10. Leylandii were added to provide screening to the side of the caravan but the screening is at odds with the prevailing rural character and does not contribute to or enhance the landscape. The leylandii are also not of the same height and there is a group of leylandii to the rear of the appeal proposal which appear out of place. Whilst, the appellant indicates that native trees were also planted as part of an initial landscaping project, the leylandii trees are the dominant feature along the side and to the rear of the caravan. The appellant has offered to carry out further landscaping but any new landscaping would be likely to take some time to mature.
 11. The presence of mature trees along the boundary of the appeal site with the layby would limit views from the layby of the appeal proposal. However, the appeal site is in an elevated position and the submitted plans show a public footpath to the west of the site. I agree with the Council that there are wider visual impacts particularly viewing the appeal site from west to east. The combination of the caravan and stock proof fencing and gates does create a visually discordant feature with a countryside location. The leylandii does not form part of the application but its presence does not mitigate the visual prominence of the appeal proposal.
 12. The appeal proposal would therefore harm the character and appearance of the area. It would therefore be contrary to Policy EQ2 of the Local Plan which, amongst other things, states that the landscape character should be protected, enhanced and restored. It would also be contrary to Policy EQ6 of the Local Plan which states, amongst other things, that development should be well designed and of high quality and respond positively to the local distinctiveness and sense of place. It would also be contrary to Policy E7 of the Local Plan

which, amongst other things, states that any development should not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape. It would also be contrary to Paragraph 170 of the Framework which states that planning decisions should contribute to and enhance the natural environment.

Other matters

13. I appreciate the family circumstances of the appellant and her reasons for wishing to retain the caravan although there is limited evidence as to why the caravan has to be retained on the appeal site. However, personal circumstances will rarely justify the grant of permanent planning permission that would run with the land.
14. The appellant has expressed concern about the way that the Council has processed her application but that is not a matter that is within my remit in determining this appeal.
15. The appellant proposes to use the caravan for paying guests as well as offering the caravan to local charities and to the council for use by disadvantaged children. However, there is limited information as to how that arrangement would work or how the occupation of the caravan would be controlled. Whilst I note that there would be some economic benefits to having paying guests, the benefit to the local economy from one caravan would be very modest. The appellant refers to the Local Plan encouraging tourism but that is only as long as it does not have a detrimental effect on the landscape.
16. Whilst, photographs are provided of other caravans in different locations by the appellant, each application will be decided upon its own particular merits. For example, the development at Owlgreave Farm was granted on appeal and viewed in the context of its location within a natural hollow and within a farm complex. The appeal proposal is in an isolated location in an elevated position with no built development in the immediate vicinity. The appellant has referred to applying for a licence from the Camping and Caravan Club but that is not a matter before me for the determination of this appeal.
17. I note that the appellant would be willing to alter the colour of the caravan but I do not consider that a change of colour would overcome the harm that I have identified.

Conclusion

18. I have found that the appeal proposal would harm the character and appearance of the area. For all the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR