



Appeal Decision

Site visit made on 23 July 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2019

Appeal Ref: APP/P1045/W/19/3225300 Bent Farm, Farley Hill, Farley DE4 5LR

- 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 M Slack against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01328/FUL, dated 20 November 2018, was refused by notice dated 4 March 2019.
 - The development proposed is hook-up points and surfacing of access track for use in connection with certificated caravan site.
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Decision

1. The appeal is allowed and planning permission is granted for hook-up points and surfacing of access track for use in connection with certificated caravan site at Bent Farm, Farley Hill, Farley DE4 5LR in accordance with the terms of the application, Ref 18/01328/FUL, dated 20 November 2018, and the plans submitted with it, 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 permitted shall be carried out in accordance with the following approved plans: Location plan; block plan.
 - 3) Notwithstanding any details shown on the approved plans, within one month of the date of this decision details of lighting and hard and soft landscape works should be submitted to and approved in writing by the local planning authority. These details shall include, planting plans and details of all trees and hedges; means of enclosure; hard surfacing materials; lighting; and a schedule of landscape maintenance for a minimum period of five years. All lighting and hard and soft landscape works shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the approved plans, detail of the works, modifications, materials and timescales for the access and track shall be submitted to and approved in writing by the local planning authority within one month of the date of this decision. The development shall be carried in accordance with the approved details.

Procedural Matter

2. At the time of my site visit part of the proposed development was already installed. The hook-up points were in place and are in accordance with the submitted plans and some surfacing of the access track appears to have been carried out. The Council indicate that an enforcement notice has not been fully complied with, and the appeal decision¹ indicates that the track should be restored to its original condition, for the avoidance of doubt I am considering this development proposed only retrospectively in part.
3. I noted on my site visit that there is a wooden structure erected within the enclosed field which serves water and washing facilities. This does not constitute part of the proposed development which forms this appeal decision.

Main Issue

4. The main issue is the effect of the scheme upon the character and appearance of the countryside.

Reasons

5. The appeal site is an enclosed field relatively flat in nature with stone boundary walls, fencing and a gated access. It lies within an area of open countryside from the east of Farley Hill. Residential properties are to the north including Bent Farm. A public footpath directly runs adjacent to the appeal site and is separated from the appeal site by fencing.
6. The 9 hook-up points are positioned around the field and are moderate in size and coloured green. A number of these are positioned adjacent to the dry-stone boundary wall, due to the comparable height with the walls they reduce the hook-up points visual impact on the landscape. The site is visible from the north on Farley Hill and also from the public footpath, the hook-up points themselves, when viewed from these vantage points do not detract from the character and appearance of the wider countryside as they are moderate in size, their colour appears to be neutral when viewed alongside the existing vegetation, walls and fencing, and would blend into the back drop of the rural character, as such they would not appear as an incongruous feature or be excessive in their form, to be a visual intrusion.
7. Although the Council suggest that it may appear unusual to have a field within an area of pastureland dotted with trees/shrubs in an orchard pattern, suitable landscaping which includes additional planting of native species and appropriate boundary treatments other than the post and rail fence around the site could be agreed by a suitable worded condition. This would make the development acceptable and further mitigate the overall visual impact of the hook-ups within the site. This is supported by the conclusion in the Council's Arboriculture & Landscape Officer's report. Any lighting associated with the use of the hook-ups could also be dealt with by condition.
8. In relation to the access track I have considered the previous dismissed appeal decision, against an enforcement notice served by the Council. The Inspector concluded that the access track should be reduced in size and remediation works carried out.

¹ (APP/P1045/C/18/3206920)

9. However, the proposed development before me requires planning permission, guidance on permitted development for farm tracks is set out in the National Planning Policy Guidance². The appellant does not disagree that the use of this track is also for the purposes to serve a camping and caravan facility on the appeal site. The access appears to have been established to be acceptable and reasonable in terms of its width in relation to it serving an agricultural purpose, and retention by the Council in its enforcement notice, subject to modifications, I therefore find that I can attach limited weight to the harm on the character and appearance of the area if this access would also serve the appeal site and that the appellant complies with the remediation and modifications as set out by the previous Inspector.
10. I note that the Council are concerned with the type of hardstanding the appellant has used, and that this would be a visual intrusion and not sympathetic to the rural character and appearance of the wider landscape. It does not appear that the Council and the appellant have agreed a suitable finish material for the track. Although, the existing appearance is of a stark finish with tarmac scalping's, it would be seen in the context of the surrounding roads, including that of Farley Hill. However, I find that it would be reasonable to impose such a condition that would reduce the overall impact of this track, where a material could be used that is sensitive to its landscape and rural setting, particularly as the area is grassland. As such a suitable condition to agree the hardstanding to minimise any visual impact could be secured as part of a landscaping condition.
11. The Council have concerns over the use of the field as a camping and caravan site and that the hook-ups would facilitate the siting of caravan and camping pitches and increase demand resulting in a change of use occurring. There is no substantive evidence to suggest that this would be the case. The proposed development and evidence before me are not for a change of use of the appeal site.
12. In terms of the extent of agricultural activity at the site, the Council do not argue that the land would not fall under the definition of agricultural land to restrict permitted development rights for the use of a camping and caravan facility, furthermore I have no factual evidence to the contrary that the appeal site and surrounding land is not within agricultural use.
13. Furthermore, as the site could be operated without the need for planning permission to an extent and I consider there is a greater theoretical possibility this could take place (fallback), even if the hook-up points were not installed. In considering the effects of the current scheme on character and appearance, I have taken into account the fallback position and overall the scheme would not harm the character and appearance of the countryside.
14. The scheme would therefore accord with Policies S1, S4, PD1, PD5 and EC9 of the Derbyshire Dales Local Plan, (2017), which together seek sustainable development, development of high quality design and that developments in the countryside should ensure and where possible, enhance the landscape's intrinsic character and cultural environment and the setting of the Peak District National Park, whilst facilitating sustainable rural community needs, tourism and economic development.

² (Paragraph: 115 Reference ID: 13-115-20180222)

15. It would further comply with the National Planning Policy Framework 2019 (The Framework), particularly Paragraph 83, where decisions should enable the sustainable growth and expansion of all types of business in rural areas; sustainable rural tourism and leisure developments which respect the character of the countryside. Section 12 and Section 15, respectively relating to achieving well designed places; and contributing to and enhancing the local environment.

Other Matters

16. Objections have been raised on the certification by the camping and caravan site. This would be dealt with under separate legislation and any further licence application, or requirement for future planning permission on any extended commercial use or other facilities would be made to the Council.
17. The matters raised by third parties as to the access, track, permitted use, mitigation and unauthorised works were dealt with by the previous Inspector in his decision³. I find no reason to disagree with the Inspectors findings, I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
18. In terms of ownership issues, these are a private matter between the relevant parties and not within my jurisdiction. Planning permission would also not override any legal rights of access for the nearby public footpath.
19. Although reference was made to the capacity of waste and drainage, there is no evidence before me that the site could not be provided with adequate supplies or drainage. If permission was required for these this would be matters for future consideration by the Council.
20. The concerns about pressure on local infrastructure are not matters which would justify withholding permission and the site is considered to be in a sustainable location with access to nearby services. The access and traffic generation would be satisfactory and there is no evidence that highway safety for the area would be compromised. In regard to noise and disturbance, the use of the site itself would be controlled by other legislation and licencing.
21. The fact that the hook-ups and track have been erected without permission is not a reason in itself to dismiss the appeal. The development should be judged against material planning considerations.

Conditions

22. The Council suggested conditions in the event that the appeal was allowed. They include the standard time limit condition, landscaping and one to restrict the number of caravans using the hook-up points.
23. The time limit and one to identify the approved plans, are necessary in the interests of providing certainty. The condition restricting the number of caravans using each hook-up point is not reasonable and would not be enforceable, as such it would not meet the tests.
24. A re-worded and amalgamated condition relating to hard and soft landscaping to incorporate planting, boundary treatments, hardstanding and includes lighting and I have also included a condition for the appellant to provide details

³ (APP/P1045/C/18/3206920)

of the access track for the avoidance of doubt and in the interests of protecting the character and appearance of the area.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

KA Taylor

INSPECTOR