
Appeal Decision

Site visit made on 2 May 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2019

Appeal Ref: APP/B3030/W/19/3222954

Part of Naish's Field, off Swincote Road, Edwinstowe, Nottinghamshire, NG21 9QA

- 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 Thoresby Settlement against the decision of Newark and Sherwood District Council.
 - The application Ref 18/01741/FULM, dated 10 September 2018, was refused by notice dated 21 December 2018.
 - The development proposed is the change of use from agricultural field to caravan and camping site.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant has made reference to the possibility of some matters, such as layout and access details being dealt with as 'reserved matters'. I note that the application was a full planning application for a change of use. It was not an outline planning application with some matters reserved and therefore it would not be possible to deal with these matters as reserved matters. I have therefore considered the appeal based upon the details submitted.

Main Issues

3. The main issues are;
 - i) The effect of the proposed development on the living conditions of the occupants of residential properties adjoining the site;
 - ii) Whether the proposed development would have an adverse impact on any ecological features on or close to the site; and
 - iii) The effect of the proposed development on highway safety.

Reasons

Living conditions

4. The site lies just outside the village envelope of Edwinstowe where it abuts existing residential development to the west and the boundary of new residential development under construction to the east. The car park serving

the Sherwood Forest Visitor Centre as well as a grassed area which is an overspill car park adjoin the northern boundary of the site with allotments to the south.

5. The plans originally submitted were somewhat lacking in detail. The original site plan submitted just identified the site and how it would be accessed. An amended site plan entitled 'Planting Scheme Plan' was then submitted that indicated a '10m planting zone to act as visual buffer' on the boundary with residential properties to the west of the site. A further plan was then submitted, that was not to scale, and showed a '20m strip of planting' on the western and eastern boundaries of the site and showed an internal layout with siting for some 14 caravan motorhome pitches, a 5m wide internal road, toilet block, power, electric and elsan points.
6. Two bungalows adjoin the western boundary of the site and sit elevated above the site such that their rear windows look over the boundary hedge that exists and would overlook the site. Whilst a 20m deep strip of planting could assist in screening the proposed development, the issue is more than just about visual impact. The layout plan that was submitted showed two caravan motorhome plots adjacent to the proposed planting strip.
7. In the absence of, amongst other things, specific details of the proposed species to be planted, likely height to be attained and timescales to achieve this, any lighting proposed on site and a site section to show the relationship between the bungalows, the proposed planting and caravan motorhome plots, I consider the details submitted to be insufficient to properly assess the impact of the development on the living conditions of occupiers of the bungalows to the west. There would be activity and comings and goings on the site close to the western boundary that could give rise to noise nuisance and possible overlooking that would adversely affect the living conditions of occupiers of the bungalows on the western boundary.
8. In such circumstances I consider that full details of any proposed mitigation should be submitted for consideration prior to determination as it may require amendments to the proposed siting of any caravan motorhome. For this reason, I do not consider that it would be appropriate to deal with such details by way of a planning condition. I therefore conclude that, based upon the details submitted, the proposed development could have an adverse impact on the living conditions of the occupiers of neighbouring properties on the western boundary of the site. This would be contrary to Core Policy 9 of the Core Strategy (CS) (adopted March 2011) and Policy DM5 of the Allocations and Development Management DPD (DPD) (adopted July 2013) that, amongst other things, seek to ensure that new development does not harm the amenity or operation of any adjoining land uses.
9. The above comments equally apply to the eastern boundary of the site where new residential development is under construction. From the layout plan I have been provided with, dwellings would be located close to the site boundary.

Ecology

10. The site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site and is also in close proximity to Birklands and Bilhaugh Site of Special Scientific Interest (SSSI). It is also

located in the Sherwood Forest area in proximity to habitats included in Natural England's Indicative Core Area for breeding nightjar and woodlark.

11. No ecological appraisal was submitted by the appellant. Natural England raised no objection to the impact of the proposal on the nearby European sites – Birklands & Bilhaugh Special Area of Conservation or on Birklands & Bilhaugh Site of Special Scientific Interest. The Officer report highlighted Natural England's advice with regards to consideration of the likely impacts from the proposed development on breeding nightjar and woodlark within the Sherwood Forest area (pSPA), where Local Planning Authorities must follow a risk-based approach, ensuring that proposals are accompanied by robust assessments of the likely impacts arising from the proposals on breeding nightjar and woodlark and include measures to minimise any potential direct, indirect and cumulative impacts that are identified.
12. The proposal would also involve creating an access road within the site and the creation of hardstanding's for caravans and motorhomes. The existing grassed area could accommodate a number of species of insects etc. that would be disturbed by the development. In the absence of any ecological appraisal it is not possible to consider any impact and mitigation. I have considered whether it would be possible to deal with this by way of an appropriately worded condition but consider that this information should be provided before a decision is made in order to ensure that any impact could be satisfactorily mitigated. In the absence of an ecological appraisal I conclude the development would be contrary to Core Policy 12 of the CS and Policy DM7 of the DPD that, amongst other things, seek to ensure that any new development conserves and enhances biodiversity.

Highway safety

13. Access to the site would be from the existing car park access that has barrier control and limited opening times. The appellant say they have a right of access to the appeal site. There is limited information on how the access would operate, including when the car park was closed, and on the overall capacity of the site. Although the final site plan indicated some 14 pitches for caravan motorhomes, the appellant has said that this is indicative. In the absence of clear details on how the access will operate, whether it is sufficient to allow two caravans to pass and has adequate turning facilities, it is not possible to fully assess any impact on highway safety.
14. I note that the access to the car park also serves a fairground that has permission to operate on the site for limited times of the year and that there have been no apparent problems with HGV's serving this. Whilst this may well be the case, I have no specific details of this before me so give this little weight in my consideration.
15. As with the other issues I have set out above, I have considered whether an appropriate condition could be imposed to deal with highway matters. Given that an existing access from the highway exists and the appellant has unencumbered right of access to the appeal site I am satisfied that the matter of managing the barrier, road width and turning facilities can be adequately dealt with by planning condition. Consequently, the proposed development would accord with Spatial Policy 7, Core Policy 9 (CS) and Policy DM5 (DPD) that, amongst other things, require new development to provide safe and sustainable access for users.

Other matters

16. The appellant has drawn my attention to planning permission for a seasonal fairground on land to the north west of the appeal site adjacent to the car park. This was relocated from land on the opposite side of Swincote Road to facilitate the building of the Sherwood Forest Visitor Centre. This application was supported by an Ecological Appraisal and the approval required a strip of planting on the southern boundary to protect the amenity of the residential development to the south. The Ecological Appraisal raised no specific issues and any impact on the amenity of neighbouring residential properties was not seen as an issue.
17. From viewing the Officer report, I note the decision was finally balanced. The relocation of a longstanding fairground in the area and the benefits that would accrue from a new visitor centre were determining factors. The Ecological Appraisal was site specific. It does not follow that the findings on that site would suggest the same for the appeal site.
18. I note this planning history but do not consider that it changes my views on the appeal proposal.
19. The appellant has also raised the issue of need for tourist facilities in the locality and planning policy support for such facilities. This is not disputed but is not a matter before me in considering this appeal. I therefore give this limited weight.

The planning balance

20. From the above, insufficient information has been submitted to determine what impact, if any, the proposed development would have on the living conditions of the occupiers of neighbouring residential properties and ecology. For reasons I have given above, I do not consider that these matters can be dealt with by way of planning conditions. On the matters of highway safety, I am satisfied that this issue could be dealt with by way of a planning condition, but this does not override my conclusion on the other two main issues.
21. On balance, based upon the information before me, I am not satisfied that the proposed development would not be harmful to the living conditions of neighbouring occupiers or have a detrimental impact on ecology.

Conclusion

22. For the reasons given I dismiss the appeal.

David Storrie

INSPECTOR