



Appeal Decision

Site visit made on 17 December 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/D2510/W/19/3237472

Land at Orby Road, Burgh Le Marsh, Skegness, Lincolnshire PE24 5JH

- 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 Ms Jenny Rutter against the decision of East Lindsey District Council.
 - The application Ref S/023/00978/19, dated 30 May 2019, was refused by notice dated 14 August 2019.
 - The development proposed is change of use of land for the siting of nine lodge caravans, including roads, parking spaces, deckings, sheds, erection of a reception building, lighting, biotech sewage treatment unit, paths and new entrance off Orby Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

3. The appeal site is a partly soil, partly grassed field with a Public Right of Way (PROW) taking a diagonal route through it. It is set away from the main built form of the nearest settlement at Burgh Le Marsh. Whilst there is some sporadic residential development, the immediate surroundings are characterised by predominantly open fields within a relatively flat and distinctly rural landscape. A mature hedgerow exists to the boundary with Orby Road. Although there is some mature planting either side of the site, there is a general absence of mature planting within the site and towards the rear boundary. Therefore, the site displays an overtly open character and forms part of and is appreciable within the overriding open nature of the surrounding landscape.
4. Policy SP15 of the East Lindsey Local Plan Core Strategy (2018) (the CS) only supports quality tourism facilities where amongst other things they do not cause unacceptable harm to the landscape and are of a scale and intensity compatible with their surroundings. New sites for caravans, log cabins, chalets,

camping and touring site development will be supported where amongst other things they add to the built and natural environment by the provision of extensive landscaping and green infrastructure and do not cause unacceptable harm to the wider landscape.

5. The change of use, which would result in 9 lodge caravans, external decking and associated driveway and paths, would be at odds with the predominantly open and rural character of the landscape. The development would also include a reception building constructed in materials more commonly associated with a dwelling sited close to the access point. The internal access road with bollard lights would sit on the outside of the caravans increasing the visibility of any associated vehicular activity. Consequently, the development would result in a prominent incursion into the currently open field. These factors would be exacerbated by the lack of established landscaping and the generally flat and open nature of the landscape which would assist wider publicly available views of the development. These factors would combine to increase the presence of the development in the landscape, eroding the open and rural character and appearance of the area.
6. New landscape planting is proposed to much of the perimeter of the development and to the boundaries of the appeal site. The appellant has confirmed that they would be willing to accept any reasonable landscaping condition. However, any such landscaping would take several years to mature to a level that would provide effective screening. Intensive new landscaping itself would be a departure from the currently more open nature of the site and its surroundings. Once matured, gaps in the planting, such as at the access point and where the internal road sits close to the PROW, would still be likely to facilitate views of the development that would display its conflicting nature and form relative to the open rural landscape which defines the application site and its surroundings.
7. To conclude, the development would be out of keeping with the open and rural landscape and would result in material harm to the character and appearance of the area. Consequently, in that regard, the development would be contrary to Policy SP15 of the CS. The proposal would also conflict with Paragraph 83 of the National Planning Policy Framework (the Framework) which states amongst other things that decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Highway safety

8. The section of Orby Road that fronts the appeal site and leads in to Burgh Le Marsh does not include a pedestrian footway. It also includes a series of bends which restrict visibility for road users and there is limited ability for pedestrians to find refuge on verges away from vehicular traffic. The increase in potential for pedestrians to use this route as a result of the proposal would be likely to increase risk for pedestrians and other road users, particularly during hours of darkness, resulting in material harm to highway safety.
9. I note the alternative pedestrian route put forward by the appellant which utilises footpath BurghM/269/1 as a link between Orby Road and Station Road. My attention has also been drawn to this route providing access to a bus service to Lincoln and Skegness which operates on Station Road. Whilst this would potentially provide a safer route, its distance, the fact that it crosses fields and that a substantial part of the route is unlit and unmade means that it

is unlikely to be appealing to users of the appeal site particularly during hours of darkness or periods of inclement weather. This would be likely to encourage pedestrians to use the more direct and unsafe route into the village along Orby Road.

10. The appellant suggests it would be unreasonable to suggest they provide a footway to the village particularly given there is no room to construct one. However, the lack of footway or room to provide one is symptomatic of the rural location. The length of footway that would be required is an indicator that the site is remote from the village and that pedestrian access with characteristics likely to encourage safe access between the site and the village is not available.
11. My attention has been drawn to a gypsy and traveller site which the appellant suggests was approved predicated on the use of footpaths through fields given the lack of a footway on Orby Road. I am not aware of the full circumstances surrounding that particular site although it is likely that the material considerations in that case were different and related to an assessment against local and national gypsy and traveller accommodation policies. Nevertheless, from the evidence before me, I am not persuaded that options for pedestrian routes from the appeal site in to Burgh Le Marsh are a reasonable or safe proposition for users of the proposed development.
12. To conclude, the proposed pedestrian route between Burgh Le Marsh and the appeal site, is unlikely to be desirable thereby having the potential to increase pedestrian movements along Orby Road in to Burgh Le Marsh to the detriment of highway safety. Consequently, in this regard, the proposal would be contrary to Policy SP15 of the CS. The proposal would also be contrary to Paragraph 109 of the Framework which amongst other things states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.
13. In the absence of a safe pedestrian access route in to Burgh Le Marsh, the proposal would also be likely to increase reliance on the private motor vehicle contrary to the sustainable objectives of Policy SP2 of the CS and the Framework.

Other Matters

14. My attention has been drawn to other leisure developments in the locality, some of which are further away from the nearest settlement. Firstly, I note the Council did not raise objections to the principle of development in terms of its proximity to Burgh Le Marsh, rather it was for the reasons that are considered under the main issues of this decision that the planning application was refused. I am also not aware of the full circumstances of the examples given from the limited evidence before me, although the Council suggests that since the adoption of the current development plan there is a greater emphasis on pedestrian routes. In any case, it is unlikely that the material considerations for those sites were identical. I must assess the proposal before me on its own merits having regard to the site-specific factors.
15. With regards to the site referred to as the 'Home Farm Leisure' development the Council contends that this is a fishing complex and was considered under a different policy. Whether or not pedestrian access from that site to Burgh Le Marsh included segregation from vehicular traffic does not alter my conclusion

that pedestrian access for the appeal site to the nearest settlement would be unsuitable. I am therefore not persuaded that the examples provided justify the policy conflict identified in this particular instance.

16. I acknowledge that there was some third-party support for the proposal. However, noting the points made, any improvement to footway routes would be limited to the realignment of the PROW and the provision of a path towards the southern boundary of the site rather than there being any wider public benefit outside the site. I have no substantive evidence before me to confirm that the development represents essential growth for the village. The suggestion that the appellant has a good record of developing holiday parks, whilst commendable, is not a material consideration that would outweigh the planning harm identified.
17. The appellant suggests that sustainable construction methods would be used for roads, footways and caravan bases so as not to compromise greenfield surface water runoff rates, that soil excavated for the proposed pond would be evenly distributed across the site, that the proposal raises no concerns with regards to flood risk or the safety of the vehicular access point and that the development would appeal to those seeking quiet solitude in a country setting alongside a large village. Even so, these matters do not override the harm that I have identified.

Conclusion

18. The proposal would result in benefits to the local economy including increased tourism spend. However, such benefits would be moderate given the scale of the proposal for 9 lodge caravans. I have found that the proposal would result in harm to the character and appearance of the area and highway safety. These matters represent significant and overriding issues which are decisive in this case.
19. Therefore, for the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR