



Appeal Decision

Site visit made on 16 December 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Appeal Ref: APP/H3320/W/19/3238155

Burton Springs Fishery and Campsite, Lawson Farm, Shurton Road, Stogursey, Somerset TA5 1QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr A Hilling against the decision of Somerset West and Taunton Council.
- The application Ref 3/32/19/025, dated 9 July 2019, was refused by notice dated 4 September 2019.
- The application sought planning permission for the change of use to caravan site for touring caravans, motor homes and tents without complying with a condition attached to planning permission Ref 3/32/18/037, dated 12 February 2019.
- The condition in dispute is No 2 which states that:

The caravans and pitches shall be occupied for tourism purposes only. The site shall be limited to a total of 25 pitches sited as detailed on the approved site plan.

The caravans and pitches shall not be occupied as a person's sole or main residence or for any form of residential occupation, and shall not be occupied as overnight accommodation required due to their employment in the area.

The site operator or owner shall maintain an up to date register of the names of all occupiers of individual caravans and tent pitches on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

- The reason given for the condition is:

To prevent permanent occupation of the residential units within the open countryside, in the interests of amenity including the character of the area and to ensure that the pitches are for tourism use only.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Adam Hilling against Somerset West and Taunton Council. This application is the subject of a separate Decision.

Procedural Matter

3. As explained by the Council, the local planning authority is now called Somerset West and Taunton Council, however prior to April 2019 the site was within the Taunton Deane Borough Council region. This council has since amalgamated with West Somerset Council to form the new Somerset West and Taunton Council.

Main Issue

4. The main issues are (1) whether allowing workers to be accommodated at the site is justified given its open countryside location; (2) the effect of the proposed removal/variation of condition on local residents and (3) the effect the proposal would have on traffic generation and highway safety, if the condition in dispute is removed.

Reasons

Countryside Location

5. The proposal is to replace a condition which restricts the occupancy of caravan pitches on site to just tourists only. However, the appellant wants to vary this to allow for workers to be able to occupy some of the pitches, for a period of up to 2 years. This is explained to provide accommodation for workers at the Hinckley Point C (HPC) development close to the site, which is an important and large scale infrastructure development which requires thousands of workers over several years. It would also help support the existing business at Lawson Farm.
6. The site, however, is within the countryside to the east of the small village of Shurton. In this regard, policies OC1 and SC1 of the West Somerset Local Plan to 2032 (the Local Plan) are relevant as removal of the condition in dispute to allow for workers at the site could effectively result in semi-permanent occupation for workers in this countryside location. These policies restrict development in the open countryside (all land outside of settlements) except in certain circumstances. The proposal for workers to live at the camp site would not meet any of these circumstances.
7. Tourism development is permitted in the countryside under policy EC9 of the Local Plan, subject to criteria. The supporting text to this policy makes clear that the Council see tourism as an economic benefit for the area. Therefore, the tourism development was approved with this condition, now in dispute. However, this policy does not allow for similar development to provide for workers accommodation in the countryside. Whilst there is this policy to support tourism for its economic benefits, including outside of settlements, there is no such justification for worker accommodation in the countryside set out in the Local Plan and no clear policy support for this.
8. The accommodation and impacts of workers who may reside at the site for a long period of time would likely differ from tourists. Whilst I acknowledge that workers or their families if they visit would likely spend some money locally, it is not probable that this would have the same economic benefits to the wider area that tourists would have. Furthermore, workers who stay long term at the site could essentially become semi-permanent residents, but this site is detached from any large settlement that might provide the necessary services and facilities a longer term resident may require. What services and facilities

are available are very limited and most are unlikely to be accessible from the site by any sustainable mode of transport.

9. For the workers at HPC policy EN1 of the Local Plan has regard to the influx of workers into this primarily rural area for this large scale project and seeks to mitigate its impacts. From the evidence it is apparent that there are campuses for workers both at the site and also in Bridgewater. I understand that initially there was a need for worker accommodation before these campuses were ready, which led to some permissions for use of sites as worker accommodation. However, now there are these dedicated accommodation bases then there is not the clear justification for further worker accommodation development in the countryside.
10. It has been brought to my attention that there has been planning permission for other sites which were initially primarily for tourism use to accommodate workers, but I do not have full detail of these. Furthermore, at the time of these planning permissions there may have been more of a need which justified the permissions. I understand there has been planning permission at one tourism site for worker accommodation after the opening of the campuses, but I do not have full details of this permission or the justification behind it to make a full comparison. It may be that in the future there may be more of a need for supplementary accommodation, but I have no evidence that is the case currently, or that it will be in the near future. My considerations are based on the current evidence and the merits of this proposal.
11. I recognise that it may be that workers would prefer to stay at the camp site, rather than on one of the dedicated campuses for example. The appellant has said that they may like the fishing available or maybe bring their families. However, workers could do this and stay as a tourist, but the current condition restrictions mean that they cannot stay to work at HPC or anywhere else in the area.
12. However, considering all the above, whilst there is policy provision and justification for tourism accommodation in the countryside, there is not the justification for worker accommodation away from shops and services in an unsustainable area where there would be a reliance on the use of private vehicles for access, even for a temporary period. The proposal would not, therefore, be sustainable development. The fact that there were only two objections from interested parties does not overcome the harm as a result of this being in unsustainable countryside location for workers to reside.
13. As such, the condition in dispute is necessary and reasonable, to ensure the development accords with policies EN1, OC1, SC1 and SD1 of the West Somerset Local Plan, which seek to, among other things, restrict development in the countryside and to prevent adverse impacts as a result of the HPC development.

Living Conditions of Neighbours

14. There are no near neighbours to the site that would likely be directly impacted by the proposed alternative condition to allow workers to stay on site. There may be some activity at unsociable hours, such as cars passing through the village due to the shift patterns of the workers, but there is no evidence to suggest this would result in a significant level of disturbance.

15. Overall, I do not regard it likely that the proposed amended condition would result in any significant impact to the amenities or living condition of local residents. In this regard the proposals accord with policies EN1 of the West Somerset Local Plan, which refers to mitigation of impacts that arise from the Hinckley Points Nuclear development. I do not regard the other policies as set out in the Decision Notice as being of particular relevance to this matter.

Traffic and Highway Safety

16. The Council has stated that it believes that the site, if accommodating workers, would result in a significant amount of traffic generated on the highways. However, there is no detailed or clear evidence to demonstrate this. I do not regard the use of the site for some worker accommodation as likely to have a discernible adverse impact to the highway network through additional traffic, especially when comparing the potential highway impacts of workers at HPC to tourists who are currently permitted to stay at the site. I would have thought that tourists would also commonly be reliant on private cars.
17. On this basis, in regard to this issue, the proposal is in accordance with policy EN1 of the West Somerset Local Plan which refers to mitigation of impacts that arise from the Hinckley Points Nuclear development. I do not regard the other policies as set out in the Decision Notice as being of particular relevance to this matter.

Other Matters

18. Having multiple workers on the site over the next couple of years would change the character of the site. However, I note that there have been no complaints to this point from those staying at the site as a tourist and there is no substantive evidence that this would diminish the experience for other tourists staying here. Workers would reduce the amount of available accommodation for tourists (which would have potentially more of an impact over the summer months), though I do note that workers staying here would help the camp site business through the winter months. Therefore, I do not consider the use of the site to allow workers to stay would have any significant impact to the provision of tourism accommodation.
19. I note the appellant has stated that there have been difficulties with communications with the Council before the appeal. However, these matters have not had a bearing on the decision I have made here, which is based on planning policies and merits of the proposal.
20. I understand that there is a licence for the camp site, but this is separate to these planning considerations. Whilst this may have seemed like conflicting advice from the Council, I am addressing the planning condition only and the fact there is a licence for occupation which may include workers at the site holds limited weight in my considerations.
21. The appellant has stated that it is difficult to determine whether someone making a booking is staying as a tourist or worker, but I am not convinced that there are not means where this could be avoided.

Conclusion

22. For the reasons given above, in relation to the unsustainable location of the site for workers and the lack of justification necessary to outweigh any policy conflict, the appeal is dismissed.

S. Rennie

INSPECTOR