
Appeal Decision

Site visit made on 15 February 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/E2340/W/19/3236453

**Field No 3226, Junction of Reedymoor Lane and Whitemoor Lane,
Foulridge BB8 7LQ**

- 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 Tony Philpott against the decision of Pendle Borough Council.
 - The application Ref 18/0594/FUL, dated 6 August 2018, was refused by notice dated 12 June 2019.
 - The development proposed is the installation of 6 number timber framed glamping pods, new toilet and showering facilities to existing buildings and associated parking spaces for the purposes of providing tourist accommodation and gravel hardstanding areas and pathways.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is in the Green Belt and so the main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt including its effect on openness;
 - The effect of the development on the character and appearance of the area; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Reasons

Site and proposal

3. It is proposed to erect six glamping pods; a new access with a 5 metre wide gravel road; a gravel car park with a 1 metre high fence; a seating area and to use/alter an existing stable building for use as a shower/toilet facility. The appeal site is positioned in a mainly open section of field in close proximity to the junction of Reedymoor Road and Whitemoor Lane.

Whether inappropriate development and openness

4. The National Planning Policy Framework 2019 (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Framework states that construction of new buildings is inappropriate development in the Green Belt unless they fall within a number of exceptions as listed in paragraph 145. Of relevance to this appeal is paragraph 145 d) which refers to the provision of '*appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*'.
5. In this case, the six timber framed glamping pods would be dispersed across part of the field in an 'arc' shape leading from associated gravel paths and next to a proposed seating area. In addition, a new access road would be created leading to a six space car park/hard standing area which would be positioned adjacent to the converted existing stable building. There is no doubt that in spatial terms, the proposed glamping pods would represent a significant form of development in this Green Belt location. Owing to the number, size and dispersed nature of these buildings, I find that spatially harm would be caused to the openness of the Green Belt.
6. The above harm would be compounded by the fact that a number of vehicles would likely be parked in the proposed car park at any one time, although I do accept that such harm to openness would be intermittent.
7. A recent Supreme Court ruling held that it is a matter for the decision maker in terms of whether it is appropriate to consider the 'visual' aspect of openness. In this case, I do accept that some of the development would be partly screened from passers-by owing to the effect of existing vegetation alongside the main roads. Nonetheless, I was able to see on my site visit (i.e. during the winter) that it was possible to see parts of the site through the roadside vegetation and, furthermore, the development would also be visible from public footpath No 9 as shown in appendix 1 of the Council's appeal statement. Consequently, I consider that some visual harm would be caused to the openness of the Green Belt.
8. For the collective reasons outlined above, I find that the proposal would not preserve the openness of the Green Belt. It would therefore amount to inappropriate development in the Green Belt. To this extent, the proposal would not accord with any of the exceptions in paragraph 145 of the Framework, or with Policy ENV2 of the adopted Replacement Pendle Local Plan 2006 (LP) which requires that new development should '*maintain openness*'.

Any other harm - character and appearance

9. Whilst the development would, to an extent, be closely aligned with the existing bus shelter and stables building, it is very apparent when entering into this locality that the area is characterised by mainly open fields and that it is devoid of buildings. The area is rural in character and the gently undulating pastureland and low natural stone walls add positively and distinctively to the surrounding landscape.

10. The proposed camping pods coupled with the gravel paths, large car park and long access road, would materially detract from the aforementioned distinctive and positive characteristics. The end result would be a form of development which urbanises the otherwise rural and mainly open landscape to the detriment of the character and appearance of the area. To this extent the proposal would fail to accord with Policy ENV 1 of the LP which requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of the natural environment, and paragraph 170 of the Framework which states that decisions should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Considerations

11. I have no doubt that the proposal would add to the tourism offer provided in this part of the Borough. To this extent the proposal would accord with Policy WRK 5 of the Pendle Local Plan Core Strategy 2015 (CS). In addition, I am certain that the occupiers of the proposed glamping pods would spend money in the local area and hence provide economic support for some local businesses. These are matters to which I afford positive weight in the overall planning balance. That said, the proposal would not fully accord with Policy WRK 5 of the CS in so far that for the reasons outlined above it would have a significant detrimental effect on the natural environment and character of the area.
12. I acknowledge that the Council's decision to refuse planning permission was contrary to officer recommendation and that the appellant did receive a favourable response from the local planning authority at pre-application advice stage. However, the elected members of the Planning Committee were entitled to reach a decision that differed from that of the officers. In this case, I am satisfied that such a decision was well-founded.

Planning Balance and Conclusion

13. I have found that the proposed development would constitute inappropriate development in the Green Belt: harm would be caused to the openness of the Green Belt. This is a matter to which I afford substantial weight in decision making terms. Against this, has to be balanced the other considerations as outlined above. On balance, the substantial weight to be given to Green Belt harm, and the other identified harm, arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. In reaching this conclusion, I have also taken into account the supportive comments made by other interested parties. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR