The Planning Inspectorate

Appeal Decision

Site visits made on 25 November 2019 and 1 December 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 02 January 2020

Appeal Ref: APP/C9499/C/19/3225454
Bainbridge Ings Caravan & Camp Site, Old Gayle Lane, Hawes, North Yorkshire DL8 3NU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by The Lodge Company North against an enforcement notice issued by Yorkshire Dales National Park Authority.
- The enforcement notice, numbered ER/56/137B, was issued on 18 February 2019.
- The breach of planning control alleged in the notice is failure to comply with condition No 2 of a planning permission Ref R/56/10G granted on 22 June 2018.
- The development to which the permission relates is the use of land for 10 camping pods, campsite for 30 informal tent pitches and 10 formal tent pitches, extension of site to accommodate and retain a longer style static caravan adjacent to the site entrance (part retrospective). The condition in question is No 2 which states that:
  The development shall be carried out in accordance with the following plans and information:
  - *site location plan;*
  - *lune valley pods – micro lodge – layout 4 (drawing ref: 7111-A3-7 Rev A);*

  received 4 Dec 2017.
  - *proposed planting plan (drawing ref: BAI 711 Rev_1);*
  - *proposed layout plan (drawing ref: BAI 310 Rev_1);*

  received 20 Apr 2018.
- The notice alleges that the condition has not been complied with in that the following matters have occurred:
  - *Eight Pods of a different design style and form from those specified on drawing ref 7111-A3-7 Rev A have been stationed on the land (namely 4 "Pembroke" camping pods and 4 "Mipod" camping pods)*
  - *Timber fencing (approximately 1.5 – 1.8 metres in height) has been erected around the rear of the 4 "Pembroke" Pods*
  - *The Pods have been stationed in a different layout to that shown on the proposed layout plan (drawing ref: BAI 310 Rev_1)*
  - *An area of hardstanding has been created on the land contrary to the details shown on the proposed layout plan (drawing ref: BAI 310 Rev_1)*
- The requirements of the notice are:
  1. *Remove the eight camping Pods referred to in para 3 above (together with their associated fixtures and fittings from the land*
  2. *Dismantle and remove from the land the timber fencing referred to in para 3 above*
  3. *Dig up the hardstanding referred to in para 3 above, cover the affected area with topsoil and reseed with grass*
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary Decision

1. The appeal is dismissed and the enforcement notice is upheld with corrections and variations.

Preliminary Matters

2. Fog and inclement weather precluded me from viewing the site from the surrounding area on the day of the accompanied site visit, so I agreed with the parties that I would do so unaccompanied at a later date. I returned to the area on Sunday 1 December in better conditions when I viewed the site from the surrounding area including the public footpath on higher ground to the south of the site.

3. The plan attached to the enforcement notice is approximately drawn around the 2 easternmost of the 4 fields constituting the camping and caravan site as a whole. Permission R/56/10G was granted in June 2018 in relation to these 2 fields, allowing 10 'Lune Valley' camping pods in field 9545 and a number of tent pitches in field 0040. The notice includes an allegation of hardstanding having been laid. At the time of my site visit I saw that hardstanding had been laid in both fields 9545 and 0040. The Authority states that the hardstanding in field 0040 post-dates the issue of the notice, but in any event the parties are agreed that the notice is directed in substance to field 9545. For the avoidance of any doubt I shall therefore accept the amended plan supplied by the Authority, which colours field 9545 in green, and substitute it for the one originally attached to the notice, in the terms set out in my Formal Decision below.

The appeal on ground (a)

Main Issue

4. The main issue arising in the appeal is the effect of the development on the surrounding landscape and the statutory National Park purposes.

Reasons

5. Bainbridge Ings is a long-established camping and caravan site to the east of the small settlement of Gayle and within walking distance of the popular Dales town of Hawes, to the north west. It is situated on rising land above Hawes, although the site itself is relatively flat, surrounded by farmland and rising moorland to the south.

6. Ten camping pods of a 'Lune Valley' design were shown on the layout plan of R/56/10G to be in an elliptical arrangement, surrounding the oval turning circle of a stone twin tyre track. 'Lune Valley' pods are shaped rather like traditional tents, and are described in the officer's report as constituting dimensions of 6.7m by 3.2m, with a ridge height of 2.8m. The former two measurements are restricted by Condition No 11 of the relevant permission, with Condition No 2 requiring that the development be carried out in accordance with plans including a plan showing the dimensions of the pods. Condition Nos 12 and 13 require the Authority's prior approval of timber staining and roof materials.

7. The officer's report on this application found that, given the inclusion of a landscaping scheme, there would be no harm to the landscape character of the area. No planning permissions had been granted on the field in the past,

although it was understood to have previously been used for camping under the '28 day rule'. The field was described as being reasonably well screened from the road by mature trees, and visible from only a short section of the public right of way. The dark stained timber of the camping pods would help to minimise their landscape impact.

8. The development that has taken place on field 9545 departs from the approved plans under R/56/10G in several respects. Instead of 10 'Lune Valley' camping pods in an elliptical arrangement, 8 camping pods consisting of 4 each of a 'Pembroke' and a 'Mipod' design have been installed, in two linear rows. Timber fencing enclosing private amenity areas of the Pembroke pods has been erected. Access to this part of the site is taken differently from that shown on the approved plans, with a sizeable area of hardstanding having been laid.

9. Although the installed pods may meet the definition of 'caravans', as contended for by the appellant, the Authority when granting permission under R/56/10G considered it necessary to restrict the particular size, design and layout. Although the installed pods are fewer in number than those approved, I consider that their size, design, materials and siting result in a detrimental effect on the landscape, notwithstanding the landscape scheme. The pods that have been installed are not unattractive in themselves, but I do not consider that they are an appropriate response to their context, in this very rural site surrounded by farmland. The Pembroke pods are rather boxy, with a plastic-like appearance, and are considerably larger than the permitted Lune Valley pods. Although their mostly grey colouring does not render them especially conspicuous in longer-range views from the southern Gayle-Burtersett footpath, at close quarters they have a jarring appearance in their context. Their individual private enclosures of hot tubs and seating areas detract from the modest and communal feel of the site. The Mipod pods are shaped rather more like outsized traditional caravans with rounded roofs, and are considerably larger than the Lune Valley pods for which approval was given. Their colouring in light green is very different from the required dark finish, and highly prominent in the longer views from the southern footpath, although this is a matter that could be overcome by a condition. These designs and regimented siting of the pods in two straight rows fail to achieve the organic integration into the landscape that I consider would be achieved by the Lune Valley pods in the approved layout. The extensive hardstanding between the pods is particularly conspicuous in the longer views from the southern footpath, and has a harmful urbanising effect.

10. The landscaping scheme approved by permission R/56/10G provides for additional boundary planting alongside the existing tree cover adjoining the rural road to the north, a hedgerow to the western boundary of field 9545, and further planting to the southern boundary of field 0040, together with internal hedge features. Photomontages show that a considerable degree of screening of the pods would be achieved after around 5 years, from a point beyond the site's western boundary when approaching on the public footpath that runs through the site. From the Gayle-Burtersett footpath on the higher ground to the south, however, the site is considerably exposed and likely to remain so over time.

11. Policy T3 of the Yorkshire Dales National Park Local Plan of 2015 – 2030, adopted in December 2016 is supportive of this type of development, subject to achieving acceptable impacts on the landscape character. The supporting

text explains that the design, number and appearance of units will be key to their capacity for satisfactory accommodation into the landscape. The example is given of a scheme that has a high proportion of cabins, camping pods or other units manufactured from wood, designed in organic shapes and with darker colours, as being more likely to fit into the landscapes of the Yorkshire Dales. Planning approval for new sustainable self-catering accommodation will define the type of units permitted in order to maintain future control over replacement units.

12. Policy SP4 deals with development quality, although as the appellant points out it is mostly directed towards the design of 'buildings and structures' rather than land uses. Nonetheless it requires developments to be of high quality design that conserves local character. Policy SP1 presumes in favour of sustainable development, and policy SP2 reiterates National Park purposes.

13. The appellant points out that the pods draw in visitors, generating jobs, and are capable of year-round occupation, thus contributing to social and economic sustainability, and to the second National Park purpose of promoting the understanding and enjoyment of its special qualities. However, it is not explained why the permitted Lune Valley pods, of which there are more in number, would be incapable of achieving these same outcomes. Nor do I consider that the existing layout achieves a more efficient layout and use of land, given the reduced number of camping pods overall.

14. Appendix C of the appellant's statement consists of a 'services' plan showing that the approved configuration of the Lune Valley pods and stone twin track would be sited above service cables and pipes and gas tanks that ground excavations have revealed. It is contended that the original approved configuration cannot be achieved. However, it is not explained why this should be the case. As is pointed out, the camping pods meet the statutory definition of 'caravans' and are thus readily moveable objects, and it is unclear how the permitted siting would unreasonably prejudice, or be prejudiced by, any services below ground.

15. I find therefore the camping pods that have been installed, together with the fencing and the extensive hardstanding area, to be harmful to the surrounding landscape and contrary to development plan policies seeking to protect the landscape character. Although the availability of the camping pods for visitors would assist in furthering the second statutory National Park purpose of promoting the understanding and enjoyment of the National Park, I consider that the presence of the development that has been carried out conflicts with the first statutory purpose of conserving and enhancing the area's natural beauty. The relevant legislation requires that the first purpose should prevail, and I therefore dismiss the ground (a) appeal and refuse to grant planning permission on the deemed application.

The appeal on ground (f)

16. The appellant points out that the hardstanding is in part in an area where it has planning permission. The permission granted under R/56/10G included a site layout plan showing a stone twin track, and there is some overlap between this track and the stone hardstanding that has been laid on the site. I shall therefore vary the requirements of the notice to enable the part of the hardstanding that coincides with that shown on layout plan BAI 310 Rev_1 to be retained.

17. The appellant further contends that the hardstanding makes no impact on the landscape appearance outside the site and it provides practical all weather use including periodical access by service vehicles. I do not agree that the landscape appearance is unaffected outside the site. The view from the Gayle-Burtesett footpath is of an extensive area of hardstanding between the camping pods that has a distinctly urbanising effect. The approved parking arrangement does not appear impractical, and there appears no reason why service vehicles could not use the permitted stone twin track.

The appeal on ground (g)

18. It is contended that the appellant's tourism business has bookings primarily from April to October inclusive, although it is not stated that any existing bookings will be prejudiced by the requirements of the notice. Therefore I do not consider that the time for complying with the notice's requirements to remove the camping pods and the timber fencing are too short. I do accept however that an optimal time to carry out the required soil reinstatement and grass re-seeding would be later in the year. For reasons of practicality this also means extending the period to dig up the hardstanding. I shall therefore vary the requirements of paragraph 5.3 of the notice to give 9 months to comply.

Conclusion and Formal Decision

19. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the notice with corrections and variations and refuse to grant planning permission on the deemed application.

20. Therefore it is directed that the enforcement notice be corrected as follows:

    (i) By the deletion of "edged red" from paragraph 2 and its replacement with "hatched green"; and

    (ii) By the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.

21. It is further directed that the enforcement notice be varied as follows:

    (i) At paragraph 5.3 of the enforcement notice, following the existing text add "OR dig up the hardstanding referred to in paragraph 3 above, save insofar as it is shown on layout plan BAI 310 Rev_1 approved under planning permission R/56/10G, cover the affected area with topsoil and reseed with grass"; and

    (ii) Under paragraph 6, delete the existing text and replace it with:

        6.1 For requirements 5.1 and 5.2 above, three months after this notice takes effect.

        6.2 For requirement 5.3 above, nine months after this notice takes effect.

22. Subject to these corrections and variations, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR

The Planning Inspectorate

Plan

This is the plan referred to in my decision dated: 02 January 2020

by Laura Renaudon LLM LARTPI Solicitor

Land at: Bainbridge Ings Caravan & Camp Site, Old Gayle Lane, Hawes, North Yorkshire DL8 3NU

Reference: APP/C9499/C/19/3225454

Scale: Do Not Scale