



Appeal Decision

Site visit made on 28 January 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal Ref: APP/R2520/W/19/3241478

Hilltop Farm, Soggin Lane, Welbourn, Lincoln LN5 0QH

- 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 C P Overton (Hilltop Farm Holidays) against the decision of North Kesteven District Council.
 - The application Ref 19/0808/FUL, dated 7 June 2019, was refused by notice dated 29 August 2019.
 - The development proposed is erection of holiday-let building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the appeal site is an appropriate location for the proposal having regard to local and national planning policy concerning development in the countryside.

Reasons

3. Hilltop Farm lies in a rural area and is occupied by several buildings, including two which are used as holiday let accommodation. The proposal would involve the erection of a two-bedroom building to be used as a holiday let, which would be located close to the entrance of the wider holiday accommodation site, and near the boundary of a field which is well screened from the surrounding roads by trees and vegetation.
4. Policy LP2 of the Central Lincolnshire Local Plan 2017 (Local Plan) sets out the spatial strategy and settlement hierarchy for the area. In this context, there is no dispute between the main parties that the proposal lies outside a defined settlement boundary and in the countryside for the purposes of the Local Plan. Policy LP7 of the Local Plan aims to ensure sustainable growth in the visitor economy requiring related developments to be located within settlements unless such locations are unsuitable for the nature of the proposal and there is an overriding benefit to either the local economy, community, or environment in locating away from such built up areas.
5. When considering the proximity of the appeal site to the services and facilities within the nearest settlement of Welbourn, and the road connections between them, it was apparent to me after walking the route that the appeal site lies in excess of the 0.5km distance suggested by both main parties. Nevertheless, I still found that Welbourn was within walking distance of the appeal site.

However, the quality of the route was diminished in some places due to the lack of footway provision and street lighting, restricting accessibility and safe usage, which would be particularly apparent at night.

6. Furthermore, there is no evidence before me to indicate the frequency or destination of local bus services. Therefore, whilst I accept that walking/cycling options exist which mean that visitors would not be wholly reliant on the private car to access local services and facilities during their stay, neither do I find the appeal site well related to an existing settlement, being located in an eminently rural area and physically detached from the nearest settlement.
7. The visitor economy is one of the most important sectors in Central Lincolnshire, with rural areas making a significant contribution to it¹. I do not dispute the appellant's assertion that the existing holiday accommodation within the Hilltop Farm site is popular and is often at capacity. However, a statement suggesting that the business is thriving and that the appellant is turning away business and visitors to the area through lack of accommodation does not amount to substantive evidence necessary to demonstrate that the need for holiday accommodation in the area is not being met by existing facilities.
8. Even if an unmet demand for holiday accommodation locally could be demonstrated, I see no reason why similar accommodation could not be provided within a settlement boundary and in a more sustainable location further up the settlement hierarchy². In this regard, no substantive evidence has been submitted to demonstrate that there is no similar accommodation available in a more sustainable location, within a settlement boundary or within easier access of services and facilities. Whilst I can appreciate why the verdant countryside surroundings of the appeal site would offer a desirable place of retreat for visitors, a countryside location is not a prerequisite of providing holiday let accommodation. In the absence of evidence to the contrary, similar access to attractions and the Lincolnshire countryside could be provided from other more sustainable locations.
9. It is put to me by the appellant that any conflict with Policy LP7 of the Local Plan should be given reduced weight as the Policy is more onerous in requiring that development is located in an existing settlement, unlike paragraphs 83 and 84 of the National Planning Policy Framework (the Framework) which recognise that rural diversification and tourism and leisure developments may not necessarily be able to be located in or adjoining existing settlements, and that sustainable growth, rural tourism and leisure developments which respect the character of the countryside should be encouraged.
10. Be that as it may, paragraph 84 of the Framework goes on to say that sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist. As I find that the proposal would not be located either within or close to a settlement, and as it has not been satisfactorily demonstrated that other locations better related to existing settlements do not exist, I find that the proposal would conflict with paragraphs 83 and 84 of the Framework when taken as a whole. Therefore, whilst I accept that the Framework does not require proposals that contribute to the visitor

¹ According to the Local Plan

² The hierarchy as set out in Policy LP2 of the Local Plan

economy to be located within settlement boundaries per se, its inappropriate countryside location would be contrary to the Framework and the Local Plan settlement hierarchy, thus I apply significant weight to the proposal's conflict with Policy LP7 of the Local Plan.

11. I am aware that the appeal site area is within the site boundary of another holiday let unit which was permitted within the Hilltop Farm complex. Whilst the appeal site and land which surrounds it could therefore be used in connection with the existing holiday accommodation unit, this does not establish a 'principle' allowing further holiday accommodation units in the countryside. Other substantial buildings in connection with the existing holiday let would likely require planning permission and I am not aware of any additional planning permissions allowing further buildings near the appeal site.
12. In any event, the decision to grant planning permission for existing holiday lets within the wider site is not meaningfully comparable with the appeal scheme before me, which is for a new building in the countryside, as opposed to the conversion of an existing building. Furthermore, whilst the appellant suggests that the viability of the existing operation relies on increasing the scale of the business to maximise revenue, no financial or other detailed information has been submitted to support this assertion.
13. The single holiday let unit proposed would provide limited support for local services in nearby settlements, but there is nothing to suggest that development within the settlement footprint would not be at least as effective in providing the necessary support for local services and facilities. Given that the appeal site lies within an existing farm complex, it is understandable that the appellant is looking to diversify his farming enterprise in part due to the country's departure from the European Union and uncertainties over future farming subsidies. However, given that only a single unit is proposed, and considering the lack of justification for it, the proposal is not justifiable based on its rural location to maintain or enhance the rural economy, or its proximity to an established business, contrary to Policy LP55 of the Local Plan.
14. Therefore, I conclude that the appeal site is not an appropriate location for the proposal having regard to local and national planning policy concerning development in the countryside. The proposal would conflict with Policies LP2, LP7 and LP55 of the Local Plan which, amongst other matters, seek to ensure that developments are in an appropriate location and located within existing settlements unless a rural location can be justified. I also find that the rural location of the proposal would be physically unrelated to existing settlements and comprise an unsustainable form of rural tourism and diversification, thus in conflict with paragraphs 83 and 84 of the Framework.

Other Matters

15. I understand that significant tree planting has taken place within the wider holiday let site and a number of acres have been set aside for natural regeneration. However, those are works that have taken place irrespective of this proposal and do not appear to be directly related to it. Even though the tree planting also assists in screening the proposal from the wider countryside, the overall benefits to the scheme would be limited and would not outweigh the harm arising from its inappropriate countryside location.

16. I have been told that the appellant's business has a good reputation for professional excellence and has received prestigious awards over several years. However, this consideration carries only limited weight in favour of the proposal, insufficient to outweigh the identified harm.
17. I note that the Council's reason for refusal does not refer to any conflict with the Welbourn Neighbourhood Plan (NP). Moreover, the NP broadly supports tourism initiatives in the area and Welbourn Parish Council is also supportive of the proposal. However, as well as the NP, the development plan is also made up of the Local Plan, against which I find unacceptable harm. Therefore, the development would conflict with the development plan taken as a whole.
18. Reference has been made by the appellant to several other planning permissions locally for 'tourism related' developments which it is suggested were permitted by the Council in remote rural locations. Whilst I have been provided with a copy of the respective officer reports, I am not aware of the full details of each case or the circumstances that were taken into account by the Council in reaching its decisions. Consequently, the referenced decisions are not directly comparable and carry only limited weight in favour of the proposal.

Conclusion

19. For the reasons given, the appeal is dismissed.

Matthew Woodward

INSPECTOR