



Appeal Decision

Site visit made on 28 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/P2935/W/19/3239953

Acton Caravan Site, U3041 Old Felton Junction to Brainshaugh Priory Junction, Felton, Northumberland NE66 9NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs J Campbell against the decision of Northumberland County Council.
 - The application Ref 19/01026/VARYCO, dated 25 March 2019, was refused by notice dated 11 September 2019.
 - The application sought planning permission for Proposed camping pods, camping lodges and tree house along with amenities and services, without complying with condition 8 attached to planning permission Ref 18/03203/FUL, dated 26 February 2019.
 - The condition in dispute is No 8 which states *"Notwithstanding the details submitted, the development shall not commence until details of the proposed highway works (modification to the site access, provision of passing places on the U3041 together with signage and additional drainage) have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans"*.
 - The reasons given for Condition 8 is *"In the interests of highway safety, in accordance with the National Planning Policy Framework"*.
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Decision

1. The appeal is allowed and planning permission is granted at Acton Caravan Park for, Proposed camping pods, camping lodges and tree house along with amenities and services, without complying with condition No 08 attached to planning permission Ref 18/03203/FUL, dated 26 February 2019 within the terms of application Ref 19/01026/VARYCO dated 25 March 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. For clarity, the appeal site has been renamed from Acton Caravan Site and is now known as Woodland Chase Luxury Glamping. However, for the purposes of this appeal, I refer to the name specified within the original planning application.
3. It was evident from my visit that works have commenced on site and the site was in operation. Therefore, the proposal is retrospective.

Main Issue

4. The main issue is whether or not the removal of condition No 08 would have an unacceptable effect on highway safety.

Background and Reasons

5. The appeal site is located in the small hamlet of Acton along a single track road, the U3041, where liveries, residential houses and the Grade II* listed 18th Century Acton House are located. The appeal site is positioned on a bend, with the rental chalets set back from the road within a wooded environment. The appeal site has a lengthy history as a caravan park dating from 1965.
6. A more recent planning application 17/04565/FUL sought permission to erect camping pods, a tree house, lodge and touring van bases along with amenities and services at the site. Since this approval in 2018, a subsequent application 18/03203/FUL was approved in 2019 to remove the touring van pitches and 2 no. camping pitches, but permitted 5 no. camping pods, 2 no. cabins, 1 no. lodge and 1 no. tree house along with amenities and services. According to the Council's 22 August 2019 committee report, this permission has been implemented.
7. Condition No 08 was applied to the 18/03203/FUL planning permission setting out the requirement to provide details of highway works including details of the access into the site, passing places along the U3041, signage and additional drainage. This was deemed necessary in order to mitigate the impacts of the development. The matter in dispute therefore relates to condition No 08, and, depending on the outcome of this appeal, it may also be necessary for me to consider the wording of condition No 02 (i.e. approved plans) which refers to a plan showing highways works.
8. As part of my assessment, I am mindful of Paragraph 206 of the National Planning Policy Framework 2019 (the Framework) that states that planning conditions should only be imposed where they meet the very specific six tests of compliance. The Government's Planning Practice Guidance emphasise that clear and precise reasons must be given for the imposition of every condition.
9. It would appear that the alterations to the site access have been undertaken and this has been widened from the former access and includes a new radius, verge and visibility splay. The Council's Planning Committee report explains that the Highways advisor is of the view that the proposal would not have an adverse impact on the highway network when compared to the historic use of the site. Furthermore, the additional drainage to the highway would not be required as this was not the responsibility of the appellant, nor is signage required. Therefore, on this basis, the Council's highways advisor supports the removal of condition No 08 of application 18/03203/FUL.
10. I apply significant weight to the comments of the Highways adviser of the Highways Authority to the Council. Furthermore, from my own assessment, in terms of flooding on the road, a condition has previously been agreed with the appellant and the Council relating to surface water drainage within the site. This is considered sufficient to prevent flooding on the road and negates the need for this part of condition No 08.
11. In relation to road signage, I can find no reason to suggest that signage to identify this specific site is necessary especially as it has historically operated

as a caravan site and limited signage was required to advertise that use. I also support the view that no signage is required to be erected along the road.

12. As part of my assessment, I have given due regard to the concerns raised by local residents who comment that the proposals are only acceptable with the necessary highway safety mitigation applied under condition 8. Furthermore, I do not dispute that an accident has occurred along the road although there is no indication to suggest this was as a result of the appeal development. There is no objective evidence before me of any officially reported incidents of road traffic collisions arising from the development.
13. I conclude that the removal of condition No 08 of application 18/03203/FUL would not result in unacceptable harm being caused to matters of highway safety or any other planning matter. In this respect, the continuation of the development without compliance with condition No 08 and with a modified condition No 02 would ensure that the development does not conflict with the highway safety requirements of the Framework. For clarity, I shall remove reference to the access plans within Condition No 02 and will re-word Condition No 7 of the original decision to ensure the site access is retained thereafter.

Other Matters

14. Despite the fact that the site is located within the countryside, I apply weight to their approval of application 17/04565/FUL. The subsequent application 18/03203/FUL is of limited change to this previous approval. On this basis, I am not in a position to disagree with the Council's view that the proposal is otherwise acceptable in planning terms.

Conditions

15. It is clear that some works have commenced on site to implement application 18/03203/FUL although there is an absence of information regarding the discharge of a number of these conditions, and therefore, in accordance with the Framework and the PPG, conditions are re-attached and amended accordingly.
16. The Council suggest a time limit condition is imposed to implement the permission within 3 years of the date of approval. However, development has commenced and therefore this condition is surplus to requirements.
17. I have also considered all other conditions. Condition No 2 (development to accord with approved plans) has been re-applied as Condition No 1, omitting reference to the Access, Alterations & Passing Provision plan, and I have combined the former conditions of 3 and 4 into one condition (Condition No 3) as they have the same objectives.
18. Condition No 04 now relates to the implementation of the car parking area to which I have set an agreed timeframe to implement as this is a reasonable request given the site is operating.
19. Condition No 05 now secures the vehicular access in perpetuity and condition No 06 seeks implementation of cycle parking within an agreed time limit with the parties, from the grant of permission in order to create a sustainable form of development.

20. The wording of Condition No 07 (refuse storage) remains unaltered from before. Condition No 08 relates to ecological mitigation and has been previously discharged and is therefore re-imposed as a compliance condition. Condition No 09 now relates to surface water drainage and the wording has been amended to submit the details to the Council within a timeframe from date of approval. This is agreed with both parties.

Conclusion

21. For the reasons outlined above, I conclude that condition No 08 to application 18/03203/FUL should be deleted and that a number of other conditions, including condition No 02, should be modified. Consequently, the appeal is therefore allowed.

Alison Scott

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1. Location plan; Drawing ref: 71/17 Sheet 5
2. Proposed site plan; Drawing ref: 71/17 Sheet 3 uploaded 18th October 2018
3. Proposed glamping pod plans; Drawing ref: 71/17 Sheet 3 uploaded 6th September 2018
4. Proposed treehouse plans; uploaded 12th September 2018
5. Proposed Warden's lodge; Drawing ref: 71/17 Sheet 1
6. Proposed log cabin; Drawing ref: 71/17 Sheet 1, 7. Proposed construction method; Drawing ref: 71/17 Sheet 4.
- 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans. The development shall be constructed in accordance with the approved details and retained thereafter.
- 3) The lodge, camping pods, cabins and tree house subject to this permission shall be occupied for holiday purposes only, and no unit shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times.
- 4) Unless within 10 weeks of the date of this decision the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans, the use of the site for camping pods, camping lodges and tree houses shall cease. The approved car parking area shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 5) The vehicular access shall be retained in accordance with the plan Drawing ref: 71/17 Sheet 6, for the lifetime of the development.
- 6) Unless within 10 weeks of the date of this decision the cycle parking shown on the approved plans has been implemented in accordance with the approved plans, the use of the site for camping pods, camping lodges and tree houses shall cease. The approved cycle parking area shall thereafter be retained and shall be kept available for the parking of cycles at all times. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 7) No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.
- 8) The information approved under 19/00908/DISCON relating to condition 11 of application 18/03203/FUL (ecological mitigation), shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.
- 9) Within 6 weeks of date of this decision, a scheme to dispose of surface water from the development shall be submitted and approved in writing by the LPA

to: i. Restrict discharge from the development to Qbar for all rainfall events up to and including the 1 in 100 year event, unless otherwise approved by the LLFA and the local planning authority. ii. Agreement to adhere to the principles as set out in the drainage layout plan uploaded to the planning portal on 21st Jan 2019. iii. Provide attenuation on site for the 1 in 100 year plus climate change event. iv. Provide details of vegetated sustainable drainage techniques throughout the development, with justification for alternatives by means of a viability assessment; v. Provide details of the adoption and maintenance of all surface water features on site. Thereafter the approved surface water drainage scheme shall be implemented in accordance with the approved details within 10 weeks of the date of approval, unless otherwise approved in writing by the LPA, and thereafter maintained in accordance with the approved details. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

END OF SCHEDULE