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## Appeal Decision

Site visit made on 18 February 2020

**by Bhupinder Thandi BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 April 2020**

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**Appeal Ref: APP/R3705/W/19/3239321**

**Fishing Pool, Main Road, Baxterley CV9 2LW**

- 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 D Vernon against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2019/0304, dated 14 May 2019, was refused by notice dated 29 August 2019.
  - The development proposed is change of use of building to form holiday let accommodation adjacent the fishing pool and single storey extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The development includes a single storey side extension. The Council's decision notice indicates that the change of use is the matter in dispute. I have no reason to disagree with the Council's conclusion that the single storey extension is acceptable in planning terms. My reasoning below therefore relates to the change of use of the building.
3. The Council's Decision Notice makes reference to the proposal being contrary to Policy NW10 of the North Warwickshire Core Strategy (2014) (CS). This policy requires a number of development considerations to be met to achieve sustainable development. However, the Council have subsequently advised that there is no conflict with this policy. I have paid regard to this matter.

### Main Issue

4. The main issue is whether the proposed development would be in a suitable location for tourist accommodation having regard to the development plan and the National Planning Policy Framework (the Framework).

### Reasons

5. The appeal site comprises a single storey timber clad building positioned next to a fishing lake located within a rural landscape accessed via a long track. Fields and equine uses define its immediate setting, but it is largely isolated from nearby buildings and settlements. The site is located within open countryside and the nearest accessible settlement containing services and facilities is Wood End located approximately 2km from the site.

6. Policy NW2 of the CS states that in order to achieve sustainable communities development within the Borough will be distributed in accordance with the Borough's settlement hierarchy. New development outside of settlement boundaries will be limited to that necessary for agriculture, forestry and other uses that can be shown to require a rural location.
7. In rural areas paragraph 83 of the Framework states that planning policies and decisions should support sustainable growth and the expansion of all types of business through both conversion of existing buildings and well-designed new buildings and sustainable rural tourism and leisure developments that respect the character of the countryside. The Framework and the CS recognise that there will, at times, be a tension and balance to be struck between the desirability of supporting sustainable rural tourism and maximising sustainable transport opportunities.
8. Realistically, it is likely that some proposals for tourism facilities in rural areas will gravitate towards the open countryside, especially where that very type of rural location, such as a fishing lake, is an intrinsic element of their appeal to visitors. Notwithstanding this and the lawful use of the existing building, the site is located some distance from the nearest settlement with services and facilities. There is no bus service and the country lanes without footpaths or lighting make walking or cycling to the nearest services and facilities highly undesirable and impractical.
9. I acknowledge that the Framework does not prescribe a particular percentage or that the majority of trips should be made by non-car means. However, it is highly likely that occupants would be heavily reliant on private car to access the site and visitor attractions in the Borough and further afield during their stay. Consequently, the accessibility to services and facilities and visitor attractions would be poor, which would be inconsistent with the requirements of Policy NW2. The harm that I have identified would not, in my view, be overcome through the imposition of a condition limiting its use.
10. Taking into account the small scale of the proposed development and the associated turnover of visitors and car movements it is unlikely that it would adversely affect the safe operation of the nearby highway network. However, this neither weighs in favour nor against proposal.
11. The appellant contends the proposal would contribute to the local economy through increased visitor spend and use of local businesses. However, this is not supported by any credible evidence. Furthermore, taking into account the scale of the accommodation the benefits are likely to be small in terms of the local economy and would not outweigh the conflict that I have identified with regard to Policy NW2.
12. I accept that the proposal is unlikely to adversely affect the character and appearance of the surrounding rural landscape, however, this is a neutral factor in coming to my decision.
13. I acknowledge, from the evidence before me, that domestic tourism is becoming more popular and I note from the North Warwickshire and Hinckley and Bosworth Destination Management Plan (DMP) that there is a general need for tourist accommodation including fishing lodges in the borough. However, there is no substantive evidence, before me, to indicate that there is a pressing need for such accommodation in this particular rural location. I find that this

need would not outweigh the harm that I have identified in relation to the main issue.

14. For the reasons set out above, I conclude that the development would not be located within a suitable location for new tourist accommodation. As such, it is contrary to Policies NW1 and NW2 of the CS which, amongst other things, limits development outside of settlement boundaries to agriculture, forestry or a use that requires a rural location. It would also run counter to paragraph 83 of the Framework as it would not support sustainable rural tourism.

### **Conclusion**

15. For the reasons set out above, the appeal does not succeed.

*B Thandi*

INSPECTOR