
Appeal Decision

Site visit made on 2nd June 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/T3725/W/20/3246391

Leasowe Farm, Southam Road, Radford Semele, Leamington Spa, CV31 1TY.

- 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 T Ingall against the decision of Warwick District Council.
 - The application Ref. W/19/0869, dated 23 May 2019, was refused by notice dated 7 August 2019.
 - The development proposed is the construction of a round timber cabin for the purpose of self-catering holiday rental.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a round timber cabin for the purpose of self-catering holiday rental, at Leasowe Farm, Southam Road, Radford Semele, Leamington Spa, CV31 1TY, in accordance with the terms of the application, Ref. W/19/0869, dated 23 May 2019, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are whether the proposal accords with the strategy for development set out in the development plan; together with the effect on the landscape, productive agricultural land and accessibility.

Reasons

Background

3. The appeal site comprises a small grassed area enclosed by trees and hedges which lies in an isolated position in an area of countryside about three miles from Leamington Spa and to the north east of a few properties around Old Leasowe Farmhouse. The site includes a long access drive to Southam Road. It is proposed to erect a semi-permanent, round, single storey building constructed in timber with a lime rendered wall and a low cone shaped sedum roof, to be used for holiday accommodation.

Principle of the development

4. The development plan includes the Warwick District Local Plan 2011-2029 adopted in 2017 and the relevant policy for this case is CT2. This relates to visitor accommodation and it seeks to direct new or extended visitor accommodation to (in summary): urban areas accessible to sustainable forms

- of transport; growth areas as defined in the local plan; and to rural areas where the conversion of an existing building is involved; all of these are subject to local detailed criteria.
5. The proposal involves new build self-catering visitor accommodation in a rural area, rather than the reuse of an existing building, and therefore there is a clear conflict with the development strategy set out in an up-to-date development plan.
 6. The appellant says that Local Plan Policy EC2 is more relevant to the proposal and this deals with farm diversification. The policy is general in nature and indicates that proposals for the diversification of agriculture and land based rural businesses will be permitted provided stated criteria are met. These, in the main, deal with the scale and nature of the proposal and whether they can be integrated with the landscape but part (c) of the policy indicates a preference for using existing buildings as opposed to building new ones. Nevertheless, as the appellant points out, while the wording of the policy expresses a preference, it does not explicitly 'close the door' to any form of new building development required for farm diversification.
 7. The statement of support submitted with the planning application indicates that the appeal site lies on a small scale organic farm. The appellant says that the holiday rental unit would provide a consistent and sustainable income to the existing farm business which has faced turbulent market conditions in recent years and that this uncertainty will continue as a consequence of 'Brexit'.
 8. National policy on tourism related development is also a material consideration. Paragraph 83 of the National Planning Policy Framework (2019) (NPPF) supports a prosperous rural economy and indicates that planning decisions should enable (in summary) the expansion of rural business both through conversion and well-designed new buildings; diversification of agriculture and land based businesses; and sustainable rural tourism developments which respect the character of the countryside.
 9. Overall on this issue of planning principle, I find that the main strategy in the development plan for new visitor accommodation does not support the erection of a new building in this isolated position in the countryside. While farm diversification proposals generally have a similar requirement in the development plan for utilising an existing building, the erection of a semi-permanent building could make a positive contribution to farm diversification depending on the local landscape impact, accessibility and the effect on productive agricultural land. I will consider these factors below. Further, more recent national guidance supports a prosperous rural economy with the expansion of rural business and the guidance does not rule out new buildings which respect the character of the countryside.

Landscape impact

10. The appeal site is located in a small dingle which lies on the lower part of a valley away from the other buildings around Leasowe Farm. The site is enclosed by mature trees and hedgerows as generally shown on the site plan and it has a verdant rural character. Because of the topography of the land and the existing vegetation, the modest timber cabin proposed which is of an interesting bucolic form, would not be prominent or an alien feature in the countryside landscape. On this issue I find that the proposal would respect the

character of the countryside and would relate well to local topography and landscape features and therefore meets the requirements set out in part (b) of Local Plan Policy BE1 on layout and design.

Accessibility and access

11. The farmstead of Leasowe has access off the A425 and it has not been shown that the limited traffic generation likely to arise from the use of the cabin would harm highway safety at this access point. I note that the highway authority raise no objection to the proposal. Moreover, the site is on a bus route and also within cycling distance of the facilities in Leamington Spa, although I note the Council's point about the lack of footpaths. Overall, I am satisfied that the location and nature of the site has reasonable access and wider accessibility in the context of Local Plan Policy TR1 and sufficient parking to meet Policy TR3.

Effect on productive land

12. Finally, the site of the cabin and the small area of parking would not occupy land that is clearly productive at the moment.

Other matters

13. Cllr. Leigh-Hunt refers to the emerging Radford Semele Neighbourhood Development Plan but as this is still emerging and has not been made following examination I am not able to afford it any weight at this stage.

Planning balance

14. Bringing my conclusions together on the main issues, regarding the principle of development, I have found that the erection of a new building for tourist accommodation in this location would be contrary to the strategy set out in the development plan which seeks to concentrate such activity into defined areas. The proposal would meet some of the local plan policy for farm diversification but again the emphasis here is placed on conversion rather than new build facilities.
15. However, the more recent national guidance in the NPPF supports a prosperous rural economy and its guidance indicates that planning decisions should support: the growth and expansion of existing businesses; the diversification of agricultural; and sustainable local tourism which respects the countryside.
16. In terms of the effect of the proposal on the site and local area, I have found that the cabin proposed is of a modest scale and interesting design which would respect the character of the countryside and would be well related to the landscape. The development would have reasonable access and accessibility and would not affect productive land.
17. Given these aspects I conclude that the use would be 'sustainable development', as set out in the NPPF, as there would be benefits that support economic, social and environmental objectives without material adverse effects.
18. Overall, I find that in this case the support for the proposal under the relevant national guidance outweighs the conflict with the development plan when this is read as a whole. No other considerations outweigh this outcome in the planning balance. I will therefore allow the appeal.

Conditions

19. In terms of conditions, the Council recommends four which I will consider under the same numbering. No's 1 and 2 are reasonable and necessary to define the permission in the interests of clarity and when and how the development may be carried out. No.3 requires a schedule of habitat and species protection measures. I am satisfied that given the isolated rural nature of the site this requirement is necessary in the interests of ecology and bio-diversity and I will impose it.
20. The Council also recommends a 'pre-commencement' condition regarding the submission of a scheme on air quality measures and I consulted the appellant on this under the relevant Regulations. I have taken account of the representations made. I am satisfied that condition No.4 is reasonable and necessary having regard to Policy NE5 of the Local Plan and related SPG as the proposal would increase vehicle movements which may affect air quality.
21. Finally, I sought the main parties' views on a condition to regulate the use and length of stay for individual guests. The appellant suggests 4 weeks per year as the maximum period for any individual or group to occupy the cabin, but this is too long to ensure short term tourist accommodation use and I will impose the condition with a maximum two week period for individual occupation.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details shown on the site location plan and approved drawings 001_100 Rev P1; 001_102 Rev P1; 001_200 Rev P1; 001_201 Rev P1; submitted on 23rd May 2019, and the specification contained therein.
- 3) The development hereby permitted shall not commence until a detailed schedule of habitats and species enhancement measures (to include timing of works, protection measures for the hedgerow and trees and enhancements for bats and birds where possible) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full.
- 4) The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.
- 5) The cabin shall only be used for tourist accommodation and no individual or party shall occupy the building for more than two weeks in total in any calendar year.