The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/G0908/W/20/3248232
Skiddaw View Holiday Park, Bothel, Wigton CA7 2JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Skiddaw View Holiday Park against Allerdale Borough Council.
- The application Ref FUL/2019/0177, is dated 10 July 2019.
- The development proposed is described on the application form as 'proposal for 18no. holiday lodges and associated access road'. (sic)

Decision

1. The appeal is allowed and planning permission is granted for proposal for 18no. holiday lodges, new water feature and associated access road at Skiddaw View Holiday Park, Bothel, Wigton CA7 2JN in accordance with the terms of the application Ref FUL/2019/0177, dated 10 July 2019, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The plans submitted by the Appellant refer to a 'proposed water feature' and show what appears to be a new pond to the northwest of the existing pond/balancing lagoon to the south of the appeal site. I have consequently revised the description of the proposal to take this into account.

3. Since the appeal has been lodged the Council have adopted part 2 of the Allerdale Local Plan (July 2020) (ALP2). The ALP2 was referred to in the Council's appeal statement as was the most relevant policy within it in relation to the appeal scheme, Policy SA32, and the fact that the Plan had been found sound at that time. In addition, the Appellant has also had an opportunity to comment on this matter. As a result, I have afforded Policy SA32 full weight in the determination of this appeal, and I do not consider that any party will have been prejudiced by my doing so.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is situated to the west of the Skiddaw View Holiday Park which is itself set within a wider rural landscape and located just to the north of the Lake District National Park. The proposal relates to the extension of the holiday park westwards in order to provide an additional 18 holiday lodges, a new water feature/pond and an associated access road. It is also proposed to plant new trees

along the western boundary of the appeal site behind which would be a landscape buffer zone approximately 53 metres in width. This buffer zone would itself be flanked by an existing parallel row of trees along its outer western boundary as well as by an additional strip of more recently planted trees running its entire length. The appeal site currently has planning permission for the enlargement of the existing caravan park to accommodate camping pods, tent pitches and the installation of a sewage treatment plant (Ref 2/2017/0059). In addition to this, a portion of land directly to the south of the appeal site has also been granted planning permission for a change of use to accommodate approximately 30 static caravans (Ref 2/2018/0382).

6. The appeal site is outside any if the settlement boundaries as defined within the Allerdale Local Plan. For the purposes of planning policy, it is therefore within the countryside, something which both main parties appear to agree on. Policy S17 of the adopted Allerdale Local Plan Part 1 (July 2014) (ALP1) and Policy SA32 of the ALP2 both support development proposals for holiday accommodation in the countryside provided that it would not have a significant harmful impact in terms of landscape quality, and is part of a scheme to upgrade ancillary facilities at an existing holiday park or camping or caravan site. ALP1 Policy S14 also allows for the expansion of existing businesses outside of the settlement hierarchy where it can be demonstrated that it is an established business, that it would not be viable to relocate within the settlement hierarchy, and that any extension would be of a scale and nature appropriate to its location.

7. ALP1 Policy S33 aims to protect, conserve and, where possible enhance landscape character and local distinctiveness within the Plan Area and requires the use of the Cumbria Landscape Character Assessment Toolkit (CLCAT) to inform the detailed assessment of development proposals. According to the CLCAT, the appeal site and the countryside surrounding it lie within landscape subtype 12b '*Rolling Fringe*', the key characteristics of which include: large-scale undulating topography; large fields of improved pasture; stone walls mainly in the east; occasional hedges and field boundaries; very sparse tree cover; some large scale conifer plantations; and small streams and rivers which cut through the rolling topography.

8. The perceptual character of this landscape subtype is also described as being simple and open with a contrast between the intimate valleys and the wildness of the moorland areas and expansive views across the Lakeland Fells which are however interrupted to the east of the area by television transmission masts. It also highlights that the open, uninterrupted views across the moorland to the backdrop of hills are sensitive to large prominent infrastructure or other development. In addition, it sets a guideline to avoid development in the transitional, fragile and exposed areas that will degrade their character; specifically, tall or vertical energy infrastructure such as large-scale wind turbines and pylons.

9. Due to its location and the topography of the surrounding landscape the existing caravan park and the caravans/lodges therein are relatively well screened by the many mature trees which are both within it and around it. Indeed, whilst on my site visit my eye was more drawn to the large wind turbines on the horizon rather than the holiday park particularly when viewed from the road to the south. In their statement of case the Council have accepted that many of the proposed lodges towards the east of the appeal site would also be similarly screened, and from what I have seen and read, I see no reason to disagree.

10. As part of the planning application process the appellant submitted a Landscape and Visual Impact Assessment, dated 20 December 2016, (LVIA) that was submitted as part of the previous application (Ref 2/2017/0059). In addition, the

appellant also submitted an addendum Landscape and Visual Impact Assessment, dated 4 July 2019, (LVIA1) to supplement and update the original LVIA. The LVIA and its addendum conclude that the only visual receptor locations with views of the appeal site are located along a minor road to the west of it and that there are no permanent receptors in the area or public footpaths or viewpoints. They also conclude that the size of the proposed landscape buffer is such that the proposed tree planting would be high enough to effectively mitigate any minor adverse impact from these viewpoints in approximately 15 years and that immediate screening up to 3 metres in height could be provided by the planting of larger feathered standard/standard trees at the time of the development.

11. According to the evidence before me, the proposed lodges to the west of the appeal site would be on a land level approximately 3 metres higher than those to the east of the site. Therefore, I consider the mitigation that would be provided by the proposed tree planting to be enough to effectively screen the proposed lodges to the west of the appeal site from view even though they are higher than the proposed lodges to the east of the appeal site. Indeed, whilst on my site visit, I viewed the appeal site from a vantage point on the minor road to the west of it.

12. From there I could clearly see the existing line of trees on the edge of the proposed landscape buffer zone and even though they are relatively sparse in coverage, I consider that, given their height, location and distance from the road, they would in combination with the proposed additional substantial tree planting and the presence of the buffer zone itself, sufficiently screen the proposed lodges. Furthermore, the fact that the proposal would be located on the far side of the landscape buffer also means that its visual impact when viewed from this vantage point would also be lesser. As a result, I find that the proposal would not have an adverse visual impact on the character and appearance of the area when viewed from the west.

13. I acknowledge the Council's point that 15 years is a long time to wait for the proposal to be screened by the trees to be planted within the proposed planting zone. However, given that additional feathered/standard trees would also be planted straightaway means that these would provide immediate screening up to a height of approximately 3 metres, which as set out above I consider to be sufficient to screen the proposal from viewpoints to the west. Moreover, given the orientation of the minor road to the west of the appeal site in relation to it, and also in relation to the National Park and the hills within it to the south and southeast, I do not consider that the views from this road would have the National Park or its hills as a backdrop.

14. I also acknowledge the Council's concern that planting a long band of Willow trees could potentially look out of place and bring attention to the appeal site given the sparsely populated trees within the wider landscape and that the tree species generally found in the area comprise ash, elm, rowan hawthorn and hazel. However, the appellant has indicated that a mixture of native species would be planted and not just a monoculture of Willow trees. What is more, there are other parts of the local landscape that have less sparse sections of trees such as conifer plantations and other linear belts of trees that screen other development, meaning that the proposed tree planting would not look entirely out of place.

15. I note the Council's point that the proposed lodges would be larger and higher than the previously approved pods and tent spaces and that given their permanence when compared with the tents, their visual impact would be greater. However, notwithstanding the fact that all of the tent spaces would not be occupied all of the time, the proposed lodges would nonetheless have a density less than the

previously approved pods and tent spaces combined, and therefore would also have less of a visual impact.

16. Additionally, whilst the roof ridge height of the proposed lodges would be up to approximately 4.4 metres, this would only be marginally less than the that of the previously approved pods. Moreover, given that tents can potentially have brighter colours, such as red or orange, I consider that they would likely have a more jarring visual impact on the landscape than the proposed lodges which would have more muted green/grey and brown colours. Additionally, given their more muted colours, I consider that the proposed lodges would also blend into the surrounding landscape and be sufficiently screened by the proposed tree planting even though a small portion of their roofs would potentially still be somewhat visible. For similar reasons I also consider that this would be the case even though their design and structure would not be as organic as the previously approved pods. In any event I have determined the appeal scheme on its own merits.

17. I also note that the proposal can be seen from locations within the National Park such as Binsey Peak from where I viewed it on my site visit. However, given the relative distance of the appeal site from these receptor points, with Binsey Peak being over 4 km to the southeast; the fact that the views would be away from the National Park and devoid of a hilly backdrop; and the fact that the National Park Authority has not objected to the proposal; I consider that the impact of the proposal, and being mindful of the key characteristics of the '*Rolling Fringe*' subtype, from these viewpoints would not be unacceptably harmful to the landscape or the character and appearance of the area.

18. In addition, I also consider the presence of the large wind turbines to the north of the appeal site at Wharrels Hill, Bothel, to be much more of a visual interrupter to any views from the National Park, than the proposal would be, given their location and size. Moreover, the fact that a similar development to the proposal has been permitted on the adjacent site to the south of the appeal site (Ref 2/2018/0382), means that for similar reasons, I do not consider there to be a significant difference between these two developments or their respective visual impacts on the landscape.

19. I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the area. Consequently, it would accord with Policies S14, S17 and S33 of the adopted ALP1, and Policy SA32 of the adopted ALP2, which, amongst other things, aim to protect the countryside and the quality of the landscape.

Other Matters

20. The appeal site is close to Bothel Craggs Quarry Site of Special Scientific Interest (SSSI), Clints Quarry, Moota SSSI, Clints Quarry Special Area of Conservation (SAC), Clints Crags, Blindcrake SSSI, River Derwent and Tributaries SSSI, River Derwent & Bassenthwaite Lake SAC and Gill Beck SSSI. The Council have not raised any concerns in relation any potential impact on these designated sites arising from the proposal and based on the evidence before me[1] and my observations while on site, I have no reason to disagree.

Objections from Interested Parties

21. Interested parties have raised concerns in relation to highway safety. However, as the Council have not raised any concerns in relation to this matter, I have not considered it further.

[1] LPA EIA screening opinion dated 8 August 2019 and SoS EIA screening opinion dated 1 June 2020.

Surface Water Drainage

22. I note that the Council has highlighted a lack of evidence submitted by the appellant in relation to the assessment of any proposed surface water drainage scheme. However, the appellant has indicated that there is an existing connection to a watercourse from the existing pond (as previously approved under application Ref 2/2017/0059) which would be used for drainage purposes. Consequently, I am satisfied that this matter can be adequately addressed via the imposition of an appropriately worded condition requiring the submission of a full surface water drainage scheme to be approved by the Local Planning Authority (LPA).

Conditions

23. I have undertaken some minor editing and rationalisation of the conditions proposed by the LPA in the interests of precision and clarity. In addition to the standard implementation condition, for the avoidance of doubt and in the interests of proper planning I have imposed a necessary condition to ensure that the development is carried out in accordance with the approved plans.

24. I have imposed a condition relating to the submission of a surface water drainage scheme in the interests of the living conditions of existing and future occupiers as well as in the interest of minimising flood risk.

25. In the interest of highway safety, I have imposed a condition requiring the submission of details of the passing place on the highway. I have also imposed several conditions in relation to the mitigation and reduction of any potential contamination risk either during or after any construction works in the interest of the local environment and the living conditions of existing and future occupiers.

26. I have imposed conditions requiring the submission of a landscaping scheme and management plan, the retention of hedging/trees on south/east boundaries of the appeal site and the submission of final design, finish and colour details of all the proposed holiday lodges in the interests of the character and appearance of the area.

27. In the interests of proper planning, I have also imposed conditions restricting the use of the proposed lodges to holiday accommodation and no other purpose, restricting their occupancy so that they cannot be used as a principal residence, and requiring the maintenance of a register of all occupiers of the approved holiday accommodation which would be made available for inspection by the LPA upon request.

28. Finally, the LPA also suggested an additional condition requiring that the proposed lodges be sited within the red-line boundary area. However, I do not consider it would be reasonable or necessary to impose it given the imposition of a condition to ensure that the development is carried out in accordance with the approved plans.

Conclusion

29. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

C Coyne

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 following approved plans: PV19002-01 Location Plan; PV19002-02 Existing Site Plan; PV19002-03 Proposed Block Plan; PV19002-04 Proposed Site Plan; PV19002-05 Location Plan / Wider Context; PV19002-06 Block Plan / Western Boundary Details; PV19002-07 Site Sections.

3) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the Planning Practice Guidance with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be in accordance with Defra's Non-Statutory Technical Standards for sustainable drainage systems (or any subsequent version). The submitted details shall:

   i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

   ii) include a timetable for its implementation; and,

   iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

4) Prior to the commencement of the works hereby approved the full details of the passing place on the C2035 highway, including any piping of the roadside ditch, shall be submitted to and approved in writing by the local planning authority. The development shall not be commenced until the details have been approved and the crossings fully implemented in accordance with the approved details.

5) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

   i) a survey of the extent, scale and nature of contamination;

   ii) the potential risks to:
   - human health;
   - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
   - adjoining land;
   - ground waters and surface waters;
   - ecological systems; and
   - archaeological sites and ancient monuments.

6) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

8) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing within 30 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 30 days and approved in writing within 30 days of receipt, thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.

9) The hedging/trees on the south and east boundaries of the site shall be retained when the development hereby approved is implemented. The trees on the eastern boundary shall not be reduced in any way and shall be retained in perpetuity. The hedge to the southern boundary shall not be reduced in any way and shall be retained in perpetuity at a height of no less than 2m. Precautions shall be taken to prevent damage to the trees/hedge so indicated: any damage caused shall be made good. The trees/hedge shall be retained after implementing the development and shall not be removed or demolished without the prior consent of the local planning authority.

10) The holiday lodges hereby approved shall be used for holiday let accommodation and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 2015), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

11) The holiday lodges hereby approved shall not be used at any time as the sole or principal residence by any occupants.

12) A register of all occupants of the holiday accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the local planning authority within 10 days of a request. The register shall contain the name and address of the principal occupier together with the dates of occupation.

13) Prior to the placement of the lodges on the land a scheme of hard and soft landscaping which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development shall be submitted to and approved by the local planning authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the local planning authority. The approved landscaping shall be retained for the lifetime of the development.

14) A landscaping management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the local planning authority prior to operation. The development shall thereafter be maintained at all times in accordance with the approved landscaping management plan.

15) Prior to their placement on the land the final design, finish and colour of all holiday lodges shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details and the appearance of the caravans maintained as such thereafter unless otherwise agreed in writing by the local planning authority.