
Appeal Decision

Site visit made on 22 September 2020

by Paul Singleton BSc MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 7th October 2020

Appeal Ref: APP/E2530/W/20/3250031

The Old Station Yard, Gelston Road, Hougham, Grantham NG32 2JB

- 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 Mrs E Townsend against the decision of South Kesteven District Council.
 - The application Ref S19/0787, dated 1 May 2019, was refused by notice dated 31 January 2020.
 - The development proposed is siting of five holiday pods with amenity block and viewing platform.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of five holiday pods with amenity block and viewing platform at The Old Station Yard, Gelston Road, Hougham, Grantham NG32 2JB in accordance with the terms of the application, Ref S19/0787, dated 1 May 2019, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. Although the Council's decision notice alleges conflict only with Policies E7 and E9 of the South Kesteven District Local Plan (2013-2036) (Local Plan) the appellant's written statement refers to Policies E6, E7 and E8. Having reviewed the text of Policy E6, which the Council provided at my request, I am satisfied that this is not relevant and that the key policies to be taken into account in the determination of the appeal are E7 and E9. These appear to have been incorrectly numbered in the appellant's statement.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for the form of development proposed having regard to its accessibility to shops and other facilities.

Reasons

4. The proposal involves the provision of five modestly sized camping pods together with a small toilet and shower block. Although of new construction, the pods would be designed with the appearance of old style passenger coaches and would, therefore, be appropriate within the site and setting of the former Hougham railway station.

5. The site immediately adjoins a long, relatively straight section of the East Coast Main Line (ECML) railway. My observations on my site visit support the appellant's assertion that the site provides the opportunity for a substantial viewing platform immediately adjacent to the line. As a result, this would be a particularly good location for railway enthusiasts to view, photograph, film and record trains passing at speed with no risk to their personal safety. Such an opportunity would make the location more attractive to enthusiasts that might wish to stay in the proposed camping accommodation. Given the evidence as to the problems that have occurred elsewhere on the network when classic locomotives or trains have been run, this would be a significant benefit of the scheme.
6. If successful, the proposal would bring visitors and tourism expenditure into South Kesteven and would, in my assessment, comply with Local Plan Policy E9. It would be a small scale tourism development that would be appropriate in use and character relative to the settlements of Hougham and Marston which the former passenger station used to serve. The modest scale and proposed design of the buildings, together with the site's topography and natural screening in the wider agricultural landscape, mean that the development would maintain the quality of the countryside. There is no evidence that any harm would be caused to the natural environment. The proposal accordingly satisfies the criteria set out under part a) of the policy.
7. Policy E9 requires that only one of its four components needs to be satisfied and that its general provisions are also met. The proposal would meet those provisions. First, having regard to the modest scale of the structures and small number of pods proposed, the development would be of a scale appropriate to the setting of the area. This clause states that a "*sequential test should be applied where it is appropriate.*" However, the policy does not explain what circumstances might trigger that requirement and I cannot see why this should be needed if the development is deemed to be of an appropriate scale. As a very modest tourist facility, the proposal would not generate high levels of visitor traffic or increased public use of existing tourist facilities and would not result in the creation of permanent living accommodation. I therefore find that the proposal both complies with and is supported by Policy E9.
8. For the reasons relating to the nature and scale of the proposal, I consider that it would also comply with parts a), c) and d) of Policy E7, concerned with the rural economy. Compliance with that policy as a whole is, therefore, determined by whether the proposal is consistent with part b) and the extent to which it would help to support the local economy.
9. At paragraph 2.4.7 of its Statement, the Council contends that the proposal is contrary to part b) because the appellant has not shown that it is necessary for it to be in a rural location. However, the policy states only that the proposal should be for a use which is appropriate or necessary (my emphasis) in a rural location; there is no requirement to demonstrate both.
10. Part of the locational rationale for the proposal is its development within the site of the former passenger railway station on the ECML. As Hougham Station was built outside of the settlement that it was intended to serve (no doubt with good reason at that time) this objective could only be met by siting the visitor accommodation in a rural location. The site also has the significant advantage of providing a safe location from which trains travelling at speed can be viewed

and photographed on a straight and open section of the line. I have no specific evidence to support the appellant's assertion that this opportunity is not replicated elsewhere in Lincolnshire. However, I am satisfied that such an opportunity would not be available other than in a rural location.

11. The appellant states that one part-time warden would be needed to help operate and maintain the proposed camping pods. This reflects the modest scale of the proposal but would, nevertheless, provide an employment opportunity for a local person, thereby making a positive contribution to the local economy. This direct employment opportunity would be a positive benefit and, taken together with the matters set out above, renders the proposal consistent with part b) of E7.
12. The camping pods would be small and would offer only a basic level of accommodation. Even if limited cooking facilities were to be provided, it seems likely that many, if not the majority, of visitors would opt to go out for some meals and other refreshments in public houses and restaurants in nearby villages and/or Grantham Town Centre. Campers using the site would most likely need to purchase basic provisions and other daily requirements and might visit other tourist attractions or leisure facilities during their stay. Notwithstanding its modest scale, the proposal would clearly have the potential to make a positive contribution to the local economy through the generation of additional expenditure in local shops and services.
13. As noted in the appellant's evidence there are a number of public houses and other facilities within a 5 kilometre (km) radius of the site. Given their much closer proximity (1.6km), the shop and public house in Marston could be expected to benefit in particular from that additional visitor expenditure. As these facilities have been combined in a community-owned hub, it seems likely that the hub and the wider community would welcome the additional business that might arise from visitors using the camping pods.
14. Marston is notionally within walking distance but much of the road between the site and the village lacks a footway and street lighting. Neither this route nor the possible use of a public footpath across nearby fields for part of the journey would, in my view, provide a safe and attractive route for visitors, for example if they wished to go to Marston for an evening meal. There are no local bus services accessible from the site and its connectivity is limited in these respects. The site is within a comfortable cycling distance of the village and some visitors might opt for that mode of transport. However, I accept that most trips to shops and services in Marston or elsewhere in the local area would likely be made by car.
15. The final part of Policy E7 states that proposal which generate high levels of visitor traffic should only be permitted on the edge of towns or larger villages or where they can be accessed by public transport, foot and cycle. This wording indicates some flexibility in respect of the location of small scale developments such as that proposed in the appeal. This would appear to be confirmed by the Council's grant of planning permission (Ref S18/2114 approved 17/05/2019) for an additional 30 holiday units at the Wagtail Country Park which, I am advised, is some 2.7 km from the nearest village and was already of a much larger scale than the scheme proposed in this appeal. I note the Council's comments regarding that scheme but it seems that at least some of the fishing

lakes at that site are not natural features but have been created as part of the development.

16. The need for some degree of flexibility is recognised in Paragraph 84 of the National Planning Policy Framework (Framework), which states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found outside of existing settlements and in locations that are not well served by public transport. It seems to me that the appeal proposal represents such a business need due to the specific locational rationale of siting the visitor accommodation adjacent to the railway line and on the site of the former passenger station. I can see no obvious opportunities, of the type envisaged in paragraph 84, for improving the accessibility of the site that might reasonably be exploited by the appellant, given the modest scale of the proposal.
17. The Council argues that the appellant has not demonstrated a need for the proposed facility in this location and that the site's poor connectivity means that it cannot be considered a sequentially preferable location. However, there is no general requirement for the appellant to demonstrate need and, unlike E9, Policy E7 makes no reference to the need for a sequential approach in the selection of a suitable site. Part b) of the policy requires only that the proposal is for a use which is appropriate in a rural location.
18. For these reasons, I find that the proposed use is appropriate in a rural location and that there is no policy requirement to demonstrate either that such a location is necessary or that no alternative sites, in closer proximity to a settlement, are available. Following on from that conclusion, I also find that there is no requirement for evidence of a market demand for the proposal or that it would be economically viable. Its viability is a matter for the appellant. The Council describes the proposal as a "*niche opportunity*" for railway enthusiasts but there is good evidence of a very large number of such enthusiasts in the UK to whom the accommodation might be marketed.
19. In summary, I consider that the site represents a suitable location for the form and scale of development proposed and that its use for this purpose is appropriate notwithstanding its location outside of the nearest settlement and its limited connectivity. I find that the proposal complies with Local Plan Policies E7 and E9 and with the development plan as a whole. In accordance with paragraph 11 of the Framework, that compliance gives rise to a presumption in favour of a grant of planning permission.

Other Matters

20. I note the concerns raised by the Parish Council about the safety of the access and saw, on my site inspection, that visibility from the site access to the left is constrained by the vertical alignment of the bridge over the railway. However, the number of vehicle movements generated by the proposal would be relatively small and the road does not appear to be heavily trafficked. The proposal has been assessed by the local highway authority, who raised no objection to the site access arrangements. Hence, I have no evidence that the proposal would result in an unacceptable effect on the safety of persons visiting the site or of other road users.
21. The Council's statement sets out concerns about the effect on the character and appearance of the site and open countryside which did not form part of the

reason for refusal. I have considered those submissions but, for the reasons already set out, find that the scale and design of the proposed development would be appropriate for the site and its setting and would not cause any harm to the character and appearance of the area.

Conditions

22. A schedule of suggested conditions has been put forward by the Council and the appellant has confirmed that these are acceptable to her. I have included conditions covering all of the matters suggested by the Council but have modified these as appropriate in the interests of simplicity. I have also adopted PINS standard wording for some of the conditions where I consider that this would add clarity.
23. Permission is granted in accordance with the details of the application but, in the interests of certainty, a condition has been attached which requires the development to be carried out in accordance with the approved plans. A condition is needed that restricts the occupation of the proposed pods to holiday visitors and requires that a record be kept of the names and addresses of visitors and details of their stay. This is necessary to ensure that the pods are operated as a holiday/visitor facility and not as permanent residences which would not be appropriate in this location.
24. As no details were provided with the application, a condition is needed that requires a scheme of drainage works to ensure the satisfactory management of surface and foul water drainage. A condition requiring the approval of a construction management plan is needed to minimise the effect of construction works on the local highway, drainage network and local community. A condition has also been attached that requires the submission and approval of a scheme of hard and landscaping works. The discharge of conditions 4, 6 and 7 prior to the commencement of development is necessary to ensure a satisfactory standard of development and to avoid potentially abortive works.
25. Condition 8 requires that landscaping be carried out in accordance with the approved scheme and that the landscape features are managed and maintained for a 5 year period. This is needed to ensure a quality of development that is appropriate to its rural setting. Also in view of the site's location in the open countryside, a condition is needed to require the prior approval of any external lighting.

Conclusions

26. For the reasons set out above, I conclude that the appeal should be allowed and that planning permission should be granted.

Paul Singleton

INSPECTOR

Schedule of Conditions for Appeal Ref: APP/E2530/W/20/3250031

- 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:
 - Location Plan - drawing No. ETH/19/OUT/002 received 1 May 2020
 - Proposed Development - drawing No. ETH/19/OUT/001 received 1 May 2020.
- 3) The holiday accommodation hereby approved shall be occupied only in strict accordance with the following requirements:
 - i. the camping pods shall be occupied for holiday purposes only;
 - ii. the camping pods shall not be occupied as a person's sole, or main place of residence;
 - iii. A register of occupancy of the camping pods, to include details of motor vehicle registration numbers, the names and addresses of all occupiers and their arrival and departure dates, shall be kept by the site manager and shall be made available at all reasonable times for inspection by officers of the local planning authority.
- 4) No development shall take place until a scheme of works for the treatment of surface and foul water drainage from the development has been submitted to and approved in writing by the local planning authority.
- 5) None of the camping pods hereby permitted shall be occupied until the surface and foul water drainage works have been completed in accordance with the approved scheme.
- 6) No development shall take place until a Construction Management Plan and Method Statement (CMPMS) has been submitted to and approved in writing by the local planning authority. The submitted CMPMS shall indicate measures to mitigate against the potential adverse effects of construction traffic and surface water flow from the site during the construction stage of the proposed development.

The CMPMS shall include measures relating to:

- i. the parking of vehicles of site operatives and visitors;
- ii. the loading and unloading and on-site storage of plant and materials;
- iii. wheel washing facilities for construction and delivery vehicles;
- iv. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- v. a strategy for the effective management of surface water run-off from the development during construction, and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall during construction.

The approved Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

- 7) No development shall be carried out until details of any hard and soft landscaping works proposed have been submitted to and approved in writing by the local planning authority. The submitted details shall include:
 - i. planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment);
 - ii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - iii. boundary fencing and hard surfacing materials;
 - iv. a landscaping management plan for the future management of the completed works including management responsibilities and maintenance schedules for all landscaped areas.
- 8) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The completed scheme shall be managed and maintained in accordance with the approved management plan for a minimum period of 5 years following the date of the first occupation of any part of the approved development.
- 9) No external lighting should be installed as part of the development hereby permitted other than in accordance with a lighting scheme, full details of which have been submitted to and approved in writing by the local planning authority prior to the commencement of any lighting works.