



Appeal Decision

Site visit made on 15 September 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/W3520/W/20/3251117

Land West of Badley Hill, Badley, Needham Market IP6 8RJ

- 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 Garnham against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/05145, dated 24 October 2019, was refused by notice dated 2 April 2020.
 - The development proposed is described at the "use of land as touring caravan park".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the development on the character and appearance of the area including the setting of designated heritage assets,
 - whether the proposed warden's accommodation is appropriate development in the countryside for the purposes of the National Planning Policy Framework (the Framework),
 - whether the development would safeguard public rights of way; and,
 - the effect of the development on ecology.

Reasons

Character and Appearance/Heritage Assets

3. The appeal site forms a parcel of open land that is mainly laid to grass and is accessed off Stowmarket Road. The site lies within a rural location and is surrounded by agricultural fields and the open countryside. The land about the site rises to the north and a wooded area separates the appeal site from the agricultural land to the south.
4. Policy RT18 of the Mid Suffolk District Council Local Plan 1998 (the Local Plan) supports sites for touring caravans provided that they are located where there is no adverse impact on the character and appearance of the area. The site is designated as a Special Landscape Area and Policy CL2 of the Local Plan also seeks to ensure that special care is taken to safeguard the landscape and

where development does occur, it is sensitively designed and to a high standard.

5. The proposal seeks to change the use of the land to a park for touring caravans. In addition, the development proposes a shower/toilet block to support the use along with a separate building to be used as a warden's lodge. The land levels drop as one travels southwards towards Needham Market along Stowmarket Road and despite trees that line the road, there are large gaps in the landscaping which allows views across the landscape. The appeal site lies beyond the built up area of Needham Market and notwithstanding the presence of dwellings opposite its access, the site is visually and physically detached from the suburban development to the south. The site is part of the open countryside and assimilates with the rural qualities of the area, to which it makes a positive contribution.
6. The site is visible from public vantage points which include Stowmarket Road and from the public right of way¹ (PRoW) that crosses the site. The proposal would result in a fundamental change to what is currently an undeveloped field. Given the number of caravans that could be accommodated within the site, it would lead to the substantial erosion of the spaciousness of the site and reduce the contribution it makes to the rural character of the locality. In addition, due to the scale and utilitarian appearance of the warden's lodge and amenity block, they would further appear as substantial and incongruous additions, which would add to the built-up appearance of the site. The proposed development would erode the openness of the countryside, resulting in a jarring and discordant development that would harm its rural qualities and the Special Landscape Area in which it is set.
7. The Council also refer to the effect of the development on the setting of designated heritage assets, specifically the Badley Conservation Area (BCA) located to the north of the appeal site and the Grade II listed buildings known as The Dower House and Barn 20 South East of Doveshill Farmhouse, to the northeast of the appeal site.
8. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. In addition, Section 72 of the Act requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. The Framework states that the significance of an asset derives not only from its physical presence, but also from its setting and defines this as the surroundings in which the heritage asset is experienced.
9. The site lies to the south and outside of the BCA. The significance of the BCA derives not only from the grouping of historical buildings, but also from its setting within the open countryside. The listed buildings are located to the northeast of the appeal site and are part of a ribbon development that exists along Stowmarket Road. The Council consider that these buildings occupy a semi-rural location and they benefit from an outlook over open landscape that has experienced little or no change. I consider the openness of the landscape to form part of the significance of the listed buildings and the BCA.

¹ Public Right of Way – Badley Footpath 23

10. The BCA is some distance from the appeal site, which the appellant measures as approximately 1300m. The openness of the landscape would undoubtedly change as a result of the development. However, given the distance of the appeal site from the heritage assets, the relationship that the listed buildings and the BCA have with the rural landscape would remain largely unaltered. Notwithstanding the proposed development, the assets themselves would still be surrounded by fields and the openness of the rural landscape, and any significance derived from such a setting, would remain post development. Thus, I find that the proposal would have a neutral effect on the setting of the heritage assets which includes the BCA and the listed buildings previously referred to in this decision letter.
11. Accordingly, although I have found that the development would have a neutral effect on the setting of designated heritage assets, it would nonetheless harm the character and appearance of the area. It would be in conflict with Policies CL2 and RT18 of the Local Plan, Policy CS 5 of the Mid Suffolk District Council Core Strategy Development Plan Document 2008 (the Core Strategy) and paragraph 127 of the Framework which seek, amongst other things, to ensure that developments preserve and enhance the natural and built historic environment, safeguard landscape quality and do not have an adverse impact on the character and appearance of the surrounding landscape.

Development in the Countryside

12. The appeal site lies beyond the settlement boundary of Needham Market and is therefore in the designated countryside for the purposes of the development plan. The proposal seeks to erect two buildings on the site in support of the caravan park, one of which would become a warden's lodge. The appellant argues that such a building is needed to ensure personnel are available for security, to book caravans in and out of the site and to prevent any unauthorised entry. As such, the appellant states that the development would accord with paragraph 79 of the Framework which states that isolated dwellings in the countryside should be avoided unless, amongst other things, it is essential for a worker to live permanently at or near their place of work.
13. Whilst it is argued that the accommodation is required for security and safety purposes, on the basis of the available evidence, I remain unpersuaded that other measures have not been explored that could provide the security for the site. These measures could take the form of CCTV cameras and electronic barriers. In addition, mobile phone use is commonplace and the ability to contact people at any time of the day is relatively simple. With that in mind, it may be possible for the warden to reside in a property close to the site and still be able to provide the cover needed.
14. Furthermore, there is no evidence before me to suggest that the site would be used 365 days a year to warrant a permanent presence on the site. I come to this conclusion taking into account the appellant's suggestion that the proposed warden's lodge could fall within the definition of a caravan.
15. Thus, I have not been provided with sufficient evidence that would warrant the provision of a warden's lodge on the site. Consequently, the development would be in conflict with paragraph 79 of the Framework which seeks to avoid isolated homes in the countryside, with limited exceptions, including an essential need for a rural worker to live at or close to their place of work in the countryside.

Public Right of Way

16. The PRoW is set within an open field which comprises mown grass. A finger marker is present at the entrance to the site and the proposed access would follow the route of the PROW as it travels west into the site and to the location where the caravans would be stationed during their visit. As a result of the management of the land, the route of the PRoW is not distinguishable from the remainder of the field and although some markers have been placed along the route, these are not readily visible as one walks along the PRoW.
17. Although there is nothing to suggest that the PRoW would be diverted or blocked, the site lacks a definable and safe route demarking the PRoW. Consequently, while the appellant may be fully aware of the PRoW, there is nothing before me to clarify how visitors to the site, and vehicular users of the access, would be made aware of the PRoW and how that would be managed. This could lead to conflict with walkers, resulting in a negative impact on members of the public using the PRoW.
18. Whilst it may be possible to apply a condition to ensure that the PRoW is kept clear at all times, as suggested by the appellant, there is insufficient clarity or certainty as to the effect of the development on the PRoW. Without substantive evidence to the contrary, there is a clear risk that the development would fail to safeguard the PRoW. Thus, the development would be in conflict with Policy RT12 of the Local Plan, which seeks, amongst other things, to ensure that the District's footpath and bridleway network is safeguarded.

Ecology

19. The appellant submitted an Ecological Appraisal² (EA) in support of the planning application which concluded that the appeal site is not a habitat of particular merit to protected species. The appellant's EA identifies a stretch of open water to the east of the site which has been discounted as a suitable area for protected species as a result of poor water quality and shading. However, the Council in its response state that it has not been adequately demonstrated why further surveys, taking into account the Government's standing advice³ for great crested newts, has not been ruled out. Moreover, with regard to badgers, although a hole on the "*north east upland*" shows signs of badger activity, further surveys are recommended prior to clearance works at the site.
20. Although I acknowledge that an EA has been submitted, it lacks certain information that requires the submission of additional surveys which in turn could inform any additional mitigation strategies. Moreover, the Council raise concerns regarding the potential use of amphibian/reptile fencing proposed to be put in place prior to works commencing at the site, which in itself could harm protected species, or access to their breeding or resting places.
21. Consequently, although the appellant has undertaken a preliminary EA, there appears to be a lack of detailed information regarding certain protected species that may exist in the vicinity of the appeal site and its surrounding area. Although I acknowledge that the appraisal suggests certain recommendations, without certainty that protected species and their habitats would not be harmed or that suitable mitigation would be provided, I find the information

² Preliminary Ecology Survey, Framlingham Environmental, Ref: TCW/FE/899019 dated 1 October 2019

³ Great crested newt: surveys and mitigation for development projects last updated 24 December 2015

provided within the appraisal lacking and I must therefore take a precautionary approach.

22. I have carefully considered the appellant's suggestion that such matters can be dealt with via a suitably worded condition. However, the national Planning Practice Guidance indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate⁴. Furthermore, *Circular 06/2005: Biodiversity and Geological Conservation*, states that a survey should be carried out before planning permission is granted and that surveys should only be required by a planning condition in exceptional circumstances. However, no exceptional circumstances have been put forward by the appellant.
23. I therefore conclude that the proposed development would fail to protect protected species. It would be in conflict with Policy CL8 of the Local Plan which seeks, amongst other things, to ensure that developments do not bring about a threat to rare or vulnerable species, especially those protected by law.

Other Matters

24. I acknowledge that the development would provide social and economic benefits through local employment opportunities and the support of local services by users of the caravan park. I also accept that there are realistic alternatives to the use of the private car, such as public transport, walking and cycling to access services and facilities. However, neither this nor any other material consideration that has been advanced outweighs the harm I have identified above.
25. I also recognise that the Framework states at paragraph 83 that, in seeking to support a prosperous rural economy, planning decisions should enable sustainable rural tourism. However, such opportunities will only exist where they respect the character of the countryside. For the reasons given above, I have found that the development would result in harm to the character and appearance of the countryside.

Conclusion

26. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

⁴ Paragraph: 018 Reference ID:8-018-20190721 Revision date: 21 07 2019