
Appeal Decision

Site visit made on 7 October 2020

by D H Brier BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/N2535/C/20/3248307-08

Mantex, Thonock Road, Wharton, Gainsborough DN21 3NP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr T Marshall & Miss M Dunning against an enforcement notice issued by West Lindsey District Council.
- The enforcement notice was issued on 13 February 2020.
- The breach of planning control as alleged in the notice is:
 - Change of use of land from use as grazing/grassland to a use as a recreational caravan/camping picnic site.
 - Change of use without planning permission of building to mixed use as café, and toilet and bathing facilities
 - The creation of new access from highway with stoned surface and provision of stoned ornamental planters, stone kerbstones, stone decorative pillars, conifer lined entrance, seating, shed and signage in association with, and to facilitate, the change of use.
- The requirements of the notice are:
 1. Cease using any part of the site as a caravan/camping/picnic/recreational site.
 2. Remove from the land the planters, kerbstones, stone pillars, stoned access road surface, conifer planting marking the entrance, seating, shed, signage and any other items provided in association with the use as a caravan/camping/picnic/recreational site.
 3. Cease using any part of the buildings for hot and cold food and drink preparation and sales.
 4. Remove from the building all kitchen fittings and equipment, tables and chairs, display units and sanitary fittings.
- The periods for compliance with the requirements are: 21 days (requirement 1); 42 days (requirements 3 and 4); and 7 days (requirement 2).
- The appeal by Mr T Marshall is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- The appeal by Miss M Dunning is proceeding on the grounds set out in section 174(2)(f) of the 1990 Act.

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The Appeal Site and Background

2. The appeal site is a triangular shaped area of land in the countryside about 1km to the south-west of Blyton. It is bounded to the south by Wharton Lane and a layby alongside the A159, and by a railway embankment to the north.

3. Save for a small spinney in the western apex of the site, a small shed bearing a sign saying 'security' to which is attached a small blockwork structure that resembles a kiosk, and an enclosure on the site's east side which contains a blockwork building with 3 roller shutter doors, a mobile home and a touring caravan, together with areas of hardstanding served by a gated access alongside the site's eastern boundary, most of the site is down to grass. A second access serves the rest of the site; its entrance is flanked by stone planters. Further into the site are 2 columns topped with ornamental lions and there are kerbstones alongside the hard surfaced section of the access. The latter extends into the site as far as a planting bed containing conifers. More conifers are in evidence elsewhere within the site, including on both sides of this access and its associated entrance. Besides the items in the enclosure, I also noted a touring caravan stationed near to the western edge of the site.
4. The planning history of the site includes an enforcement notice issued on 3 April 2017. It alleges the making of a material change of use of land to a mixed use as grass land, use of land to site a mobile home for residential purposes, and the carrying out of associated works to alter and extend existing structure to form double garage/store building, and to provide hardstanding and stoned driveway, fencing, brick pillars and gates. A subsequent appeal against the notice was withdrawn. According to the Council, none of the requirements of the notice have been complied with.
5. A proposal for touring caravan site with manager's office and shower and toilet block using existing buildings was refused in October 2017. A subsequent appeal under section 78 of the 1990 Act was dismissed on 18 June 2018¹.

Appeal on Ground (a) and the Deemed Application

6. The matters alleged in the notice are somewhat different from the description of the scheme refused in 2017. Nevertheless, even though I have read that the latter included the erection of a building, it seems to me that there are very strong similarities between the previous scheme and the matters currently in dispute to the extent that I am inclined to attach considerable weight to the 2018 appeal decision and the findings of the previous Inspector. Accordingly, therefore, I consider the main issues are, firstly, whether there have been any changes in the circumstances appertaining to the site since the 2018 appeal decision. And, secondly, the effect of the development on the character of the area.
7. On the first issue, the appellant has not claimed that there have been any significant changes since June 2018. Nor am I able to identify any. In particular, I note that the planning policy context has remained the same. The National Planning Policy Framework (The Framework), albeit updated since June 2018² and the provisions of the Central Lincolnshire Local Plan (CLLP) still apply.
8. The use in question would appear to be less formal than the previous scheme in that I saw no sign of any designated pitches within the site. Nor did I see any features such as electricity supply or water points that are commonly associated with a caravan or camping site. Despite this, it seems to me that it is wholly appropriate to consider the development in question now in the light

¹ Application ref. 136466; Appeal ref. APP/N2535/W/17/3190700.

² The current version is dated February 2019.

of the CLLP and The Framework and informed by the findings of the previous Inspector.

9. The earlier decision contained a very thorough evaluation of the scheme then under consideration against CLLP Policies LP2 and LP7 and The Framework and I see no reason to take issue with the Inspector's conclusions. In particular, for the reasons he gave, I agree that the use in question would not accord with the locational objectives of Policies LP2 and LP7, and would not constitute a sustainable form of tourism development in this rural area.
10. The site appears to have been tidied up as the appellant notes, and in contrast to a patch of land near the railway bridge on Wharton Lane where the signs of fly tipping were all too obvious, the site looked to be very well maintained. While this is to the appellant's credit, it is not a matter to which I attach a great deal of weight. My conclusion is that there have not been any changes in the circumstances appertaining to the site since the 2018 appeal decision.
11. Turning to the second issue, CLLP Policy LP17 seeks amongst other things, to protect and enhance the intrinsic value of the landscape. In a similar vein, paragraph 170 of The Framework indicates that planning decisions should contribute to, and enhance the natural and local environment by such things as recognising the intrinsic character and beauty of the countryside.
12. The appeal site lies well beyond the confines of any settlement. Despite the well-maintained appearance of the land, features such as the stone planters and decorative pillars look distinctly incongruous in a field setting. Likewise, the access and the associated kerbs appear very elaborate when compared with a typical field entrance in the countryside. And, although the conifer planting does not constitute development, the somewhat regimented manner in which this has been done and its contrast with species more typical of the countryside tend to exacerbate the impact and inappropriateness of the works that have been carried out in this location.
13. I have no information regarding the capacity of the site, the degree to which it has been used, or the number of caravans and tents involved. But given the size of the site, it has the potential to accommodate an appreciable number of both. Despite the presence of boundary hedgerows and the other planting they would appear as an incongruous and intrusive incursion into the rural landscape here. Rather than protecting or enhancing countryside in the locality, it would have a harmful impact on it. As such, it would be contrary to CLLP Policy LP17 and The Framework.
14. In the light of the foregoing, the appeal on ground (a) fails and planning permission will not be granted on the deemed application.

Appeal on Ground (f)

15. Having seen that fly tipping already occurs in the vicinity, as I note in paragraph 10, the appellants' fear that compliance with the requirements of the notice could make the land susceptible to fly tipping is not a matter I set aside lightly. That said, I consider that the requirements of the notice represent a reasonable response to the matters set out in the allegation. I do not find them excessive. Accordingly, therefore, the appeal on ground (f) fails.

D H Brier Inspector