



Appeal Decision

Site visit made on 13 October 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2020

Appeal Ref: APP/V0510/W/20/3255481

Land East of Ashley, Ashley, Cambridgeshire CB8 9EG

- 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 Lovat Parks Ltd against the decision of East Cambridgeshire District Council.
 - The application Ref 19/00518/FUM, dated 8 April 2019, was refused by notice dated 10 January 2020.
 - The development proposed is described as the "change of use to timber lodge holiday park and the development of ancillary infrastructure and landscaping".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant provided an amended masterplan¹ and landscaping details² (the masterplan and landscape plan) which the Council considered as part of this appeal. I have also considered these drawings under the principles established by the Courts in Wheatcroft³ and am satisfied that the drawing does not change the development to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the amended plans.

Main Issues

1. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the development on the setting of designated heritage assets; and,
 - whether there is a genuine need for the development.

Reasons

Character and Appearance

3. The appeal site is part of a larger field that is in active agricultural use. The area is rural in character with the settlement of Ashley located to the west

¹ Drawing 4430-200 Rev A – Proposed Masterplan

² Drawing PP-0-01 Rev 1 – Planting Plan

³ Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

- which itself is surrounded by open fields and agricultural land. The proposal seeks to change the use of the land from agriculture to a timber lodge park with associated landscaping and ancillary infrastructure. Although close to the settlement edge of Ashley, the site is part of the open and undulating countryside surrounding the village, to which it makes a positive contribution.
4. Immediately north of the appeal site and opposite the dwellings that form 1-8 Dalham Road, is a belt of mature trees. The western boundary also contains a belt of trees and hedging with the remainder of the appeal site forming part of an open agricultural field, which is bound to the south by additional landscaping. Although Dalham Road contains trees and hedging, there are substantial gaps in the landscaping along the road which provides views across the site, particularly when travelling in a westerly direction towards Ashley village.
 5. The appellant undertook a Landscape and Visual Appraisal⁴ (LVA) which considered the potential effect of the development and included representative viewpoints taken from around the site. The LVA accepts that the development would be an intensification of the urbanisation of the area, visually closing a gap between Ashley and the properties on Dalham Road. Nevertheless, the LVA concludes that the proposal would have very limited effects upon local views and direct impact on a very small part of LCA 1⁵, with consideration given to the additional mitigation measures as set out within the LVA. This mitigation includes reinforcing the landscaping on the western boundary and the reinstatement of the hedgerow adjacent to Dalham Road, with the masterplan and landscape plan indicating a new belt of trees and earth mounding around the majority of the site.
 6. However, in this part of the District the area comprises open fields which allow distant views of the countryside across the landscape. I find this to be a characteristic of the area and given the topography of the land, I consider the site to have a higher sensitivity to change than suggested by the appellant. Although the site is not within an area of landscape designation, it is nonetheless intrinsically part of the gently undulating agricultural landscape which provides a strong rural and tranquil backdrop to the village of Ashley. It is inherently part of the scenic beauty that provides a rural buffer which surrounds the village.
 7. Whilst I have carefully considered the appellant's landscape representations, I am not persuaded that the effects of the development would be wholly contained to the appeal site. This is because it is likely that the majority of the proposed development would be sited on the upper parts of the field where it would be most visible, particularly from Dalham Road where large gaps in the hedgerows exist. In reaching this conclusion I have taken account of the containment provided by existing features that would be supplemented by additional tree planting and the proposed earth mounding which seek to create the separation of the appeal site from Dalham Road and the surrounding field network.
 8. Additionally, the use of the proposed holiday lodges, along with its access road, parking spaces, hardstanding bases, domestic paraphernalia and low energy LED external lighting, would also markedly change the character of the site.

⁴ LVIA Ref JSL3221_171 March 2019

⁵ Landscape Character Area 1: South East Clay Hills (Cambridgeshire Landscape Guidelines (1991))

The development would considerably erode the open qualities of the site and the contribution it makes to this agricultural landscape. Together with the increased activity from the 'comings and goings' of the occupants of the lodges, the proposal would have an adverse effect upon the character of the area. This harm would be clearly visible from the users of Dalham Road, through the proposed accesses and from footpath 11/7 to the east of the site. Moreover, even with transient views, I am not persuaded that the perception of the development within the rural landscape would not have a harmful effect on the character and appearance of the area.

9. Furthermore, the harm I have identified would not be overcome by the appellant's proposed improvements to the development edge by way of increased tree planting. Notwithstanding the updated site layout and landscaping, and the appellant's view that the development would not break the skyline, the proposal relies on "*a significant amount of locally appropriate planting*" to the site boundaries. The proposal would not appear as a natural progression of the existing built development that lies to the north of the site, or indeed the village to the west. It would result in a disconnected development of heavily landscaped land that would be separate and distinct from the remainder of the village and one that has failed to successfully assimilate with its rural surroundings. Moreover, even if I was to accept the additional planting as mitigation, it would take a considerable time to become effective and cannot be guaranteed to remain in perpetuity.
10. Thus, the development would result in material harm to the character and appearance of the area. It would be in conflict with Policies ENV 1 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (the Local Plan), which seek, amongst other things, to ensure that developments are sympathetic to and respect the unspoilt nature and tranquillity of the area and enhance and complement local distinctiveness.

Setting of Heritage Assets

11. There are three⁶ scheduled monuments in close proximity to the appeal site. The scheduled monuments date from the medieval period and are, by definition, of national importance. Annex 2 of the National Planning Policy Framework (the Framework) defines a designated heritage asset to include, amongst other things, scheduled monuments. The Framework confirms that the significance of an asset derives not only from its physical presence, but also from its setting. Annex 2 of the Framework defines the setting as the surroundings in which a heritage asset is experienced and that its extent is not fixed and may change as the asset and its surroundings evolve.
12. The listing description for both Gesyns and Sylhall state that the scheduled monuments are well preserved and largely undisturbed moats of unusual form and are a "*significant class of medieval monument and important for the understanding of the distribution of wealth and status in the countryside*". The listing for St. Mary's Church also recognises the contribution towards understanding medieval society. As scheduled monuments this reflects their status and origins, along with their historical significance which I find to be greatly derived from their setting within a largely open and rural context to the east of the village.

⁶ Sylhall and Gesyns are moated sites. The remains of Saint Mary's Church

13. It is clear that the sites are of very important significance, which is also reflected in their status as nationally important monuments and designated heritage assets. Although the individual assets are largely enclosed within a copse of trees, I nevertheless find that the surrounding farmland and open countryside contributes towards their significance and allows the sites to be appreciated within the rural landscape. Although the appellant's Heritage Statement⁷ concluded that the proposal would not result in harm to the significance of any asset, it nonetheless recognised that farmland with open views in all directions, encompasses the setting of the assets.
14. Although I have carefully considered the appellant's heritage representations, I am not persuaded that the development would not affect the visual relationship of the appeal site and the assets. The proposal would introduce a suburban form of development and create a large pocket of heavily landscaped land within the open countryside. It would result in a reduction in the open space between the site and the assets, diminishing their setting and eroding the connection between the scheduled monuments and the surrounding farmland.
15. This would result in a negative contribution to the setting and the significance of the assets and I find the harm identified to be less than substantial. Accordingly, the Framework requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
16. Although the harm is less than substantial, it should not be treated as a less than substantial objection to the proposal. Whilst the appellant's HS does not advance any public benefits arising from the development, it is evident that it would result in benefits such as potential increased spending in the local area, the creation of jobs for local residents as well as indirect employment through suppliers to the site.
17. Whilst I acknowledge the benefits of the development, I must have regard to paragraph 193 of the Framework and the great weight that must be given to the conservation of a heritage asset. In this particular case, and notwithstanding the comments received from Historic England or Cambridgeshire County Council's Historic Environment Team, given the nature of the proposal that could potentially affect the setting of nationally important monuments, I am not persuaded that the benefits of the development would outweigh the harm that I have identified above.
18. Thus, the development would be in conflict with paragraphs 193 and 196 of the Framework, the specific requirements of which are specified above.

Need

19. Policy EMP 8 of the Local Plan states that proposals for caravan-lodge sites will be supported where it meets the criteria as set out within the policy. As the proposal does not relate to marinas and moorings, this element of Policy EMP 8 is not relevant to the development before me. The Council has also accepted that the proposal is well related to the settlement of Ashley and that there would not be any significant adverse impact in terms of the amount and nature

⁷ Heritage Statement Ref: JAC25184 dated April 2019

- of traffic generated. From the evidence before me, I have no reason to disagree with that assessment.
20. It is clear from its first bullet point that Policy EMP 8 of the Local Plan requires the appellant to demonstrate that the need for the additional accommodation can be justified. Such justification should include an analysis of market supply and demand (including evidence of similar establishments in the locality and their visitor numbers) and a business plan.
 21. The appellant provided an assessment of the need and economic benefits (NEB)⁸ of the development in support of the planning application which concluded that there is a strong economic need for the development, taking into account the nature and scale of the proposal envisaged. The appellant also provided a business plan (BP) as part of its appeal submissions. Nevertheless, the Council maintain that the appellant has failed to justify why the village of Ashley has been chosen as the location for the development.
 22. I have carefully considered the Council's position on this particular matter. It is clear that the Local Plan recognises the importance of tourism related development throughout the district and acknowledges that there is a need for additional tourist accommodation, which also plays an important role in rural diversification. Moreover, although the Local Plan seeks to direct tourist accommodation to within settlements, it accepts that locations on the edge of settlements may also be appropriate for proposals such as caravan-lodge sites.
 23. Thus, notwithstanding that the visitors of the site would be reliant on the private car to access facilities, services and attractions in the district, Policy EMP 8 of the Local Plan restricts tourist accommodation to sites that are within or are on the edge of settlements. I have not been referred to any other policies within the Local Plan which direct tourist accommodation development to the more sustainable parts of the District, such as those with greater access to public transport. Moreover, Policy EMP 7 of the Local Plan refers to the development of tourist facilities and visitor attractions and not tourist accommodation, which the appellant seeks through this appeal.
 24. In addition, to comply with the requirements of Policy EMP 8, the appellant sought to justify the development through the submission of a BP and a NEB with reference to the Council's draft tourism strategy⁹. This included an assessment of similar establishments in the vicinity and their occupancy levels and an analysis of market supply and demand. Understandably, this is a rather imprecise undertaking given the sensitivity of data that other establishments may wish to divulge. Nevertheless, notwithstanding the Council's argument that Ashley as a location itself needs to be justified and that there was local objection to the proposal, the appellant has provided adequate information to justify that there is indeed a need for the provision of additional tourist accommodation within the District, which would satisfy that particular element of Policy EMP 8.
 25. Furthermore, the NEB and BP also identify the employment that would be generated as a result of the development, its potential benefit to the rural economy and that limited, similar facilities exist in East Cambridgeshire. Moreover, I am not persuaded that the BP is required to refer to the appellant's

⁸ Holiday Accommodation Needs and Economic Benefits Report, RPS dated 20 September 2019

⁹ East Cambridgeshire Draft Tourism Strategy 2017

other business interests as they are materially different to the development before me as they are beach locations or within a national park. From the evidence before me, it is also evident that the appellant is seeking to expand upon its business portfolio and is considering rural locations, which by their very nature, tend to be within locations that seek to take advantage of the countryside.

26. Thus, the development would not be in conflict with Policy EMP 8 of the Local Plan which seeks, amongst other things, to ensure that the need for additional tourist accommodation can be justified.

Other Matters

27. I acknowledge that the development has the opportunity to provide biodiversity enhancements as part of the proposed landscaping scheme and that it would support the rural economy through the creation of the holiday park. I also accept that there is a demand for additional holiday accommodation in the area and that the footpath on Dalham Road would allow visitors to walk into Ashley. However, while noting the benefits that would result in this respect, I do not consider that either individually or cumulatively they outweigh the harm identified above.
28. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

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

Graham Wyatt

INSPECTOR