
Appeal Decision

Site visit made on 18 August 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/E2530/W/20/3250439

Land off Ponton Road, Boothby Pagnell NG33 4DH

- 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 & Mrs P Robinson, V H Robinson and Son against the decision of South Kesteven District Council.
 - The application Ref S19/0629, dated 3 April 2019, was refused by notice dated 1 April 2020.
 - The development proposed is the erection of 3 holiday lodges and associated access, change of use of agricultural land to ancillary garden area.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 holiday lodges and associated access, change of use of agricultural land to ancillary garden area at Land off Ponton Road, Boothby Pagnell NG33 4DH in accordance with the terms of the application, Ref S19/0629, dated 3 April 2019, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Mr & Mrs P Robinson, V H Robinson and Son against South Kesteven District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposed lodges are located in an area suitable for holiday accommodation;
 - Whether the need for holiday lodges has been demonstrated; and
 - The effect of the development on the living conditions of nearby occupiers.

Reasons

Suitable Location

4. The appeal site is located off Ponton Road. It is situated behind existing residential properties and accessed via an existing unmade track. It is currently grassed with some fencing and hedging present. Beyond the site in the wider

- area is open agricultural land. The proposed development would change the use of the land with the introduction of 3 holiday lodges and garden areas.
5. Policy E7 and E9 of the South Kesteven District Council Local Plan 2011 – 2036 (2020) (Local Plan) set out the requirements for development relating to the rural economy within the district. Policy E7 lists the types of small business schemes that will be supported provided that it is demonstrated that the business will help to support or regenerate the rural economy. This list includes tourism schemes and then provides criteria to be met. Policy E9 deals specifically with the visitor economy and includes a number of points for compliance in order to be considered acceptable.
 6. The Appellants have advised that the appeal site forms part of a wider agricultural holding, comprising the northernmost part of this overall holding. As such, the proposed development would represent a form of rural diversification.
 7. The appeal site is on the edge of the settlement. Policy SP2 of the Local Plan categorises Boothby Pagnell as a smaller settlement, with limited facilities. However, I note that to the other end of the village are a few services including a village hall. Whilst the development would rely predominantly on the use of the private car, I have had regard to the nature of such types of tourism. It is common that holiday accommodation is provided within the countryside, in areas which are often remote. Whilst a car would be required to access wider facilities in Grantham or other settlements, there would be opportunities for visitors to take walks through the countryside or into the village itself.
 8. I accept that there would be a degree of increased vehicular activity as a result of the proposed development, however I have had regard to the opportunities for visitors to enjoy a rural location and the fact that the level of development proposed would not result in significant levels of traffic. In addition, the Appellants have highlighted measures to reduce the need to travel by car such as the provision of cycles for visitors, walking trails and provision of local information accessible by foot and call connect bus routes.
 9. Taking all the above points into consideration, I find that whilst the development would not comply wholly with the requirements of Policies SD1 and ID2 of the Local Plan in terms of its infrastructure and connectivity to facilities and services, I do consider that it would comply with Policies DE1, E7 and E9 to the extent that it provides a tourism scheme which is of a scale appropriate to the rural location and is appropriate in use and character and of high quality design, amongst other things. As such, I find the location suitable for the proposed development. Furthermore, Policy SP5 of the Local Plan supports rural diversification projects which have an essential need in the countryside. It follows that rural diversification projects will have a rural, and often remote, location. In any event, the appeal site adjoins the existing settlement in this instance.

Need for Holiday Accommodation

10. The Appellants have provided letters of support from the Head of Visitor Economy and Visit England and Access for All which highlight a need for such types of accommodation. I have also been provided with a copy of a letter from the Tenant Farmers Association supporting the need for farm diversification. I

have also had regard to the South Kesteven Economic Development Strategy 2016 – 2021.

11. I find that collectively these submissions demonstrate that there is a need for the type of accommodation proposed, and that there would be benefits arising in terms of the local economy as a result. Consequently, I find the development complies with the aspirations of paragraphs 83 and 84 of the National Planning Policy Framework (2019) (the Framework) which seek to support sustainable rural tourism but recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to existing settlements, and in locations not well served by public transport.

Living Conditions

12. The appeal site sits behind a row of existing dwellings which front onto Ponton Road. The site is separated from the rear gardens of these properties by an area of intervening paddock land and there is mature landscaping along the boundaries. Vehicular access into the appeal site would be along the existing track.
13. Given the amount of separation between the properties and the proposed lodges, and the number of lodges proposed I do not find that the levels of noise or disturbance from visitors to the lodges would be to such an extent that would be unduly harmful to the living conditions of neighbouring occupiers. I consider that the distance between the lodges and the rear of the properties would ensure that there would be limited impacts from lights within the appeal site and from vehicles accessing the site.
14. The development would result in an increase in vehicular movements along the track which runs alongside a dwelling and garden. However, these instances would be reasonably short in duration and, given the number of lodges proposed, would not result in excessive vehicle movements. I accept that this type of accommodation typically results in people travelling into and out of the site on a daily basis however it is not uncommon that visitors would be out for much of the day thereby limiting the frequency of vehicle movements throughout a day.
15. I therefore find that the proposed development would not give rise to undue harm to the living conditions of nearby occupiers for the above reasons. In this regard therefore it would comply with Policy DE1 of the Local Plan which requires development to avoid adverse impacts on the amenity of neighbouring users, amongst other things. It would also comply with the aims of Chapter 12 of the Framework, in particular paragraph 127 f).

Other Matters

16. Objections from local residents and the Parish Council have been received concerning, in addition to the above matters, that the development is not rural diversification, that the venture would not be viable, that the fishing lake is required to make the development sustainable, drainage concerns, fears of an increase in applications to visit the Listed Boothby Pagnell Manor House, increased use of the public footpaths, the encroachment into the open countryside and concerns regarding the technical reports supporting the proposal.

17. In terms of the rural diversification, whilst the piece of land is separated from the larger holding by the road, this does not undermine the acceptability of the diversification. In addition, the fishing lake does not form part of this appeal and I have found the proposal to be acceptable in any event, without the provision of a lake. I have been presented with little evidence that the development would be unviable. I note that in terms of the visits to the Listed Manor House and the use of the adjacent bridleway, that the occupiers of this property are able to give permission for access and visits and therefore have control over the number of people who visit. In terms of the submitted reports and concerns over drainage, the Council have not raised any issue with these elements, and I have limited information before me to demonstrate that these are flawed or likely to result in harm. I accept that the lodges will sit behind the established building line however I have had regard to the screening and their scale and design and find that this would not be harmful to the character and appearance of the countryside.
18. In addition to the local objections, letters of support for the proposal have been submitted relating to the need for farm diversification, the benefits of tourism in supporting local businesses, the provision of accommodation for people who wish to be immersed in nature and related health benefits, and the use of rural bus services and local walking routes, in addition to the above considerations. It is not necessary for me to conclude on these matters given my overall findings in this case.

Planning Balance

19. The proposed development would fail to comply wholly with Policies SD1 and ID2 of the Local Plan insofar as they relate to accessibility and locational considerations and it would not make use of previously developed land. However, I have had regard to the benefits that would arise from the proposed development comprising the rural diversification, the provision of good quality tourism accommodation, environmental enhancements, employment opportunities, albeit limited, and the related economic benefits to the wider area, as well as the lack of significant harm to the living conditions and the evidence put forward by the Appellants in relation to the need for this type of development. I conclude that these considerations outweigh the limited policy conflict in this instance and therefore the proposed development would be acceptable in this location.

Conditions

20. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. The Council have suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance.
21. Conditions for the provision of the access, parking and turning areas are necessary in the interests of highway safety and suitable access. A condition regarding the external surfaces of the lodges is reasonable and necessary to ensure that their visual impact is acceptable in this rural location. I have imposed the suggested condition to restrict the occupation of the lodges to ensure that the development is used for tourism purposes and to prevent full-time or long-term occupation.

Conclusion

22. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

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: Drawing Numbers: 101 Rev B; 102 Rev B; 201; 202; 401; 402; 403; 404; 405; 406; 407 and 408.
- 3) Prior to the first occupation of any part of the development hereby permitted, the private access, driveway and vehicle parking and turning areas shall be completed in accordance with the approved plan Drawing No. 101 Rev B, and shall not be used for any purpose other than for the access, parking and turning of private vehicles and motorcycles belonging to the occupants of the property and their visitors.
- 4) Prior to the first occupation of any part of the development hereby permitted, the external surfaces shall have been completed in accordance with the details shown on the approved plans.
- 5) The occupation of the holiday accommodation hereby approved shall be carried out strictly in accordance with the following:
 - i. The holiday lets shall be occupied for holiday purposes only;
 - ii. The holiday lets shall not be occupied as a person's sole or main place of residence;
 - iii. The owner/operator shall maintain an up to date register of the names and main addresses of all occupiers of the individual holiday lets. The register shall also contain information on dates occupiers move in and out of the holiday accommodation and this register shall be made available to the local planning authority on request.