



Appeal Decision

Site visit carried out on 9 November 2020

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 15 December 2020

Appeal Ref: APP/W3520/W/20/3256705

Land at Thurleston Lane, Whitton IP1 6TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Allum against the decision of Mid Suffolk District Council.
 - The application No DC/20/01291, dated 26 March 2020, was refused by a notice dated 2 July 2020.
 - The development proposed is described as replacement of trailer home with permanent woodland lodge home and 10 glamping pods, plus associated works.
-

Decision

1. For the reasons that follow the appeal is allowed and planning permission is granted for replacement of trailer home with permanent woodland lodge home and 10 glamping pods, plus associated works on land at Thurleston Lane, Whitton in accordance with the terms of the application, No DC/20/01291, dated 26 March 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. This is an outline application with only matters of appearance and landscaping reserved for future consideration. Matters relating to access, layout and scale are for consideration as part of this appeal.
3. The Ecology – Place Services Officer’s response to the application confirmed that they had no objections subject to biodiversity mitigation and enhancement measures and a financial contribution towards visitor management measures at the Stour and Orwell Estuaries Special Protection Area and Ramsar Site, in line with the Suffolk Coast Recreational Avoidance and Mitigation Strategy. The Council confirms that the necessary payment has been made in the event that the appeal should succeed.¹

Main Issue

4. The main issue in this case relates to the whether this is a suitable site for the development proposed having regard to accessibility of services and facilities for future users/occupiers.

Reasons for the Decision

5. The appeal site, which lies on the western side of Thurleston Lane, extends to some 0.78 hectares and is currently occupied by timber stables and grazing

¹ Ref No RAM280001808

paddocks, together with what is optimistically described by the appellants as a trailer home. Whilst it may well have been such in the past, at the time of my visit it was virtually derelict and uninhabitable. The roadside boundary comprises a well-established but unmanaged hedgerow with occasional trees. Hedgerows and trees also define the other site boundaries with adjacent fields and woodland.

6. The appeal site lies beyond any settlement boundaries as defined by the current development plan for the area and is in the open countryside for planning policy purposes. Policy CS2 of the Mid Suffolk Core Strategy (2008) allows for development in the countryside for recreation and tourism. Although not referred to by the Council, the appellant draws attention to policy RT16 of the Mid Suffolk Local Plan (1998). It too is supportive of tourism facilities and attractions, requiring that where such development has to locate in the countryside, it should not detract from neighbouring rural amenity or from the landscape setting. Neither should it adversely affect wildlife habitats.
7. The Council cites conflict with policies RT17 and RT18 of the Local Plan. However, policy RT17 resists new build serviced holiday accommodation in the countryside, with the explanatory text confirming that most serviced accommodation is in the form of hotels, guest houses, private houses serving bed and breakfast, or roadside motels. It also refers to caravans and camping, but that is in relation to their landscape impact. Policy RT18 relates specifically to touring caravan and tented camping sites. Given the specific nature of the development proposed in this case, I am not persuaded that either of those policies is directly engaged by the appeal scheme.
8. Policy RT19, also cited by the Council, relates to static caravans and holiday chalets. The illustrative details before me suggest that the timber glamping pods proposed would be akin to small chalets, each with its own kitchenette, seating area, bedroom and bathroom. As such, I consider this to be an important policy for determining this appeal. It is permissive of such development where there would be no adverse effects in relation to matters such as character and appearance, residential amenity, highway safety etc. Where such development is to be located in the countryside, where permanent residential use would not be permitted but holiday use is acceptable, it sets out that conditions will be imposed to ensure that the accommodation remains available for holiday use.
9. The relevant policies referred to are broadly consistent with the National Planning Policy Framework (the Framework) which, among other things, promotes a prosperous rural economy through enabling sustainable rural tourism and leisure developments which respect the character of the countryside.² It also recognises that sites to meet local business needs in rural areas may have to occupy locations that are not well served by public transport, provided the development is sensitive to its surroundings.³
10. The rural location of the site seems to me to be a fundamental part of its attraction to future tourists/holiday makers, providing an escape from an urban environment whilst at the same time not being remote in a rural context, given its location just 450 metres from the urban edge of the county town of Ipswich. Whilst the majority of the area's services and facilities are located within the

² Paragraph 83

³ Paragraph 84

town centre, approximately 4.68 kilometres away, there is a small convenience store located some 650 metres from the site (less than 10 minutes' walk) and a large supermarket within 1.7 kilometres. The nearest bus stop is around 1.37 kilometres away, from where there are frequent services into the town centre.

11. The access and travel patterns of tourists/holiday makers, and their requirements for services and facilities, are materially different from those associated with permanent residential occupation of a property. It is reasonable to suppose for instance, that tourists on a rural holiday may be more prepared to contemplate walking or cycling the relatively short distance to access the nearest facilities, or walking to the bus stop. I recognise that Thurstleton Lane is narrow, with no footways or lighting. However, with due care, such journeys would not be inherently unsafe, but typical of many rural roads, and would reduce reliance on the private car.
12. In coming to a view on the appeal scheme, I am mindful that paragraph 108 of the Framework seeks to ensure that appropriate opportunities to promote sustainable transport modes can be/have been taken up having regard to the type of development and its location. Paragraph 103 of the Framework also recognises that such opportunities will vary between urban and rural areas, a consideration which should be taken into account in decision-making.
13. It is not feasible to expect that tourists in rural areas would not require use of a car at all, even if staying within defined settlements, and longer journeys by car to rural tourist attractions would be inevitable. The scale of the proposed development is very modest, and journeys to the nearby convenience store and supermarket for day-to-day needs are short and likely to be infrequent. I note too, the support for the proposal from the Council's Economic Development and Tourism officer, who confirms that the growth of the tourism and leisure industry is a priority for the Council, with the Visitor Destination Plan emphasising the need for more overnight stays and for visitors to come all year round.
14. A circular regional cycle route (No 48) runs along Thurstleton Lane, past the appeal site, and a network of public footpaths can be accessed via a short walk along the lane. Whilst the Council is concerned that tourist attractions, such as museums, farms/wildlife centres are a good distance from the site, I agree with the appellants that unless staying on a purpose built resort, those on holiday are likely to need to travel to attractions in any event.
15. The development would provide an appropriate form of rural tourist accommodation for which there is broad support in the development plan and national policy. Moreover, it occupies a sufficiently accessible location relative to local food shops and bus services, such that future users would not be wholly reliant on the private car. I find no conflict therefore, with the relevant development plan policies, subject to occupancy conditions.

Other Matters

16. Local residents raise concerns in relation to traffic and highway safety, character and appearance, impact on ecology and biodiversity, contamination issues and residential amenity. These were all addressed in the officer's report, with the Council concluding that there would be no material harm in these regards. In particular, given the highways concerns, I note that the local

Highway Authority raised no objection to the development, which includes relocating the existing vehicular access to a point further north in order to improve visibility splays, with the existing access to be closed off to vehicles (pedestrians would still be able to access the site here) but with a passing place created at this point. No substantiated evidence was submitted in relation to the objections raised that leads me to a different view on any of these matters.

17. However, the visibility splays to the south on exit as shown on plan No 1902.10B would result in the removal of a significant length of the Hazel dominated roadside hedgerow, which includes occasional Elm, Sycamore and Oak.⁴ The appellant's Ecological Assessment notes that the site boundaries have a conservation value as linear habitats that need to be protected, enhanced and increased as part of the development scheme. The Council and appellant have confirmed in writing that visibility splays of approximately 80 metres to the south on exit and some 90 metres to the north can be achieved without the need to remove any hedgerow and that vehicle speeds in the vicinity of the proposed access were observed to be around 20-25 mph. The Council confirms that it would be content with a condition relating to those arrangements. I am satisfied therefore, that appropriate visibility splays can be provided in the circumstances that prevail here, without removing extensive sections of the roadside hedgerow.
18. In my view, the internal access road shown is also overengineered, with the consequence that, as shown, it would have a significant impact on the character and appearance of the area. Having regard to the outline nature of the application, I am satisfied however, that this is a matter that could be addressed by condition were the appeal to succeed.

Conclusion

19. Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review require that applications be considered in the light of the Framework's definition of sustainable development. For decision taking, that means approving development proposals that accord with an up to date development plan.
20. The policies most important for determining this appeal are policy CS2 of the Core Strategy and policies RT16 and RT19 of the Local Plan. I have found that the site would be within an accessible location for tourist accommodation for which the development plan as a whole offers support. The proposal would have a small, but nonetheless positive, economic effect through adding to the range of visitor accommodation within the area, and through spending by visitors on the accommodation and at local businesses and attractions. Socially, tourists could also help to maintain the viability of local services and facilities. Environmentally, whilst there would be some reliance on the private car, the number of journeys and level of greenhouse gas emissions generated by such a small-scale development would be limited. I have found no conflict with the relevant development plan policies and thus there is no conflict with the development plan as a whole. Even were I to treat policy CS2 as out of date,⁵ to the extent that the so called 'tilted' balance is engaged, that would

⁴ Paragraph 3.5 of the Appellant's Ecological Assessment

⁵ As suggested by the Council on the basis that it seeks to restrict development in the countryside and does not include any balancing exercise contrary to the approach in the later Framework.

only tilt the balance further in the appellant's favour. I find no conflict either with the policies of the Framework when taken as a whole.

21. For the reasons set out above, I therefore conclude that the appeal should succeed.

Conditions

22. I have considered the conditions suggested by the Council in the light of the related advice in the Framework and the Government's Planning Guidance. In addition to the standard conditions relating to the submission of the reserved matters (appearance and landscaping) and commencement of development, it is necessary to specify the plans to which the permission relates, as this provides certainty for all parties. (conditions 1, 2 and 3 in the schedule below) As set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 reserved matters in relation to appearance, means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture. Landscaping means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes (but is not confined to) fences, walls or other means of enclosure; the planting of trees, hedges, shrubs or grass; the formation of banks, terraces or other earthworks; and the provision of amenity features.
23. Conditions 4, 5 and 6 in the schedule below are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used.
24. Given the constrained nature of Thurleston Lane it is necessary, in the combined interests of highway safety and of protecting the living conditions of local residents, to ensure that sufficient space is available during construction for site operatives, delivery vehicles and visitors etc to be able to park, turn, load and unload within the site. (4) With regard to the suggested control over construction vehicle routing, conditions cannot lawfully control the right of passage over public highways. However, there is no reason why notices could not be displayed and maintained at the exits to the site advising drivers of preferred routes. I have amended the suggested condition accordingly.
25. Conditions 5 and 6 are necessary in the interest of biodiversity, in particular the safeguarding of protected and priority species. Control over any external lighting is required in the interests of both visual amenity and to mitigate impact on and disturbance to wildlife. (7)
26. Conditions relating to provision of the site access, visibility splays and a passing place are necessary in the interest of highway safety. (8, 9 and 10)
27. Condition 11, securing details of storage arrangements for refuse/recycling bins is necessary in the interest of visual amenity and highway safety.
28. The appeal site lies outwith defined settlement boundaries where new buildings, particularly residential accommodation is not usually permitted. Given the reasons for allowing the development here it is necessary to ensure that the glamping pods are occupied only for holiday purposes. (12) As

confirmed in the appellants' statement, the woodland lodge is intended as manger's accommodation specifically for the purpose of running the site. I have considered the appeal on that basis. Since general housing would not be appropriate in this location a condition controlling occupancy for that purposes is justified in this instance. (13)

29. The submitted plans show removal of the existing trailer home and stables. It is necessary to ensure that they are removed prior to the development proposed being brought into use in the interest of visual amenity and, in the case of the trailer home, to ensure that there is only a single permanent residence on the site for the intended purpose. (14)

Jennifer A Vyse

INSPECTOR

Schedule of Conditions
APP/W3250/W/20/3256705
Land at Thurleston Lane, Whitton

- 1) Details of appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) Unless required otherwise by any of the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on plan No 1902.10B but only insofar as they relate to access, layout and scale.
- 4) No development shall take place (including any demolition, ground works, site clearance) until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development. The Statement shall provide for:
 - a) site management arrangements, including on-site storage of materials, plant and machinery; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
 - b) delivery and construction working hours;
 - c) the erection and maintenance of signage at all vehicular exits from the construction site advising drivers of preferred approach and exit routes to the site;

- d) d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) e) wheel washing facilities to prevent the spread of mud onto the highway;
 - f) f) measures to control the emission of dust and dirt during construction; and
 - g) g) a construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, including vegetation, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling.
- 5) No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall include precautionary mitigation measures and/or works to reduce potential impacts to Protected and Priority Species/Habitats during the construction phase. Development shall be carried out in accordance with the approved Method Statement and the approved measures and/works shall be retained thereafter.
- 6) No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the required works shall be retained thereafter. The Strategy shall include, but is not confined to:
 - a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance.
- 7) No external lighting shall be installed other than in accordance with a wildlife sensitive lighting scheme that has previously been submitted to and approved in writing by the local planning authority. The scheme to be submitted shall:
 - a) identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging;
 - b) include details of all specifications for any external lighting; and
 - c) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- 8) Notwithstanding the details shown on plan No 1902.10B, no part of the development hereby approved shall be brought into use unless and until

the new vehicular access to the site in the location shown on that plan has been completed in accordance with details (including revised visibility splays to minimise loss of the roadside hedgerow) that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, the visibility splays shall be maintained clear of any obstruction over 0.6 metres in height.

- 9) Notwithstanding the details shown on plan No 1902.10B, no part of the development hereby approved shall be brought into use unless and until a vehicular driveway and vehicle parking and turning areas have been provided in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The details to be submitted shall include surfacing materials which, for a distance of at least 5 metres back from the edge of the metalled carriageway, shall comprise a bound material. Once provided, the parking and turning spaces shall be retained for their intended purpose.
- 10) No part of the development hereby approved shall be brought into use unless and until a passing place has been provided on Thurleston Lane in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. Once provided, the passing place shall be retained for its intended purpose in perpetuity.
- 11) The reserved matters details to be submitted pursuant to condition 1 above shall include details of on-site refuse storage/recycling bins. Development shall be carried out in accordance with the approved details.
- 12) The glamping pods shown on plan No 1902.10B shall not be occupied other than for holiday purposes and shall not be used as residential dwellings, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be occupied as a person's sole, or main place of residence. The owner/operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the individual glamping pods, together with information on dates occupiers move in and out of the holiday accommodation. The register shall be made available to the local planning authority if requested.
- 13) Occupation of the woodland lodge hereby permitted shall be limited to a person solely or mainly employed in the management of the glamping pods shown on plan No 1902.10B, and to any of their resident dependents.
- 14) No part of the development hereby approved shall be brought into use unless and until the trailer home and stables shown on plan No 1902.10B have been removed in their entirety and the land made good.

-----End of Conditions-----