



Appeal Decision

Site visit made on 26 January 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/J3720/W/20/3262048

Hill Farm, Chesterton Road, Lighthorne, Warwick, CV35 0AB.

- 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 Ms D Hudson against the decision of Stratford on Avon District Council.
 - The application Ref. 20/00897/FUL, dated 27 March 2020, was refused by notice dated 10 July 2020.
 - The development proposed is the siting of two camping pods for private use only in association with the dwellinghouse at Hill Farm.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of two camping pods for private use only in association with the dwellinghouse at Hill Farm, at Hill Farm, Chesterton Road, Lighthorne, Warwick, CV35 0AB, in accordance with the application Ref. 20/00897/FUL, dated 27 March 2020, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is whether the proposal accords with the strategy in the development plan for sustainable development, including the effect on the character and appearance of the area.

Reasons

Background

3. The appellant has clarified the proposal, which is retrospective, and says that both pods are used for domestic purposes by family and friends when staying with the appellant and her family; by providing a fun adventure in a well-appointed ready-made camping setting; and for use by the appellant when she is working from home so she can feel outdoors.
4. The appeal site comprises a detached farmhouse with a collection of fields around part of it, including assorted buildings, machinery and a large pond, which all lie in an area of countryside to the north of the settlement of Lighthorne. The fields and pond lie beyond the residential curtilage of the farmhouse. The two pods proposed are sited at either end of the pond and comprise a small arched roof structure about 2m high and 6m long in timber cladding and internally have a single space. The structures appear to rest on the ground.

Accord with the development strategy

5. Initially the Council considered the proposal against Policy CS.20B of the Core Strategy but this deals with alterations and additions to existing buildings and dwellings and implies a primary residential use. However, this policy is not relevant to the appeal proposal which is not for such use and the pods are sited away from the dwelling house of Hill Farm.
6. The main relevant policy in the appeal is Policy AS.10 of the Stratford on Avon District Core Strategy 2011-2031 adopted in 2016. This overarching policy deals with new development in the countryside outside settlements. In order to help maintain the vitality of rural communities and a strong rural economy, the policy sets out a list of requirements for proposals to meet assessed against the principles of sustainable development, and then specifies forms of development which are acceptable in principle. The appeal proposal does not clearly fall with the scope of this and therefore the penultimate paragraph of the policy applies which indicates that other types of development will need to be fully justified, offer significant benefits to the local area and not be contrary to the overall development strategy.
7. Dealing first with the requirements in the initial part of the policy, I am satisfied that the small pods are not prominent or obtrusive features in the shallow valley around the pods. Their visual impact is very local and limited and their presence does not harm the local landscape, communities or any other environmental feature. In terms of the second bullet point there would be very little impact on any other properties in the area. The other criteria in the subsequent bullet points are also met in that traffic generation would be linked to the operation of Hill Farm rather than an independent use; the brownfield land preference is not relevant to this case; and there is no evidence that the siting of the pods has resulted in the loss of higher quality agricultural land. I am therefore satisfied that the proposal meets the principles of sustainable development as set out in the policy.
8. Turning to the final elements of the policy, tourism and leisure related schemes are to be assessed against policy CS.24. In the main this policy is concerned with large scale schemes for visitor attractions and accommodation, but for small scale proposals the policy indicates that these will be supported where they are appropriate in size and the specific nature of the location. Although there is a preference for the re-use of existing buildings where a site is outside a settlement, it appears to me that this would not rule out the very limited use of the appeal scheme given the site specific assessment in paragraph 6 above.
9. Lastly the final part of Policy AS.10 indicates that where a proposal does not fit within the list of generally acceptable development, the proposal will need to be fully justified; offer significant benefits to the local area; and not be contrary to the overall development strategy.
10. Given the appellant's clarification of the pods being for private use only in association with the residential use of Hill Farm, it is difficult to envisage what other justification could be put forward. Moreover, it is also likely that there would be only limited benefit to the local area but that is the nature of the use being limited to and ancillary to Hill Farm.

11. Overall, I find that the very limited use put forward for the pods would not be contrary to the development strategy when this is considered as a whole. Neither would the proposal conflict with the principles of sustainable development set out in the National Planning Policy Framework.
12. I note that a previous application in 2017 for the siting of 25 camping pods, ancillary facilities and engineering works to form plateaus and terraces was withdrawn. The parish council is concerned about the current proposal setting a precedent for larger development, however, such a proposal would be materially different. I have considered the present scheme on its individual merits and I have no reason to doubt the appellant's confirmation of the limited way that the present two pods are used.

Planning balance

13. On the main issue I have found that the proposal meets the development strategy achieved through the requirements of Policy AS.10 as applicable to the very limited and low key use proposed for the pods. These do not harm the character and appearance of this area of countryside. I am satisfied that the proposal constitutes sustainable development as set out in national and local policy. These factors are not outweighed by other considerations. I will therefore allow the appeal.

Conditions

14. In terms of conditions, a commencement condition is not needed as the pods are already sited on the land. Moreover, I agree that the Council's suggested condition specifying the plan that is approved is reasonable and necessary in the interests of clarity and to protect the appearance of the area. The Council also puts forward a condition limiting the use of the pods to that ancillary to the dwellinghouse of Hill Farm which the appellant agrees to. This condition is reasonable and necessary in the particular circumstances of the case and to protect the area of countryside in the long term.
15. However, given the personal justification put forward by the appellant about the use, it appears to me that a condition is necessary to ensure that the pods are removed from the site when no longer needed by the appellant and her family, otherwise the presence and use of the pods could be in limbo in the long term. I sought the appellant's comments on the imposition of such a condition and I have revised it to take account of the comments made.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

1. This planning permission authorises the development detailed in the following plans, drawings and documents: 7867-100 Existing Site Plan, and 7867-200 Proposed Site Plan.
2. The development hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse at Hill Farm, and for no other purposes, including as primary accommodation or for letting, whether temporarily or otherwise.
3. This permission shall ensure only for the benefit of Ms Deborah Hudson and her family whilst in occupation of the property currently known as Hill Farm and the use approved shall cease and the pods shall be removed from the land forming Hill Farm, as shown edged blue on plan 7867-100, when Hill Farm ceases to be occupied by Ms Hudson or her spouse.