The Planning Inspectorate

Appeal Decision

Site visit made on 6 January 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/Y2810/W/20/3256985
Mere Farm Business Complex, Red House Lane, Hannington NN6 9FP

- 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 P Tornberg against the decision of Daventry District Council
- The application Ref DA/2019/0327 dated 10 April 2019, was refused by notice dated 13 February 2020.
- The proposal is a development of a lodge park to contain holiday lodges and glamping holiday accommodation through a change of use of land.

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the Council's refusal reason, they make reference to Saved Local Plan Policy TM5. However, it has since been confirmed that the saved policies have been superseded by the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011 – 2029 (2020) (LP). Accordingly, I have assessed the appeal on this basis.

3. During the assessment of the appeal, and on the basis of the evidence before me, I have gone back to the main parties for comments in relation to the effect of the proposal on local biodiversity. In arriving at my conclusions set out below, I have taken into account the responses received.

Main Issues

4. The main issues are:

   i) the effect of the proposal on local biodiversity; and

   ii) whether the appeal site is a suitable location for the development proposed, having regard to the requirements of local policy.

Reasons

Biodiversity

5. Paragraph 99 of circular 05/2006 (Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system) confirms that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, is established before planning permission is granted. If not, all relevant material

considerations may not have been addressed in making the decision. The circular goes on to state that the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

6. The proposal has been accompanied by an Extended Phase 1 Survey Report as well as Bat, Reptile and Great-Crested Newt surveys. However, these were conducted in April 2016 and accordingly, based on the relevant British Standard, they are not up-to-date. I also note in the response from the Wildlife Trust, that this matter is particularly pertinent in relation to badger activity which were found to use the site.

7. Both parties consider that the submission of an updated Phase 1 Survey could be dealt with through the use of a suitably worded pre-commencement planning condition. Previous evidence suggests that matters in relation to biodiversity would be unlikely to prevent permission being forthcoming. However, due to the woodland nature of the site, and the length of time since the previous surveys were undertaken, without updated surveys in place, I am not satisfied that taking such an approach would ensure that all relevant material considerations have been fully addressed. For example, badger activity could have intensified in the intervening years which could materially alter the nature of the proposed development. Accordingly, in light of such uncertainty, I find that the use of a condition would fail to pass the test of reasonableness and that there are no exceptional circumstances to justify such an approach.

8. As a consequence, in the absence of evidence, I conclude that the proposal would have a harmful effect on local biodiversity, and it would therefore fail to accord with the requirements of the circular. This is a fundamental concern in relation to the proposal, and one to which I attach significant weight.

Location

9. Policy E7 of the West Northamptonshire Joint Core Strategy, Local Plan (Part 1) (2014) (JCS) is supportive of tourism, visitor, and cultural development. Indeed, the reasoned justification for the policy states that tourism is a key sector in the county, bringing substantial levels of investment into the local economy and generating significant levels of employment. Additionally, it is stated that the local economy of villages within the rural areas can be benefitted by rural tourism associated with countryside recreation. Based on the evidence before me, I have no reason to consider that the proposal would not comply with the four criteria established within the policy. However, the policy also requires rural visitor attractions to conform to Policy R2 of the JCS.

10. This policy states that proposals which sustain and enhance the rural economy by creating or safeguarding jobs and businesses will be supported where, amongst other things, they are of an appropriate scale for their location. With regard to tourism proposals, criterion 'c' states that small-scale tourism proposals, including visitor accommodation, are considered to be acceptable. Despite the reference to small scale tourism proposals, no definition or upper limits are provided within the JCS. Accordingly, it is a matter of degree and judgement.

11. The site is currently primarily an area of woodland located between established industrial development and is not readily appreciated from the public realm. The proposal would introduce 13 double lodges, 11 single lodges and 13 spaces for

glamping accommodation. These would be dispersed throughout the site and amongst the retained trees. Accordingly, the proposal would benefit from a well-considered layout that would be sympathetic to the environment in which it would be located. The Council suggest that based on two-person occupation across the site, it would increase the population of Hannington by 30% and that therefore, this would not be small scale in relation to the village. However, this represents a crude manner by which to measure the scale of the proposal. The occupation of the accommodation would be entirely transient by its very nature. It would also vary according to the seasons and would not represent an extension to the village. Nor would it seek to rely on the village for its tourism offer.

12. Instead, the proposal would consist of small individual structures that would retain important trees and respect the character and appearance of the area. Although it would likely increase visitors to the immediate locality, these would be transient in nature and the scale of the proposal is such that this would not overwhelm the village or its infrastructure. Accordingly, I am satisfied that the proposal would be sympathetic to its location and would be small-scale when considered in the context of the broader tourism offer within Northamptonshire.

13. Consequently, for the reasons identified above, I therefore conclude that the appeal site would be suitable for the development proposed. Accordingly, it would comply with Policy R2 of the JCS and Policy RA6 of the LP which taken together, and amongst other things, promote economic development in rural areas.

Other Matters

14. The appeal site is situated between two industrial sites. Despite this, the proposal would introduce its own access and therefore occupants would not be required to drive through these less inviting areas. In addition, as identified above, due to the layout of the site and its seclusion within the retained trees, the proposal would create a pleasant environment that would be suitably removed from the adjacent sites. Accordingly, I am satisfied that the existing and proposed uses are compatible.

15. The proposal would also increase traffic movements to and from the site. However, I have not been presented with any compelling or substantive evidence to suggest that this would give rise to highway safety concerns. I also note that the Local Highway Authority raised no objection to the proposal and on the basis of the evidence before me, I see no reason to disagree. Finally, I also note the comments regarding the potential for light pollution, but again, I have no evidence before me to indicate that this would be demonstrably harmful.

Conclusion

16. Although I am satisfied that the location of the appeal site would be suitable for the development proposed, this does not alter or outweigh the fundamental objection in relation to local biodiversity. Accordingly, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR