



Appeal Decision

Site visit made on 9 February 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2021

Appeal Ref: APP/A0665/W/20/3262357

Land to rear of Helsby Park Homes, Chester Road, Helsby, WA6 6XS

- 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 G Miller against the decision of Cheshire West & Chester Council.
 - The application Ref 20/01845/FUL, dated 27 May 2020, was refused by notice dated 15 September 2020.
 - The development proposed is described as "*continued use of touring caravan and camping site for holiday purposes for up to a maximum number of 10 touring caravans only on the site at any one time (including the siting of a portable toilet block within the existing building)*".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site has been subject to a previous dismissed appeal decision¹ for a similar proposal. I attach significant weight to the previous Inspector's findings, albeit that decision was published prior to the adoption of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019) ('Local Plan Part 2'). The previous appeal scheme also did not propose any restrictions on the number of tents that could be located on the site.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt;
 - (c) The effect of the proposal on the character and appearance of the Area of Special County Value; and
 - (d) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

¹ APP/A0665/W/16/3145946

Reasons

Inappropriate development in Green Belt

4. It is common ground that the appeal proposal would be inappropriate development in the Green Belt, and that it would not meet any of the exceptions set out at paragraphs 145 and 146 of the Framework. Paragraph 143 of the Framework states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. I return to this matter in my Conclusion, below.

Openness and Green Belt purposes

5. The appeal site is currently used as a temporary caravan park operating in accordance with a certificate issued by the Caravan and Motorhome Club. This is permitted under Part 5, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'). The circumstances in which these permitted development rights apply are set out in Paragraph A.2 of the GPDO and are essentially those specified in paragraphs 2-10 of Schedule 1 of the Caravan Sites and Control of Development Act 1960. Paragraph 5 of the first Schedule of the Act states that a site licence shall not be required for the use as a caravan site of land as respects which there is in force a certificate issued under this paragraph by an exempted organisation if not more than five caravans are at the time stationed for the purposes of human habitation on the land to which the certificate relates.
6. There is no dispute that the land currently benefits from a certificate for the temporary use of the site. I further note that the appellant states that the site will continue to be used as a certified location and that there is no realistic prospect that it will return to agriculture. However, there is no obligation upon the exempted organisation, or any other organisation, to issue another certificate. Moreover, there is no guarantee that a certificate would remain in force or that the current use would not cease at some future date.
7. In contrast, the appeal proposal would be permanent in nature, and so would be dissimilar from the existing situation in this regard. It also proposes to increase the number of touring caravans that could be located on the site to 10, from 5 at present. The additional physical mass and bulk that these units and associated works would bring would significantly affect openness and would create the appearance of a developed site. Whilst the current arrangement could potentially allow for an unlimited number of tents in addition to 5 caravans, these are typically smaller and have a less substantial appearance. In any case, the lack of ablution facilities at the site is likely to discourage camping at the site, and I note that the Design and Access Statement states that at present most visitors come with caravans rather than tents. Moreover, the site is relatively small, and were it to be developed for 10 caravan pitches, it is unlikely that there would be space available for a significant number of tents.
8. In addition, the proposal would be accompanied by an increase in parked vehicles, permanent works including electricity points and hard standing, and associated paraphernalia, which would give the site a more developed appearance. Whilst the proposed ablutions building would be located within the footprint of an existing structure, I note that its height is not specified. It

is therefore unclear whether it would have a greater impact on openness than the existing building.

9. Overall, the effect on the openness of the Green Belt arising from the proposal would therefore be greater and more permanent than the fallback option. It would therefore fail to preserve the openness of the Green Belt. In this regard, the Framework advises at paragraph 133 that openness is an essential characteristic of Green Belts.
10. The site also forms part of a wider field that relates more closely to the surrounding countryside rather than the built-up area of Helsby. Whilst the proposal would not extend beyond the boundary of the existing site it would result in an intensification of the use and a permanent encroachment into the countryside, contrary to the third Green Belt purpose set out at paragraph 134 of the Framework. The site is also located at a sensitive point within a relatively narrow gap between the towns of Helsby and Frodsham. The proposal would conflict with the second Green Belt purpose in this regard, which is to prevent neighbouring towns merging into one another. I further note that the previous Inspector came to a similar view in relation to these Green Belt purposes.

Character and appearance

11. The appeal site is located within the Helsby and Frodsham Hills Area of Special County Value ('ASCV'), as designated under Policy GBC 2 of the Local Plan Part 2. This policy states that new development must preserve the special landscape character and scenic value of ASCVs, and enhance landscape quality, character and appearance wherever possible.
12. The wider landscape setting consists of agricultural fields, bound by hedgerows with intermittent trees, and punctuated by farm buildings and occasional dwellings. The land rises to the west beyond Bates Lane towards Helsby Hill, and the area is bounded to the east by woodland along the flank of a sandstone ridge.
13. The appeal site itself has a generally open and undeveloped character and is screened in views from the north and east by boundary planting, although its southern and western boundaries are more exposed. From the surrounding area, the proposal would be partly seen against the backdrop of Helsby Park Homes, although it would extend out well beyond the existing built up area. Moreover, it would be visible in views from the west, as well as from neighbouring land. The previous Inspector noted that the generally light coloured and reflective surfaces of the caravans would mean that they would be particularly prominent and discordant features in the countryside. Moreover, she stated that the intensification of the use, together with associated vehicles, hardstanding, and paraphernalia, would extend the appearance of the built up area into the open countryside on a permanent basis. Based on my own observations on site, I concur with that view, which applies equally to the current appeal proposal.
14. For the above reasons, I conclude that the proposal would significantly harm the character and appearance of the ASCV. It would therefore be contrary to Policies STRAT 9 and ENV 2 of the Local Plan Part 1, and Policy GBC 2 of the Local Plan Part 2. These policies seek to ensure, amongst other things, that

new development protects landscape character and does not harm the character of the countryside.

15. Separately, the Council's Decision Notice also states that the site is within an 'Area of Significant Local Environmental Value'. However, there is no reference to this designation in the policies that are before me, and it is unclear whether it has been carried forward from the now superseded Vale Royal Local Plan (First Review Alteration) (2006). In any case, this matter would not have altered the outcome of this appeal.

Other considerations

16. As set out above, I consider that the appeal proposal would have significantly greater impact on openness than the fallback option.
17. It is asserted that there is a clear need for additional pitches for touring caravans in the area that cannot be met on land outside of the Green Belt. However, there is little evidence before me to substantiate this contention, and I therefore attach only limited weight to it.
18. My attention has been drawn to an allowed appeal decision² that related to a proposal for the siting of 14 additional timber-clad holiday caravans within the confines of Abbey Farm Caravan Park, Dark Lane, Lathom. However, the full details of that case, including the submitted plans and the surrounding context, are not before me and so I am unable to assess any direct comparability. That Inspector also found that the proposal would have no significant visual impact, which is not the case here. I have therefore come to my own view on this case, rather than relying on the approach taken by my colleague elsewhere.
19. Similarly, the full details of a highlighted planning permission³ granted by Wakefield Council are not before me. I further note that the Officer Report for that approval noted that it would not have a significant impact upon visual amenity or the character of the locality.
20. Paragraph 83 of the framework supports sustainable rural tourism and leisure developments which respect the character of the countryside. However, for the reasons given above, I do not consider that the proposal would respect the character of the countryside in this case.
21. The proposal includes a number of alterations to the access route into the site, including the introduction of a passing place and the relocation of a boundary wall. These improvements would provide a modest highway safety benefit, albeit there is no evidence before me that the existing situation has led to any highway safety incidents.
22. The proposal would allow for a landscaping condition to be imposed that would ensure the retention of existing trees and hedges, and the provision of new planting. This would be a benefit of the proposal, although there is nothing before me to indicate that the existing trees and hedges are likely to be removed.
23. The site is in a relatively accessible location, close to local services and facilities.

² APP/P2365/A/12/2181220

³ Ref 19/00879/FUL

24. The proposal would provide some modest diversification of the existing caravan park business and would support employment at the site. It would also provide some support to the local economy by encouraging visitors to the area, with associated spending in local businesses.
25. The development would not have any significant adverse ecological impacts, nor would it harm the amenity of residents in the adjacent caravan park. However, these are ordinary requirements for new development proposals and these matters do not constitute a positive benefit.

Other Matter

26. The appellant asserts that the previous appeal scheme included a number of timber pods. However, a procedural paragraph in that decision states that the description of development was changed to exclude reference to 3 timber camping pods, and that amended plans were submitted to reflect this change.

Conclusion

27. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. The proposal would also significantly harm the character and appearance of the ASCV. Even when taken together, the other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policies STRAT 9 and ENV 2 of the Local Plan Part 1, and Policy GBC 2 of the Local Plan Part 2, and guidance contained in the Framework.
28. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR