

Appeal Decision

Site visit made on 15 December 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/D2510/W/20/3259359

Eastfield Farm, Lincoln Road, Minting LN9 5NP

- 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 S Cartledge against the decision of East Lindsey District Council.
 - The application Ref S/122/00354/20, dated 19 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is siting of 3 x static and 5 x touring caravans for holiday use in connection with existing fishery. Provision of a storage area for storing of touring caravans. New access to public highway.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of 3 x static and 5 x touring caravans for holiday use in connection with existing fishery; provision of a storage area for storing of touring caravans and new access to public highway, at Eastfield Farm, Lincoln Road, Minting LN9 5NP, in accordance with the terms of the application, Ref S/122/00354/20, dated 19 February 2020, and the plans – Site Location Plan 358/2-PLN-E-00; Existing Site Plan 358/2-PLN-E-01; Proposed Site Plan 358/2-PLN-P-01; Visibility Splay for Proposed New Access 358/2-PLN-P-02 – submitted with it, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. The application was made on a retrospective basis, and I saw at my visit that the static caravans had been brought onto the site. Therefore, I have dealt with the appeal on this basis; however, I have omitted the words ‘retrospective planning permission for’ from the description in the banner heading and formal decision above as this does not describe an act of development.

Main Issue

3. The main issue is whether the site represents a suitable location for tourism accommodation, having regard to the accessibility of the site to local services and facilities.

Reasons

4. The development plan comprises the East Lindsey Local Plan Core Strategy (July 2018) (the CS). Policy SP1 sets out a sustainable pattern of development through a hierarchy of settlements. The nearest settlements, Minting and Baumber, are classed as ‘small villages’ in the lowest tier, owing to their limited

range of services and facilities. However, the appeal site is located beyond the limits of these villages and lies within the open countryside.

5. Policy SP15 supports quality tourism facilities and attractions where they meet certain criteria, including where they extend and diversify the tourism and leisure economy; provide employment; provide opportunities for the enjoyment of the District's wider countryside and historic towns and villages; do not cause unacceptable harm to the landscape, biodiversity or heritage assets; and are of a scale and intensity compatible with their surroundings. Part 3 of the policy supports the extension of caravan sites where they are in close proximity to a town, large or medium village, where they provide extensive landscaping and green infrastructure and do not cause unacceptable harm to the wider landscape, and have safe access to the relevant settlement.
6. Policy SP22 supports accessibility and the reduction in the isolation of the District by supporting, among other things, developments in and adjoining settlements, and those that give priority to pedestrian and cycle movements. However, the supporting text of Policy SP22 recognises that East Lindsey is a large, rural area characterised by clusters of small villages grouped around and dependent upon towns and large villages for the majority of needs, with many villages remote from essential services and main roads leading to high car ownership levels and dependence on the extensive network of minor roads.
7. Paragraph 83 of the National Planning Policy Framework (the Framework) supports the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism and leisure developments which respect the character of the countryside. The Framework recognises, at Paragraph 84, that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, whilst encouraging opportunities to make a location more sustainable, such as improving the scope for access on foot, by cycling or by public transport, and making use of previously developed land.
8. The site comprises a fishery business run by the appellants to the southern side of the A158 Lincoln to Skegness road. The roughly rectangular site contains several fishing ponds, a dwelling and a number of ancillary buildings concentrated to the north-western part of the site. The site also contains three static caravans granted planning permission in 2014, and is used for the storage of other caravans. The further three static caravans sought under this appeal are already in situ, and I saw the locations of the pitches for the five touring caravans and caravan storage. The site boundaries comprise hedgerows with tree planting having taken place towards the rear of the site around the largest of the ponds. The site is surrounded by large, open agricultural fields, and is around 1.7 miles from the villages of Baumber and Minting, and some 5.8 miles from the town of Horncastle.
9. The site's location in open countryside conflicts with the requirements of Policies SP15(3) and SP22(1) for sites to be in close proximity to a town, large or medium village, and no practical access to the nearest settlement would be available to pedestrians. Therefore, visitors must travel beyond the immediate area of the site to reach local services and facilities. However, the CS recognises that the District has a dispersed settlement pattern and limited public transport options. There are also limited facilities in many smaller

settlements, including Baumber and Minting, necessitating onward travel to larger settlements such as Horncastle or Lincoln. Therefore, even if visiting a tourism facility within or adjacent to a settlement, tourists travelling into and around the District are most likely to do so by private modes of transport. This is the case at present for visitors to the existing site, and whilst the additional caravans would add to the number of journeys made, they would not be significant in absolute terms, given the relatively small size of the overall use.

10. Moreover, Policy SP22(2) supports development which links with the existing road and public transport systems. The site is located on the A158, which forms a main route across the District between Lincoln and Skegness. Consequently, visitors would be able to make more direct and quicker journeys from the appeal site to reach other destinations than would be the case in a location further from the main road network, even if that were within a defined settlement and an ostensibly more suitable location in policy terms.
11. Furthermore, the nature of the fishery use is such that visitors are likely to require private vehicles to transport the equipment associated with recreational fishing. This would be the case regardless of whether the site was located in or adjacent to a settlement. I also consider that the provision of accommodation with kitchen facilities would reduce the number of trips visitors may make to nearby towns for provisions. It would also reduce the extent to which visitors would have to travel from other accommodation to use the fishing facilities. The Council raises concern that not all visitors would come to use the fishing facilities; however, my impression of the facility was that it has been clearly developed around the fishing offer, and I do not have evidence that it has been used regularly by visitors who do not also use the accommodation on site.
12. There are also bus stops located on the A158 some 170m to the west of the site serving a route between Lincoln and Skegness between 0530 and 2235 hours Monday to Saturday. I accept that the location of the bus stops along the busy A158 is not conducive to regular pedestrian access, given the speed of traffic and lack of footpaths and lighting, but they exist nonetheless and offer an alternative form of transport which has the potential to reduce at least some journeys by private car. I accept, however, that the proposal does not give priority to cyclists and pedestrians as required by Policy SP22(3).
13. The location of the site relative to the nearest settlements is no different to when the use was first granted in 2014. Though the Council indicates that this decision was made under the previous development plan and Framework, the approach of the Framework then and now is not substantially different with respect to rural tourism, with both supporting the expansion of rural businesses and recognising that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. I am not provided with the wording of previous development plan policies to understand any differences in the local policy approach to rural tourism. However, beyond oblique reference to the original scheme being 'lower-key' the Council has not offered substantive evidence as to why the proposal was considered acceptable in this location in 2014, but not now given the continuous support of the Framework for rural businesses. Fishery uses are typically found in rural areas given the need to locate next to water features, along with the attraction for visitors of factors such as a quiet environment, proximity to nature and countryside views. Here, the appeal scheme can expand the fishery offer around the existing water features and facilities, avoiding the need for new development elsewhere.

14. In terms of Policy SP15(1), the proposal would contribute to the extension of the tourism and leisure economy in accordance with the first bullet point. I see no conflict with the second bullet point, as the site's location on the A158 would allow visitors to travel beyond the site to enjoy the wider countryside and historic towns and villages. Whilst this may be by means of the private car, this would be little different to the travel patterns of those staying at a facility adjacent or within a settlement, particularly where visiting attractions located elsewhere in the countryside that are not accessible by public transport.
15. The Council did not refuse the application in terms of the effect on the character and appearance of the area, citing the landscaping which exists to the perimeter of the site. Though I note comments regarding the lack of implementation of a landscaping scheme required by condition under the previous planning permission, further planting could be required by condition to ensure no harmful effect would arise to the character and appearance of the area. Moreover, the proposed expansion is limited in scale and would not encroach further into the open countryside, being contained within the existing site. The cumulative operations on site are still modest in scale, particularly when compared to other forms of tourist accommodation, such as the large scale caravan parks found in coastal parts of the District. As such, I find no conflict with the third or fourth bullet points of SP15(1), nor with Policy SP15(4) which relates to caravan storage.
16. In summary, the proposal would not accord fully with the requirements of Policies SP1, SP15 and SP22, due to its location in the countryside and distance to local services and facilities which would give rise to additional private car journeys. However, these would be limited in number given the modest scale of the use and the limited extent to which it would expand, along with the offsetting of journeys which would otherwise be undertaken by visitors driving from other accommodation. Whilst I accept there would still be harm in this respect, I regard this as limited given the main road location, the fact that the fishery is established and the scheme takes advantage of existing site features, and acknowledging that the Framework recognises the needs of rural businesses may need to be met beyond existing settlements, in locations that are not well served by public transport.
17. Moreover, the proposal is a form of sporting facility which the preamble to Chapter 8 of the CS identifies as one of the supported forms of tourism in the District. The proposal adds directly to the District's tourism and recreation offer and boosts the rural economy through revenue from bookings and spending by visitors in the area, in accordance with the aims of the Framework and the overarching aims of the CS to widen the inland tourism and leisure economy.
18. Overall, and having regard to all of the evidence put to me, I find that the material considerations set out above outweigh the identified conflicts with the development plan in this case. Therefore, I conclude that the proposal is a suitable location for tourism development, and that the appeal should succeed.

Other Matters

19. The Council did not raise objection in terms of the effect of the proposal on neighbours' living conditions, nor in terms of highway safety. I note in the case of the latter that previous objections to the standard of the access to and from the A158 have been addressed through this application, and I have no reasons,

based on all I have seen and read, to conclude differently to the Council in these respects, subject to a condition requiring the completion of the access.

20. I have had regard to two appeal decisions referred to me. That referred by the appellant at Huttoft¹ was considered under a different policy, SP19, relating to coastal tourism and though I note the comparisons and contrasts made with Policy SP15, it is the latter policy which is applicable in this case, and against which I have considered the appeal. The decision referred to me by the Council at Horsington² was for a wholly new tourism development, and so is not directly comparable to the circumstances of the appeal before me. Accordingly, these decisions are of limited relevance and do not lead me to conclude differently on the main issue.
21. I have also had regard to arguments as to whether the proposal would or would not constitute a material change of use of the land. However, given my conclusions on the main issue, this is not a determinative factor in my overall decision, and it is not necessary to consider it further.

Conditions

22. Conditions requiring caravan storage to take place only in the approved location, and requiring submission, approval and implementation of a scheme of landscaping, are necessary to safeguard the character and appearance of the area. The upgraded access was not in place at the time of my visit, though I understand removal of hedgerows within the visibility splays has begun. Given the size of caravans being brought to and from the site, and the speed of traffic on the A158, I have imposed a condition requiring completion of the access within 4 months of the decision date, in the interests of highway safety.
23. The landscaping and access conditions include strict timetables for compliance because, in granting permission retrospectively, it is not possible to use a negatively-worded condition to secure the approval and implementation of the respective details and works before development takes place. The appellants and the Council have had the opportunity to comment on the wording of these conditions.
24. It is also necessary to restrict the use of the cabins to holiday purposes only, in order to prevent use of the site as permanent residential accommodation which would conflict with the spatial strategy of the District.

Conclusion

25. For the reasons set out, and having regard to all other matters raised, the appeal is allowed.

K Savage

INSPECTOR

¹ APP/D2510/W/19/3225428

² APP/D2510/W/18/3192673

SCHEDULE OF CONDITIONS

- 1) Unless within 3 months of the date of this decision a scheme for the landscaping and tree planting for the site, indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within the first planting season following the date on which the scheme of landscaping and tree planting is agreed, the use of the site for the siting of 3 x static and 5 x touring caravans for holiday use, and for the storage of caravans, shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.
 - a. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.
 - b. Upon implementation of the approved landscaping scheme specified in this condition, all trees, shrubs and bushes forming part of the approved scheme shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
 - c. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 2) Unless within 4 months of the date of this decision, the upgraded site access and visibility splays are implemented in accordance with the details shown on 358/2-PLN-P-01 and 358/2-PLN-P-02, the use of the site for the siting of 3 x static and 5 x touring caravans for holiday use, and for the storage of caravans, shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.
 - a. Upon implementation of the approved site access specified in this condition, the access and the visibility splays shall thereafter be maintained.
 - b. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 3) The caravans hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.
- 4) No caravans, except for caravans to be stored within the caravan storage area, shall be sited on the land in addition to those shown on the Proposed Site Plan, Drawing Number: 358/2-PLN-P-01.