The Planning Inspectorate

# Appeal Decision

Site Visit made on 15 June 2021

**by A Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22nd June 2021**

**Appeal Ref: APP/B3030/W/21/3271251**
**Land Adjacent 2 Gainsborough Road, Winthorpe, Newark on Trent NG24 2NN**

- 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 Mrs Jane Goodridge of Bentley Homes against the decision of Newark & Sherwood District Council.
- The application Ref 20/02279/FULM, dated 20 November 2020, was refused by notice dated 4 March 2021.
- The development proposed is change of use of land for the siting of 5 no. holiday lodges, erection of timber decking structures, formulation of new internal access tracks and creation of new vehicular access from Gainsborough Road.

## Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the siting of 5 no. holiday lodges, erection of timber decking structures, formulation of new internal access tracks and creation of new vehicular access from Gainsborough Road at Land adjacent to 2 Gainsborough Road, Winthorpe, Newark on Trent NG24 2NN in accordance with the terms of the application, Ref 20/02279/FULM, dated 20 November 2020, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

3. The appeal site lies to the north of Winthorpe. It currently accommodates some fields for grazing and a horse riding menage. Immediately to the southwest of the site is a residential property (No.2) with more houses being built behind it. The common boundary with No.2 is defined by a row of tall mature trees.

4. The appeal site is clearly visible from Gainsborough Road and the A1133. The village is primarily accessed from the A1133 via Gainsborough Road, and so the site is part of the main approach into the village. From here, the appeal site appears as part of the open countryside blending in with the open fields to its north and mirroring the openness of the fields on the opposite side of the road. The trees along its southwestern boundary form a strong visual border and separate the built-up part of the village from the site.

5. The five holiday lodges would be located at the back of the site, behind the existing menage. The retained open fields at the front of the site would ensure

the development retains an open and rural feel across most of the site. Also, the topographical survey shows that the land where the lodges would be is around 3 or 4 metres lower than that at the front of the site. Though this would not render the lodges invisible from the road, their modest scale and limited number means the proposal as a whole would not be seen prominently and instead would be seen as a distant, low level development against the backdrop of the mature vegetation along the side and rear boundaries. The additional proposed planting would also help the lodges blend into the landscape, retaining the rural character.

6. The lodges' low profile, simple design and finishing materials would mean they would have an unmistakably different appearance to dwellings in the village. Rather than being a disadvantage, this means they would not appear as an extension of the village.

7. In summary, the development would not unacceptably harm the character and appearance of the area. It would therefore accord with Core Policy 7, of the Amended Core strategy and policy DM5 of the Allocations and Development Management Development Plan Document which both require development to have regard to the character of the local landscape.

**Other matters**

8. A number of representations raised concerns in respect of the traffic generated by the development. It is reasonable to consider that, due to their nature, traffic generated by the holiday lodges would most likely be outside of peak hours. Indeed it may be that the site would be at its busiest during weekends and school holidays and so the opportunities for conflict with school or peak time traffic would be limited. Even if this wasn't the case, the amount of traffic generated by five lodges would not be likely to be significant and would not affect highway safety, even if there were cars parked on Gainsborough Road.

9. With some pruning back of the hedgerow, visibility from the access would be good. The plans show that splays of 52m to the north and 59m to the south are achievable, which are the splays appropriate to the speeds of traffic along Gainsborough Road in each direction as presented by the Parish Council and based on the traffic speed surveys carried out on their behalf in autumn 2020.

10. I note a section of hedge has been removed and a gate already installed in the position where the access would be. This has no bearing in my consideration of the merits of the proposal.

11. Concerns are also raised with respect to noise and litter and that the development as a whole could be used for parties. There is no evidence to support these opinions. Also concerns that the lodges could be used as permanent accommodation can be addressed by conditions to ensure the development remains for holiday use only.

12. The lodges would be positioned in flood zone 1, which means they would be at a low risk of flooding. The access road would be permeable and the limited volume of run-off from the roofs of the lodges would discharge into the ground. The Lead Local Flood Authority have no objections and I have no reason to disagree.

13. The ecological assessment found that where the site has been grazed it offers limited ecological value. It also advises that the new tree and shrub planting would compensate for the loss of the section of hedgerow at the site access.

14. There are some concerns from local residents that there is no demand for additional tourist accommodation in the village. However the appellant highlights the D2N2 Visitor Accommodation Strategy, which shows there is significant interest in, and market potential for, all forms of non-serviced accommodation including holiday lodges.

**Conditions**

15. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.

16. The standard commencement of development condition and the condition identifying the plans are necessary in the interests of certainty. Conditions relating to materials of construction, boundary treatment, and landscaping are necessary in the interests of preserving the character and appearance of the area. Three conditions are imposed to ensure the development remains as holiday accommodation, not as permanent dwellings, and to allow the Council to monitor the use. The condition relating to the removal of further vegetation, the implementation of the recommendations of the ecological survey and in relation to a lighting scheme are necessary in the interest of biodiversity. Lastly, two conditions relating to the provision of the access and the maintenance of the visibility splays are required to maintain highway safety.

17. I have not imposed the suggested condition relating to activities not permitted close to trees as no part of the development would be close to any tree.

**Conclusion**

18. The development accords with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is allowed.

*A Owen*

INSPECTOR

## Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:2939 (2nd revision), 804H-02D, 804H-03, 804H-04, 804H-05A and 403.11633.00001-001 Revision R1.

3) No development above damp proof course shall commence until details / samples of the materials to be used in the construction of the external surfaces of the lodges hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

4) No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to the first occupation of the development and shall then be retained thereafter for the lifetime of the development.

5) The development hereby permitted shall be used for holiday accommodation and for no other purpose including any other purpose within Class C3 'Dwelling Houses' of the Town and Country Planning (Use Classes) Order 1987 (as amended) and any order revoking, re-enacting or modifying that Order.

6) No unit shall be occupied by the same person or persons for a total period exceeding 28 days in any calendar year and not by any person or persons as their sole or main residence.

7) The owners/operators of the accommodation hereby approved shall maintain a register of occupiers for each calendar year, including details of their name and permanent home address, which shall be made available for inspection by the local planning authority at any time.

8) Notwithstanding the details shown on plan reference 804H-02D, no development shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall take account of the advice within Section 6.2 'General Site Enhancement' and associated Appendix F of the Preliminary Ecological Appraisal by deltasimons Ref 20-0897.01 dated January 2021.

9) The approved soft landscaping shall be completed during the first planting season following the occupation of the development. Any trees/shrubs which, within a period of five years of the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping shall be completed prior to first occupation of the development.

10) Any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist and approved in writing by the local planning authority, prior to clearance.

11) The development hereby approved shall be carried out in accordance with the mitigation measures outlined in Section 6.2 of the submitted Preliminary Ecological Appraisal by deltasimons 20- 0897.01 dated January 2021.

12) Details of any external lighting to be used in the development shall be submitted to and approved in writing by the local planning authority prior to its installation. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

13) The development shall not be occupied until a means of access has been constructed in accordance with the approved plans and surfaced in a bound material for a minimum distance of 25 m from the public highway. The access shall be retained as such thereafter.

14) No part of the development hereby permitted shall be occupied until the visibility splays shown on Proposed Access Arrangement and Visibility Splay – 403.11633.00001-001 R1 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.